

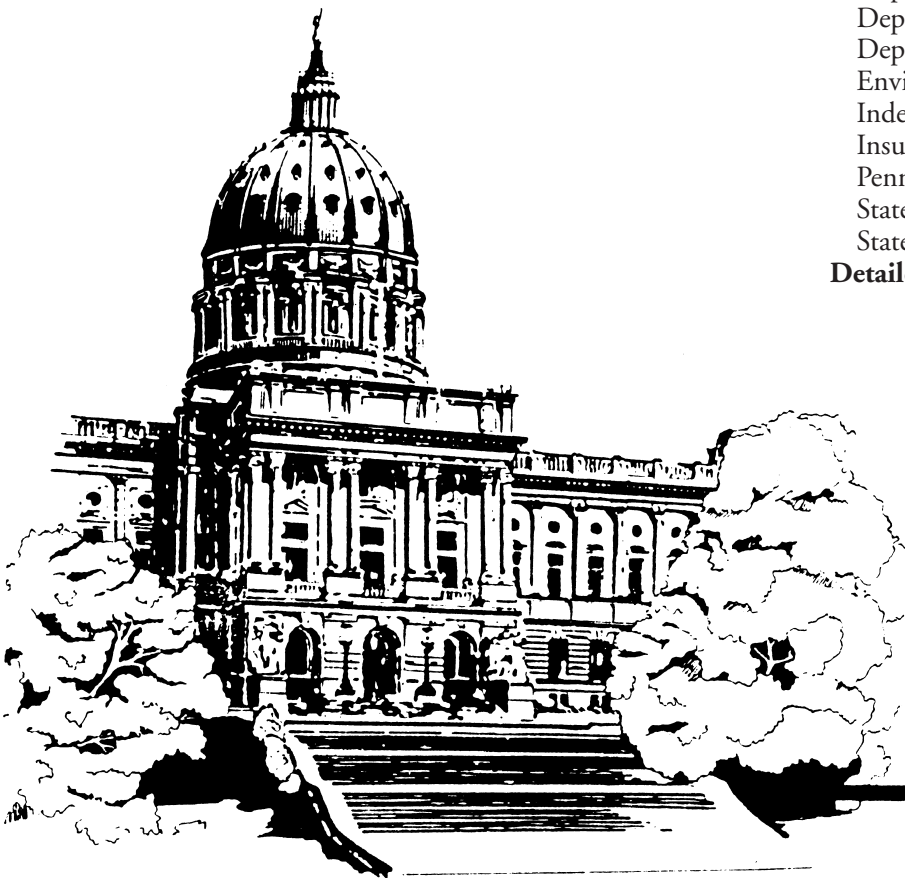
PENNSYLVANIA BULLETIN

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The General Assembly
The Courts
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Department of Transportation
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Independent Regulatory Review Commission
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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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 2011.

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2011-07]

Pennsylvania Dairy Leadership Council

September 28, 2011

Whereas, Pennsylvania is the most productive agricultural state in the Northeast, with more than 63,000 farms, 7,400 of which are dairy operations that are home to 541,000 head of cattle, and

Whereas, agriculture and agriculture-related industries are the leading economic drivers in the state of Pennsylvania, contributing more than \$51 billion to the state economy; and

Whereas, Pennsylvania's farmers are a vital component of the commonwealth's economy, with dairy farmers generating \$1.96 billion in value to the overall economy, around 85 percent of the dairy farm's income being spent locally and each farm dollar recycling approximately 2.5 times through the community; and

Whereas, in 2010, Pennsylvania dairy farmers produced 10.7 billion pounds of milk, with 19,841 pounds produced per cow per year; and

Whereas, Pennsylvania produces 5.6 percent of the nation's milk supply and ranks 5th nationally in milk production, 6th in butter, 9th in low-fat ice cream, and 19th in hard milk sherbet production; and

Whereas, Pennsylvania's dairy industry has the potential to support and grow the agriculture industry in Pennsylvania by providing more than 45,000 jobs, diversifying agricultural activities, and strengthening the agriculture industry.

Now Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the commonwealth, do hereby establish the Pennsylvania Dairy Leadership Council to coordinate the development and expansion of the dairy industry in the Commonwealth of Pennsylvania.



Governor

Fiscal Note: 2011-07. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter KK. PENNSYLVANIA DAIRY LEADERSHIP COUNCIL

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6.461.	Purpose.
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6.465.	Compensation and expenses.
6.466.	Effective date.
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§ 6.461. Purpose.

The purpose of the Pennsylvania Dairy Leadership Council is solely to provide recommendations and input to the Governor, the appropriate Commonwealth agencies and other entities regarding best practices for policies and strategies to promote the coordination of the development and expansion of the dairy industry in this Commonwealth.

§ 6.462. Responsibilities.

The Pennsylvania Dairy Leadership Council (Council) does not have authority to make binding recommendations. Recommendations and input are to be provided by the Council, or subcommittees established by its Chairperson, as it performs the following functions:

(1) Make recommendations to the Governor on policies, procedures, regulations and legislation that would aid in the development of the dairy industry.

(2) Serve as the Governor's advisory liaison to the agricultural community on policies, procedures, regulations and legislation that affect the production of dairy products to ensure that State government is accessible, accountable and responsive to the constituency in the dairy industry.

(3) Serve as an advisory resource to departments, commissions and agencies under the Governor's jurisdiction to ensure that these government entities are cognizant of the issues surrounding the dairy industry.

(4) Identify key variables and short- and long-term critical issues for the dairy industry including the following areas:

- (i) Dairy farm business profitability.
- (ii) Environmental compliance for dairy operations.
- (iii) Dairy cattle welfare.
- (iv) Family and next generation dairy producer opportunities.
- (v) United States Farm Bill and Federal dairy policy.
- (vi) Pennsylvania dairy policy and legislation.

(5) Form work groups to address specific topics and meet as needed to explore issues and identify the needs of the industry relating to those issues.

(6) Establish subcommittees and rules and procedures for the effective implementation of its functions, consistent with this subchapter, including procedures to evaluate and measure the effectiveness of the Council as a whole.

(7) Conduct studies and issue reports, as it deems necessary, on issues affecting the dairy industry in this Commonwealth.

§ 6.463. Composition.

The Pennsylvania Dairy Leadership Council (Council) will be composed of no more than 25 individuals, each of whom shall be appointed by and serve at the pleasure of the Governor, to provide leadership on key dairy issues.

(1) The Secretary of the Department of Agriculture will serve as the Chairperson of the Council.

(2) The Council may establish advisory work groups, as the Chairperson may determine are needed, and membership of the workgroups may be extended beyond members of the Council, as necessary to perform its functions.

§ 6.464. Cooperation by State agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance, staff and other support as needed by the Pennsylvania Dairy Leadership Council (Council) to carry out its functions effectively. The Council shall receive administrative support from the Department of Agriculture.

§ 6.465. Compensation and expenses.

Members of the Pennsylvania Dairy Leadership Council (Council) will not receive compensation for their service as Council members. Nongovernment members will be reimbursed for travel and related expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

§ 6.466. Effective date.

This subchapter takes effect immediately.

§ 6.467. Termination date.

This subchapter will remain in effect until December 31, 2015, unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 11-1927. Filed for public inspection November 11, 2011, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2011 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2011 Regular Session

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2011 GENERAL ACTS of Regular Session ENACTED—ACT 076 through 081					
076	Oct 5	HB0378	PN0342	60 days	Civil Service Act—State Civil Service Commission
077	Oct 5	HB0712	PN0726	60 days	Sgt. Edward W. Shaffer Memorial Highway—designation
078	Oct 5	HB1424	PN1852	60 days	Agriculture Code (3 Pa.C.S.)—Pennsylvania Preferred Act, enactment
079	Oct 20	SB1151	PN1665	Immediately	Municipalities Financial Recovery Act—purpose and legislative intent, fiscal emergencies in third class cities and receivership for third class cities
080	Oct 20	SB0631	PN1033	60 days	Medal of Honor Grove Highway—designation
081	Oct 25	HB0009	PN2179	60 days	Vehicle Code (75 Pa.C.S.)—junior driver's license, learners' permits, accident reports and restraint systems

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 11-1928. Filed for public inspection November 11, 2011, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Order Amending Rule 1920 of the Rules of Judicial Administration; No. 370 Judicial Administration Doc.

Order

Per Curiam

And Now, this 24th day of October, 2011, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1920 of the Pennsylvania Rules of Judicial Administration is amended in the following form.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. No. 103, the immediate amendment of Pa.R.J.A. No. 1920 is found to be in the interests of justice and efficient administration.

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

CRIMINAL AND DISCIPLINARY MATTERS AGAINST JUDGES

Rule 1920. Definitions.

“Disciplinary matter.” Any matter arising under Pa. Const. Art. V, § 18.

“Judge.” Includes any appointed or elected justice, judge or magisterial district judge of the unified judicial system.

“Criminal investigation or prosecution.” Includes any offense listed in 18 Pa.C.S. § 106(a) and any other offense if a person convicted thereof may be sentenced to a term of imprisonment. It does not include parking violations or summary offenses, both traffic and non-traffic, unless there is a likelihood that the sentence will be imprisonment.

[Pa.B. Doc. No. 11-1929. Filed for public inspection November 11, 2011, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Amendment of Local Rule of Civil Procedure 1303—Hearing. Notice; No. 2011-00001

Order

And Now, this 13th day of September, 2011, the Court hereby amends Montgomery County Local Rule of Civil Procedure 1303—Hearing. Notice. This Amended Local Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of this Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

By the Court

RICHARD J. HODGSON,
President Judge

Note: Bold material is new.

Local Rule 1303. Hearing. Notice.

(a)

* (1) The Arbitration Administrator shall notify the Arbitrators and the parties or their counsel, in writing, at least 30 days before the hearing of the date, time and place of the hearing.

* (2) The written notice required by subdivision (a)(1) shall include the following statement:

“This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

(b) * * *

(c) * * *

[Pa.B. Doc. No. 11-1930. Filed for public inspection November 11, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Kenneth M. Denti, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated January 11, 2011, the Supreme Court of Pennsylvania issued an Order on October 25, 2011, disbarring Kenneth M. Denti, from the Bar of this Commonwealth, effective November 24, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

The Disciplinary Board of the Supreme Court of Pennsylvania

[Pa.B. Doc. No. 11-1931. Filed for public inspection November 11, 2011, 9:00 a.m.]

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 231]

Intrastate Motor Carrier Safety Requirements; Snow Removal Operations

The Department of Transportation (Department), under 75 Pa.C.S. §§ 4704 and 6103 (relating to inspection by police or Commonwealth personnel; and promulgation of rules and regulations by department), amends Chapter 231 (relating to intrastate motor carrier safety requirements) to read as set forth in Annex A. This rulemaking is being promulgated as an emergency regulation under section 6(d) of the Regulatory Review Act (71 P.S. § 745.6(d)).

The Department published a final-form rulemaking at 40 Pa.B. 2106 (April 24, 2010) to amend the intrastate motor carrier safety regulations to comply with the Federal Motor Carrier Safety Regulations. After the final-form rulemaking, during the winter of 2010-2011, State (the Department and the Turnpike Commission (Commission)) and local governments contacted the Department and expressed concern that the final-form rulemaking rescinded § 231.346 which had been interpreted to allow drivers of snow plows to operate on 12-hour driving shifts. The Federal Motor Carrier Safety Regulations which were adopted limit drivers of commercial vehicles to 11-hour shifts. During several snowstorms in the past winter, the Department, the Commission and local municipalities experienced difficulty in securing sufficient numbers of qualified snow plow operators to effectively keep roads safe and free of snow and still comply with the restrictions of the newly adopted regulations.

This emergency regulation is needed to provide State and local governments with the flexibility to ensure that roadways can be cleared of snow. Governor Corbett issued a Certification of Need for Emergency Regulation stating that the regulatory amendment is needed on an expedited basis, with the approach of the 2011-2012 winter season.

Purpose of Chapter

The purpose of Chapter 231 is to prescribe the minimum requirements and qualifications for drivers, vehicles and other matters relating to the intrastate operation of commercial vehicles.

Purpose of Amendment

The purpose of the amendment to Chapter 231 is to provide State and local governments with more flexibility under the regulations for snow removal activities, roadway maintenance activity and traffic control support operations to keep the highways and roadways in this Commonwealth safe for travel.

Summary of Significant Amendments

This emergency regulation will exempt State and local government drivers performing roadway maintenance, snow plow operations and traffic control support operations from the hours of service and driver log requirements. This emergency regulation will also extend the permitted driving time from 11 hours to 12 hours for drivers of private carriers who are performing snow removal operations for State or local governments.

Persons and Entities Affected

This emergency regulation will affect State and local government drivers who drive commercial motor vehicles to provide snow removal, highway maintenance and traffic control support activities. This emergency regulation will also affect private motor carrier drivers who provide snow removal activities on behalf of State or local governments.

Fiscal Impact

Implementation of this emergency regulation will not require the expenditure of additional funds by the Commonwealth or local municipalities. This emergency regulation will not impose additional costs on the regulated community.

Regulatory Review

Under section 5.1 of the Regulatory Review Act (71 P.S. § 745.5a), on November 1, 2011, the Department submitted a copy of this emergency regulation to the Office of Attorney General, the Independent Regulatory Review Commission and the Chairpersons of the House and Senate Transportation Committees for review. In addition to this emergency regulation, the Committees were provided with a copy of the certification from the Governor that this emergency regulation is required to meet an emergency threatening the public health, safety or welfare. The Committees were also provided with a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Effective Date

This emergency regulation is effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the emergency regulation is Daryl St. Clair, Bureau of Highway Safety and Traffic Engineering, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-6899.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 231, are amended by amending § 231.8 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

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

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

BARRY J. SCHOCH, P.E.,
Secretary

Fiscal Note: 18-426. No fiscal impact; (8) recommends adoption.

GOVERNOR'S OFFICE

Certification of Need for Emergency Regulation

Whereas, the Commonwealth Department of Transportation and local political subdivisions engage in snow removal activities on state and local highways; and

Whereas, the Turnpike Commission engages in snow removal activity on the Pennsylvania Turnpike; and

Whereas, snow removal is fundamental to the safety of the travelling public as well as the safe and efficient flow of commerce throughout Pennsylvania; and

Whereas, there is a shortage of drivers with commercial driver licenses who are available to provide snow removal services for or on behalf of state and local governments; and

Whereas, existing Department of Transportation regulations restrict the amount of time that a state or local government driver may operate a snow plow to 11 hours; and

Whereas, state and local governments also contract with motor carriers to supplement the snow removal activities but those drivers are also restricted to 11 hours of driving time under existing Department of Transportation regulations; and

Whereas, state and local governments have expressed concerns that the existing Department of Transportation regulations adversely affect their ability to provide adequate snow removal services; and

Whereas, existing Department of Transportation regulations do not provide state and local governments adequate flexibility to allow drivers to engage in snow removal activities for periods in excess of the amount permitted by regulation; and

Whereas, without immediate amendment of the regulations, snow removal activities by and on behalf of state and local governments will be severely hampered to the detriment of the safety of the travelling public and the safe and efficient flow of commerce; and

Whereas, without immediate amendment of the regulations the Department of Transportation, the Turnpike Commission and local governments will continue to be without a mechanism to address this problem during the period of time required to propose and promulgate a rulemaking.

Now Therefore, I do hereby certify that the regulatory amendments to 67 Pa. Code, Chapter 231, following hereto as ANNEX A are required to meet the emergency conditions enumerated in the recitals above and to safeguard the public health, safety and welfare as described therein.

Further, I hereby authorize the Secretary of Transportation to publish these amendments in the *Pennsylvania Bulletin* as a Final Rulemaking consistent with the provisions of Section 4 of the Regulatory Review Act, as amended, 71 P. S. § 745.6(d).

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this twenty-eighth day of October in the year of our Lord two thousand and eleven, and of the Commonwealth the two hundred and thirty fifth.



Governor

Annex A

TITLE 67. TRANSPORTATION
PART I. DEPARTMENT OF TRANSPORTATION
Subpart A. VEHICLE CODE PROVISIONS
ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT
CHAPTER 231. INTRASTATE MOTOR CARRIER SAFETY REQUIREMENTS
Subchapter A. GENERAL

§ 231.8. Additions or modifications to 49 CFR.

As stated in § 231.7 (relating to adoption of portions of 49 CFR by reference), this chapter generally incorporates 49 CFR Parts 382, 385, 390, 391, 392, 393, 395 and 396. The following modification, additions and deletions to those parts apply:

* * * * *

(15) 49 CFR 395.1 (relating to scope of rules in this part) is modified by adding subsections as follows:

(q.1) This part does not apply to transportation relating to snow removal, roadway maintenance and traffic control support activities performed by a state or any political subdivision of the state.

(q.2) A driver performing highway snow removal operations on behalf of the state or any political subdivision of the state who is not eligible to be exempted under subsection (q.1) may operate a commercial motor vehicle for up to 12 hours provided that:

(1) The driver does not drive a commercial motor vehicle after having been on duty for more than 16 hours; and

(2) The driver has not been on duty 70 hours in 7 consecutive days or 80 hours in 8 consecutive days.

[Pa.B. Doc. No. 11-1932. Filed for public inspection November 11, 2011, 9:00 a.m.]

PROPOSED RULEMAKINGS

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 23]

Delivery of Certificates of Title

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 1107, 1151.1 and 6103 (relating to delivery of certificate of title; program; and promulgation of rules and regulations by department), proposes to amend Chapter 23 (relating to delivery of certificates of title) to read as set forth in Annex A.

Purpose of this Chapter

The purpose of Chapter 23 is to specify the manner of delivery of encumbered certificates of title and certificates of title which are issued by the Department free of a lien or encumbrance, as provided by 75 Pa.C.S. § 1107.

Purpose of this Proposed Rulemaking

The purpose of this proposed rulemaking is to include electronic transmission of certificates of title consistent with the system developed under 75 Pa.C.S. § 1151 (relating to electronic media system for vehicle titles (expired)). These proposed amendments also correct typographical errors.

Summary of Significant Amendments

Proposed amendments to § 23.2 (relating to general rule) provide that a certificate of title containing a lienholder or encumbrancer may be either mailed or electronically transmitted to the first named lienholder or encumbrancer.

Persons and Entities Affected

The proposed rulemaking will affect the Department in the delivery of a certificate of title and a lienholder who may receive an encumbered certificate of title.

Fiscal Impact

Implementation of this proposed rulemaking will not require the expenditure of significant additional funds by the Commonwealth or local municipalities. Minimal additional effort or paperwork will be required to validate the identity of the person performing the verification.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 1, 2011, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. 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.

Sunset Provisions

The Department will make these amendments effective upon final-form publication following appropriate evaluation of comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Penni Bernard, Customer Service Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, pbernard@state.pa.us.

Contact Person

The contact person for this proposed rulemaking is Penni Bernard, Customer Service Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, pbernard@state.pa.us.

BARRY J. SCHOCH, P.E.,
Secretary

Fiscal Note: 18-423. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE II. TITLE

CHAPTER 23. DELIVERY OF CERTIFICATES OF TITLE

§ 23.2. General rule.

* * * * *

(b) *Encumbered titles.* Every certificate of title issued by the Department of Transportation containing a lienholder or encumbrancer will be **either mailed or electronically transmitted** to the first named lienholder or encumbrancer.

§ 23.3. Exceptions.

* * * * *

(b) *Other.* The Director of the Bureau of Motor Vehicles or his designees may, at [**their**] his discretion, deliver a certificate of title, if [**its**] it is free and clear of a lien or encumbrance, to the owner or a person authorized by the owner showing good cause to be entitled to receive the certificate of title. The discretion shall be reserved for circumstances demonstrating exceptional or unusual need and may include, but [**shall**] not be limited to requests for the title for immediate resale of the vehicle, for shipment of a vehicle overseas, and for use of the title as collateral for a loan after submission to the Department of Transportation for correction of an error. Identification satisfactory to the Department of Transportation shall be

required of the owner or the person authorized by the owner prior to delivery of the certificate of title.

[Pa.B. Doc. No. 11-1933. Filed for public inspection November 11, 2011, 9:00 a.m.]

[67 PA. CODE CH. 427]

Public Transportation—Sustainable Mobility

The Department of Transportation (Department), Bureau of Public Transportation, under the authority in 74 Pa.C.S. § 1505 (relating to regulations), proposes to amend Chapter 427 (relating to public transportation—sustainable mobility) to read as set forth in Annex A.

Purpose of this Chapter

The purpose of Chapter 427 is to implement 74 Pa.C.S. Chapter 15 (relating to sustainable mobility options), as required under 74 Pa.C.S. § 1505. Section 1505 of 74 Pa.C.S. directed the Department to promulgate temporary regulations within 2 years of the effective date of 74 Pa.C.S. Chapter 15, by July 18, 2009, and thereafter to promulgate permanent regulations. The Department has used the period during which the temporary regulations have been effective to test and refine the regulations to assure compliance in carrying out the purposes for which 74 Pa.C.S. Chapter 15 provides financial assistance for public transportation services and infrastructure in this Commonwealth. This proposed rulemaking is the result of that experience under the temporary regulations.

Summary of Significant Provisions

The Department's experience in managing the operating assistance program under the temporary regulations authorized by 74 Pa.C.S. Chapter 15 has identified a variety of sources of local match funds which were permissible under previous public transportation legislation, including route guarantees. Several transit systems have a long history of dependence on route guarantee funding as a source of local match funds. In addition, several transit systems have had difficulty recently securing sufficient local matching funds from traditional municipal sources and have proposed using other sources, including advertising revenue and local match reserves. To address pre-existing arrangements for local match which include route guarantees, and to address poor economic circumstances which make it difficult for transit systems to secure increases in local match (5% annually, as required under 74 Pa.C.S. Chapter 15), the proposed rulemaking grandfathers existing route guarantee funding as eligible local match funds and clarify eligibility requirements for using route guarantee, advertising revenue and local match reserves as current year local match funds for operating assistance.

Proposed amendments to § 427.4 (relating to local matching funds) clarify local match requirements regarding State operating assistance. Section 427.4(a)(2) further defines eligible sources of local match and minimum amounts required. Section 427.4(a)(3) further clarifies local municipal responsibilities when a transit agency uses advertising revenue (normally used as operating revenue to reduce the operating deficit) as local match funding. Section 427.4(a)(4) explains the consequences of shortages in local match funding regarding the use of advertising revenue as local match funds. Section 427.4(a)(5) clarifies the eligibility of route guarantee funding which had been used as local match prior to the enactment of 74 Pa.C.S. Chapter 15. Section 427.4(a)(9)

defines the limitations associated with using route guarantee funds as local match funds and the consequences for local match funding if route guarantee funds ever decrease. Section 427.4(a)(10) explains requirements associated with using other private sources of funds as local match funds. Section 427.4(a)(11) explains the requirements which a transit system shall meet to use uncommitted local match reserves as matching funds for a current State operating assistance grant.

The Department's experience with financial auditing under the temporary regulations has resulted in revisions to the financial review process. Section 427.7(a)(2) and (3) (relating to audits) transfers the responsibility of initiating payment confirmation from the grantee to the Department because the Department has readily available records of payments. This reduces the burden on the transit systems. Section 427.7(a)(4) requires the review and approval of the audit report by the local transportation financial officer and the board prior to submitting the audit report to the Department because the Department cannot effectively use draft reports which may be changed after review by the local transportation financial officer and the board. Section 427.7(a)(5) transfers responsibility for identifying inconsistencies between required supplemental schedules and the audit report from the Department to the grantee. The Department would have to review the reports line by line to identify inconsistencies. The grantee generates both reports and thus should be aware of inconsistencies and can identify them more easily than the Department. It is also the grantee's responsibility to explain the inconsistencies. The explanation can be generated concurrently with identifying inconsistencies, rather than the Department making the identification and then going back to the grantee for an explanation. It also identifies the potential consequences of failing to comply with reporting requirements.

Persons and Entities Affected

This proposed rulemaking affects various private and public entities involved with the provision of public transportation services through this Commonwealth. The Department is affected as the administrator of the funding provided under 74 Pa.C.S. Chapter 15.

Fiscal Impact

The proposed rulemaking will not require additional expenditure of funds by the affected entities or by the Commonwealth.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 1, 2011, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. 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.

Sunset Date

The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under 74 Pa.C.S. Chapter 15. The Department, however, will continue to closely monitor these regulations for their effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Laverne Collins, Director, Bureau of Local and Public Transportation, Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0064, (717) 787-1214 within 30 days of publication of this proposed rulemaking in the Pennsylvania Bulletin.

Contact Person

The contact person is Laverne Collins, Director, Bureau of Public Transportation, Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0064, (717) 787-1214.

BARRY J. SCHOCH, P.E., Secretary

Fiscal Note: 18-420. (1) Fund; (2) Implementing Year 2011-12 is \$800,000; (3) 1st Succeeding Year 2012-13 is \$800,000; 2nd Succeeding Year 2013-14 is \$800,000; 3rd Succeeding Year 2014-15 is \$800,000; 4th Succeeding Year 2015-16 is \$800,000; (4) 2007-08 Program—\$1,172,000,000; 2008-09 Program—\$1,219,000,000; 2009-10 Program—\$1,231,000,000; 2010-11 Program—\$1,082,000,000; (7) State Public Transportation Assistance Program; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. NONVEHICLE CODE PROVISIONS

ARTICLE II. MASS TRANSIT

CHAPTER 427. PUBLIC TRANSPORTATION—SUSTAINABLE MOBILITY

GENERAL REQUIREMENTS

§ 427.1. Definitions.

* * * * *

(b) In addition, [the following words and terms, when used in this chapter,] the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Route guarantee—A conditional commitment, either express or implied, by a private or public entity to a local transportation organization to provide financial compensation in return for the provision of public transportation service to a designated area or destination which would not be served without the financial compensation.

§ 427.4. Local matching funds.

(a) Eligible sources for required annual local matching funds.

(1) For a private transportation company receiving grants directly from the Department under the act, eligible annual local matching funds shall only consist of contributed cash income that was generated by the transportation company from its nonsubsidized activities.

(2) Except for those local transportation organizations using [private sources of] local matching funds from private third-party contractors prior to the enactment of the act, eligible sources of local matching funds for a local transportation organization shall be cash contributions provided by one or more municipalities or private entities in accordance with paragraphs (1) and (10).

(i) The total amount of municipal local match cash contributions for operating assistance cannot be less than the total amount of municipal local match cash contributed in the prior fiscal year.

(ii) If the required local match is 15% of the State funding for operating assistance, the municipal local match contribution can be reduced proportionate to any reduction in State operating assistance funding.

(3) Advertising revenue may be considered an eligible source of local matching funds for [section 1513 of the act (relating to operating program)] operating assistance grants[,] if the municipalities responsible for providing all of the local matching funds annually pass a resolution which does the following:

(i) [Acknowledge] Acknowledges their responsibility for providing the local matching funds.

(ii) [Agree] Agrees to offset any shortfall in advertising revenue received during the fiscal year which results in insufficient local matching funds.

(iii) Acknowledges that any reduction in service or increase in fares due to the net loss of operating revenue associated with the use of advertising revenue as local match is the responsibility of the municipalities which provide local match.

(4) If a [municipality fails to offset any shortfall in advertising revenue] shortfall in advertising revenue causes the local transportation organization to obtain less than its required operating assistance local matching funds in any fiscal year and the municipality does not offset the shortfall to bring the local match to the minimum required for State operating assistance funding, the following apply:

* * * * *

(ii) The State operating assistance funding for the fiscal year in which the shortfall occurs will be prorated in accordance with subsection (e)(4).

(5) All categories of local transportation organization operating revenue, including passenger fares; public or private payments provided in lieu of fares including route guarantees (unless the route guarantee revenue is allowed as local match in accordance with paragraph (9)); charter or school bus revenue; advertising revenue (unless the advertising revenue is approved for use as local match in accordance with paragraph (3)); and interest income or other miscellaneous sources of revenue do not constitute eligible sources of local matching funds.

* * * * *

(8) For a local transportation organization using [private sources] funds provided by a private third-party contractor as a source of local matching funds prior to the enactment of the act, the following apply with regard to operating assistance:

(i) Local matching funds equal to the local matching funds provided by **third-party contractors** in State Fiscal Year 2009-10 may continue to come from private **third-party contractor** sources provided the following requirements are met. The private **third-party contractor** source of local matching funds must:

* * * * *

(ii) Local matching funds in excess of the local matching funds provided in State Fiscal [Yyear] Year 2009-10 must be provided in accordance with paragraph [(1)] (2). [Private sources are] Funding from private **third-party contractor** sources is not eligible for this portion of the local matching funds.

(iii) If the amount of local matching funds provided [through private sources] by the private **third-party contractor** is ever decreased to an amount less than the local matching funds provided in State Fiscal Year 2009-10, the lower amount will become the maximum amount of local matching funds which can be provided by the private [sources] **third-party contractor**. All local matching funds in excess of the lower amount must be provided in accordance with paragraph [(1)] (2). Private **third-party contractor** sources are not eligible for this portion of the local matching funds.

(9) For a local transportation organization using route guarantee funds as a source of local matching funds prior to the enactment of the act, the following apply for operating assistance funding:

(i) Local matching funds equal to the local matching funds provided by route guarantee funds in State Fiscal Year 2009-10 may continue to come from route guarantee funds.

(ii) Local matching funds in excess of the local matching funds provided in State Fiscal Year 2009-10 must be provided in accordance with paragraph (2). Route guarantee funds are not eligible for this portion of the local matching funds.

(iii) If the amount of local matching funds provided through route guarantee funds is ever decreased to an amount less than the local matching funds provided in State Fiscal Year 2009-10, the lower amount will become the maximum amount of local matching funds which can be provided through route guarantee funds. Local matching funds in excess of the lower amount must be provided in accordance with paragraph (2). Route guarantee funds are not eligible for this portion of the local matching funds.

(10) Private sources other than funding from private third-party contractors and route guarantees may be eligible as local match provided that a local transportation organization has:

(i) Requested in writing Department approval of the source and amount of the local match from private sources.

(ii) Provided a written contract between the private source and the local transportation organization prior to submitting an application for State funding.

(11) Local transportation organizations may use uncommitted local match reserves for operating assistance if the following apply:

(i) The total local match reserve amount is identified in the most recent audit report and can be traced through transaction detail to the source of the local match.

(ii) The board of the local transportation organization passes a resolution which certifies that the local match reserve to be used for operating assistance is not committed to another project.

(iii) The local transportation organization provides to the municipalities responsible for providing the local match written notification of the amount of local match reserve that will be used in a fiscal year to offset shortfalls in local match payments.

(b) *Documentation of availability and schedule for payment of local matching funds.*

* * * * *

(2) For local transportation organizations:

* * * * *

(ii) [**The local municipalities**] A local municipality responsible for providing the required local matching funds shall submit to the local transportation provider an approved/adopted resolution or budget **transmitted by letter signed by the municipality's chief executive officer** certifying the amount that it shall provide the local transportation organization [**the required amount of local matching funds**] no later than the end of the State Fiscal Year [**and a schedule indicating dates and amounts of payments of eligible local matching funds**]. The local transportation organization shall submit all resolutions or budgets **with the transmittal letter signed by the municipality's chief executive officer** to the Department as part of its [state] State grant application.

(3) For a local transportation organization receiving local matching funds through a private **third-party contractor** source, the private source of local matching funds shall provide the following:

* * * * *

(5) If the availability of **required local matching funds** is not certified, the Department may not execute a grant agreement.

* * * * *

(c) *Required recordkeeping.*

(1) For both local transportation organizations and private transportation companies, the local funding provided to meet local matching funds requirements must be deposited and retained in a separate interest bearing account until used for eligible **public transportation program** expenses.

* * * * *

(3) Interest earned and expended shall be reported [**at a minimum**] in the annual audit report on schedules as required by the Department.

* * * * *

§ 427.5. Procurement.

(a) Grantees receiving capital funding under this chapter shall follow the most stringent of any applicable Federal, State and local procurement procedures. **Grantees shall have written procurement policies.**

(b) Failure to comply with any applicable procurement requirement may result in the ineligibility of the grantee to receive future State transit capital funds until the following conditions are met:

* * * * *

(2) The grantee has resolved any findings in the audit to the satisfaction of the Department **or is working toward the resolution of findings based on a Department-approved action plan.**

(c) [**The grantee shall be responsible for paying for the cost of any audit required under subsection (b).**] The Department may require the grantee to pay for the audit cost directly, or may deduct the cost of the audit from any future State grant.

* * * * *

(e) The Department may [**establish a procurement probationary period for a grantee who has conducted a procurement which did not comply with applicable procurement requirements**] require a grantee to submit all procurement related documents to the Department for review and written concurrence prior to award to be eligible to receive State funds for that procurement.

[(1) **During the probationary period, for all procurements involving State funds, the grantee must submit all procurement related documents to the Department for review and written concurrence prior to award in order to be eligible to receive State funds for that procurement.**

(2) **The grantee will be responsible for all costs associated with the Department's review of procurement related documents.**]

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§ 427.7. Audits.

(a) The Department will determine the frequency, content and format of reporting requirements, and may include requirements for audit testing procedures, for any entity receiving funding under this chapter.

* * * * *

(2) Within 90 days after the close of each fiscal year, each grant recipient [**shall transmit to**] will receive from the Department for confirmation an accounting of funds received from the Department during the preceding fiscal year [**in a format as required by the Department**].

(3) The [**Department will confirm directly with**] grant recipient shall convey directly to the certified public accounting firm [**(with a copy to the grant recipient) the amount of funds paid to each grant recipient**] the Department's confirmation of amounts identified in paragraph (2). The confirmed amounts shall become part of the financial audit report.

(4) Within 180 days after the close of a fiscal year, each grant recipient shall transmit to the Department an annual financial audit report prepared by the certified public accounting firm identified in paragraph (1).

(i) The audit shall be conducted in accordance with auditing standards generally accepted in the United States. Those standards require the audit firm to plan and perform the audit to obtain reasonable assurance about whether financial statements are free of material

misstatement. The audit must include examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements **and supplemental schedules.**

* * * * *

(vi) **The audit must include supplemental schedules as required by the Department.**

(vii) **The audit may not be submitted to the Department unless the local transportation finance officer and board have reviewed the audit for accuracy and have approved it.**

(5) The [**Department will**] grant recipient shall review the audit report [**and notify the grant recipient of any variances between Department records and the audit report**], identify inconsistencies between the supplemental schedules and other schedules and statements within the audit report and provide an explanation satisfactory to the Department for the discrepancies.

(i) [**The grant recipient will have 45 calendar days to prepare and submit a written response to the Director of the Bureau of Public Transportation on each finding identified in the financial audit report and with regard to variances identified.**] The grant recipient shall provide a written response to the Department answering questions raised by the Department within 45 calendar days of receipt of the Department's questions.

(ii) [**The written response will include a corrective action plan for each finding.**] Failure to comply with reporting requirements by the due date may result in delay or withholding of payments at the discretion of the Department.

(iii) If the grant recipient cannot produce a written response for each finding within 45 calendar days, the grant recipient shall request a time extension in writing to the Director of the Bureau of Public Transportation with justification **for the request. The Director of the Bureau of Public Transportation's written response will accept or reject the request for a time extension.**

[(6) **The Department will review the audit report and notify the grant recipient of any variances between Department records and the audit report.**

(i) **The grant recipient will have 45 calendar days to prepare and submit a written response to the Director of the Bureau of Public Transportation on each finding identified in the financial audit report and with regard to variances identified.**

(ii) **The written response will include a corrective action plan for each finding.**

(iii) **If the grant recipient cannot produce a written response for each finding within 45 calendar days, the grant recipient shall request a time extension in writing to the Director of the Bureau of Public Transportation with justification for the request. The Bureau Director will respond in writing, accepting or rejecting the request for a time extension.**]

* * * * *

OPERATIONS

§ 427.11. Data submission and verification.

(a) *Factors.* The factors used to calculate the distribution of section 1513 operating assistance funds in excess of the base operating allocation are **the following for the most recently completed fiscal year, as defined in the act:**

(1) The total number of **Act 44 defined fixed route, ADA paratransit and other Department-approved** passengers.

* * * * *

(3) The number of **Act 44 defined fixed route, ADA paratransit and other Department-approved** revenue vehicle hours.

(4) The number of **Act 44 defined fixed route, ADA paratransit and other Department-approved** revenue vehicle miles [**for the most recently completed fiscal year, as defined in the act**].

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§ 427.12. Performance reviews.

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(d) Performance reviews will be conducted as follows:

(1) *Comparison to peers.*

* * * * *

(vi) The local transportation organization will be determined at risk if one or more of the following apply:

* * * * *

(B) Operating revenue per revenue vehicle hour [**are**] **is** below minus one standard deviation.

* * * * *

(D) Operating [**revenue per revenue vehicle hour exceed**] **cost per passenger exceeds** plus one standard deviation.

* * * * *

[Pa.B. Doc. No. 11-1934. Filed for public inspection November 11, 2011, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 25, 2011.

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

BANKING INSTITUTIONS

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-21-2011	Customers Bank Phoenixville Chester County	2493 Bernville Road Reading Berks County	Approved
10-21-2011	Customers Bank Phoenixville Chester County	555 Penn Avenue West Reading Berks County	Approved
10-21-2011	Customers Bank Phoenixville Chester County	601 North Main Street Port Chester New York	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 11-1935. Filed for public inspection November 11, 2011, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, actions and special notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063533 (Sewage)	Tobyhanna Township Wastewater Treatment Facility S.R. 0115 Blakeslee, PA 18350	Monroe County Tobyhanna Township	Tobyhanna Creek (02A)	Y
PA0043362 (Sewage)	Union Lake Hotel t/a Camp Equinunk/Blue Ridge 3881 Hancock Highway Equinunk, PA 18417	Wayne County Manchester Township	Unnamed Tributary of Little Equinunk Creek (1-A)	Y
PAS222201 (Storm Water)	UFP Atlantic Division LLC 200 Commerce Way Stockertown, PA 18083	Northampton County Stockertown Borough	Bushkill Creek and Unnamed Tributary to Bushkill Creek (1-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0261653, Transfer #1 (Sew)	Cindy Arnold 250 Mountain View Road Shippensburg, PA 17257	Cumberland County / North Middleton Township	Conodoguinet Creek / 7-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0035653 (Sew)	PA Department of Transportation—Safety Rest Area Site No. 3 PO Box 3060 Harrisburg, PA 17105	Fulton County / Brush Creek Township	UNT Brush Creek / 13-B	Y
PA0261581 Amendment No. 1 (IW)	Red Lion Municipal Authority PO Box 190 Center Square Red Lion, PA 17356	York County / Windsor Township	Cabin Creek / 7-I	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0221830 (Sewage Renewal)	West Sunbury Borough STP SR 138 N Washington Rd. West Sunbury, PA 16061	Butler County West Sunbury Boro	Unnamed tributary of South Branch Slippery Rock Creek 20-C	Y
PA0029467 (Sewage Renewal)	North Warren Municipal Auth 44 Hospital Drive Warren, PA 16365	Warren County Conewango Township	Conewango Creek 16-B	Y

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

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

PA0244147, Sewage, SIC 4952, **Wrightstown Township**, 2203 Second Street Pike, Wrightstown, PA 18940.

This facility is located in Wrightstown Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage effluent generated from a 46-unit residential subdivision located at the northeast corner of Wrightstown and Durham Roads. Discharge will be to a stormwater detention basin with constructed wetlands.

The receiving stream, an unnamed tributary to Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for: warm water fishes, migratory fishes, aquatic life, water supply, and recreation. The stream is intermittent for approximately 0.8 mile. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek and is approximately 12.7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.016125 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	5	7		10
Total Suspended Solids	5	7		10
Ammonia as N (05-01 to 10-31)	1.0			2.0
Ammonia as N (11-01 to 04-30)	2.0			4.0
pH (Standard Units)	6.0, I-min.			9.0
Fecal Coliform (col/100 ml)	50			1,000
Dissolved Oxygen	6.0, I-min.			
(Nitrite + Nitrate) as N	10			20
Phosphorus as P	0.1			0.2

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

1. Notification of Designation of Responsible Operator
2. Definition of Average Weekly
3. Remedial Measures if Public Nuisance
4. No Stormwater to Sewers
5. Necessary Property Rights
6. Dry Stream Discharge
7. Change in Ownership
8. Proper Sludge Disposal
9. Operator Training

- 10. Instantaneous Maximum Limits
- 11. Operations and Maintenance Plan
- 12. Laboratory Certification

The EPA Waiver is in effect.

PA0056537, Industrial Waste, SIC 2951, **Highway Materials, Inc.**, 1750 Walton Road, Blue Bell, PA 19422-0465.

This facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge stormwater from an asphalt manufacturing facility located at 680 Morehall Road.

The receiving stream, an unnamed tributary to Valley Creek, is in the State Water Plan watershed 3F and is classified for: exceptional value, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for PA American-Norristown is located on the Schuylkill River and is approximately 12.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001* are based on a design flow of an average storm event.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average	Maximum Daily	Instantaneous Maximum (mg/l)
Total Suspended Solids			Monitor	Monitor	
Oil and Grease			Monitor	Monitor	
pH			Monitor	Monitor	
Naphthalene			Monitor	Monitor	
Trichloroethylene			Monitor	Monitor	
Benzene			Monitor	Monitor	

*Outfall 001 is representative of Outfall 002. Monitoring is required at Outfall 001.

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

1. Remedial Measures if Public Nuisance
2. Change in Ownership
3. Proper Sludge Disposal
4. Stormwater Requirements

The EPA Waiver is in effect.

PA0244236, Sewage, SIC Code 4952, **Upper Makefield Township Bucks County**, 1076 Eagle Road, Newtown, PA 18940. Facility Name: Gray Tract WWTP. This existing facility is located in Upper Makefield Township, **Bucks 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), Houghs Creek, is located in State Water Plan watershed 2-E and is classified for 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 0.05555 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Maximum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)			6.0			
	XXX	XXX	Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.01	XXX	0.025
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Total Dissolved Solids	XXX	XXX	XXX	1000	XXX	2000
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	50	XXX	1000
Total Nitrogen	XXX	XXX	XXX	10	XXX	20
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	XXX	XXX	XXX	0.1	XXX	0.2

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

- Responsible Operator
- Abandon Sewage Treatment Plant
- Remedial Measures
- No Stormwater
- Necessary Property Rights

- Small Stream Discharge
- Change in Ownership
- TRC Minimization
- Sewage Sludge Disposal
- I-Max Limits
- 2/Month Monitoring
- Lab. Certification
- Discharge to Special Protection Waters
- I-Max Reporting for Fecal Coliform

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.

PA0058017, Sewage, SIC Code 8811, **Harrow Station LLC**, 8330 Easton Road, Ottsville, PA 18942. Facility Name: Harrow Station LLC. This existing facility is located in Nockamixon Township, **Bucks 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 Haycock Creek, is located in State Water Plan watershed 2-D and is 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 0.00382 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	20
Total Nitrogen	XXX	XXX	XXX	Geo Mean	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	10	XXX	20
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	XXX	XXX	XXX	0.5	XXX	1.0

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.

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

PAS802227, Storm Water, SIC Code 4225, **Dayton Superior Corporation**, 1125 Byers Road, Miamisburg, OH 45342. Facility Name: Dayton Superior Corporation—Allentown Distribution Center. This facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Activity: The application is for a new NPDES permit for the discharge of stormwater.

The receiving stream(s), an unnamed tributary to Iron Run, is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 (stormwater) are as follows:

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 (stormwater) are as follows:

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

The proposed effluent limits for Outfall 003 (stormwater) are as follows:

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

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

- Requirements applicable to stormwater outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

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

PA0083691, Industrial Waste, SIC Code 4941, **West Earl Township Lancaster County**, 157 West Meltzer Road, PO Box 787, Brownstown, PA 17508. Facility Name: West Earl Township Water Authority (Nolt Well Water Treatment Plant). This existing facility is located in West Earl Township, **Lancaster County**.

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

The receiving stream(s), Conestoga River, is located in State Water Plan watershed 7-J 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 002 are based on a design flow of 0.0046 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>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	XXX	1,500	1875
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report					
Total Nitrogen	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	Report					
Total Nitrogen	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Report					
Ammonia-Nitrogen	XXX	Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Report	XXX	XXX	Report	XXX
Ammonia-Nitrogen	Report					
Ammonia-Nitrogen	XXX	Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	Report					
Total Phosphorus	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Report	XXX	XXX	Report	XXX
Total Phosphorus	Report					
Total Phosphorus	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Total Annual	XXX	XXX	XXX	XXX

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

The EPA Waiver is in effect.

PAS203505, Storm Water, SIC Code 3479, **Lane Enterprises Inc.**, 1244 Claremont Road, Carlisle, PA 17015. Facility Name: Lane Enterprises Inc. This proposed facility is located in Middlesex Township, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary to Letort Spring Run, is located in State Water Plan watershed 7-B 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:

Parameters*	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002:

Parameters*	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

*The permittee may conduct an annual inspection using the Annual Inspection Form (3800-PM-WSWM0083v) in lieu of annual monitoring for the parameters listed above.

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

The EPA Waiver is in effect.

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

PA0234052, CAFO 0213, 0212, 0272, **James W. Showers**, 767 Gray Hill Road, New Columbia, PA 17856-9407.

This proposed facility is located in White Deer Township, **Union County**.

Description of Proposed Activity: The Showers Farm CAFO is an existing beef cattle and horse operation adding a finishing swine operation, totaling 384.44 AEUs. The farm consists of 139 acres which includes approximately 23 acres of pasture land, approximately 87 acres of cropland and the balance in farmstead and woods. The hogs will produce 900,000 gallons of liquid manure per year. All hog manure will be collected in an 809,000 gallon underbarn storage. Beef cattle and horse manure is collected during part of the year as a solid. All manure is land-applied in accordance with the farm's Nutrient Management Plan during the Spring, Summer and Fall. Up to 625,000 gallons of manure may be exported offsite.

The receiving stream, UNT of White Deer Creek, is in the State Water Plan watershed 10C (White Deer Creek) and is classified for: HQ-CWF.

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

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

1. Compliance with the farm's Nutrient Management Plan
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan
3. Compliance with the Farm's Erosion & Sedimentation Control Plan for plowing and tilling
4. Erosion & Sedimentation Control Plan requirements for stormwater during construction activities
5. Animal mortality handling and disposing requirements
6. Certification requirements for manure storage facilities
7. Requirements for storage of feed and other raw materials
8. Best Management Practices requirements.

In addition to the other requirements of this Permit, the permittee shall maintain compliance with the following CAFO specific requirements.

9. Stockpiling—Manure that is stockpiled for 15 consecutive days or longer shall be under cover or otherwise stored to prevent discharge to surface water during a storm event up to and including the appropriate design storm for that type of operation under § 91.36(a)(1) and (5) (relating to pollution control and prevention at agricultural operations).

10. Freeboard—(CORRECTION) The permittee shall maintain a minimum of 6 inches of freeboard at the liquid manure storage structures at all times. This minimum of 6 inches of freeboard is corrected from the 2 feet of freeboard previously stated in the *Pennsylvania Bulletin* application notice published on 10/22/2011.

11. Manure Exportation Report—If the permittee exports manure, then the permittee shall complete the Manure Exportation Report form and submitted it to the Department with the CAFO Quarterly Self-Inspection Report.

12. Winter Spreading—The permittee shall not spread manure during the Winter, as defined in 25 Pa. Code § 83.201, unless otherwise authorized in the permittee’s Nutrient Management Plan, or unless the permittee has fully complied with 25 Pa. Code § 83.372, and has obtained a plan amendment due to unforeseen circumstances. Winter is defined as, “December 15 to February 28, or any time the ground is frozen at least 4 inches deep or is snow covered.” If winter spreading is approved in the NMP all setbacks must be followed: There shall be no winter application within, 1) 100 ft. of an above ground agricultural drain inlet where surface flow is toward the inlet, 2) 100 foot of a wetland on the NWI map which is within the 100 year floodplain of an EV stream segment if surface flow is toward the wetland and 3) fields must have 25% cover or an established cover crop—see § 83.294.

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

PA0026034, Sewage, SIC Code 4952, **Johnstown Redevelopment Authority**, 4th Floor Public Safety Bldg, 401 Washington Street Johnstown, PA 15901. Facility Name: Dornick Point WWTP. This existing facility is located in West Taylor Township, **Cambria County**.

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

The receiving stream, Conemaugh River, is located in State Water Plan watershed 18-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 12.0 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	2502	3803	XXX	25	38	50
Total Suspended Solids	3002	4503	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	1702	2602	XXX	17	26	XXX

The Authority is permitted to discharge uncontaminated storm water from the Waste Water Treatment Plant site through Outfall 101.

The EPA Waiver is not in effect.

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

PA0027367, Sewage, SIC Code 4952, **Greenville Sanitary Authority**, 125 Main Street, P. O. Box 604, Greenville, PA 16125. Facility Name: Greenville Sanitary Authority STP. This existing facility is located in Greenville Borough, **Mercer 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), the Shenango River, is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.8 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.44	XXX	1.4

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
CBOD ₅						
May 1 - Oct 31	467	700	XXX	20	30	40
Nov 1 - Apr 30	584	934	XXX	25	40	50
Total Suspended Solids	700	1050	XXX	30	45	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	175	XXX	XXX	7.5	XXX	15
Nov 1 - Apr 30	525	XXX	XXX	22.5	XXX	45
Total Phosphorus	23	XXX	XXX	1	XXX	2
Total Copper (Interim)	Report	XXX	XXX	Report	XXX	XXX
Total Copper (Final)	0.56	XXX	XXX	0.024	XXX	0.048

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

- Chronic Whole Effluent Toxicity (WET) Monitoring
- Toxics Reduction Evaluation (TRE)
- Requirement to use eDMR System
- Solids Management

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 not in effect.

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

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

WQM Permit No. 0611403, Sewerage, **Exeter Township, Berks County, Authority**, 4975 DeMoss Road, Reading, PA 19606-9060.

This proposed facility is located in St. Lawrence Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit replacement for Antietam Creek Trunk Sewer.

WQM Permit No. 2111401, Transfer #1, Sewerage, **Cindy Arnold**, 250 Mountain View Road, Shippensburg, PA 17257.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of Ownership.

WQM Permit No. 6711202, Industrial Waste, **Red Lion Municipal Authority**, PO Box 190 Center Square, Red Lion, PA 17356.

This proposed facility is located in Windsor Township, **York County**.

Description of Proposed Action/Activity: The conversion of the existing water treatment plan to an industrial wastewater treatment plant to treat backwash water from the new water treatment plant.

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

WQM Permit No. 6511404, Sewerage, **Ligonier Township Municipal Authority**, One Municipal Park Drive, Ligonier, PA 15658

This proposed facility is located in Ligonier Township, **Westmoreland County**.

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

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

WQM Permit No. 1008201, Industrial Waste, **Seneca Landfill**, 121 Brickyard Road, Mars, PA 16046

This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: An amendment to the existing permit for the addition of chlorination facilities, converting the bio-tower and changing the median in the two existing aerobic bio-towers.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

Northcentral Region: Watershed Management 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041411009	Charles Amershek Church of the Good Shepherd 867 Grays Woods Blvd PO Box 8186 State College PA 16805	Centre	Patton Township	Buffalo Run HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Leon Zimmerman 2011 Maytown Road Elizabethtown, PA 17022	Lancaster	343.5	1115.2	Swine Steer Pullets	NA	R
David H. Martin 420 Nottingham Road Nottingham, PA 19362	Lancaster	232.45	698.7	Swine Pullets Dairy Heifers	HQ	R
Troester Dairy 175 Cannon Road Mifflinburg, PA 17844	Union	756.2	1146.9	Dairy	HQ	Renewal
Jonathan Dietrich 5931 Buffalo Rd Mifflinburg PA 17844	Union	86.4	1759.7	Swine	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

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

Application No. 5411508, Public Water Supply.

Applicant	Papetti's Hygrade Egg Products, Inc.
[Township or Borough]	Upper Mahantango Township Schuylkill County
Responsible Official	Michael D. Troutman 68 Spain Road Klingerstown, PA 17941
Type of Facility	Non-community Water System
Consulting Engineer	Norman C. Wenck, PE Wenck Associates, Inc. 1800 Pioneer Creek Center Maple Plain, MN 55359 763-479-4201
Application Received Date	October 12, 2011
Description of Action	Application for installation of an arsenic removal system at the Papetti's Hygrade Egg Products facility in Klingerstown, PA.

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

Permit No. 1111509, Public Water Supply.

Applicant	Gallitzin Water Authority, 411 Convent Street, Suite 10, Gallitzin, PA 16641
[Township or Borough]	Gallitzin Township
Responsible Official	John R. Nagle, Chairman Gallitzin Water Authority, 411 Convent Street, Suite 10, Gallitzin, PA 16641
Type of Facility	Water system
Consulting Engineer	Stiffler, McGraw and Associates, Inc., 1731 N. Juniata Street, Hollidaysburg, PA 16648
Application Received Date	October 24, 2011
Description of Action	Change from gas chlorination to liquid sodium hypochlorite solution and the addition of potassium carbonate for pH control.

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. 4011518MA, Minor Amendment.

Applicant	Pennsylvania American Water Co. 800 West Hersheypark Drive Hershey, Pa
[Township or Borough]	Plains Twp., Luzerne Co
Responsible Official	David Kaufman
Type of Facility	Public Water System
Consulting Engineer	Gregory R. Stein, P.E.
Application Received Date	10/17/11
Description of Action	The rehabilitation of Millcreek tank no. 2.

Application No. 4011519MA, Minor Amendment.

Applicant	Pennsylvania American Water Co. 800 West Hersheypark Drive Hershey, Pa
[Township or Borough]	Salem Twp., Luzerne Co
Responsible Official	David Kaufman
Type of Facility	Public Water System
Consulting Engineer	Gregory R. Stein, P.E.

Application Received Date 10/17/11

Description of Action The rehabilitation of Shickshinny tank.

Application No. 4011520MA, Minor Amendment.

Applicant **Pennsylvania American Water Co.**
800 West Hersheypark Drive
Hershey, Pa

[Township or Borough] Pittston Twp., **Luzerne Co**

Responsible Official David Kaufman

Type of Facility Public Water System

Consulting Engineer Gregory R. Stein, P.E.

Application Received Date 10/17/11

Description of Action The rehabilitation of Volgenbacker tank no. 1.

Application No. 1311501MA

Applicant **GSP Management Company**

[Township or Borough] East Side Borough
Carbon County

Responsible Official Leanne Heller, Operations Manager
P. O. Box 677
Morgantown, PA 19543

Type of Facility Community Water System

Consulting Engineer James A. Cieri, PE
ACT ONE Consultants, Inc.
200 South 41st Street
Suite A
Harrisburg, PA 17111
717-236-7500

Application Received Date September 30, 2011

Description of Action Application for construction of 102 LF of 12 in. diameter pipe to provide additional chlorine contact time for meeting 4-log inactivation at Spring Hill Mobile Home Park.

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

Application No. 2088501-T1-MA6, Minor Amendment.

Applicant **Meadville Area Water Authority**

Township or Borough City of Meadville

Responsible Official Donald Nold

Type of Facility Public Water Supply

Consulting Engineer Rulison Evans, P.E.
Gannett Fleming, Inc.
601 Holiday Drive
Pittsburgh, PA 15220

Application Received Date October 27, 2011

Description of Action Replacing the liner and cover of the existing reservoir and the 20" high concrete block wall.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA 14-850, Water Allocations. Madisonburg Water Works, 260 Madisonburg Pike, Madisonburg, PA 16852, Miles Township, **Centre County**. This is a Modification Order requesting to remove Spring #1 from the permit. The amount of water to be withdrawn will still be a maximum of 37,500 gallons per day from the remaining springs. No other changes are being requested.

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

WA2-1015, Water Allocations. The City of Duquesne, 12 South Second Street, Duquesne, PA 15110, **Allegheny County**. The applicant is requesting the right to purchase 650,000 gallons of water per day on an emergency basis from the Pennsylvania American Water Company.

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 mediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the mediator of the site.

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

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

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

Russell Property, City of Philadelphia, **Philadelphia County**. Richard D. Trimpi, Trimpi Associates, 1635 Old Plains Road, Pennsburg PA 18073 on behalf of Norman Russell, 206 East Clearfield Street, Philadelphia, PA 19134, John Cashwell, State Farm Insurance Company, P. O. Box 8061, Ballston Spa, NY 12020 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Turbine* on September 2, 2011.

Sayer Residence, Lower Merion Township, **Montgomery County**. Alan Robinson, Kleinfelder, 180 Sheree Blvd, Suite 3800, Exton, PA 19341, Mark Warchol, Kleinfelder, 180 Sheree Blvd, Suite 3800, Exton, PA 19341, H. Christian Haab, Jr. F.C. Haab, 2314 Market Street, Philadelphia, PA 19103 on behalf of Douglas Sayer, 1260 Morris Avenue, Bryn Mawr, PA 19085 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

Quality Service Center, Borough of Oxford, **Chester County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Senya Isayeff, Keystone Community Alliance—Oxford, LP, 550 East Union Street, West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. Based on the outcome of that work, the future use of the site will be determined. A summary of the Notice of Intent to Remediate was reported to have been published in *The Chester County Press* on September 24, 2011.

Rohm & Haas Company, Bristol Township, **Bucks County**. Howard Klei, URS Corporation, Iron Hill Corporate Center, Sabre Building, Suite 300, 4051 Ogletown

Road, Newark, DE 19713, Christopher Beetham, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Robert Casselberry, Down Chemical Company, 3100 State Road, Croydon, PA 19021 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics and other organics. The future use of the site will remain the same.

Salvation Army Northeast Corps Community Center, City Of Philadelphia, **Philadelphia County**. Raymond P. Duchamine, P.G. ENVision Environmental, Inc., 912 North Orianna Street, Philadelphia, PA 19123, Major Kevin D. Bone, The Salvation Army, 701 North Broad Street, Philadelphia, PA 19123 on behalf of Major Jorge Diaz, The Salvation Army, 440 West Nyack Road, West Nyack, 10994 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

McAtte Residence, East Norriton Township, **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Susan McAtee, 3012 Stony Creek Road, Norristown, PA 19401 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Times Herald* on August 26, 2011.

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

Easterly Sewage Treatment Plant, located at intersection of Old Sixth Avenue Road and South Dartmouth Lane, Altoona, Logan Township, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of City of Altoona/Easterly Sewage Treatment Plant, 1301 Twelfth Street, Altoona, PA 16601, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with diesel fuel released from a skid tank. The site will be remediated to the residential Statewide Health standard and will continue as a sewage treatment plant.

Former Gipe Residence and Garage, 2055 Buchanan Trail East, Shady Grove, Antrim Township, **Franklin County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Gladys B. Gipe Estate, Ronald Gipe, Executor, c/o Martins Famous Pastry Shoppes, Inc., 1000 Potato Roll Lane, Chambersburg, PA 17202, submitted a Notice of Intent to Remediate soils and groundwater contaminated with unleaded gasoline from the operation of a former automotive repair facility. The site will be remediated to a combination of the residential Statewide Health and Site Specific standards. Future use of the site is residential.

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 (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 Application No. 100148. Waste Management Disposal Services of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This Minor Permit Modification application seeks the approval to integrate the new leachate treatment plant into GROWS Landfill's solid waste permit. The GROWS Landfill is a municipal waste landfill located in Falls Township **Bucks County**. The application was received by the Southeast Regional Office on September 28, 2011

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 Approval or Operating Permits from the following facilities.

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

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

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

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

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

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

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

46-0124B: Montgomery Chemicals, LLC (901 Conshohocken Road, Conshohocken, PA 19428) to transfer and use 40.0 tons of VOC Emission Reduction Credits in Plymouth Township, **Montgomery County** from Minnesota Mining & Manufacturing Co. in Bristol Township, **Bucks County**.

46-0037AB: Cabot Supermetals (County Line Road, P. O. Box 1608, Boyertown, PA 19512-1608) for the installation of a RotoClone wet dust collector to replace a dry dust collector to replace an existing dry dust collector at their Boyertown facility in Douglass and Colebrookdale Townships, **Montgomery** and **Berks Counties**. The replacement of dust collector is to eliminate fire hazard. This facility is a Title V facility. The installation will result in particulate matter emission increase by 0.15 tons per year. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863

01-05018A: McClarin Plastics, Inc. (15 Industrial Drive, Hanover, PA 17331) for construction of two (2) spray paint booths at their facility in Conewago Township, **Adams County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 01-05018A authorizes the construction of the abovementioned sources. Particulate matter (PM) emissions from the two (2) spray paint booths will be controlled by dedicated dry panel filters. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements. Potential VOC emissions from the proposed sources will be 21 TPY.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, PE may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issues to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

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

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

53-00003D: National Fuel Gas Supply Corporation (1100 State Street, 2nd Floor, Erie, PA 16512) for a plan approval to construct two (2) natural gas-fired compressor engines (source IDs P124 and P125) with independent oxidation catalysts (IDs C124A and C125A) and selective catalytic reduction (SCR) systems (IDs C124B and C125B) and one (1) natural gas-fired emergency generator (Source ID P201) with a 3-way catalyst (ID C201) to control the air contaminant emissions from these engines at their Ellisburg facility located in Allegany Township, **Potter County**. The respective facility is a major facility for which a Title V operating permit 53-00003 has been issued.

The Department's review of the information submitted by National Fuel Gas Supply Corporation indicates that the construction of the engines and installation of the respective control devices will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The two (2) compressor engines will meet the requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Sections 63.6580–63.6675 and Subpart JJJJ of the New Source Performance Standards for Stationary Spark ignition Internal Combustion Engines, 40 CFR Sections 60.4230 through 60.4248. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of the three (3) engines and installation of the respective control devices. Additionally, if the Department determines that the engines and associated control devices are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit #53-00003 via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the 4,375

brake horsepower, natural gas-fired reciprocating internal combustion engines (Source ID P124 and P125) shall incorporate low NO_x electronic control system and be equipped with a Johnson Matthey Type SINO_x SW40 Selective Catalytic Reduction (SCR) system (IDs C124B and C125B) to control NO_x emissions. Additionally, the carbon monoxide, volatile organic compounds, and formaldehyde emissions from Source IDs P124 and P125 shall be controlled by a Johnson Matthey model 3035 oxidation catalyst (IDs C124A and C125A). The permittee shall not operate Source IDs P124 and P125 without the simultaneous operation of IDs C124A, C124B and C125A, C125B, respectively, at any time.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use natural gas as fuel for Source IDs P124, P125 and P201.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of IDs C124B and C125B associated with Source ID P124 and P125, respectively, in excess of the limitations listed below:

(a) nitrogen oxides (NO_x, expressed as NO₂)—1.57 pounds per hour and 6.88 tons in any 12 consecutive month period,

(b) carbon monoxide (CO)—1.43 pounds per hour and 6.26 tons in any 12 consecutive month period,

(c) total combined volatile organic compounds (VOC)—2.40 pounds per hour and 10.52 tons in any 12 consecutive month period,

(d) sulfur oxides (SO_x, expressed as SO₂)—0.002 pounds per hour and 0.01 tons in any 12 consecutive month period,

(e) particulate matter (PM/PM₁₀)—0.01 grains per dry standard cubic foot of exhaust gas, 0.007 pounds per hour and 0.03 tons in any 12 consecutive month period,

(f) non-methane, non-ethane hydrocarbons (NMNEHC)—1.98 pounds and 8.68 tons in any 12 consecutive month period,

(g) formaldehyde—0.42 pounds per hour and 1.84 tons in any 12 consecutive month period.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the ammonia slip from either IDs C124B or C125B shall not exceed 10 ppm at any time.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip IDs C124A, C124B, C125A and C125B with instrumentation to monitor pressure drop and the inlet gas temperature of IDs C124A, C124B, C125A and C125B. The permittee shall monitor these parameters on a continuous basis.

6. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source IDs P124 and P125 specified in 40 CFR Sections 63.6580–63.6675.

7. The permittee shall comply with all applicable requirements of Subpart JJJJ of the New Source Performance Standards (NSPS) for Source IDs P124 and P125 as specified in 40 CFR Sections 60.4230–60.4248.

8. The permittee shall perform nitrogen oxide (NO_x, expressed as NO₂), carbon monoxide, volatile organic

compound and formaldehyde stack tests upon Source IDs P124 and P125 within 120 days from the initial operation of each engine to verify compliance with the emission limitations for carbon monoxide, volatile organic compound and formaldehyde emissions from IDs C124A, C124B, C125A and C125B associated with Source IDs P124 and P125

(a) The performance test shall consist of three (3) separate test runs and each run shall last at least in one (1) hour in duration.

(b) The testing of the inlet of IDs C124A and C125A and the outlet of IDs C124B and C125B shall be running simultaneously.

(c) The inlet gas temperature and the pressure drop across IDs C124 and C125 shall be recorded on a continuous basis during the test. The requirement for the temperature range and pressure drop across IDs C124 and C125 will be established based upon the recorded data and stack test report.

(d) All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Source IDs P124 and P125 is operating at +/- 10% of full load.

9. The permittee shall keep records of the following information:

(a) The supporting calculations on a monthly basis used to verify compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, particulate matter, sulfur oxide, and formaldehyde emission limitations for IDs C124A, C124B, C125A and C125B associated with Source IDs P124 and P125 in any 12 consecutive month period.

(b) The test reports and supporting calculations used to verify compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, and formaldehyde emission limitations from IDs C124A, C124B, C125A and C125B associated with Source IDs P124 and P125.

(c) The pressure drop across and the inlet gas temperature of IDs C124A, C124B, C125A and C125B on a continuous basis via a data acquisition system and shall compute the hourly averages.

These records shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

10. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of IDs C201 associated with Source ID P201 in excess of the limitations listed below:

(a) nitrogen oxides (NO_x, expressed as NO₂)—0.94 pounds per hour and 0.24 tons in any 12 consecutive month period,

(b) carbon monoxide (CO)—0.94 pounds per hour and 0.24 tons in any 12 consecutive month period,

(c) total combined volatile organic compounds (VOC)—0.37 pounds per hour and 0.09 tons in any 12 consecutive month period,

(d) sulfur oxides (SO_x, expressed as SO₂)—0.001 pounds per hour and 0.0003 tons in any 12 consecutive month period,

(e) particulate matter (PM/PM₁₀)—0.01 grains per dry standard cubic foot of exhaust gas, 0.02 pounds per hour and 0.01 tons in any 12 consecutive month period.

11. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P201 shall not be operated more than 500 hours in any 12 consecutive month period.

12. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P201 shall be equipped with a non-resettable hour meter to monitor the number of hours that the engine is operated.

13. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the 850 brake horsepower, Cummins model GTA 38 natural gas-fired emergency generator (Source ID P201) shall be equipped with a Miratech model IQ-24-10-EC1 NSCR system (ID C201) to control the NO_x, CO and VOC emissions.

14. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip ID C201 with instrumentation to monitor pressure drop and the inlet gas temperature of ID C201. The permittee shall monitor these parameters on a continuous basis.

15. The permittee shall comply with all applicable requirements of Subpart JJJJ of the New Source Performance Standards (NSPS) for Source IDs P124 and P125 as specified in 40 CFR 60.4230—60.4248.

16. The permittee shall perform nitrogen oxide (NO_x, expressed as NO₂), carbon monoxide, and volatile organic compound stack tests upon Source ID P201 within 120 days from the initial operation of each engine to verify compliance with the emission limitations for carbon monoxide and volatile organic compound emissions from ID C201 associated with Source ID P201:

(a) The performance test shall consist of three (3) separate test runs and each run shall last at least in one (1) hour in duration.

(b) The testing of the inlet and outlet of ID C201 shall be running simultaneously.

(c) The inlet gas temperature and the pressure drop across ID C201 shall be recorded on a continuous basis during the test. The requirement for the temperature range and pressure drop across ID C201 will be established based upon the recorded data and stack test report.

(d) All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Source ID P201 is operating at +/- 10% of full load.

17. The permittee shall keep records of the following information:

(a) The supporting calculations on a monthly basis used to verify compliance with the nitrogen oxide, carbon monoxide and volatile organic compound emission limitations for ID C201 associated with Source ID P201 in any 12 consecutive month period.

(b) The test reports and supporting calculations used to verify compliance with the nitrogen oxide, carbon monoxide and volatile organic compound emission limitations from ID C201 associated with Source ID P201.

(c) The pressure drop across and the inlet gas temperature of ID C201 on a continuous basis via a data acquisition system and shall compute the hourly averages.

These records shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

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

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

24-131P: SGL Carbon LLC (900 Theresia Street, Saint Marys, PA 15857) for modification of five (5) existing furnaces to allow them to both graphitize and purify carbon and the installation of a new scrubber in the City of Saint Marys, **Elk County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 24-131P to SGL Carbon LLC for the modification of five (5) existing furnaces and installation of a new scrubber, for the facility located in the City of Saint Marys, Elk County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-131P is for the modification of five (5) existing scrubbers and the installation of a new scrubber. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 13.14 tons per year of hazardous air pollutants and 7.1 tons per year of particulate matter.

The Plan Approval will contain testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

PLAN APPROVAL

PUBLIC HEARINGS

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

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

58-399-023: Laser Northeast Gathering Co., LLC (333 Clay Street, Suite 4500, Houston, TX 77022) to construct the proposed Shields Compressor Station to be in Dimock Township, **Susquehanna County**.

Notice is given under 25 Pa. Code §§ 127.44(b)(5) and 127.424, that the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval, No. 58-399-023, for Laser Northeast Gathering Company, LLC (the Permittee), 333 Clay Street, Suite 4500, Houston, TX 77022, to construct the proposed Shields Compressor Station, which is to be located in Dimock Twp., Susquehanna County as described in the Permittee's August 1, 2011 Plan Approval Application and any other subsequent supplemental submissions.

The station will consist of four CAT G3616 engines and three dehydrators with reboilers. The VOC emissions from the facility will not equal or exceed 50 TPY, based

on a 12-month rolling sum. The NO_x emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

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

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 58-399-023; a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on December 6, 2011 at 7:00 p.m. at the Montrose Area Jr. / Sr. High School located at 75 Meteor Way, Montrose, PA 18801. Persons interested in commenting are invited to appear at the public hearing.

Copies of the application, the Department's technical review and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Mark Wejkszner, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 5 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through 12/16/11.

The Department will address comments from the public before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Mark Wejkszner, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address shown above, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information regarding the above, contact Mark Wejkszner at (570)-826-2511 or write to the Department at the Wilkes-Barre address given previously.

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

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

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

15-00136: Thomas Medical Products, Inc. (65 Great Valley Parkway, Malvern, PA 19355-1302), for a non-Title V, initial State Only Operating Permit in Malvern Borough, **Chester County**. Thomas Medical Products is a surgical and medical device manufacturer with a potential to emit 4.0 tons per year of volatile organic compounds (VOC). This facility is categorized as a natural minor facility. The permit includes monitoring, record keeping and reporting requirements to address all applicable air quality requirements.

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

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

11-00252: C&C Smith Lumber (197 Tower Road, Summerhill, PA 15958) for manufacturing wood products at C&C Smith Wood Pallets Plant in Croyle Township, **Cambridia County**. This is a State Only Operating Permit Renewal submittal.

26-00594: Calfrac Well Services Corp. (2001 Summit View Drive, Smithfield, PA 15478) for operating a distribution center for materials used 9 in the natural gas well fracing process in Georges Township, **Fayette County**. This is a State Only Operating Permit initial submittal.

26-00573: Johnson Matthey, Inc. (605 Mountain View Drive, Fayette Business Park, PA 15478) In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department

of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to Johnson Matthey, Inc. to authorize the operation of a catalyst production facility located in Smithfield Borough, **Fayette County**. The facility consists of two dryers, an oven, storage tanks, bulk material storage area, mixing tanks and an emergency generator.

The facility has a baghouse to control emissions of particulate matter (PM) from storage and mixing process and a wet scrubber system for control of Oxide of nitrogen (NOx), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) from the manufacturing equipment. Emissions from this facility are 2.74 ton per year of PM, 24.21 ton per year of VOCs, 47.11 ton per year of NOx and 8.29 ton per year of CO. The proposed SOOP contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the following:

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

Identification of the proposed Operating Permit (SOOP-26-00573), and

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

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

37-00003: Essroc Cement Corp.—Bessemer Facility (3251 Bath Pike, Nazareth, PA 18064) to issue a new State Only Operating Permit for their cement wholesaler facility in Bessemer Borough, **Lawrence County**. The facility was previously a cement manufacturing facility; however, the kilns and related equipment were permanently shut down. The facility serves as a terminal, receiving product, storing, and shipping product out. The sources at the facility include: Silos 16-19 and 23-38; North, Central and South bulk load-out; Miscellaneous natural gas sources (space and water heaters); and, the plant roadway. The facility is a natural minor. The facility wide particulate, PM-10, and PM-10 emissions are 28.64 TPY, 26.77 TPY, and 8.01 TPY, respectively. The facility generated Emission Reduction Credits from shutting down the kiln and related sources. The ERCs were: 118 TPY CO; 1,561 TPY NOx; 267 TPY PM-10; 111 TPY PM-2.5; 919 TPY SOx; and 13 TPY VOC. The facility shall not operate any of the sources that generated ERCs. If the ERC generating source has not been dismantled or removed, the company must submit to the Department on an annual basis, the verification of the continuance of the shutdown. The ERCs generated shall expire if not consumed within 10 years from the source shutdown date pursuant to 127.206(f). The kilns were shutdown on or about May 1, 2009. The facility and any subsequent user of these credits shall comply with the requirements of 25 Pa. Code § 127.206, § 127.207, and § 127.208, regarding ERC use and transfer requirements. These ERCs may be

used, traded, or sold after the approved entry of the ERCs by the Department into the Pennsylvania ERC Registry System. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

40-399-066A Acton Technologies (100 Thompson Street, Pittston, PA 18640) for installation of a new Wet Etch Film line No. 4 to be controlled by an existing RTO (Regenerative Thermal Oxidizer) to control emissions for their facility in Jenkins Township, **Luzerne 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 Acton Technologies (100 Thompson Street, Pittston, PA 18640) for their facility located in Jenkins Township, Luzerne County. This Plan Approval No. 40-399-066A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-399-066A is for the installation of a new Wet Etch Film line #4 to be controlled by an existing RTO (Regenerative Thermal Oxidizer) to control emissions at their facility. VOC emissions from the plant will remain under their 50 TPY threshold limit, 12-month rolling sum. Malodorous emissions will be controlled by the use of the RTO. The oxidizer will be required to have a destruction efficiency of at least 98%. These limits will meet BAT requirements for this source. A stack test will be required to verify these limits.

The Department will place a condition for the facility to continuously monitor the combustion temperature in the oxidizer. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

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

Identification of the proposed permit No.: 40-399-066A.

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

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

Coal Applications Received

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

11050101 and NPDES No. PA0249718. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Cresson Township, **Cambria County**, affecting 197.7 acres. Receiving stream(s): UT to Bear Rock Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Lilly Borough Surface Water Intake on Bear Rock Run PWS No. 4110046. Application received: October 19, 2011.

56110109 and NPDES No. PA0263362. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936 commencement, operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 343.5 acres. Receiving stream(s): Miller Run, UT to Hinson Run, UTs to/and Shade Creek; Dark Shade Creek classified for the following use(s): cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: October 12, 2011.

32950202. NPDES No. PA0213039 and General Permit GP-12-32950202, Cambria Reclamation Corporation, 243 Rubisch Road, Ebensburg, PA 15931, revision of an existing bituminous coal refuse site to obtain coverage for coal refuse reprocessing under air quality general permit GP-12 in Center Township, **Indiana County**, affecting 287.3 acres. Receiving stream(s): unnamed tributary to Yellow Creek and Yellow Creek classified for the following use(s): cold water fishery; trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 24, 2011.

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

03090201 and NPDES Permit No. PA0251798. Coal Valley Sales, LLC (111 Freeport Road, Pittsburgh, PA 15215). Revision application for the addition of 7.0 acres to add a haulroad to an existing bituminous surface mine, located in North Buffalo and Cadogan Townships, **Armstrong County**, affecting 79.6 acres. Receiving streams: unnamed tributary to Allegheny River, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: October 24, 2011.

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

43060101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Jackson Township, **Mercer County** affecting 68.9 acres. Receiving streams: Unnamed tributaries to Yellow Creek, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: October 25, 2011.

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

59040301 and NPDES No. PA0243868. Transfer of an existing large noncoal mine from Paul T. Hall to Jody Fisher (1658 Buckweat Hollow Road, Lawrenceville, PA 16929) located in Lawrence Township, **Tioga County** affecting 9.6 acres. Receiving streams: Daily Creek, a warm water fishery and tributary of the Tioga River. Transfer application received: October 17, 2011.

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

54851336T2 and NPDES Permit No. PA0223328. Emberclear Reserves, Inc., (79 Glenmaura National Boulevard, Suite 105, Moosic, PA 18507), transfer of an existing anthracite underground mine, preparation plant and refuse disposal operation from Summit Anthracite, Inc. in Porter and Frailey Townships, Schuylkill County affecting 199.643 acres, receiving stream: Good Spring Creek, classified for the following use: cold water fishes. Application received: October 18, 2011.

Noncoal Applications Received

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

37020307 and NPDES Permit No. PA0242276. Amerikohl Aggregates, Inc. (1384 State Route 711, Stahlstown, PA 15687) Transfer of an existing large industrial minerals mine from Amerikohl Mining, Inc. in Wayne Township, **Lawrence County** affecting 231.9 acres. Receiving streams: Unnamed tributaries to Beaver River and unnamed tributaries to Snake Run, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 18, 2011.

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

7475SM10A1C9 and NPDES Permit No. PA0123242. Essroc Cement Corp., (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Nazareth and Lower Nazareth Townships and Nazareth Borough, **Northampton County**, receiving stream: East Branch of Monocacy Creek, classified for the following use: HQ-cold water fishes. Application received: October 26, 2011.

7975SM4C7 and NPDES Permit No. PA0594270. Edison Quarry, Inc., (25 Quarry Road, Doylestown, PA 18901), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Doylestown Township, **Bucks County**, receiving stream: Neshaminy Creek, classified for the following uses: trout stocking and migratory fishes. Application received: October 26, 2011.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accord-

ance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act(33 U.S.C.A. §§ 1251—1376).

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

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

* The parameter is applicable at all times.

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

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

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

* 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 Pro-

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:

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:

gram 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.

Noncoal NPDES Draft Permits

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

NPDES No. PA0599204 (Mining permit no. 4275SM19), New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for noncoal surface mine in Spruce Creek and Warriors Mark Townships, **Huntingdon County**, affecting 533.7 acres. Receiving stream(s): Little Juniata River, unnamed tributary to Little Juniata River, and Gensimore Run, classified for the following use(s): cold water fishery, warm water fishery, warm water fishery. Application received: October 14, 2011.

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

The outfall(s) listed below discharge to: Little Juniata River

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

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

NPDES No. PA0224146 on Surface Mining Permit No. 06010301. Berks Products Corp., (PO Box 900, Wyomissing, PA 19610), renewal of an NPDES Permit for a Limestone Quarry operation in Maxatawny Township, **Berks County**, affecting 38.4 acres. Receiving stream: Maiden Creek, classified for the following use: warm water fishes. Application received: October 19, 2011.

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

The outfall(s) listed below discharge to Maiden Creek.

<i>Outfall Nos.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1 & 2	No	O.D.

NPDES No. PA0119628 on Surface Mining Permit Nos. 4874SM1, 67930301 and 67050301. County Line Quarry, Inc., renewal of an NPDES Permit for a Quartzite Quarry operation in Wrightsville Borough and Hellam Township, **York County**, affecting 285.12 acres. Receiving stream: Kreutz Creek, classified for the following use: warm water fishes. Application received: October 19, 2011.

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

The outfall(s) listed below discharge to Kreutz Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
T002	No	O.D.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E02-1656. South Fayette Township School District, 3680 Old Oakdale Road, McDonald, PA 15057-2580, in the Township of South Fayette, **Allegheny County**, Pittsburgh ACOE District. The applicant proposes to place and maintain fill in approximately 140.0 linear feet of an unnamed tributary to Millers Run (WWF) for the purpose of constructing a new Intermediate Elementary School. The project is located on the east side of Treveskyn Road, approximately 9,500.0 feet northeast from the intersection of Treveskyn Road and Millers Run Road (Canonsburg, PA Quadrangle N: 22.3 inches; W: 6.2 inches; Latitude: 40°-22'-30"; Longitude: 80°-09'-56") in South Fayette Township, Allegheny County, and will impact approximately 140.0 linear feet of stream channel.

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-024: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Asylum Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Susquehanna River (WWF-MF) impacting 150 linear feet of stream; (Monroeton, PA Quadrangle, Latitude: 41°44'24", Longitude: -76°23'11");

2. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Susquehanna River (WWF-MF) impacting 80 linear feet of stream; (Monroeton, PA Quadrangle, Latitude: 41°44'35", Longitude: -76°23'10");

3. a permanent access road crossing a Palustrine Emergent Wetland (PEM) impacting 356 square feet; (Monroeton, PA Quadrangle, Latitude: 41°44'38", Longitude: -76°23'14");

4. a permanent access road crossing a Palustrine Emergent Wetland (PEM) impacting 356 square feet; (Monroeton, PA Quadrangle, Latitude: 41°44'37", Longitude: -76°23'11");

5. a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 2,341 square feet; (Monroeton, PA Quadrangle, Latitude: 41°44'53", Longitude: -76°23'51");

6. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 182 linear feet of an unnamed tributary to Susquehanna River (WWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Scrub-Shrub Wetland (PSS) impacting 236,135 square feet (Towanda, PA, Latitude: 41°45'14", Longitude: -76°23'06");

The project will result in 412 linear feet and 4,962 square feet of temporary stream impacts, 238,476 square feet (5.47 acres) of PEM/PSS temporary wetland impacts and 994 square feet (0.02 acres) of PEM permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

E4129-018: PVR Marcellus Gas Gathering, LLC, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Anthony & Mifflin Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 12.0 inch diameter water pipe lines and timber matting across an unnamed tributary to Hickory Swale (EV) impacting 50 linear feet (Waterville Quadrangle 41°18'52"N 77°17'55"W),

(2) two 12.0 inch diameter water pipe lines and timber matting across Hickory Swale (EV) impacting 50 linear feet (Waterville Quadrangle 41°19'02"N 77°17'55"W),

(3) two 12.0 inch diameter water pipe lines across an unnamed tributary to Hickory Swale (EV) impacting 50 linear feet (Waterville Quadrangle 41°19'02"N 77°17'55"W),

(4) two 12.0 inch diameter water pipe lines and timber matting across an unnamed tributary to the First Fork Larrys Creek (EV) impacting 50 linear feet (Waterville Quadrangle 41°19'15"N 77°17'56"W),

(5) a two 12.0 inch diameter water pipe lines and timber matting across an unnamed tributary to the First Fork Larrys Creek (EV) impacting 50 linear feet (Waterville Quadrangle 41°19'16"N 77°17'56"W),

(6) a two 12.0 inch diameter water pipe lines and timber matting across an unnamed tributary to the First Fork Larrys Creek (EV) impacting 50 linear feet (Waterville Quadrangle 41°19'17"N 77°17'56"W).

The project will result in 300 linear feet of stream impacts and 0.0 acres of wetland impacts, all for the purpose of installing water pipe line with associated access roadways for Marcellus well development.

E5729-016: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a timber mat across Little Loyalsock Creek (EV, MF) impacting 33 linear feet (Colley Quadrangle 41°31'56"N 76°20'08"W),

(2) two 16.0 inch diameter temporary water lines and a timber mat impacting 3622 square feet of a palustrine emergent (PEM) wetland (Colley Quadrangle 41°32'37"N 76°20'06"W),

(3) two 16.0 inch diameter temporary water lines and a timber mat impacting 340 square feet of palustrine forested (PFO) wetland (Colley Quadrangle 41°32'39"N 76°20'06"W),

(4) two 16.0 inch diameter temporary water lines and a timber mat across an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) impacting 21 linear feet (Colley Quadrangle 41°32'56"N 76°19'56"W).

The project will result in 47 linear feet of temporary stream impacts and 3962 square feet of temporary wetland impacts from water lines and temporary mat crossings. These crossings will accumulate a total of less than 0.01 acre of watercourse impacts and 0.09 acre of

wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development

E0829-023: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines over an existing culvert on an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) impacting 3 linear feet (Colley Quadrangle 41°33'05"N 76°20'10"W),

(2) two 16.0 inch diameter temporary water lines and a timber mat impacting 1263 square feet of a palustrine emergent (PEM) wetland (Colley Quadrangle 41°33'15"N 76°20'06"W),

(3) two 16.0 inch diameter temporary water lines and a timber mat impacting 2420 square feet of palustrine emergent (PEM) wetland (Colley Quadrangle 41°33'19"N 76°19'43"W),

(4) two 16.0 inch diameter temporary water lines and a timber mat across North Branch Mehoopany Creek (CWF, MF) impacting 32 linear feet (Colley Quadrangle 41°33'43"N 76°19'53"W).

The project will result in 35 linear feet of temporary stream impacts and 3683 square feet of temporary wetland impacts from water lines and temporary mat crossings. These crossings will accumulate a total of less than 0.01 acre of watercourse impacts and 0.08 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

E0829-018: Angelina Gathering Company, LLC, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 72 linear feet of stream; (Le Raysville, PA Quadrangle, Latitude: 41° 47'55", Longitude: -76° 15'19");

2. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 57 linear feet of stream; (Le Raysville, PA Quadrangle, Latitude: 41° 48'44", Longitude: -76° 13'42");

3. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 55 linear feet of stream; (Le Raysville, PA Quadrangle, Latitude: 41° 48'44", Longitude: -76° 13'42");

4. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 63 linear feet of stream; (Le Raysville, PA Quadrangle, Latitude: 41° 48'45", Longitude: -76° 13'44");

5. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek

(WWF-MF) impacting 50 linear feet of stream; (Le Raysville, PA Quadrangle, Latitude: 41° 48'45", Longitude: -76° 13'45");

6. Two 12 inch diameter natural gas line, a 16 inch diameter natural gas line and a 16 foot wide equipment mat impacting 75 linear feet of an unnamed tributary to Cold Creek (WWF, MF) and adjacent Palustrine Forest Wetland (PFO) impacting 5 square feet (Le Raysville, PA, Latitude: 41°45'14", Longitude: -76°23'06");

7. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 36 linear feet of stream; (Le Raysville, PA Quadrangle, Latitude: 41° 49'11", Longitude: -76° 14'03");

8. Two 12 inch diameter natural gas line, a 16 inch diameter natural gas line and a 16 foot wide equipment mat impacting 24 linear feet of an unnamed tributary to Cold Creek (WWF, MF) and adjacent Palustrine Forest Wetland (PFO) impacting 566 square feet (Le Raysville, PA, Latitude: 41°49'13", Longitude: -76°14'05");

9. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 610 square feet of Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 49'21", Longitude: -76° 14'11");

10. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 3,398 square feet of Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 49'22", Longitude: -76° 14'16");

11. Two 12 inch diameter natural gas line, a 16 inch diameter natural gas line and a 16 foot wide equipment mat impacting 60 linear feet of an unnamed tributary to Cold Creek (WWF, MF) and adjacent Palustrine Emergent Wetland (PEM) impacting 392 square feet (Rome, PA, Latitude: 41°48'57", Longitude: -76°14'59");

12. Two 12 inch diameter natural gas line, a 16 inch diameter natural gas line and a 16 foot wide equipment mat impacting 78 linear feet of Cold Creek (WWF, MF) and adjacent Palustrine Forest Wetland (PFO) and Palustrine Emergent Wetland impacting 479 square feet (Rome, PA, Latitude: 41°48'53", Longitude: -76°15'00");

13. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 3,659 square feet of Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 48'15", Longitude: -76° 15'41");

The project will result in 570 linear feet of temporary stream impacts and 9,104 square feet (0.209 acres) of PEM and PFO wetland impact all for the purpose of installing a natural gas pipeline and a waterline with associated access roadways.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D36-019EA. Dave Lewis, Marietta Gravity Water Company, 1195 River Road, P. O. Box 302, Marietta, PA 17547-0302. East Donegal and West Hempfield Townships, **Lancaster County**, ACOE Baltimore District. Project proposes to breach and remove Heistand Sawmill Dam across Chickies Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore

approximately 1200 feet of stream channel. The dam is located approximately 300 feet southeast of the intersection of SR 441 and Long Lane (T334) (Columbia West, PA Quadrangle; Latitude: 40° 3' 19", Longitude: -76° 31' 36").

APPLICATIONS RECEIVED UNDER THE LIMITED POWER ACT

The following permit applications have been received by the Department under the act of June 14, 1923 (P. L. 704, No. 294), known as the Limited Power Act. A person objecting to the issuance of a Limited Power Permit shall submit comments, suggestions or objections within 30 days of the date of this notice as well as questions to 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.

Northcentral Regional Oil and Gas Manager, 208 W. Third St., Suite 101, Williamsport, PA 17701

95-16-65420-013. Southwestern Energy Company, 2350 N. Sam Houston Parkway East, Suite 125, Houston, TX 77032. Project proposes to construct, operate, and maintain the Zeffer 1 Impoundment Dam as a centralized impoundment to collect and store flow-back water, for the use and re-use of hydraulic fracturing water from the wells in the area, located adjacent to Zeffer 2. (Montrose East, PA Quadrangle; Latitude: N 41° 48' 59", Longitude: W -75° 14' 00"), New Milford Township, **Susquehanna County.**

95-16-65420-014. Southwestern Energy Company, 2350 N. Sam Houston Parkway East, Suite 125, Houston, TX 77032. Project proposes to construct, operate, and maintain the Zeffer 2 Impoundment Dam as a centralized impoundment to collect and store flow-back water, for the use and re-use of hydraulic fracturing water from the wells in the area, located adjacent to Zeffer 1. (Montrose East, PA Quadrangle; Latitude: N 41° 48' 59", Longitude: W -75° 14' 00"), New Milford Township, **Susquehanna County.**

EROSION AND SEDIMENT CONTROL PERMITS

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance activities associated with either road maintenance or timber harvesting operations.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department regional office listed before the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by

the appropriate Department regional office during the 30-day public comment period.

Following the 30-day comment period, the appropriate regional office water management program manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate regional office.

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

Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402)

Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX11-015-0231

Applicant Name Chief Oil & Gas LLC

Contact Person Michael Hritz

Address 6051 Wallace Road Ext., Suite 210

City, State, Zip Wexford, PA 15090

County Bradford

Township(s) Towanda

Receiving Stream(s) and Classification(s) UNT to Susquehanna River (WWF), UNT to Towanda Creek (CWF);

Secondary: Susquehanna River (WWF), Towanda Creek (CWF)

ESCGP-1 # ESX11-015-0229

Applicant Name Chief Oil & Gas LLC

Contact Person Michael Hritz

Address 6051 Wallace Road Ext., Suite 210

City, State, Zip Wexford, PA 15090

County Bradford County

Township(s) Stevens and Pike

Receiving Stream(s) and Classification(s) 2 UNT to Rockwell Creek (WWF), Rockwell Creek (both WWF);

Secondary: Wyalusing Creek (WWF)

ESCGP-1 # ESX11-115-0079

Applicant Name Laser Northeast Gathering

Contact Person Kevin Marion

Address 1212 South Abington Road

City, State, Zip Clarks Summit, PA 18411

County Susquehanna

Township(s) Liberty

Receiving Stream(s) and Classification(s) Dubois Creek (CWF)

ESCGP-1 # ESX11-015-0225

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Wilmot

Receiving Stream(s) and Classification(s) UNT of Sugar Run Creek, Rocky Forest Creek (CWF);

Secondary: Susquehanna River (WWF), Sugar Run Creek (CWF)

- ESCGP-1 # ESX11-015-0189
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Overton
 Receiving Stream(s) and Classification(s) Black Creek,
 Millstone Creek Level Branch & Tributaries to Black
 Creek, Millstone Creek Level Branch, Millstone Creek,
 Chilson Run and Lick Creek (EV/HQ-CWF/MF)
- ESCGP-1 # ESX11-015-0045 (01)
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Rome, Orwell, Wysox and Standing Stone
 Receiving Stream(s) and Classification(s) CWF, MF: Trib
 to Bullard Creek, Trout Stream, Wysox Creek, Jerome
 Creek, Beaver Creek, Johnson Creek; WWF, MF: Parks
 Creek, Vought Creek, Tributary 29978 to Rummerfield
 Creek
- ESCGP-1 # ESX11-113-0018
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Sullivan
 Township(s) Cherry
 Receiving Stream(s) and Classification(s) Lick Creek,
 UNT to Lick Creek (both EV);
 Secondary: Little Loyalsock Creek (EV)
- ESCGP-1 # ESX11-081-0110
 Applicant Name Inflection Energy, LLC
 Contact Person James Watson
 Address 701 Technology Drive, Suite 250
 City, State, Zip Canonsburg, PA 15317
 County Lycoming
 Township(s) Upper Fairfield
 Receiving Stream(s) and Classification(s) Loyalsock Creek
 (EV)
- ESCGP-1 # ESX11-117-0108
 Applicant Name Seneca Resources
 Contact Person Mike Clinger
 Address 51 Zents Boulevard
 City, State, Zip Brookville, PA 15825
 County Tioga
 Township(s) Delmar
 Receiving Stream(s) and Classification(s) East Branch—
 Canada Run (HQ)
- ESCGP-1 # ESX11-015-0228
 Applicant Name EOG Resources, Inc.
 Contact Person Jon Jorgenson
 Address 2039 South Sixth Street
 City, State, Zip Indiana, PA 15701
 County Bradford
 Township(s) Athens
 Receiving Stream(s) and Classification(s) Apple Creek;
 Secondary: Buck Creek
- ESCGP-1 # ESX11-015-0224
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Warren
- Receiving Stream(s) and Classification(s) 3 UNT to
 Pendleton Creek (CWF/MF);
 Secondary: Pendleton Creek (CWF/MF)
- ESCGP-1 # ESX11-081-0124
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cogan House
 Receiving Stream(s) and Classification(s) Big Sandy Run
 & Wolf Run (HQ-CWF)
- ESCGP-1 # ESX11-081-0129
 Applicant Name Anadarko Marcellus Midstream LLC
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cogan House
 Receiving Stream(s) and Classification(s) Wolf Run (HQ)
- ESCGP-1 # ESX11-115-0126
 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) Brooklyn
 Receiving Stream(s) and Classification(s) UNT to Hop
 Creek (CWF)
- ESCGP-1 # ESX11-115-0123
 Applicant Name Southwestern Energy Production Com-
 pany
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Jackson
 Receiving Stream(s) and Classification(s) UNT to Little
 Butler Lake (CWF), Page Lake (HQ-CWF);
 Secondary: Little Butler Creek (CWF) and Salt Lick
 Creek (HQ-CWF)
- ESCGP-1 # ESX11-081-0128
 Applicant Name Anadarko Marcellus Midstream LLC
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cogan House
 Receiving Stream(s) and Classification(s) Wendell Run,
 UNT to Larry's Creek (HQ-EV)
- ESCGP-1 # ESX11-117-0102
 Applicant Name SWEPI LP
 Contact Person James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Middlebury
 Receiving Stream(s) and Classification(s) UNT to North
 Run, Trib. to North Run—Susquehanna River Basin in
 PA—Tioga River (List L); North Run, Trib. to Crooked
 Creek—Susquehanna River Basin in PA—Tioga River
 (List L);
 Secondary: Crooked Creek—Susquehanna River Basin
 in PA—Tioga River (List L)

ESCGP-1 # ESX11-131-0033

Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Wyoming
 Township(s) Meshoppen
 Receiving Stream(s) and Classification(s) Little Meshoppen Creek (CWF);
 Secondary: Susquehanna River

ESCGP-1 # ESX11-015-0223

Applicant Name SWEPI LP
 Contact Person James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Bradford
 Township(s) Canton
 Receiving Stream(s) and Classification(s) UNT to Towanda Creek/Susquehanna River Basin in PA (CWF);
 Secondary: Towanda Creek (CWF)

ESCGP-1 # ESX11-015-0211

Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wells
 Receiving Stream(s) and Classification(s) UNT to South Creek (CWF/MF);
 Secondary: South Creek

ESCGP-1 # ESX11-015-0230

Applicant Name Chesapeake Appalachia LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford County
 Township(s) Albany
 Receiving Stream(s) and Classification(s) UNT to Branch Towanda Creek (CWF); South Branch Towanda Creek (CWF)

ESCGP-1 # ESX11-131-0035

Applicant Name Carrizo Marcellus, LLC
 Contact Person Gary Byron
 Address 251 Drain Lick Road
 City, State, Zip Drifting, PA 16834
 County Wyoming
 Township(s) Washington
 Receiving Stream(s) and Classification(s) Meshoppen Creek (CWF) and Taches Creek (CWF)

ESCGP-1 # ESX11-081-0125

Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Gamble
 Receiving Stream(s) and Classification(s) East Branch Murray Run, West Branch Murray Run, Wallis Run and Roaring Run (EV)

ESCGP-1 # ESX11-113-0019

Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Sullivan
 Township(s) Elkland
 Receiving Stream(s) and Classification(s) Lake Run (EV)

ESCGP-1 # ESX11-081-0135

Applicant Name Anadarko Marcellus Midstream LLC
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cogan House
 Receiving Stream(s) and Classification(s) Wolf run (HQ-CWF, MF)

ESCGP-1 # ESX11-115-0132

Applicant Name Williams Field Services Company
 Contact Person Frank Conneto
 Address 1605 Coraopolis Heights Road
 City, State, Zip Moon Township, PA 15108-4310
 County Susquehanna
 Township(s) Springville
 Receiving Stream(s) and Classification(s) Trib of Monroe Creek/Upper Susquehanna—Tunkhannock Watershed

ESCGP-1 # ESX11-115-0110

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
 Township(s) Lenox
 Receiving Stream(s) and Classification(s) Millard Creek;
 Secondary: Tunkhannock Creek

ESCGP-1 # ESX09-117-0075(03)

Applicant Name SWEPI LP
 Contact Person James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Nelson
 Receiving Stream(s) and Classification(s) UNT to Cowanesque River/Susquehanna River Basin in PA ~ Tioga River (List H) (WWF);
 Secondary: Cowanesque River

ESCGP-1 # ESX11-015-0226

Applicant Name Chief Oil & Gas, LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Ext., Suite 210
 City, State, Zip Wexford, PA 15090
 County Bradford
 Township(s) Wilmot
 Receiving Stream(s) and Classification(s) UNT to Sugar Run Creek (CWF), Sugar Run Creek (CWF);
 Secondary: Susquehanna River (CWF)

ESCGP-1 # ESX11-015-0227

Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Athens and Smithfield
 Receiving Stream(s) and Classification(s) Buck Creek, Wolcott Creek & Tributaries to Buck Creek and Wolcott Creek (WWF/MF)

ESCGP-1 # ESX11-015-0193

Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Ext., Suite 210
 City, State, Zip Wexford, PA 15090
 County Bradford and Sullivan
 Township(s) Overton and Forks
 Receiving Stream(s) and Classification(s) UNT to Level Branch (EV);
 Secondary: Little Loyalsock Creek (EV)

ESCGP-1 # ESX11-015-0217
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Ext., Suite 210
 City, State, Zip Wexford, PA 15090
 County Bradford
 Township(s) Canoton
 Receiving Stream(s) and Classification(s) (2) UNT to Towanda Creek (CWF);
 Secondary: Towanda Creek (CWF)

ESCGP-1 # ESX11-081-0051
 Applicant Name Seneca Resources Corporation
 Contact Person Michael Clinger
 Address 51 Zents Blvd.
 City, State, Zip Brookville, PA 15825
 County Lycoming
 Township(s) Lewis
 Receiving Stream(s) and Classification(s) Lycoming Creek;
 Secondary: West Branch Susquehanna River

Applicant Name ESX11-035-0021
 Contact Person Anadarko E&P Company LP
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Clinton
 Township(s) Grugan
 Receiving Stream(s) and Classification(s) UNT Right Branch Hyner Run, Right Branch Hyner Run, East Branch Hyner;
 Secondary: Right Branch Hyner Run, Hyner Run (all HQ-CWF, MF)

ESCGP-1 # ESX11-081-0123
 Applicant Name Range Resources—Appalachia, LLC
 Contact Person Mary Patton
 Address 100 Throckmorton Street, Suite 100
 City, State, Zip Ft. Worth, TX 76102
 County Lycoming
 Township(s) Hepburn
 Receiving Stream(s) and Classification(s) Lang Run (HQ-CWF) and an UNT to Lycoming Creek (HQ-CWF);
 Secondary: West Branch Susquehanna River

ESCGP-1 # ESX11-015-0167
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Windham
 Receiving Stream(s) and Classification(s) Trout Stream

(CWF/MF), UNT to Wysox Creek (CWF/MF);
 Secondary: Wysox Creek (CWF/MF)
 ESCGP-1 # ESX11-081-0137
 Applicant Name Anadarko E&P Company
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cummings
 Receiving Stream(s) and Classification(s) Dam Run (EV, MF);
 Secondary: Little Pine Creek (HQ-CWF, MF)

ESCGP-1 # ESX11-081-0133
 Applicant Name Anadarko E&P Company LP
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Gamble
 Receiving Stream(s) and Classification(s) Miller run, UNT West Branch Murry Run (EV)

ESCGP-1 # ESX11-081-0136
 Applicant Name Anadarko E&P Company, LP
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cogan House
 Receiving Stream(s) and Classification(s) UNT to Larry's Creek (EV)

ESCGP-1 # ESX11-117-0110
 Applicant Name SWEPI LP
 Contact Person James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Charleston
 Receiving Stream(s) and Classification(s) North Elk Run (CWF-MF)

ESCGP-1 # ESX11-035-0022
 Applicant Name Anadarko E&P Company LP
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Clinton
 Township(s) Grugan
 Receiving Stream(s) and Classification(s) Right Branch Hyner Run (HQ-CWF, MF);
 Secondary: Hyner Run (HQ-CWF, MF)

ACTIONS

**THE 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0030406 Sewage	SCI Laurel Highlands 5706 Glades Pike PO Box 631 Somerset, PA 15501-0631	Somerset County Somerset Township	UNT to E. Branch Coxes Creek	Y
PA0216941 Sewage	S. Fork Reg. WWTP 151 Cross St. S. Fork, PA 15956	Cambria County Conemaugh Township	Little Conemaugh River	N

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

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

NPDES Permit No. PA0087599, Sewage, **Schuylkill Valley Bible Church**, Bellmans Church Road, Dauberville, PA 19517.

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

Description of Proposed Action/Activity: Cancellation of permit for wastewater treatment plant discharge.

NPDES Permit No. PA0261416, Sewage, **Reading Township Municipal Authority**, 235 Browns Dam Road, New Oxford, PA 17350.

This proposed facility is located in Reading Township, **Adams County**.

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

NPDES Permit No. PA0261661, Sewage, **Pravin and Mangla Patel**, Red Carpet Inn, 2845 Lebanon Road, Manheim, PA 17545.

This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Shearers Creek in Watershed 7-G.

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

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

WQM Permit No. WQG022219, Sewerage, **Hometown Li'L Wolf, LLC**, 150 North Wacker Drive, Suite 2800, Chicago, IL 60606.

This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for a pump station.

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

WQM Permit No. 3811403, Sewerage, **Union Township**, 3111 State Route 72, Jonestown, PA 17038.

This proposed facility is located in Union Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval for the construction and modifications of sewage facilities consisting of a new headworks with preliminary treatment and flow monitoring, a hybrid integrated fixed film activated sludge system for biological treatment, new final clarification, upgraded chlor/dechlorination and upgraded solid handling.

WQM Permit No. 3811402, Sewerage, **Heidelberg Township**, PO Box 188, Schaefferstown, PA 17088.

This proposed facility is located in Heidelberg Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of 85,000 feet and 8, 10 and 12-inch gravity sewers, 2,130 feet of 4-inch ductile iron pipe (DIP) force main (FM), 9,400 feet of 6-inch DIP FM, 18,000 feet of 8-inch DIP FM. Additionally, 4 suction lift pumping stations and a number of individual grinder pumping units will be provided.

WQM Permit No. 2211402, Sewerage, **Hummelstown Borough**, 136 S. Hanover Street, Hummelstown, PA 17036.

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

Description of Proposed Action/Activity: Permit approval for upgrade of pump station No. 1.

WQM Permit No. 2211403, Sewerage, **Hummelstown Borough**, 136 S. Hanover Street, Hummelstown, PA 17036.

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

Description of Proposed Action/Activity: Permit approval for upgrade of pump station No. 2.

WQM Permit No. 2211404, Sewerage, **Hummelstown Borough**, 136 S. Hanover Street, Hummelstown, PA 17036.

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

Description of Proposed Action/Activity: Permit approval for upgrade of pump station No. 3.

WQM Permit No. 0110401, Sewerage, **Reading Township Municipal Authority**, 235 Browns Dam Road, New Oxford, PA 17350.

This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for construction/operation of the Reading Township Lauchmans Bottom Sewage Treatment Plant.

WQM Permit No. 3611401, Sewerage, **Mangla & Pravin Patel**, 2845 Lebanon Road, Manheim, PA 17545.

This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation a sewage treatment plant to serve the Red Carpet Inn.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U131R	Charles Chrin 400 South Greenwood Ave. Easton, PA 18045	Northampton	Palmer Twp.	Bushkill Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033606005-R	Martins Land Development LLC Ivan S. Martin 1537 Kramer Mill Road Denver, PA 17517	Lancaster	East Earl Township and Terre Hill Borough	Black Creek/HQ-WWF

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

Allegheny County Conservation District, Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050211001	Aerotech, Inc. David Kincel 101 Zeta Drive Pittsburgh, PA 15238-2897	Allegheny	O'Hara Township	Squaw Run (HQ)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Taylor Borough, Lackawanna County	PAG02003511023	Samuel Zampas 300 Market St. Johnstown, PA 15901	UNT to Lackawanna River, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
West Mahanoy Twp., Schuylkill County	PAG02005411013	JMB, Ltd. Attn: John Rampolla 10 Gilberton Road Gilberton, PA 17934	Mill Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Forks Twp., Northampton Co.	PAR10U157R	Gary J. Strausser Strausser Enterprises, Inc. 1108 Van Buren Rd. Easton, PA 18045	Unnamed Tributary to the Delaware River, CWF, MF & Delaware River, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Lower Paxton Township Dauphin County	PAG02002206017R	S&A Custom Homes, Inc. 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Beaver Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717-921-8100

NOTICES

6125

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Swatara Township Dauphin County	PAG02002211017	Swatara Township Board of Commissioners 599 Eisenhower Boulevard Harrisburg, PA 17111	Swatara Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717-921-8100
Greene Township Franklin County	PAG02002811025	Jere Stouffer JSJ, LLC 2485 Carbaugh Ave Chambersburg, PA 17202	Rowe Run CWF/MF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Greene Township Franklin County	PAG2002806058R	Don Long Long's Subdivision 6405 Nunnery Road Waynesboro, PA 17268	Wilson Run TSF/MF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Rapho Township Lancaster County	PAG02003611071	Arlin L. Benner 1103 Iron Bridge Road Mount Joy, PA 17552	Little Chickies Creek/TSF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster, PA 17601 717-299-5361 Ext. 121
East Manchester Township York County	PAG02006711042	Daniel Hayes SCC-Canyon II, LLC 401 Wilshire Blvd, STE 850 Santa Monica, CA 90401	UNT West Branch of Conewago Creek / WWF	York Co Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Athens Township Bradford County	PAG02000811017	Richard Zentner WPAX Ltd 1388 State Route 487 Bloomsburg PA 17815	Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Covington Township Tioga County	PAG02005911014	Shawn K. McCoy 307 Fairfield Rd Montoursville PA 17754	Tioga River CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 Ext. 5
Ridgway Township Elk County	PAG02 0024 11 003	Dickinson Center Inc 110 Lincoln Street Ridgway PA 15853	Trib to Elk Creek (Gallagher Run) CWF	Elk Conservation District 814-776-5373
Fayette County, Saltlick Township	PAG02092611006	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Champion Creek Watershed/CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-3**Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAR230094	Future Foam, Inc. 259 Canal Road Fairless Hills, PA 19030	Delaware River through the Pennsylvania Canal—2E	Southeast Region Water Management 484.250.5970
PAR200009	Metallurgical Products Company P. O. Box 598 West Chester, PA 19381	Goose Creek—3G	Southeast Region Water Management 484.250.5970

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAR208305	Lane Enterprises 8271 Mercer Street Pulaski, PA 16143	Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
PAR208339	TSK Partners Inc. 1533 East 12th Street Erie, PA 16511	Municipal storm water tributaries to Lake Erie Outer Harbor 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
PAR118337	Femco Machine Co. 754 South Main St. Punxsutawney, PA 15767	Unnamed tributary to Machoning Creek 17-D	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
PAR208336	CCL Container Corporation One Llodio Drive Hermitage, PA 16148	Unnamed tributary to Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
PAR308305	JSP International 150 East Brook Lane Butler, PA 16002	Bonnie Brook 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
PAR608321	Saxonburg Boulevard Auto Parts P. O. Box 152 Mars, PA 16046	Bull Creek 18-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*Facility Location:
Municipality &
County*Erie County
City of Erie*Permit No.*
PAR808351*Applicant Name &
Address*Erie Sand & Gravel Co.
d/b/a/ Carmeuse Lime & Stone
Erie Sand & Gravel Operations*Receiving
Water/Use*Presque Isle Bay
15*Contact Office &
Phone No.*DEP
NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
814/332-6942*General Permit Type—PAG-4**Facility Location:
Municipality &
County*Upper Frederick
Township
Montgomery County*Permit No.*
PAG040134 T-1*Applicant Name &
Address*Mark E. Jackson
3234 Rockhill Road
Perkiomenville, PA 18074*Receiving
Water/Use*Unnamed Tributary
to Perkiomen
Creek—3-E*Contact Office &
Phone No.*Southeast Region
Water Management
484-250-5970*General Permit Type—PAG-7**Facility Location:
Municipality &
County*Exeter Township
Berks County*Permit No.*
PAG073518*Applicant Name &
Address*Exeter Township
400 Hanover Street
Birdsboro, PA 19508*Site Name &
Location*Exeter Township
WWTP
400 Hanover Street
Birdsboro, PA 19508*Contact Office &
Phone No.*DEP-SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*Knox Township
Clearfield County*Permit No.*
PAG 08
9908*Applicant Name &
Address*Kylar Environmental
1269 Piedmont Road
Somerset, PA 15501*Site Name &
Location*Richard and Sandy
Sloppy
Knox Township
Clearfield County*Contact Office &
Phone No.*NCRO
570-327-0526*General Permit Type—PAG-10**Facility Location:
Municipality &
County*Sunoco Pipeline
Corson Lane
Plymouth Meeting,
PA
Plymouth Township
Montgomery County*Permit No.*
PAG100035*Applicant Name &
Address*Sunoco Pipeline, L.P.
525 Fritztown Road
Sinking Spring, PA 19608*Receiving
Water/Use*

Plymouth—3F

*Contact Office &
Phone No.*Southeast Region
Water Management
484-250-5970*General Permit Type—PAG-12**Facility Location:
Municipality &
County*Adams County /
Reading Township*Permit No.*
PAG123521*Applicant Name &
Address*Eugene Nolt
143 Kurtz Road
New Holland, PA 17557*Receiving
Water/Use*UNT Conestoga
Creek / WWF / 7J*Contact Office &
Phone No.*DEP—SCRO—
Watershed
Management
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4802**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant	Sweithelm's General Store
[Township or Borough]	Union Township
County	Tioga
Responsible Official	Ms. Debra Vought Sweithelm's General Store 3004 Ogdensburg Road Roaring Branch, PA 17765
Type of Facility	Public Water Supply
Consulting Engineer	William S. Bray, P.E. P. O. Box 535 Wellsboro, PA 16901
Permit Issued	November 1, 2011
Description of Action	Construction of a nitrate removal system. The system will consist of a brine tank and Hydro-Quad treatment unit, including activated carbon treatment, softening, clarification, and quartz filtration.

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant	GSP Management Company
[Township or Borough]	Fairfield Township
County	Lycoming
Responsible Official	Ms. Leanne Heller Operations Manager GSP Management Company P. O. Box 677 Morgantown, PA 19543
Type of Facility	Public Water Supply

Consulting Engineer	James Cieri, Sr., P.E. ACT ONE Consultants, Inc. 200 South 41st Street Suite A Harrisburg, PA 17111
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Permit Issued	October 31, 2011
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Description of Action	Removal of the existing 750-gal. water storage tank and the installation of seven 204-gal. vertical water storage tanks connected in series to provide adequate time for 4-log removal of viruses from drinking water before it enters the distribution system, in compliance with the Groundwater Rule.
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Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Operations Permit issued to: **Cowanshannock Township Municipal Authority**, Box 127, NuMine, PA 16244, (PWSID #5030047) Cowanshannock Township, **Armstrong County** on October 26, 2011 for the operation of facilities approved under Construction Permit # 0310511MA.

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) City of Pittsburgh and O'Hara Township, **Allegheny County** on October 26, 2011 for the operation of facilities approved under Construction Permit # 0209506.

Operations Permit issued to: **Rolling Rock Farms**, PO Box 717, Ligonier, PA 15658, (PWSID #5650390) Ligonier Township, **Westmoreland County** on October 26, 2011 for the operation of facilities approved under Construction Permit # 6507502.

Operations Permit issued to: **Greater Johnstown Water Authority**, 640 Franklin Street, Johnstown, PA 15901, (PWSID #4110014) West Taylor Township, **Cambria County** on October 26, 2011 for the operation of facilities approved under Construction Permit # 1109505.

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

Operations Permit issued to **Mt. Jewett Borough Authority**, PWSID #6420018, Mt. Jewett Borough, **McKean County**. Permit Number 8444W-T1-MA2 issued August 1, 2011 for the operation of the liquid sodium hypochlorite chemical feed system which replaces the gas chlorination system. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on July 18, 2011.

Transfer of Operations Permit issued to **John and Mildred Chrzanowski d/b/a Hemlock Mobile Home Park**, PWSID #6430072, Wolf Creek Township, **Mercer County** on October 18, 2011. Action is for change in ownership; the potable water supplier will do business as Hemlock Mobile Home Park. The new permit number is 4303503-T2.

Transfer of Operations Permit issued to **Mt. Jewett Borough**, PWSID #6420018, Mt. Jewett Borough, **McKean County** on October 25, 2011. Action is for change in ownership; the potable water supplier will do business as Mt. Jewett Borough. The new permit number is 4296502-T1.

Operations Permit issued to **S-2 Properties, Inc., d/b/a Pine Valley Estates**, PWSID #5100040, Jackson/Lancaster Township, **Butler County**. Permit Number 1011506 issued October 27, 2011 for the operation of a Public Water Supply.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location: at the intersection of Fisher Avenue and William Penn Highway

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hanover Township	1117 School House Rd Annville PA 17003	Lebanon County

Plan Description: The approved plan, in the name of Amish Markets at Indiantown Gap, provides for a retail market with peak daily sewage flows of 13,000 gallons per day. The treatment plant is planned to discharge into Indiantown Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the property owner.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Russell Property City of Philadelphia, Philadelphia County. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, George Mecleary, State Farm, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Norman Russell, 206 East Clearfield Street, Philadelphia, PA 19134 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Simone Residence, Norristown Borough, Montgomery County. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16602, Jason Bean, 309 Lakeside Drive, Suite 100, Horsham PA 19044 on behalf of Maria Simone, 221 Bryan Road, Norristown PA 19401 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Meehan Oil Company Facility, Upper Darby Township, Delaware County. Andrew K. Markoski, P.G., Patriot Environmental Management, LLC, PO Box 629, Douglassville, PA 19518 on behalf of Barry Miller, Meenan Oil Company, L.P., PO Box 659, Douglasville, PA 19518 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

McAtee Residence, East Norriton Township, Montgomery County. Staci Cottone, J&J Spill Services and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Susan McAtee, 3012 Stony Creek Road, Norristown, PA 19401 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

26th & Penrose Avenue Site, City of Philadelphia, Philadelphia County. Craig Herr, RT Environmental Services, Inc., 215 Church Road, King of Prussia, PA 19406 on behalf of Steve D 'Angelo, Danbro, L.P., 3700 South 26th Street, Philadelphia, PA 19145 has submitted a Final Report/Remedial Investigation Report concerning remediation of site groundwater contaminated with mtbe and organics. The report is intended to document remediation of the site to meet the Site Specific Standard.

Weinberger Family Trust Fund, Upper Dublin Township, Montgomery County. Michael A. Christie, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Marc Weinberg, Weinberg Family Trust, 803 Camarillo Road, Suite C, Camarillo, CA 93012 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to

document remediation of the site to meet the Statewide Health Standard and Site Specific Standard.

Ridge Pike Lumber Company, Plymouth Township, **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of David Madway, Home Center Realty, 1104 Saint Andrews Road, Bryn Mawr, PA 19010 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Lattari Residence, City of Philadelphia, **Philadelphia County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Karen Washko, Longacre Appraisal & Adjustments, 5339 Woodland Avenue, Philadelphia, PA 19143 on behalf of Lattari Residence, 2623 South 16th Street, Philadelphia, PA 19145 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

DuPont Marshall Laboratory Site, City of Philadelphia, **Philadelphia County**. Matthew Brill, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, Pa 19034, David Kistner, URS Corporation, 335 Commerce Drive Suite 300, Fort Washington, PA 19034 on behalf of Sathya Yalvigi, E. I. Du Pont de Nemours and Company Marshall Laboratory, 3401 Grays Ferry Avenue, Philadelphia, PA 19146 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganic and lead. The report is intended to document remediation of the site to meet the Site Specific Standard.

Chelsea Tank Farm, Upper Chichester Township, **Delaware County**. Chrissy Piechoski, Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382, Timothy Jenesky, Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Randy Coil, Atlantic Richfield Company, A BP Products North America Inc., Affiliated Company, 501 Westlake Park Blvd, Houston, TX 77079 has submitted a Remedial Investigation/Risk Assessment and Final Report concerning remediation of site soil and groundwater contaminated with jet fuel. The report is intended to document remediation of the site to meet the Site Specific Standard.

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Ateco, Inc. (Former Mrs. T's Pierogies), 600 East Center Street, Shenandoah Borough, **Schuylkill County**. Iain G. Barton, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 has submitted a Final Report (on behalf of his client, Ateco, Inc., P.O. Box 606, Shenandoah, PA 17976), concerning the remediation of soil found to have been impacted by mineral oil as a result of a release from an electrical transformer which was caused by a suspected act of vandalism. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was expected to be published in *The Republican Herald* on October 19, 2011.

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

River Chase Property, 4431 North Front Street, Harrisburg, Susquehanna Township **Dauphin County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive,

Harrisburg, PA 17111, on behalf of River Chase Associates, c/o Vision Properties, LLC, 633 West Germantown Pike, Suite 104, Plymouth Meeting, PA 19462, submitted a Final Report concerning remediation of site soils contaminated with waste oil. The report is intended to document remediation of the site to meet the residential Statewide Health Standard, and was submitted within 90 days of the release due to flooding.

SACA Development Corporation/The Porches at North and Locust, 421-431 Locust Street & 422-434 North Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of SACA Development Corporation, 453 South Lime Street, Suite B, Lancaster, PA 17603, submitted a Remedial Investigation and Final Report concerning remediation of site soils contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

Campus Oral Surgery, 1000 Rohrerstown Road, Lancaster, PA 17601, East Hempfield Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Campus Oral Surgery, 2100 Harrisburg Pike, Suite 22, Lancaster, PA 17604, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the residential Statewide Health Standard.

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

Kovalchick Salvage Yard—Wayne Avenue Properties, White Township, **Indiana County**. L. Robert Kimball & Associates Inc., 615 Highland Avenue, Ebensburg, PA 15931 on behalf of Gary Taylor, Commonwealth of Pennsylvania, Department of General Services, Bureau of Engineering and Architecture, Room 201, 18th and Herr Streets, Harrisburg, PA 17120 and Victor Piro, Commonwealth of Pennsylvania, Department of General Services, Bureau of Real Estate, Room 500, North Office Building, Harrisburg, PA 17125 has submitted a Final Report for TCE in Groundwater at the Kovalchick Salvage Yard - Wayne Avenue Properties. The Final Report intends to demonstrate attainment of the site specific standard. An environmental covenant with activity and use restrictions will be executed for the Property.

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:

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

PA Army National Guard Chambersburg Armory, 1010 Lincoln Highway, (Route 30 West), Chambersburg, PA 17201, Hamilton Township, **Franklin County**. PA Department of Military & Veterans Affairs, Fort Indiantown Gap, Bldg. 0-11, Annville, PA 17003, submitted a Final Report concerning remediation of site soils and groundwater contaminated with heating oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on October 24, 2011.

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

Fred Neece Property, Muncy Township, **Lycoming County**. GeoServices, Ltd. 1525 Cedar Cliff Drive, Camp Hill PA 17701 on behalf of Fred Neece, 1642 Highway 220, Muncy, PA 17756 has submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene, methyl tert-butyl ether (MTBE), isopropylbenzene (cumene), naphthalene, 1, 2, 4-trimethylbenzene and 1, 3, 5-trimethylbenzene.

The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 25, 2011.

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

CBS Corporation, Forest Hills, **Allegheny County**. Cummings Riter Consultants, Inc. 10 Duff Road, Pittsburgh PA 15235 on behalf of CBS Corporation, Avenue A and West Street, Forest Hills PA 15221 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with volatile organics, inorganics and PCB's. The Remedial Investigation Report was approved on October 11, 2011.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP1-23-0153: Delaware County Fair Acres Complex (P. O. Box 496, Lima, PA 19037) on October 24, 2011, to construct and operate (1) one unit of a small natural gas/#2 fuel oil fired boiler in Middletown Township, **Delaware County**.

GP3-09-0104: Mount Materials, LLC. (100 Pipe Mill Road, Fairless Hills, PA 19030) on October 27, 2011, to construct and operate a portable nonmetallic mineral processing plant in Falls Township, **Bucks County**.

GP9-09-0032: Mount Materials, LLC. (100 Pipe Mill Road, Fairless Hills, PA 19030) on October 27, 2011, to construct and operate a diesel/#2 fuel-fired internal combustion engine(s) in Falls Township, **Bucks County**.

GP9-46-0050: Valley Forge, Inc. (462 Glennie Circle, King of Prussia PA 19406) on October 28, 2011, to construct and operate a diesel/#2 fuel-fired internal combustion engine(s) in Upper Merion Township, **Montgomery County**.

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

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

GP5-10-367A: Keystone Midstream Services LLC—Voll Compressor Station (Woodlands Road, Connoquenessing, PA 16027) on October 24, 2011, to operate three (3) natural gas fired compressor engines, two (2) 0.25 MMBtu/hr capacity natural gas fired tank heaters, and two (2) 400 bbl (16,800 gal) capacity condensate storage tanks (BAG-GPA/GP-5) in Connoquenessing Township, **Butler County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

23-0003T: ConocoPhillips (4101 Post Road, Trainer, PA 19061) on October 27, 2011, to install a reduced volatility Alkylation process (Re-VAP) technology and perform maintenance related activities to the existing

Alkylation unit located at 4101 Post Road, Trainer Borough, **Delaware County**. This plan approval will authorize the construction of the project, and the transfer and use of volatile organic compound (VOC) and nitrogen oxides (NOx) emission reduction credits (ERCs). The project is described in the Applicant's application of November 14, 2010 and subsequent submissions.

Based on the information provided by the Applicant and DEP's own analysis, the project will increase emissions of 1.78 tons VOC per year, and 1.74 tons NOx per year. The required ERCs to offset the contemporaneous emission increases are 34.55 tons VOC and 138.24 tons NOx.

Copies of the application, draft Plan Approval and other documents used in evaluation of the application are available for public inspection during normal business hours at the address shown below.

In order to assure compliance with the applicable standards, DEP will place the following conditions on the plan approval:

25 Pa. Code § 127.208—ERC use and transfer requirements

- The permittee shall use and transfer ERC in accordance with 25 Pa. Code § 127.208. 25 Pa. Code § 127.210—Offset ratios

- The permittee shall provide VOC ERC at a 1.3:1.0 ratio to offset the VOC net emissions increase of 26.58 tons as per 25 Pa. Code §§ 127.203(b)(1)(ii), 127.205(3), and 127.210. The requirement VOC ERC is 34.55 tons.

- The permittee shall provide VOC ERC at a 1.3:1.0 ratio to offset the VOC net emission increase of 106.34 tons as per 25 Pa. Code §§ 127.205(3) and 127.210. The required NOx ERC is 138.24 tons.

25 Pa. Code § 127.12b—Plan approval terms and conditions

- The requirements for Source ID 034 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 035 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 106 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 111 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 114 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 128 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 136 in current TVOP No. 23-00003 apply.

- The Alkylation unit and associated equipment shall be operated in accordance with 40 CFR Part 60, Subpart GGGa—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.

- The Alky unit and associated equipment are subject to the leak detection and repair (LDAR) requirements applicable to fugitive sources at petroleum refineries, specified in 25 Pa. Code § 129.58. Certain of these components may also be subject to federal LDAR requirements established under 40 CFR 60, Subpart VVa (through Subpart GGGa), or 40 CFR 63, Subpart CC, as appropriate. In accordance with an alternative monitoring plan

submitted by the permittee, and approved by the Department, a source that is subject to both the provisions of 25 Pa. Code § 129.58 and either federal LDAR requirement, satisfies the requirements of 25 Pa. Code § 129.58 by complying with the provisions of the applicable federal LDAR standard. Therefore, each component at the facility that is subject to an LDAR requirement under state or federal regulations complies with applicable LDAR standards by implementing an LDAR program consistent with the single designated regulatory program. The fugitive monitoring plan developed and maintained on-site by the permittee identifies which portions of each unit are subject to fugitive Sources IDs #114, 128, or 215. This section of the permit identifies applicable standards for Source ID #114, which satisfies LDAR obligations through compliance with the provisions of 25 Pa. Code § 129.58.

- Prior to the issuance of the Operating Permit, the permittee shall provide to the Department a list of the equipment that is subject to the NSPS Subpart GGGa, the applicable requirements for the equipment, and the methods of complying the requirements.

Any person wishing to provide DEP with additional information they believe should be considered prior to the issuance of the Plan Approval may submit the information to the address shown below. Each written comment shall include the following:

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

- 2) Identification of the proposed Plan Approval No. 23-0003T.

- 3) Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Requests for a public fact finding conference or hearing may also be made by writing DEP at the address shown below. A public conference may be held, if DEP in its discretion decides that such a conference is warranted on the basis of the information received. All persons who have submitted comments or have requested a conference will be notified of the decision to hold such a conference by publication in this newspaper or the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient.

James Rebarchak, Regional Manager, Air Quality, Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401

For additional information, please contact Mr. Sachin Shankar at 484-250-7501

46-0032G: SPS Technologies, Inc. (301 Highland Avenue, Jenkintown, PA 19046) on October 28, 2011, to install a vapor degreaser that uses n-propyl bromide as a cleaning agent, at an aerospace parts manufacturing facility at Highland Avenue Abington Township, **Montgomery County**. Based on the information provided by the applicant and DEP's own analysis, the degreaser may emit: 11.32 tons per year of n-propyl bromide (nPB). N-propyl bromide is a Volatile Organic Compound. Emissions of nPB will be controlled by a working mode cover, a freeboard refrigeration device and a superheated vapor. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 46-00032. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment

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

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

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

10-374A: Three Rivers Aggregates, LLC—Black's Run Plant (225 North Shore Drive, Pittsburgh, PA 15212) on October 27, 2011, to relocate an existing sand and gravel plant to 144 Brandon Road, Slippery Rock, PA in Worth Township, **Butler County**. The plant will be capable of producing 450 tons per hour and will consist of various crushers, screens, conveyors and stackers.

16-132I: Clarion Boards, Inc. (143 Fiberboard Road, Shippensburg, PA 16254), on October 24, 2011, to modify NOx emission limits associated with the RTO in Paint Township, **Clarion County**. This is a Title V facility.

20-305A: Crawford Renewable Energy, LLC (Keystone Regional Industrial Park, Greenwood Township, PA 16335) on October 24, 2011, to construct a tire-derived-fuel fired power generation facility that is designed to generate up to 100 MW gross, 90 MW net of electrical power using circulating fluidized bed boiler technology in Greenwood Township, **Crawford County**. This is a Title V facility.

37-317B: Ellwood Mill Products (712 Moravia Street, New Castle, PA 16101), on October 21, 2011, to construction a natural gas-fired forge furnace with a total heat input of 26.4 mmbtu/hr in New Castle City, **Lawrence County**. This is a State Only facility.

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.

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

32-00040B: RRI Energy Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on October 21, 2011, for a minor plan approval modification to construct and operate an auxiliary fuel (coal refuse) storage barn at the GenOn Seward Generating Station, a Title V facility in East Wheatfield Township, **Indiana County**. The fuel barn is subject to applicable conditions included in the modified plan approval and applicable provisions of 40 CFR Part 60 Subpart Y-Standards of Performance for Coal Preparation and Processing Plants. The emission increases associated with installation and operation of this source will not exceed 0.29 tons of PM, 0.1 tons of PM10, and 0.02 tons of PM2.5. The emissions increases do not constitute a significant or net significant emissions increase, and do not trigger PSD or NSR at the facility. The plan approval has been extended. The Plan Approval expires on April 11, 2012.

32-00040B: GenOn Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on October 11, 2011, with an expiration date of April 11, 2012, to allow for continued temporary operation of the sources covered under this plan approval at the GenOn Seward Generating Station located in East Wheatfield Township, **Indiana County**. The Seward Generating Station is a Title V facility. The plan approval has been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

23-00043: Sunoco Partners Marketing and Terminals, LP—Hog Island Wharf (4 Atlantic Highway, Essington, PA 19029) on October 28, 2011, for renewal of the Title V Operating Permit which was initially issued on April 12, 2000 for their facility which is a marine cargo-handling terminal in Tinicum Township, **Delaware County**. No changes have taken place at this facility that were not previously permitted. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863

28-05019: New Enterprise Stone & Lime Co., Inc.—dba Valley Quarries, Inc. (169 Quarry Road, Chambersburg, PA 17201-9099) on October 24, 2011, for their Chambersburg blacktop plant in Guilford Township, **Franklin County**. The State-only permit was renewed.

22-05036: Millersburg Area School District (799 Center Street, Millersburg, PA 17061-1411) on October 19, 2011, for their coal-fired boilers at the Millersburg High School in Millersburg Borough, **Dauphin County**. The State-only permit was renewed.

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

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

26-00353: Bute Coal Recovery LLC (195 Enterprise Lane, Connellsville, PA 15425) on October 27, 2011, to operate the Bute Prep Plant. The operation of the 250 ton per hour facility's air contamination sources, consisting of one 150 tph wet screen, one 250 tph wet screen, one heavy media bath/cyclone, conveyers, and storage piles, emit 17.19 tons per year of PM10. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to the applicable requirements of Pa. Code Title 25, Chapters 121—145, and 40 CFR 60, Subpart Y. The permit also includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility located in Dunbar Township, **Fayette County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

23-00003: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) on October 28, 2011, for their refinery in Trainer Borough, **Delaware County**. The operating permit was administratively amended to incorporate the requirements of Plan Approval No. 23-0003M. The amended operating permit contains the applicable regulatory requirements including testing, monitoring, record-keeping, and emission limits.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: *Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863*

05-05026: Steckman Ridge, LP (5400 Westheimer Court, Houston, TX 77056). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Steckman Ridge Compressor Station (Quarles 1709 OG well site) located in Monroe Township, **Bedford County**. Less than 1 tpy VOC from improvement/modification to slug catcher drain system. This is the first de minimis increase at the facility during the term of current permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

56841328 and NPDES No. PA 0033677, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise permit for the Mine 78 in Adams Township, **Cambria County** and related NPDES permit for construction of the St. Michael Water Treatment Plant. Surface Acres Proposed 9.4. No additional discharges. The application was considered administratively complete on March 17, 2011. Application received: February 17, 2011. Permit issued: October 28, 2011.

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

56050102 and NPDES No. PA0249751. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville,

PA 15936, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 63.6 acres. Receiving stream(s): unnamed tributaries to Oven Run and Stonycreek River classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Mine is within 1/2 mile of Wilbur Community Water Company. Application received: September 28, 2010. Permit issued: October 11, 2011.

56100106 and NPDES No. PA0263095. PBS Coals, Inc., P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 122.9 acres. Receiving stream(s): unnamed tributaries to Hoffman Run and unnamed tributaries to Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir—Somerset Authority. The permit includes a Chapter 105 stream encroachment permit for a haul road crossing of an unnamed tributary to Hoffman Run designated as Unnamed Tributary "F". Application received: November 2, 2010. Permit issued: October 19, 2011.

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

03060103 and NPDES Permit No. PA0250911. Black Rock Coal Co., Inc. (1107 University Drive, Dunbar, PA 15431). Permit revised to add Bedrock Mines, LP, as a contract miner to an existing bituminous surface mining site located in Burrell Township, **Armstrong County**, affecting 75.3 acres. Receiving stream: unnamed tributary to Crooked Creek. Application received: September 12, 2011. Revised permit issued: October 24, 2011.

03050102. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal permit issued for reclamation only of an existing bituminous surface mine, located in Rayburn Township, **Armstrong County**, affecting 37 acres. Receiving streams: unnamed tributaries to Cowanshannock Creek. Renewal application received: September 11, 2011. Renewal permit issued: October 28, 2011.

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

10860105. Mahoning Mining, Inc. (P. O. Box 44, New Bethlehem, PA 16242) Renewal of an existing bituminous surface mine in Slippery Rock & Worth Townships, **Butler County** affecting 251.0 acres. Receiving streams: Slippery Rock Creek, unnamed tributary to Slippery Rock Creek, and Wolf Creek. This renewal is issued for reclamation only. Application received: September 6, 2011. Permit Issued: October 25, 2011.

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

17100107 and NPDES No. 0257354. C.M.T. Energy, Inc. (108 South Twig St., Box 23, Smoke Run, PA 16681). Commencement, operation and restoration of a bituminous surface mine located in Chest Township, **Clearfield County** affecting 36.1 acres. Receiving streams: unnamed tributary to Wilson Run to Chest Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 30, 2010. Permit issued: October 25, 2011.

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

5404102C4. Neumeister Coal Company, (28 Frank Lane, Ashland, PA 17921), correction to update the post mining land use and an incidental boundary update of an existing anthracite surface mine and coal refuse disposal operation in Frailey and Reilly Townships, **Schuylkill County** affecting 23.68 acres, receiving stream: none. Application received: August 12, 2011. Correction issued: October 28, 2011.

Noncoal Permits Actions

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

26110801. Mon River Energy Corp. (P. O. Box 446, Brier Hill, PA 16515). Permit issued for commencement, operation and reclamation of a small noncoal (industrial mineral) surface mine, located in German Township, **Fayette County**, affecting 3.82 acres. Receiving stream: unnamed tributary to Sewickley Creek. Application received: May 17, 2011. Permit issued: October 27, 2011.

26110801-GP-104. Mon River Energy Corp. (P. O. Box 446, Brier Hill, PA 16515). General NPDES permit for stormwater discharge associated with mining activities on an existing small noncoal (Industrial Mineral). Permit No. 26110801 located in German Township, **Fayette County**. Application received: May 17, 2011. GP-104 permit issued: October 27, 2011.

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

43002801. William A. Guiste Excavating (4142 State Route 208, Emlenton, PA 16373). Final bond release for a small industrial minerals surface mine in Pine Township, **Mercer County**. Restoration of 2.0 acres completed. Receiving streams: Unnamed tributary to Wolf Creek. Application Received: July 5, 2011. Final bond release approved: October 13, 2011.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

65114007. Appalachian GeoPhysical Services, LLC (2659 State Route 60, P. O. Box 426, Killbuck, OH 44637). Blasting activity permit for the Seismic Data Line # Corbett South 2D, to conduct seismic explorations located in Derry Township, **Westmoreland County**. The duration of blasting is expected to last 30 days. Blasting permit issued: October 27, 2011.

26114007. Appalachian GeoPhysical Services, LLC (2659 State Route 60, P. O. Box 426, Killbuck, OH 44637). Blasting activity permit for the Seismic Data Line # M-MAWC-1, to conduct seismic explorations located in Springfield Township, **Fayette County**. The duration of blasting is expected to last 30 days. Blasting permit issued: October 27, 2011.

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

37114003. Demtech, Inc. (2500 South Noah Drive, Saxonburg, PA 16065) Blasting activity permit for bridge demolition in Mahoning Township, **Lawrence County**. This blasting activity permit expires on December 31, 2011. Permit Issued: October 25, 2011.

24114007. Tamburlin Brothers Coal Company, Inc. (P. O. Box 1419, Clearfield, PA 16830) Blasting activity permit for coal removal and reclamation on GFCC No. 24-08-03 in Jay Township, **Elk County**. This blasting activity permit expires on September 30, 2012. Permit Issued: October 26, 2011.

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

08114135. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Blasting for pipeline construction located in Tuscarora Township, **Bradford County**. Permit issued: October 25, 2011. Permit expires: October 22, 2012.

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

36114165. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Chris Beiler manure pit in East Lampeter Township, **Lancaster County** with an expiration date of December 31, 2011. Permit issued: October 25, 2011.

58114037. Doug Wathen LLC, (11934 Fairway Lakes Road, Suite 1, Fort Myers, FL 33913), construction blasting for the Hess Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of September 28, 2012. Permit issued: October 25, 2011.

15114001. Explo-Craft, Inc., (P. O. Box 1332, West Chester, PA 19380), construction blasting at South View in South Coatesville Borough, **Chester County** with an expiration date of October 31, 2012. Permit issued: October 26, 2011.

38114120. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Valley Chase in South Lebanon Township, **Lebanon County** with an expiration date of December 31, 2012. Permit issued: October 26, 2011.

58114136. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Montrose Laser Pipeline Extension in Springville, Washington and Lemon Townships, **Susquehanna County** with an expiration date of October 22, 2012. Permit issued: October 26, 2011.

36114166. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lancaster Bible College in Manheim Township, **Lancaster County** with an expiration date of November 30, 2011. Permit issued: October 27, 2011.

64114116. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Eugene Carey in Salem Township, **Wayne County** with an expiration date of October 23, 2012. Permit issued: October 27, 2011.

58114137. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Infrasource Pipeline in Great Bend and Liberty Townships, **Susquehanna County** with an expiration date of October 31, 2012. Permit issued: October 28, 2011.

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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701

E6629-002. PVR Marcellus Gas Gathering, LLC; 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701; Meshoppen Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 52,988 square feet (U.S.G.S. Meshoppen, PA Quadrangle; located at N 41° 36' 17.22" Lat., W -76° 0' 14.96" Long.).

2) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 52,988 square feet (U.S.G.S. Meshoppen, PA Quadrangle; located at N 41° 36' 17.22" Lat., W -76° 0' 14.96" Long.).

3) a proposed 16 inch natural gas line crossing Meshoppen Creek (Chap. 93 CWF); Stream Impact: 50 lineal feet (U.S.G.S. Tunkhannock, PA Quadrangle; located at N 41° 39' 57.02" Lat., W -75° 59' 43.80" Long.).

4) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 8,528 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 37' 48.36" Lat., W -75° 59' 20.63" Long.).

5) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 8,528 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 37' 48.36" Lat., W -75° 59' 20.63" Long.).

6) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 16,500 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 2.26" Lat., W -75° 59' 13.04" Long.).

7) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 16,500 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 2.26" Lat., W -75° 59' 13.04" Long.).

8) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 5,712 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 26.11" Lat., W -75° 59' 14.70" Long.).

9) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 5,712 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 26.11" Lat., W -75° 59' 14.70" Long.).

The project is part of a proposed 12" and 16" natural gas gathering line system connecting the existing Mirabelli Natural Gas Pipeline System to a proposed compressor station near the existing Tennessee Gas transmission line West of Springville, PA. This portion of the project will result in the impact of 50 lineal feet of Meshoppen Creek (Chap. 93 CWF). This portion of the project will result in the impact of 83,728 square feet (1.92 acres) of Palustrine Emergent Wetlands (PEM). Wetland impacts are associated with this application. Wetland Mitigation will be determined during the review process.

E5829-008. PVR Marcellus Gas Gathering, LLC; 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701; Springville Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a Temporary Timber Mat Bridge crossing White Creek (Chap. 93 CWF); Stream Impact: 52 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 24.93" Lat., W -75° 58' 24.19" Long.).

2) a proposed 16 inch natural gas line crossing White Creek (Chap. 93 CWF); Stream Impact: 52 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 24.93" Lat., W -75° 58' 24.19" Long.).

3) a proposed 16 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 52 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 31.65" Lat., W -75° 58' 15.43" Long.).

4) a Temporary Timber Mat Bridge crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93

CWF); Stream Impact: 59 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 46.44" Lat., W -75° 58' 4.42" Long.).

5) a proposed 16 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 59 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 46.44" Lat., W -75° 58' 4.42" Long.).

6) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 1,727 square feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 50.47" Lat., W -75° 58' 1.20" Long.).

7) a proposed 16 inch natural gas line crossing a Perennial Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 58 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 40' 37.83" Lat., W -75° 57' 58.52" Long.).

8) a Temporary Timber Mat Bridge crossing a Perennial Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 58 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 40' 37.83" Lat., W -75° 57' 58.52" Long.).

9) a proposed 12 inch natural gas line crossing a Perennial Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 51 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 27.40" Lat., W -75° 57' 49.63" Long.).

10) a Temporary Timber Mat Bridge crossing a Perennial Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 51 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 27.40" Lat., W -75° 57' 49.63" Long.).

11) a proposed 12 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 10,927 square feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 51.21" Lat., W -75° 58' 5.70" Long.).

12) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 10,927 square feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 51.21" Lat., W -75° 58' 5.70" Long.).

13) a proposed 12 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 51 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 58.71" Lat., W -75° 58' 7.85" Long.).

14) a Temporary Timber Mat Bridge crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 51 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 58.71" Lat., W -75° 58' 7.85" Long.).

15) a proposed 12 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 34,046 square feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 42' 14.23" Lat., W -75° 58' 7.40" Long.).

16) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 34,046 square feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 42' 14.23" Lat., W -75° 58' 7.40" Long.).

17) a proposed 12 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 54 lineal feet (U.S.G.S.

Springville NW, PA Quadrangle; located at N 41° 42' 14.23" Lat., W -75° 58' 7.40" Long.).

18) a Temporary Timber Mat Bridge crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 54 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 42' 14.23" Lat., W -75° 58' 7.40" Long.).

19) a proposed 16 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 149 lineal feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 45.36" Lat., W -75° 58' 39.70" Long.).

20) a Temporary Timber Mat Bridge crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 149 lineal feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 45.36" Lat., W -75° 58' 39.70" Long.).

The project is part of a proposed 12" and 16" natural gas gathering line system connecting the existing Mirabelli Natural Gas Pipeline System to a proposed compressor station near the existing Tennessee Gas transmission line West of Springville, PA. This portion of the project will result in the impact of 526 lineal feet of stream channel (Unnamed Tributaries to White Creek and White Creek). This portion of the project will result in the impact of 46,700 square feet (1.07 acres) of Palustrine Emergent Wetlands (PEM). Wetland impacts are associated with this application. Wetland Mitigation will be determined during the review process.

E5929-020: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Rutland Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and 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 29 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'46"N 76°59'16"W);

2) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and 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 16 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'48"N 76°59'18"W);

3) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and 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 12 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'49"N 76°59'19"W);

4) a temporary road crossing using 20 foot long, 78 inch diameter corrugated metal pipes, a 24 inch diameter and 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 43 linear feet of Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'55"N 76°59'25"W);

5) a 24 inch diameter and 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 impact-

ing 10 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'55"N 76°59'25"W);

6) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and 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 37 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Millerton, NY PA Quadrangle 41°52'39"N 76°59'43"W);

7) a temporary road crossing using 20 foot long, 60 inch diameter corrugated metal pipes, a 24 inch diameter and 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 19 linear feet of Bailey Creek (TSF, MF) (Jackson Summit, PA Quadrangle 41°53'09"N 77°00'03"W);

E5329-008. Ultra Resources, Inc., 304 Inverness Way South, Suite 295, Englewood, CO 80112-5828. PL-119 Pipeline, in West Branch and Abbott Townships, **Potter County**, ACOE Baltimore District.

To construct, operate, and maintain one 8-inch underground natural gas pipeline and two 6-inch underground waterlines impacting:

(1) 5330 square feet (0.12 acres) of EV wetland (PEM) via open cut trenching, (Galeton, PA Quadrangle, Latitude: N41°39'25", Longitude: W77°38'29");

(2) 40 lineal feet of Straight Run (EV, MF) via open cut trenching, (Galeton, PA Quadrangle, Latitude: N41°38'59", Longitude: W77°37'53");

(3) 52 lineal feet of an Unnamed Tributary to Shaar Hollow (EV, MF) via open cut trenching, (Marshlands, PA Quadrangle, Latitude: N41°39'41", Longitude: W77°37'26");

(4) 57 lineal feet of Shaar Hollow (EV, MF) via open cut trenching, (Galeton, PA Quadrangle, Latitude: N41°39'53", Longitude: W77°37'31");

The project will result in 5330 square feet (0.12 acres) of EV wetland impacts via open cut trenching, and 149 lineal feet channel impacts via open cut trenching, all for the purpose of Marcellus Shale wellsite development.

E5929-018: Ultra Resources, Inc., 304 Inverness Way South, Suite 295, Englewood, CO 80112, Elk Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain a temporary road crossing using four 34 foot long, 12 inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, and two 6 inch diameter fresh waterlines, impacting 12 linear feet of an UNT to Thompson Hollow (EV) (Marshlands, PA Quadrangle 41°41'09" N 77°31'24" W)

The project will result in 12 linear feet of temporary stream impacts all for the purpose of installing a natural gas gathering line, fresh waterline, and associated access roadways.

E5329-003. Seneca Resources Corporation, 51 Zents Boulevard, Brookville, PA, 15825. Genesee Forks Surface Water Withdrawal, in Pike Township, **Potter County**, ACOE Baltimore District (West Pike, PA Quadrangle N: 41°47'53.66"; W: 77°42'48.79").

To construct and maintain a water withdrawal location on Genesee Forks, which carries a water quality designation of High Quality-Cold Water Fishery. The project consists of a 24 inch slotted steel pipe that will connect to

a below grade wet well and meter located on the east side of the stream. The permanent stream impacts for the project are 14 linear feet and 39 square feet, and the temporary stream impacts are estimated as 23 linear feet and 291 square feet. This project proposes no impacts to jurisdictional wetlands.

E5929-019: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston and Delmar Townships, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 17 feet of an unnamed tributary to Mill Creek (TSF) (Roseville, PA Quadrangle 41°51'45"N 76°58'47"W);

2) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 5 feet of an unnamed tributary to Mill Creek (TSF) (Roseville, PA Quadrangle 41°51'49"N 76°58'38"W);

3) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 110 feet of Mill Creek (TSF) (Roseville, PA Quadrangle 41°51'53"N 76°58'26"W);

4) a temporary road crossing using a mat bridge and culvert impacting 40 feet of Mill Creek (TSF) (Roseville, PA Quadrangle 41°51'57"N 76°58'27"W);

5) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 10 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°52'50"N 76°57'38"W);

6) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 16 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'07"N 76°57'47"W);

7) a temporary road crossing using a mat bridge and culvert impacting 11 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'11"N 76°57'40"W);

8) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 16 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'11"N 76°57'52"W);

9) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 8 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°52'43"N 76°57'23"W);

10) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°52'44"N 76°57'15"W);

11) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 8 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°52'49"N 76°56'14"W);

12) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch

diameter water line impacting 12 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'18"N 76°56'26"W);

13) a temporary road crossing using a mat bridge and culvert impacting 6 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'13"N 76°56'24"W);

14) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 12 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'31"N 76°56'46"W);

15) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 16 feet of an unnamed tributary to Mill Creek (TSF) (Millerton, PA Quadrangle 41°54'00"N 76°56'16"W);

16) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 882 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°51'37"N 76°59'01"W);

17) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 36,829 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°51'43"N 76°58'50"W);

18) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,842 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°51'46"N 76°58'45"W);

19) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 17,849 square feet of a palustrine emergent / palustrine scrub/shrub (PEM/PSS) wetland (Roseville, PA Quadrangle 41°51'48"N 76°58'40"W);

20) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,502 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°51'51"N 76°58'30"W);

21) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 3,024 square feet of a palustrine emergent / palustrine scrub/shrub (PEM/PSS) wetland (Roseville, PA Quadrangle 41°52'04"N 76°58'12"W);

22) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 3,981 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°53'07"N 76°57'47"W);

23) a temporary road crossing using a mat bridge and culvert impacting 569 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°53'11"N 76°54'40"W);

24) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,868 square feet of a palustrine emergent / palustrine scrub/shrub (PEM/PSS) wetland (Millerton, PA Quadrangle 41°52'44"N 76°57'16"W);

25) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 2,483 square feet of a palustrine emergent / palustrine scrub/shrub (PEM/PSS) wetland (Millerton, PA Quadrangle 41°52'44"N 76°57'15"W);

26) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 931 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°53'41"N 76°56'38"W);

27) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,718 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°53'56"N 76°56'47"W);

28) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 245 square feet of a palustrine forested (PFO) wetland (Millerton, PA Quadrangle 41°54'18"N 76°55'37"W);

29) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,065 square feet of a palustrine forested (PFO) wetland (Millerton, PA Quadrangle 41°54'18"N 76°55'37"W);

30) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 905 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°54'18"N 76°55'36"W);

The project will result in 710 linear feet of temporary stream impacts, a total of 80,383 square feet (1.85 acres) of temporary wetland impacts, and a total of 1,310 square feet (0.03 acres) of permanent wetland impacts. Streams and wetlands are being crossed all for the purpose of installing a natural gas gathering line, a large spur line, and several short spur lines.

E4129-005: East Resources Management, L.L.C., 190 Thorn Hill Road, Warrendale, PA 15086, Jackson and McIntyre Townships, **Lycoming County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) of Brion Creek (HQ-CWF) impacting 539 square feet (Liberty, PA Quadrangle 41° 32' 48.75"N 77° 1' 55.75"W);

2) a temporary road crossing using a 20 foot long, 60 inch diameter corrugated metal pipes, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing Roaring Branch (HQ-CWF) impacting 3,054 square feet (Liberty, PA Quadrangle 41° 32' 36.48"N 77° 1' 29.26"W);

3) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Red Run (CWF) impacting 544 square feet (Liberty, PA Quadrangle 41° 31' 57.99"N 77° 0' 26.77"W);

4) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line

crossing an unnamed tributary (UNT) to Red Run (CWF) impacting 399 square feet (Liberty, PA Quadrangle 41° 31' 57.72"N 77° 0' 25.99"W);

5) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Red Run (CWF) impacting 55 square feet (Ralston, PA Quadrangle 41° 32' 4.41"N 76° 59' 42.33"W)

6) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Red Run (CWF) impacting 825 square feet (Ralston, PA Quadrangle 41° 32' 8.22"N 76° 59' 39.27"W);

7) a temporary road crossing a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 490 square feet (Liberty, PA Quadrangle 41° 32' 50.60"N 77° 1' 57.42"W);

8) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent/palustrine forested (EV-PEM/PFO) wetland impacting 1,851 square feet (Liberty, PA Quadrangle 41° 32' 37.89"N 77° 1' 30.93"W);

9) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 1,046 square feet (Liberty, PA Quadrangle 41° 32' 11.59"N 77° 1' 3.33"W);

10) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 1,676 square feet (Liberty, PA Quadrangle 41° 32' 9.99"N 77° 1' 1.92"W);

11) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent/palustrine scrub-shrub (PEM/PSS) wetland impacting 2,206 square feet (Liberty, PA Quadrangle 41° 31' 58.61"N 77° 0' 28.81"W);

12) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent/palustrine forested (EV-PEM/PFO) wetland impacting 1,335 square feet (Liberty, PA Quadrangle 41° 31' 57.62"N 77° 0' 25.84"W);

13) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 1,029 square feet (Ralston, PA Quadrangle 41° 32' 7.63"N 76° 59' 43.78"W);

14) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent/palustrine scrub-shrub (EV-PEM/PSS) wetland impacting 86 square feet (Ralston, PA Quadrangle 41° 32' 7.72"N 76° 59' 43.05"W).

The project will result in 190.77 linear feet of temporary stream impacts, a total of 6,533 square feet (0.150 acres) of temporary wetland impacts, and a total of 3,186 square feet (0.073 acres) of permanent wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways.

E4129-007: PVR Marcellus Gas Gathering, LLC, 100 Penn Tower, Suite 201 & 202, 25 West Third Street,

Williamsport, PA, Anthony, Cogan House, Cummings, Mifflin, and Lycoming Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across 2nd Fork Larrys Creek (EV) adjacent to SR 287. Impacted Area: 0.029 acres; (Salladasburg Quadrangle 41° 19' 26.99"N 77° 14' 27.77"W).

(2) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Little Gap Run (HQ-CWF) adjacent to Little Gap Drive. Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 19' 42.69"N 77° 8' 41.78"W).

(3) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Little Gap Run (HQ-CWF) adjacent to Little Gap Drive. Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 19' 44.71"N 77° 8' 52.45"W).

(4) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed Stony Gap Run (HQ-CWF) adjacent to Stony Gap Road. Impacted Area: 0.017 acres; (Salladasburg Quadrangle 41° 19' 31.41"N 77° 9' 35.52"W).

(5) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across 1st Fork Larrys Creek (EV). Impacted Area: 0.017 acres; (Salladasburg Quadrangle 41° 19' 27.31"N 77° 17' 46.83"W).

(6) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.002 acres; (Waterville Quadrangle 41° 19' 40.86"N 77° 15' 27.03"W).

(7) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.002 acres; (Waterville Quadrangle 41° 19' 41.01"N 77° 15' 24.43"W).

(8) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.006 acres; (Waterville Quadrangle 41° 19' 40.51"N 77° 15' 19.36"W).

(9) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.002 acres; (Waterville Quadrangle 41° 19' 37.48"N 77° 15' 2.43"W).

(10) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 19' 33.32"N 77° 14' 49.62"W).

(11) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Dog Run (EV). Impacted Area: 0.011 acres; (Waterville Quadrangle 41° 19' 32.86"N 77° 17' 4.29"W).

(12) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Little Sandy Hollow (EV) adjacent to SR 287. Impacted Area: 0.017 acres; (Waterville Quadrangle 41° 19' 20.16"N 77° 14' 6.86"W).

(13) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an

unnamed tributary to Little Sandy Hollow (EV). Impacted Area: 8.35 square feet; (Salladasburg Quadrangle 41° 19' 29.2"N 77° 13' 46.47"W).

(14) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Little Sandy Hollow (EV). Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 19' 31.77"N 77° 13' 43.67"W).

(15) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Mash Run (EV). Impacted Area: 0.002 acres; (Salladasburg Quadrangle 41° 19' 40.83"N 77° 11' 59.27"W).

(16) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Larrys Creek (EV). Impacted Area: 0.034 acres; (Salladasburg Quadrangle 41° 19' 21.4"N 77° 11' 26.93"W).

(17) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Larrys Creek (EV). Impacted Area: 0.011 acres; (Salladasburg Quadrangle 41° 19' 20.60"N 77° 11' 25.15"W).

(18) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Larrys Creek (EV). Impacted Area: 0.011 acres; (Salladasburg Quadrangle 41° 19' 19.35"N 77° 11' 22.84"W).

(19) a 12 inch and a 16 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Hoagland Run (HQ-CWF). Impacted Area: 0.002 acres; (Salladasburg Quadrangle 41° 22' 8.47"N 77° 8' 55.94"W).

(20) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across an unnamed tributary to Little Gap Run (HQ-CWF). Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 21' 18.06"N 77° 8' 26.18"W).

(21) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Little Gap Run (HQ-CWF). Impacted Area: 0.023 acres; (Salladasburg Quadrangle 41° 19' 34.67"N 77° 8' 25.84"W).

(22) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across an unnamed tributary to Hoagland Run (HQ-CWF). Impacted Area: 0.005 acres; (Salladasburg Quadrangle 41° 19' 57.71"N 77° 8' 8.17"W).

(23) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across an unnamed tributary to Little Gap Run (HQ-CWF). Impacted Area: 0.002 acres; (Salladasburg Quadrangle 41° 21' 19.32"N 77° 8' 26.19"W).

(24) a 12 inch and a 16 inch natural gas pipeline and four 6 inch fresh water pipelines across an unnamed tributary to Hoagland Run (HQ-CWF). Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 22' 18.61"N 77° 8' 26.4"W).

(25) a 12 inch and a 16 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Hoagland Run (HQ-CWF). Impacted Area: 0.029 acres; (Salladasburg Quadrangle 41° 22' 23.48"N 77° 8' 12.89"W).

(26) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across Little Harbor Run (EV). Impacted Area: 0.006 acres; (Salladasburg Quadrangle 41° 19' 18.84"N 77° 14' 14.81"W).

(27) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge crossing of a palustrine emergent (PEM) wetland adjacent to Little Gap Drive. Impacted Area: 0.14 acres; (Salladasburg Quadrangle 41° 19' 44.72"N 77° 8' 51.74"W).

(28) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge crossing of a palustrine emergent (PEM) wetland. Impacted Area: 0.05 acres; (Waterville Quadrangle 41° 19' 29.38"N 77° 15' 13.39"W).

(29) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge crossing of a palustrine emergent (PEM) wetland adjacent to SR 973. Impacted Area: 0.22 acres; (Salladasburg Quadrangle 41° 19' 35.84"N 77° 8' 24.35"W).

The project will result in the following impacts: 0.15 acres of stream impacts from utility line crossings, 0.10 acres stream impacts from temporary road crossings, 0.25 acres of wetland impacts for utility line crossings, and 0.16 acres of wetland impacts from temporary road crossings. These crossings will accumulate a total of 0.25 acres of watercourse impacts and 0.41 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E4129-010: Pennsylvania General Energy, LLC, 120 Market Street, Warren, PA 16365, Cummings and McHenry Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting across an unnamed tributary to Little Pine Creek (EV) impacting 4 linear feet (Waterville Quadrangle 41°19'11" N 77°20'49"W),

(2) one 24 inch gas pipeline and two 6 inch waterlines across an unnamed tributary to Little Pine Creek (EV) impacting 3 linear feet (Waterville Quadrangle 41°19'25" N 77°21'40"W),

(3) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting impacting 2012 square feet of a palustrine forested (PFO) wetland adjacent to Little Pine Creek (HQ-TSF) (Waterville Quadrangle 41°19'26" N 77°21'41"W),

(4) one 24 inch gas pipeline and two 6 inch waterlines across Little Pine Creek (HQ-TSF) impacting 113 linear feet (Waterville Quadrangle 41°19'27"N 77°21'41"W),

(5) one 24 inch gas pipeline and two 6 inch waterlines impacting 480 square feet of a palustrine forested (PFO) wetland adjacent to Little Pine Creek (HQ-TSF) (Waterville Quadrangle 41°19'31"N 77°21'39"W),

(6) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting impacting 3130 square feet of a palustrine emergent (PEM) wetland adjacent to Little Pine Creek (HQ-TSF) (Waterville Quadrangle 41°19'45"N 77°21'29"W),

(7) one 24 inch gas pipeline and two 6 inch waterlines impacting 315 square feet of a palustrine forested (PFO) wetland adjacent to Little Pine Creek (HQ-TSF) (Waterville Quadrangle 41°19'45"N 77°21'30"W),

(8) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting across an unnamed tributary to Pine Creek (HQ-TSF) impacting 3 linear feet (Jersey Mills Quadrangle 41°20'09"N 77°22'40"W),

(9) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting impacting 1325 square feet of a palustrine emergent (PEM) wetland adjacent to an unnamed tributary to Little Pine Creek (EV) (Jersey Mills Quadrangle 41°20'18" N 77°22'45"W),

(10) one 24 inch gas pipeline and two 6 inch waterlines across an unnamed tributary to Little Pine Creek (EV) impacting 4 linear feet (Jersey Mills Quadrangle 41°20'29" N 77°22'51"W),

(11) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting impacting 543 square feet of a palustrine emergent (PEM) wetland (Jersey Mills Quadrangle 41°21'12" N 77°22'57"W),

(12) one 24 inch gas pipeline and two 6 inch waterlines impacting 97 square feet of a palustrine emergent (PEM) wetland (Jersey Mills Quadrangle 41°21'24" N 77°23'11"W).

The project will result in 127 linear feet of temporary stream impacts and 7902 square feet of wetland impacts from utility line and temporary road crossings. These crossings will accumulate a total of 0.33 acres of watercourse impacts and 0.18 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E5729-013: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Fox & Elkland Townships, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat across an unnamed tributary to Porter Creek (EV) impacting 29 linear feet (Shunk Quadrangle 41°32'29"N 76°42'15"W),

(2) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat across Porter Creek (EV) impacting 9 linear feet (Shunk Quadrangle 41°32'12"N 76°42'30"W).

The project will result in 38 linear feet of temporary stream impacts from water lines and temporary mat crossings. These crossings will accumulate a total of 0.02 acres of watercourse impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

E5729-001: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct and maintain a 48 inch HDPE culvert with a length of 47 feet embedded 6 inches into the stream bed with outlet protection of R-5 rock across unnamed tributary to Elk Creek (HQ-CWF), for the purpose of providing access to a well pad. The project is located off of State Route 4006 1 mile west of the intersection of State Route 4008 (N: 10.3 inches, W: 7.8 inches, Latitude: 41° 33' 22.82", Longitude -76° 40' 55.95") in Elkland Township, **Sullivan County**.

E5329-001: Allegheny Enterprises, Inc, 3885 Roller Coaster Road, Corsica, PA 15829-3833, Bingham Township, **Potter County**, ACOE Buffalo District.

To construct, operate and maintain:

(1) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) impacting 1,294 square feet (Ulysses, PA Quadrangle 41° 56' 3.88"N 77° 46' 38.22"W);

(2) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) impacting 1,048 square feet (Ulysses, PA Quadrangle 41° 55' 53.93"N 77° 47' 20.74"W);

(3) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) impacting 4,025 square feet (Ulysses, PA Quadrangle 41° 55' 55.39"N 77° 47' 45.16"W);

(4) a 4 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) on each side of the Genesee River (CWF) impacting 207 square feet of wetlands and impacting 30 lineal feet of the Genesee River (Ulysses, PA Quadrangle 41° 55' 51.85"N 77° 47' 57.66"W);

(5) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 diameter inch natural gas gathering line crossing an Unnamed Tributary to the Genesee River (CWF) impacting 2 lineal feet (Ulysses, PA Quadrangle 41° 55' 48.89"N 77° 48' 1.47"W);

(6) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 diameter inch natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) impacting 323 square feet (Ulysses, PA Quadrangle 41° 55' 44.64"N 77° 47' 56.80"W).

The project will result in 34 linear feet of temporary stream impacts, and a total of 6,690 square feet (0.15 acres) of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways.

E5829-003. Laser Northeast Gathering Company, LLC; 333 Clay Street, Suite 4500, Houston, TX 77002-4102; Liberty, Franklin, Silver Lake, Forest Lake and Middletown Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.001 acres of Palustrine Scrub Shrub (PSS) Wetland; (Franklin Forks, PA, PA Quadrangle N 41.93266° Lat., W -75.86549° Long.)

2) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 13.5 linear feet of an UNT Silver Creek (Chap. 93 CWF); (Franklin Forks, PA, PA Quadrangle N 41.92995° Lat., W -75.86936° Long.)

3) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 13.1 linear feet of an UNT Silver Creek (Chap. 93 CWF); (Franklin Forks, PA, PA Quadrangle N 41.92956° Lat., W -75.86973° Long.)

4) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 9.3 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF); (Franklin Forks, PA, PA Quadrangle N 41.92655° Lat., W -75.87515° Long.)

5) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 9.6 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.92632° Lat., W -75.87527° Long.)

6) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.003 acres of a Palustrine Forested (PFO) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.92611° Lat., W -75.87539° Long.)

7) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 5 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.92093° Lat., W -75.88018° Long.)

8) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 3.1 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.92045° Lat., W -75.88314° Long.)

9) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 6.8 linear feet of an UNT Silver Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.92053° Lat., W -75.88475° Long.)

10) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 14.4 linear feet of an UNT Laurel Lake, PA Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.92072° Lat., W -75.89270° Long.)

11) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 36.1 linear feet of Laurel Lake, PA Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.92071° Lat., W -75.89331° Long.)

12) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.001 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.91988° Lat., W -75.90046° Long.)

13) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.0005 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.91982° Lat., W -75.90169° Long.)

14) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 6.3 linear feet of an UNT Silver Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.91977° Lat., W -75.90310° Long.)

15) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 4.8 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.91973° Lat., W -75.90369° Long.)

16) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 6.4 linear feet of an UNT Silver Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.91940° Lat., W -75.91030° Long.)

17) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.0008 acres of a Palustrine Emergent (PEM) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.91632° Lat., W -75.92018° Long.)

18) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.001 acres crossing of a Palustrine Emergent (PEM) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.91600° Lat., W -75.92074° Long.)

19) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.002 acres of an Palustrine Emergent (PEM) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.91614° Lat., W -75.92105° Long.)

20) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.002 acres of a Palustrine Emergent (PEM) Wetland; Laurel Lake, PA Topographic Quadrangle N 41.91585° Lat., W -75.92210° Long.

21) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 18.9 linear feet of Silver Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.91607° Lat., W -75.92955° Long.)

22) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.005 acres of a Palustrine Forested (PFO) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.91624° Lat., W -75.93288° Long.)

23) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.0001 acres of a Palustrine Forested (PFO) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.91619° Lat., W -75.93349° Long.)

24) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.005 acres of a Palustrine Emergent (PEM) and Forested (PFO) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.91620° Lat., W -75.93418° Long.)

25) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 15 linear feet of an UNT Silver Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.91356° Lat., W -75.93603° Long.)

26) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.006 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.90221° Lat., W -75.95811° Long.)

27) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.003 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.89732° Lat., W -75.95841° Long.)

28) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.001 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.89542° Lat., W -75.95988° Long.)

29) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.003 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.89464° Lat., W -75.96128° Long.)

30) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.003 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.89552° Lat., W -75.96543° Long.)

31) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.006 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.89410° Lat., W -75.97045° Long.)

32) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 8.1 linear feet of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.88130° Lat., W -75.98703° Long.)

33) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 23.3 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.88141° Lat., W -75.98803° Long.)

34) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 18.6 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.87440° Lat., W -75.99645° Long.)

35) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.005 acres of a Palustrine Forested (PFO) Wetland; (Lawton, PA, PA Quadrangle N 41.87119° Lat., W -76.01026° Long.)

36) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 22.2 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); (Lawton, PA, PA Quadrangle N 41.87109° Lat., W -76.01118° Long.)

37) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 12.1 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); (Lawton, PA, PA Quadrangle N 41.87105° Lat., W -76.01154° Long.)

38) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 16.8 linear feet of Stone Street Creek (Chap. 93 CWF); (Lawton, PA, PA Quadrangle N 41.85768° Lat., W -76.03078° Long.)

39) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 7.1 linear feet of an UNT Stone Street Creek (Chap. 93 CWF); (Lawton, PA, PA Quadrangle N 41.85698° Lat., W -76.03283° Long.)

40) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 8.2 linear feet of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); (Lawton, PA, PA Quadrangle N 41.85225° Lat., W -76.03919° Long.)

41) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.0004 acres of a Palustrine Emergent (PEM) Wetland; (Lawton, PA, PA Quadrangle N 41.84293° Lat., W -76.04368° Long.)

42) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 18.2 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); (Lawton, PA, PA Quadrangle at N 41.84121° Lat., W -76.04423° Long.)

43) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.005 acres of a Palustrine Emergent (PEM) Wetland; (Lawton, PA, PA Quadrangle N 41.84046° Lat., W -76.04573° Long.)

44) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 0.005 acres of a Palustrine Forested (PFO) Wetland; (Lawton, PA, PA Quadrangle N 41.84255° Lat., W -76.05213° Long.)

45) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.006 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Montrose West, PA, PA Quadrangle N 41.85542 Lat., W -75.94710° Long.)

46) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 16.9 linear feet of an Intermittent UNT Forest Creek (Chap. 93 CWF); (Montrose West, PA, PA Quadrangle N 41.84898° Lat., W -75.94576° Long.)

47) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.006 acres of a Palustrine Emergent (PEM) Wetland; (Montrose West, PA, PA Quadrangle N 41.87022 Lat., W -75.94293° Long.)

48) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.002 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Montrose West, PA, PA Quadrangle N 41.85767° Lat., W -75.94692° Long.)

49) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.001 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Montrose West, PA, PA Quadrangle N 41.85745° Lat., W -75.94693° Long.)

50) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 3.8 linear feet of an Intermittent UNT Forest Lake Creek (Chap. 93 CWF); (Montrose West, PA, PA Quadrangle N 41.85717° Lat., W -75.94696° Long.)

51) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 4.4 linear feet of an Intermittent UNT Forest Lake Creek (Chap. 93 CWF); (Montrose West, PA, PA Quadrangle N 41.85699° Lat., W -75.94697° Long.)

52) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.001 acres of a Palustrine Emergent (PEM) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.88563° Lat., W -75.94960° Long.)

53) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.001 acres of a Palustrine Emergent (PEM) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.88541° Lat., W -75.94941° Long.)

54) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 6.8 linear feet of an Intermittent UNT Forest Lake Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.88478° Lat., W -75.94915° Long.)

55) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.002 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Montrose West, PA, PA Quadrangle N 41.87237° Lat., W -75.94564° Long.)

56) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.0004 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Montrose West, PA, PA Quadrangle N 41.87248° Lat., W -75.94606° Long.)

57) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.0005 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Montrose West, PA, PA Quadrangle N 41.87209° Lat., W -75.94528° Long.)

58) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.001 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.89427° Lat., W -75.95673° Long.)

59) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.002 acres of a Palustrine Forested (PFO) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.86999° Lat., W -75.96706° Long.)

60) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.001 acres of a Palustrine Emergent (PEM) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.87961° Lat., W -75.97150° Long.)

61) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.002 acres of a Palustrine Emergent (PEM) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.87993° Lat., W -75.97134° Long.)

62) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.001 acres of a Palustrine Emergent (PEM) Wetland; (Laurel Lake, PA, PA Quadrangle N 41.88176° Lat., W -75.97261° Long.)

63) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 4.2 linear feet of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.88201° Lat., W -75.97286° Long.)

64) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 3.9 linear feet of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); (Laurel Lake, PA, PA Quadrangle N 41.88301° Lat., W -75.97372° Long.)

65) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 3.4 linear feet of North Branch Wyalusing Creek (Chap. 93 CWF); (Lawton, PA, PA Quadrangle N 41.85313° Lat., W -76.07754° Long.)

66) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.0004 acres of a Palustrine Emergent (PEM) Wetland; (Lawton, PA, PA Quadrangle N 41.84376° Lat., W -76.05824° Long.)

67) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 4.4 linear feet of an Intermittent UNT Middle Branch Wyalusing Creek

(Chap. 93 CWF); (Lawton, PA, PA Quadrangle N 41.84350° Lat., W -76.05701° Long.)

68) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 0.0005 acres of a Palustrine Emergent (PEM) Wetland; (Lawton, PA, PA Quadrangle N 41.84349° Lat., W -76.05696° Long.)

69) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 13.5 linear feet; (Franklin Forks, PA Topographic Quadrangle N 41.92995° Lat., W -75.86936° Long.)

70) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 13.1 linear feet; (Franklin Forks, PA Topographic Quadrangle at N 41.92956° Lat., W -75.86973° Long.)

71) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 6.8 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41.92053° Lat., W -75.88475° Long.)

72) A bridge mat road crossing of an UNT Laurel Lake, PA Creek (Chap. 93 CWF); temporarily impacting 14.4 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41.92072° Lat., W -75.89270° Long.)

73) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 6.3 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41.91977° Lat., W -75.90310° Long.)

74) A bridge mat road crossing of an Intermittent UNT Silver Creek (Chap. 93 CWF); temporarily impacting 4.8 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41.91973° Lat., W -75.90369° Long.)

75) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; located at N 41.91632° Lat., W -75.92018° Long.; temporarily impacting 0.0099 acres; (Laurel Lake, PA Topographic Quadrangle N 41.91632° Lat., W -75.92018° Long.)

76) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; located at N 41.91600° Lat., W -75.92074° Long.; temporarily impacting 0.0132 acres; (Laurel Lake, PA Topographic Quadrangle N 41.91632° Lat., W -75.92018° Long.)

77) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; located at N 41.91614° Lat., W -75.92105° Long.; temporarily impacting 0.0225 acres; (Laurel Lake, PA Topographic Quadrangle N 41.91632° Lat., W -75.92018° Long.)

78) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; located at N 41.91585° Lat., W -75.92210° Long.; temporarily impacting 0.0183 acres; (Laurel Lake, PA Topographic Quadrangle N 41.91632° Lat., W -75.92018° Long.)

79) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 15 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41.91356° Lat., W -75.93603° Long.)

80) A bridge mat road crossing of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); temporarily impacting 8.1 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41.88130° Lat., W -75.98703° Long.)

81) A bridge mat road crossing of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); temporarily impacting 23.3 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41.88141° Lat., W -75.98803° Long.)

82) A bridge mat road crossing of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); temporarily impacting 18.6 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41.87440° Lat., W -75.99645° Long.)

83) A bridge mat road crossing of an UNT Stone Street Creek (Chap. 93 CWF); temporarily impacting 7.1 linear feet; (Lawton, PA Topographic Quadrangle N 41.85698° Lat., W -76.03283° Long.)

84) A bridge mat road crossing of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); temporarily impacting 8.2 linear feet; (Lawton, PA Topographic Quadrangle N 41.85225° Lat., W -76.03919° Long.)

85) A wetland mat road crossing of a Palustrine Scrub Shrub (PSS) Wetland; temporarily impacting 0.006; (Montrose West, PA Topographic Quadrangle N 41.85542° Lat., W -75.94710° Long.)

86) A bridge mat road crossing of an Intermittent UNT Forest Creek (Chap. 93 CWF); temporarily impacting 16.9 linear feet; (Montrose West, PA Topographic Quadrangle N 41.84898° Lat., W -75.94576° Long.)

87) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting 0.006 acres; (Montrose West, PA Topographic Quadrangle N 41.87022° Lat., W -75.94293° Long.)

88) A bridge mat road crossing of an Intermittent UNT Forest Lake Creek (Chap. 93 CWF); temporarily impacting 3.8 linear feet; (Montrose West, PA Topographic Quadrangle N 41.85717° Lat., W -75.94696° Long.)

89) A wetland mat road crossing of a Palustrine Scrub Shrub (PSS) Wetland; temporarily impacting 0.014 acres; (Laurel Lake, PA Topographic Quadrangle N 41.89427° Lat., W -75.95673° Long.)

90) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting 0.0406 acres; (Laurel Lake, PA Topographic Quadrangle N 41.88176° Lat., W -75.97261° Long.)

91) A bridge mat road crossing of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); temporarily impacting 3.9 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41.88301° Lat., W -75.97372° Long.)

92) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting 0.0047 acres; (Lawton, PA Topographic Quadrangle N 41.84376° Lat., W -76.05824° Long.)

93) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting 0.0059 acres; (Lawton, PA, PA Topographic Quadrangle N 41.84349° Lat., W -76.05696° Long.)

The proposed Laser Northeast Gathering Susquehanna Pipeline—South Leg consists of the construction, operation, and maintenance of approximately 14.4 miles of the primary leg of a natural gas gathering system which is comprised of a sixteen inch coated steel pipe, buried to approximately three feet, collecting gas from three laterals of similar construction but ten inches in diameter. The linear length of the three laterals is approximately two, 2.1, and 5.4 miles in length. The natural gas gathering system is proposed for Liberty, Franklin, Silver Lake, Forest Lake and Middletown Township/s, Susquehanna County, Pennsylvania. All stream and wetlands crossings are proposed to be constructed using the Horizontal Directional Drill method. Total Temporary Impacts for this site are 350.2 lineal feet of stream crossings and

8,056.2 square feet (0.185 acre) of wetland impacts. There are no permanent impacts associated with this site.

E5929-004: East Resources Management, L.L.C., 190 Thorn Hill Road, Warrendale, PA 15086, Union and Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing Sugar Works Run (HQ-CWF) impacting 2,015 square feet (Ralston, PA Quadrangle 41° 36' 5.94"N 76° 56' 11.81"W);

2) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Sugar Works Run (HQ-CWF) impacting 337 square feet (Ralston, PA Quadrangle 41° 36' 3.99"N 76° 56' 37.68"W);

3) a temporary road crossing using a 20 foot long, 39 inch diameter corrugated metal pipes, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing Mill Creek (HQ-CWF) impacting 1,193 square feet (Ralston, PA Quadrangle 41° 36' 6.19"N 76° 57' 26.92"W);

4) a temporary road crossing using two 20 foot long, 24 inch diameter corrugated metal pipes, a 20 inch diameter and an 8 inch diameter natural gas gathering lines crossing an unnamed tributary (UNT) to West Mill Creek (HQ-CWF) impacting 1,411 square feet (Ralston, PA Quadrangle 41° 36' 1.59"N 76° 58' 18.05"W);

5) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to West Mill Creek (HQ-CWF) impacting 352 square feet (Ralston, PA Quadrangle 41° 35' 35"N 76° 58' 48.07"W);

6) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing West Mill Creek (HQ-CWF) impacting 2,391 square feet (Ralston, PA Quadrangle 41° 35' 33.73"N 76° 58' 50.16"W);

7) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to French Lick Run (HQ-CWF) impacting 1,384 square feet (Ralston, PA Quadrangle 41° 35' 29.70"N 76° 58' 54.37"W);

8) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipes, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing French Lick Run (HQ-CWF) impacting 1,416 square feet (Ralston, PA Quadrangle 41° 35' 00.14"N 76° 59' 25.89"W);

9) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to French Lick Run (HQ-CWF) impacting 422 square feet (Ralston, PA Quadrangle 41° 34' 49.44"N 76° 59' 37.71"W);

10) a temporary road crossing using two 20 foot long, 24 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Salt Spring Run (HQ-CWF) impacting 766 square feet (Liberty, PA Quadrangle 41° 34' 21.88"N 77° 0' 21.88"W);

11) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing Salt Spring Run (HQ-CWF) impacting 2,403 square feet (Liberty, PA Quadrangle 41° 34' 21.33"N 77° 0' 45.19"W);

12) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Salt Spring Run (HQ-CWF) impacting 92 square feet (Liberty, PA Quadrangle 41° 34' 9.03"N 77° 1' 26.30"W);

13) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Brion Creek (HQ-CWF) impacting 93 square feet (Liberty, PA Quadrangle 41° 33' 44.7"N 77° 1' 15.7"W);

14) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipes, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Brion Creek (HQ-CWF) impacting 796 square feet (Liberty, PA Quadrangle 41° 33' 32.33"N 77° 1' 26.2"W);

15) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipes, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Brion Creek (HQ-CWF) impacting 979 square feet (Liberty, PA Quadrangle 41° 33' 9.98"N 77° 2' 13.29"W);

16) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Brion Creek (HQ-CWF) impacting 264 square feet (Liberty, PA Quadrangle 41° 33' 8.08"N 77° 2' 11.20"W);

17) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 821 square feet (Ralston, PA Quadrangle 41° 36' 2.25"N 76° 56' 12.80"W);

18) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 268 square feet (Ralston, PA Quadrangle 41° 36' 2.61"N 76° 56' 21.39"W);

19) a temporary road crossing using a wood mat bridge crossing a palustrine emergent and palustrine scrub-shrub (PEM/PSS) wetland impacting 2,226 square feet (Ralston, PA Quadrangle 41° 36' 1.89"N 76° 56' 20.98"W);

20) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 4,957 square feet (Ralston, PA Quadrangle 41° 36' 2.43"N 76° 56' 25.89"W);

21) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 4,020 square feet (Ralston, PA Quadrangle 41° 36' 2.58"N 76° 56' 30.27"W);

22) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 1,068 square feet (Ralston, PA Quadrangle 41° 36' 3.22"N 76° 56' 33.57"W);

23) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 174 square feet (Ralston, PA Quadrangle 41° 36' 5.16"N 76° 57' 21.25"W);

24) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 122 square feet (Ralston, PA Quadrangle 41° 36' 5.86"N 76° 57' 22.41"W);

25) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent/palustrine forested (EV-PEM/PFO) wetland impacting 10,305 square feet (Ralston, PA Quadrangle 41° 36' 6.65"N 76° 57' 25.48"W);

26) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent/palustrine scrub-shrub (EV-PEM/PSS) wetland impacting 1,109 square feet (Ralston, PA Quadrangle 41° 36' 5.59"N 76° 57' 28.38"W);

27) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent/palustrine scrub-shrub (EV-PEM/PSS) wetland impacting 2,109 square feet (Ralston, PA Quadrangle 41° 36' 8.55"N 76° 57' 30.15"W);

28) a temporary road crossing using a wood mat bridge crossing a palustrine emergent (PEM) wetland impacting 434 square feet (Ralston, PA Quadrangle 41° 36' 14.12"N 76° 57' 33.99"W);

29) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 2,680 square feet (Ralston, PA Quadrangle 41° 36' 5.03"N 76° 58' 7.86"W);

30) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 2,273 square feet (Ralston, PA Quadrangle 41° 35' 00.95"N 76° 59' 23.87"W);

31) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 527 square feet (Ralston, PA Quadrangle 41° 34' 59.40"N 76° 59' 28.59"W);

32) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 4,998 square feet (Ralston, PA Quadrangle 41° 34' 32.69"N 76° 59' 59.71"W);

33) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 10,565 square feet (Liberty, PA Quadrangle 41° 34' 32.65"N 77° 0' 3.06"W);

34) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent/palustrine scrub-shrub (EV-PEM/PSS) wetland impacting 4,604 square feet (Liberty, PA Quadrangle 41° 34' 22.18"N 77° 0' 35.69"W);

35) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value

palustrine emergent (EV-PEM) wetland impacting 531 square feet (Liberty, PA Quadrangle 41° 34' 21.29"N 77° 0' 46.66"W);

36) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 167 square feet (Liberty, PA Quadrangle 41° 34' 20.45"N 77° 0' 49.95"W);

37) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine scrub-shrub (PSS) wetland impacting 4,696 square feet (Liberty, PA Quadrangle 41° 34' 16.32"N 77° 1' 15.24"W);

38) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 1,814 square feet (Liberty, PA Quadrangle 41° 34' 10.49"N 77° 1' 26.65"W);

39) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 294 square feet (Liberty, PA Quadrangle 41° 34' 8.96"N 77° 1' 27.15"W);

40) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 1,795 square feet (Liberty, PA Quadrangle 41° 33' 12.36"N 77° 2' 15.96"W);

41) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 2,293 square feet (Liberty, PA Quadrangle 41° 33' 6.06"N 77° 2' 8.89"W);

42) a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland impacting 54 square feet (Liberty, PA Quadrangle 41° 33' 3.28"N 77° 2' 6.79"W);

43) a temporary road crossing using a wood mat bridge crossing a palustrine emergent (PEM) wetland impacting 1,412 square feet (Liberty, PA Quadrangle 41° 33' 6.41"N 77° 2' 2.56"W);

44) a temporary road crossing using a wood mat bridge, a 20 inch diameter and an 8 inch diameter natural gas gathering line crossing a palustrine emergent/palustrine scrub-shrub (PEM/PSS) wetland impacting 1,243 square feet (Liberty, PA Quadrangle 41° 32' 59.45"N 77° 2' 1.29"W);

The project will result in 407.68 linear feet of temporary stream impacts, a total of 63,276 square feet (1.45 acres) of temporary wetland impacts, and a total of 4,283 square feet (0.098 acres) of permanent wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways.

E1729-001. EQT Production Company, 455 Race-track Road, Suite 101, Washington, PA, 15301. Hurd Pipeline Project 2, in Ferguson and Jordan Townships, **Clearfield County**, ACOE Baltimore District.

Applicant proposes to construct, operate, and maintain:

(1) a temporary road crossing consisting of two 10 foot long, 12 inch diameter culvert pipes and a 6 inch diameter natural gas pipeline crossing impacting 49

linear feet of an Unnamed Tributary to Barrett Run (CWF) (Westover, PA Quadrangle, Latitude: 40°50'39.67", Longitude: 78°38'19.84");

(2) a temporary road crossing consisting of four 15 foot long, 12 inch diameter culvert pipes and a 6 inch diameter natural gas pipeline impacting 50 lineal feet of Barrett Run (CWF) and 15 square feet (0.01 acres) of permanent PEM wetland impacts (Westover, PA Quadrangle, Latitude: 40°50'39.58", Longitude: 78°38'0.62");

(3) a temporary road crossing consisting of two 20 foot long, 12 inch diameter culvert pipes and a 6 inch diameter natural gas pipeline impacting 48 linear feet of an Unnamed Tributary to Barrett Run (CWF) (Westover, PA Quadrangle, Latitude: 40°50'30.36", Longitude: 78°37'47.87");

(4) a temporary road crossing consisting of one 12 foot long, 12 inch diameter culvert pipe and a 6 inch diameter natural gas pipeline impacting 41 lineal feet of an Unnamed Tributary to Barrett Run (CWF) (Westover, PA Quadrangle, Latitude: 40°50'29.77", Longitude: 78°37'45.43");

(5) a temporary road crossing consisting of one 9 foot long, 12 inch diameter culvert pipe and a 6 inch diameter natural gas pipeline impacting 39 lineal feet of an Unnamed Tributary to Barrett Run (CWF) (Westover, PA Quadrangle, Latitude: 40°50'27.80", Longitude: 78°37'42.84");

(6) a temporary road crossing consisting of one 15.0 foot long, 12 inch diameter culvert pipe and a 6 inch diameter natural gas pipeline impacting 45 lineal feet of North Witmer Run (CWF) (Irvona, PA Quadrangle, Latitude: 40°49'42.54", Longitude: 78°36'33.39");

The project will result in 103.0 lineal feet of permanent stream impacts, 15.0 square feet (0.01 acres) of permanent PEM wetlands impacts, and 272.0 lineal feet of temporary stream impacts, all for the purpose of installing a natural gas gathering line and associated access roadways.

E4129-013: Chief Gathering, LLC, 6051 Wallace Road, Suite 210, Wexford, PA 15090, Franklin & Jordan Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 12 inch gas pipeline impacting 76 linear feet of an unnamed tributary to Little Muncy Creek (CWF, MF) and 485 square feet of adjacent palustrine forested (PFO) wetland (Lairdsville Quadrangle 41°14'16"N 76°35'57"W),

(2) one 12 inch gas pipeline across an unnamed tributary to Little Muncy Creek (CWF, MF) impacting 64 linear feet (Lairdsville Quadrangle 41°14'01"N 76°35'12"W),

(3) one 12 inch gas pipeline across an unnamed tributary to Little Muncy Creek (CWF, MF) impacting 63 linear feet (Lairdsville Quadrangle 41°13'36"N 76°34'16"W),

(4) one 12 inch gas pipeline across an unnamed tributary to Little Muncy Creek (CWF, MF) impacting 65 linear feet (Lairdsville Quadrangle 41°13'29"N 76°34'16"W),

(5) one 12 inch gas pipeline across an unnamed tributary to German Run (CWF, MF) impacting 69 linear feet (Lairdsville Quadrangle 41°12'15"N 76°35'09"W),

(6) one 12 inch gas pipeline impacting 352 square feet of a palustrine emergent (PEM) wetland adjacent to an

unnamed tributary to German Run (Lairdsville Quadrangle 41°12'14"N 76°35'09"W),

(7) one 12 inch gas pipeline across an unnamed tributary to German Run (CWF, MF) impacting 63 linear feet (Lairdsville Quadrangle 41°12'11"N 76°35'16"W),

(8) one 12 inch gas pipeline impacting 3562 square feet of a palustrine emergent (PEM) wetland adjacent to an unnamed tributary to German Run (Lairdsville Quadrangle 41°12'28"N 76°35'52"W),

(9) one 12 inch gas pipeline across an unnamed tributary to German Run (CWF, MF) impacting 62 linear feet (Lairdsville Quadrangle 41°12'30"N 76°35'52"W),

(10) one 12 inch gas pipeline across an unnamed tributary to German Run (CWF, MF) impacting 79 linear feet (Lairdsville Quadrangle 41°12'34"N 76°36'09"W),

(11) one 12 inch gas pipeline across an unnamed tributary to Little Muncy Creek (CWF, MF) impacting 81 linear feet (Lairdsville Quadrangle 41°13'12"N 76°34'07"W),

(12) one 12 inch gas pipeline across an unnamed tributary to West Branch Run (CWF, MF) impacting 26 linear feet (Lairdsville Quadrangle 41°12'51"N 76°32'53"W).

The project will result in 648 linear feet of temporary stream impacts and 4399 square feet of wetland impacts from utility line crossings. These crossings will accumulate a total of 0.09 acres of watercourse impacts and 0.10 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

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

E67-893: P. H. Glatfelter Company, 228 South Main Street, Spring Grove, Pennsylvania 17362, in Spring Grove Borough, **York County**, ACOE Baltimore District.

To: 1) construct and maintain a temporary 22.05-foot wide, single span bridge having a normal span of 144.6 feet and an underclearance of 12.0 feet across Codorus Creek (WWF, MF), 2) to temporarily place and maintain fill in 0.02 acre of emergent/forested wetland for the purpose of improving transportation safety on the P. H. Glatfelter property. The project is located along Route 116/York Road/Hanover Road on the P. H. Glatfelter property, approximately 800.0 feet downstream of the existing bridge (Seven Valleys, PA Quadrangle; N: 22.0 inches, W: 16.0 inches; Latitude: 39°52'14.8", Longitude: -76°51'45.2") in Spring Grove Borough, York County. The amount of wetland impact is considered a de minimus impact of 0.02 acre and wetland mitigation is not required.

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

E02-1652. Pennsylvania Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-2834. The applicant proposes to remove the existing 32.2' wide, 50' long, single span, two lane and side walk, 65 degree skew SR 2058 bridge; and to construct and maintain a new 33.4' wide, 50.4' long, single span, two lane bridge with an underclearance of 11' with a 55 degree skew over Plum Creek (WWF); to construct and maintain associated outfalls; and construct a temporary stream diversion. (New Kensington West PA Quadrangle N: 2.5 inches; W: 7.75 inches; Latitude: 40°

30' 50.8"; Longitude: 79° 48' 17.8") between Plum Borough and the Municipality of Penn Hills, **Allegheny County**.

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701

E4129-012: Seneca Resources Corporation, 51 Zents Boulevard, Brookville, PA 15825, Lewis & McIntyre Townships, **Lycoming County**, ACOE Baltimore District.

This project was mistakenly published in the *PA Bulletin* on October 29, 2011 as an application. The project was properly published as an application on June 25, 2011, and as an action on October 29, 2011.

E5729-014: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Elkland Township, **Sullivan County**, ACOE Baltimore District.

This project was mistakenly published in the *PA Bulletin* on October 29, 2011 as an application. The project was properly published as an application on July 23, 2011, and as an action on October 29, 2011.

E5929-019: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston and Delmar Townships, **Tioga County**, ACOE Baltimore District.

This project was mistakenly published in the *PA Bulletin* on October 29, 2011 as an application. The project was properly published as an application on July 16, 2011, and as an action on October 29, 2011.

E5929-020: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Rutland Township, **Tioga County**, ACOE Baltimore District.

This project was mistakenly published in the *PA Bulletin* on October 29, 2011 as an application. The project was properly published as an application on July 23, 2011, and as an action on October 29, 2011.

ENVIRONMENTAL ASSESSMENTS

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

EA05-011: Broad Top Township, PO Box 57, Defiance, Pennsylvania 16633, in Broad Top Township and Coaldale Borough, **Bedford County**, ACOE Baltimore District

To construct and maintain two 8.0-inch waterline crossings in and across Sixmile Run (WWF) for the purpose of capturing two Acid Mine Drainage (AMD) discharges and conveying them approximately 2,700.0 feet to a proposed AMD treatment site. The project is located along the southern border of Coaldale (Saxton, PA Quadrangle; Latitude: 40°09'56", Longitude: -78°13'10") in Broad Top Township and Coaldale Borough, Bedford County.

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D53-029EA and D53-030EA. Galeton Borough Authority, 4 Sherman Street, Galeton, PA 16922. West Branch Township, **Potter County**, ACOE Baltimore District. Project proposes to breach and remove Wetmore Run Dam across Wetmore Run and Right Br Dam across Right Branch Wetmore Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dams are located approximately one-half mile Northwest of the intersection of West Branch Road (SR200) and Crippen Run Road (T536) (Galeton, PA Quadrangle; Latitude: 41° 43' 11",

Longitude: -77° 42' 29"; Galeton, PA Quadrangle; Latitude: 41° 42' 58", Longitude: -77° 42' 51").

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.

D23-094A. Upper Darby Township, 100 Garrett Road, Room 301, Upper Darby, PA 19082-3135. To operate and maintain Naylor's Run Dam across Naylor's Run (WWF, MF). This structure was constructed under an emergency permit, EP-D23-094, after the original structure was severely damaged and breached during heavy storm events in August 2004. (Lansdowne, PA Quadrangle N: 14.6 inches; W 4.1 inches) Upper Darby Township, **Delaware 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA

10/11/2011

ESCGP-1 No: ESX10-051-0035 Minor Revision

Applicant Name: Burnett Oil Co Inc

Contact Person Robert Hilliard

Address: 601 Technology Drive Pointe Plaza Bldg Suite 120

City: Canonsburg State: PA Zip Code: 15317

County: Fayette Township: Springhill

Receiving Stream (s) And Classifications: Rubies Run-CWF, Other

10/11/2011

ESCGP-1 No.: ESX11-125-0036 Minor Revision

Applicant Name: Rice Drilling B LLC

Contact Person: Toby Rice

Address: 171 Hillpointe Drive

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Amwell and North Bethlehem

Receiving Stream(s) and Classifications: Shipe Run-TSF, Potato Run-TSF, Brush Run-TSF, Pine Run-TSF, Tenmile Creek Watershed

08/08/2011

ESCGP-1 No.: ESX11-125-0069
 Applicant Name: Chevron Appalachia LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: Pa Zip Code: 15478
 County: Washington Township(s): West Bethlehem
 Receiving Stream(s) and Classifications: Horn Run & Little Daniels Run/Tenmile Creek Watershed, Other

01/04/2011

ESCGP-1 No.: ESX10-125-0106
 Applicant Name: Range Resources—Appalachia LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Hanover
 Receiving Stream(s) and Classifications: Trib 33136 to Harmon Creek and Ward Run/ Harmon Creek and Ward Run, Other

8/11/2011

ESCGP-1 No.: ESX10-125-0038 2nd Major Revision
 Applicant Name: Sawmill Creek/Pigeon Creek WWF, Other
 Contact Person: Brian Clauto
 Address: 455 Racetrack Road, Suite 101
 City: Washington State: PA Zip Code: 15063
 COUNTY Washington Township(s): Fallowfield
 Receiving Stream(s) and Classifications: Sawmill Creek/ Pigeon Creek WWF, Other

7/7/2011

ESCGP-1 No.: ESX10-129-0039 Major Revision
 Applicant Name: CNX Gas Company LLC
 Contact Person: Craig Neal
 Address: 280 Indian Springs Road Suite 333
 City: Indiana State: PA Zip Code: 15701
 County: Westmoreland Township(s): Washington
 Receiving Stream(s) and Classifications: UNT to Beaver Run Reservoir/Beaver Run Reservoir, HQ

8/30/2011

ESCGP-1 No.: ESX11-005-0018
 Applicant Name: EXCO Resources (PA) LLC
 Contact Person: Larry Sanders
 Address: 3000 Ericsson Drive Suite 200

City: Warrendale State: PA Zip Code 15086
 County: Armstrong Township(s): Sugarcreek
 Receiving Stream(s) and Classifications: Snyders Run CWF, Other

9/21/2011

ESCGP-1 No.: ESX11-125-0084
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Glenn Truzzi
 Address: 380 Southpointe Boulevard Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Independence
 Receiving Stream(s) and Classifications: UNT to Cross Creek/Raccoon Creek Watershed, Other

09/14/2011

ESCGP-1 No.: ESX10-059-0084 2nd Major Revision
 Applicant Name: Energy Corporation of America
 Contact Person: Mark Fry
 Address: 1380 Route 286 Highway East Suite 221
 City: Indiana State: PA Zip Code: 15701
 County: Greene Township(s): Cumberland
 Receiving Stream(s) and Classifications: UNT to Muddy Creek WWF/Upper Monongahela, HQ

09/06/2011

ESCGP-1 NO.: ESX11-125-0077
 Applicant Name: Chevron Appalachia LLC
 CONTACT PERSON: Jeremy Hirtz
 ADDRESS: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Washington Township(s): Deemston
 Receiving Stream(s) and Classifications: UNT to Plum Run and UNT to Tenmile Creek/Tenmile Creek Watershed, Other

08/29/2011

ESCGP-1 NO.: ESX11-005-0017
 Applicant Name: EXCO Resources (PA) LLC
 CONTACT: Larry Sanders
 ADDRESS: 3000 Ericsson Drive Suite 200
 City: Warrendale State: PA Zip Code: 15086
 County: Armstrong Township(s): Sugarcreek
 Receiving Stream(s) and Classifications: UNT to Snyders Run CWF

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

Fayette County Conservation District: 10 Nickman Plaza, Lemont Furnace, PA 15456. (724.438.4497)

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
26118003	Burnett Oil Company, Inc. 601 Technology Drive Suite No. 120 Canonsburg, PA 15317	Fayette	German & Menallen Townships	Burnt Cabin Branch/Dunlap Creek (WWF)

Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX11-015-0231
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road Ext., Suite 210
 City, State, Zip Wexford, PA 15090
 County Bradford Township(s) Towanda
 Receiving Stream(s) and Classification(s) UNT to Susquehanna River (WWF), UNT to Towanda Creek (CWF);

Secondary: Susquehanna River (WWF), Towanda Creek (CWF)

ESCGP-1 # ESX11-015-0229
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road Ext., Suite 210
 City, State, Zip Wexford, PA 15090
 County Bradford County Township(s) Stevens and Pike
 Receiving Stream(s) and Classification(s) 2 UNT to Rockwell Creek (WWF), Rockwell Creek (both WWF);
 Secondary: Wyalusing Creek (WWF)

ESCGP-1 # ESX11-115-0079

Applicant Name Laser Northeast Gathering
 Contact Person Kevin Marion
 Address 1212 South Abington Road
 City, State, Zip Clarks Summit, PA 18411
 County Susquehanna Township(s) Liberty
 Receiving Stream(s) and Classification(s) Dubois Creek
 (CWF)

ESCGP-1 # ESX11-015-0225

Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford Township(s) Wilmot
 Receiving Stream(s) and Classification(s) UNT of Sugar
 Run Creek, Rocky Forest Creek (CWF);
 Secondary: Susquehanna River (WWF), Sugar Run
 Creek (CWF)

ESCGP-1 # ESX11-015-0189

Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Overton
 Receiving Stream(s) and Classification(s) Black Creek,
 Millstone Creek Level Branch & Tributaries to Black
 Creek, Millstone Creek Level Branch, Millstone Creek,
 Chilson Run and Lick Creek (EV/HQ-CWF/MF)

ESCGP-1 # ESX11-015-0045 (01)

Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Rome, Orwell, Wysox and
 Standing Stone
 Receiving Stream(s) and Classification(s) CWF, MF: Trib
 to Bullard Creek, Trout Stream, Wysox Creek, Jerome
 Creek, Beaver Creek, Johnson Creek; WWF, MF: Parks
 Creek, Vought Creek, Tributary 29978 to Rummerfield
 Creek

ESCGP-1 # ESX11-113-0018

Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Sullivan Township(s) Cherry
 Receiving Stream(s) and Classification(s) Lick Creek,
 UNT to Lick Creek (both EV);
 Secondary: Little Loyalsock Creek (EV)

ESCGP-1 # ESX11-081-0110

Applicant Name Inflection Energy, LLC
 Contact Person James Watson
 Address 701 Technology Drive, Suite 250
 City, State, Zip Canonsburg, PA 15317
 County Lycoming Township(s) Upper Fairfield
 Receiving Stream(s) and Classification(s) Loyalsock Creek
 (EV)

ESCGP-1 # ESX11-117-0108

Applicant Name Seneca Resources
 Contact Person Mike Clinger
 Address 51 Zents Boulevard
 City, State, Zip Brookville, PA 15825
 County Tioga Township(s) Delmar
 Receiving Stream(s) and Classification(s) East Branch—
 Canada Run (HQ)

ESCGP-1 # ESX11-015-0228

Applicant Name EOG Resources, Inc.
 Contact Person Jon Jorgenson
 Address 2039 South Sixth Street
 City, State, Zip Indiana, PA 15701
 County Bradford Township(s) Athens
 Receiving Stream(s) and Classification(s) Apple Creek;
 Secondary: Buck Creek

ESCGP-1 # ESX11-015-0224

Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Warren
 Receiving Stream(s) and Classification(s) 3 UNT to
 Pendleton Creek (CWF/MF);
 Secondary: Pendleton Creek (CWF/MF)

ESCGP-1 # ESX11-081-0124

Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming Township(s) Cogan House
 Receiving Stream(s) and Classification(s) Big Sandy Run
 & Wolf Run (HQ-CWF)

ESCGP-1 # ESX11-081-0129

Applicant Name Anadarko Marcellus Midstream LLC
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming Township(s) Cogan House
 Receiving Stream(s) and Classification(s) Wolf Run (HQ)

ESCGP-1 # ESX11-115-0126

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) Brooklyn
 Receiving Stream(s) and Classification(s) UNT to Hop
 Creek (CWF)

ESCGP-1 # ESX11-115-0123

Applicant Name Southwestern Energy Production Com-
 pany
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna Township(s) Jackson
 Receiving Stream(s) and Classification(s) UNT to Little
 Butler Lake (CWF), Page Lake (HQ-CWF);
 Secondary: Little Butler Creek (CWF) and Salt Lick
 Creek (HQ-CWF)

ESCGP-1 # ESX11-081-0128

Applicant Name Anadarko Marcellus Midstream LLC
 Contact Person Nathan Bennett
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming Township(s) Cogan House
 Receiving Stream(s) and Classification(s) Wendell Run,
 UNT to Larry's Creek (HQ-EV)

ESCGP-1 # ESX11-117-0102

Applicant Name SWEPI LP
 Contact Person James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga Township(s) Middlebury
 Receiving Stream(s) and Classification(s) UNT to North
 Run, Trib. to North Run—Susquehanna River Basin in

PA—Tioga River (List L); North Run, Trib. to Crooked Creek—Susquehanna River Basin in PA—Tioga River (List L);
Secondary: Crooked Creek—Susquehanna River Basin in PA—Tioga River (List L)

ESCGP-1 # ESX11-131-0033
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Wyoming Township(s) Meshoppen
Receiving Stream(s) and Classification(s) Little Meshoppen Creek (CWF);
Secondary: Susquehanna River

ESCGP-1 # ESX11-015-0223
Applicant Name SWEPI LP
Contact Person James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Bradford Township(s) Canton
Receiving Stream(s) and Classification(s) UNT to Towanda Creek/Susquehanna River Basin in PA (CWF);
Secondary: Towanda Creek (CWF)

ESCGP-1 # ESX11-015-0211
Applicant Name Talisman Energy USA, Inc.
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Wells
Receiving Stream(s) and Classification(s) UNT to South Creek (CWF/MF);
Secondary: South Creek

ESCGP-1 # ESX11-015-0230
Applicant Name Chesapeake Appalachia LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford County Township(s) Albany
Receiving Stream(s) and Classification(s) UNT to Branch Towanda Creek (CWF); South Branch Towanda Creek (CWF)

ESCGP-1 # ESX11-131-0035
Applicant Name Carrizo Marcellus, LLC
Contact Person Gary Byron
Address 251 Drain Lick Road
City, State, Zip Drifting, PA 16834
County Wyoming Township(s) Washington
Receiving Stream(s) and Classification(s) Meshoppen Creek (CWF) and Taches Creek (CWF)

ESCGP-1 # ESX11-081-0125
Applicant Name Anadarko Marcellus Midstream, LLC
Contact Person Nathan Bennett
Address 33 W. Third Street
City, State, Zip Williamsport, PA 17701
County Lycoming Township(s) Gamble
Receiving Stream(s) and Classification(s) East Branch Murray Run, West Branch Murray Run, Wallis Run and Roaring Run (EV)

ESCGP-1 # ESX11-113-0019
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan Township(s) Elkland
Receiving Stream(s) and Classification(s) Lake Run (EV)

ESCGP-1 # ESX11-081-0135
Applicant Name Anadarko Marcellus Midstream LLC
Contact Person Nathan Bennett
Address 33 W. Third Street
City, State, Zip Williamsport, PA 17701
County Lycoming Township(s) Cogan House
Receiving Stream(s) and Classification(s) Wolf Run (HQ-CWF, MF)

ESCGP-1 # ESX11-115-0132
Applicant Name Williams Field Services Company
Contact Person Frank Connetto
Address 1605 Coraopolis Heights Road
City, State, Zip Moon Township, PA 15108-4310
County Susquehanna Township(s) Springville
Receiving Stream(s) and Classification(s) Trib of Monroe Creek/Upper Susquehanna—Tunkhannock Watershed

ESCGP-1 # ESX11-115-0110
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 Township(s) Lenox
Receiving Stream(s) and Classification(s) Millard Creek;
Secondary: Tunkhannock Creek

ESCGP-1 # ESX09-117-0075(03)
Applicant Name SWEPI LP
Contact Person James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga Township(s) Nelson
Receiving Stream(s) and Classification(s) UNT to Cowanesque River/Susquehanna River Basin in PA—Tioga River (List H) (WWF);
Secondary: Cowanesque River

ESCGP-1 # ESX11-015-0226
Applicant Name Chief Oil & Gas, LLC
Contact Person Michael Hritz
Address 6051 Wallace Road, Ext., Suite 210
City, State, Zip Wexford, PA 15090
County Bradford Township(s) Wilmot
Receiving Stream(s) and Classification(s) UNT to Sugar Run Creek (CWF), Sugar Run Creek (CWF);
Secondary: Susquehanna River (CWF)

ESCGP-1 # ESX11-015-0227
Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers, Jr.
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Athens and Smithfield
Receiving Stream(s) and Classification(s) Buck Creek, Wolcott Creek & Tributaries to Buck Creek and Wolcott Creek (WWF/MF)

ESCGP-1 # ESX11-015-0193
Applicant Name Chief Oil & Gas LLC
Contact Person Michael Hritz
Address 6051 Wallace Road, Ext., Suite 210
City, State, Zip Wexford, PA 15090
County Bradford and Sullivan Township(s) Overton and Forks
Receiving Stream(s) and Classification(s) UNT to Level Branch (EV);
Secondary: Little Loyalsock Creek (EV)

ESCGP-1 # ESX11-015-0217
Applicant Name Chief Oil & Gas LLC
Contact Person Michael Hritz
Address 6051 Wallace Road, Ext., Suite 210
City, State, Zip Wexford, PA 15090

County Bradford Township(s) Canoton
Receiving Stream(s) and Classification(s) (2) UNT to
Towanda Creek (CWF);
Secondary: Towanda Creek (CWF)

ESCGP-1 # ESX11-081-0051
Applicant Name Seneca Resources Corporation
Contact Person Michael Clinger
Address 51 Zents Blvd.
City, State, Zip Brookville, PA 15825
County Lycoming Township(s) Lewis
Receiving Stream(s) and Classification(s) Lycoming Creek;
Secondary: West Branch Susquehanna River

Applicant Name ESX11-035-0021
Contact Person Anadarko E&P Company LP
Address 33 W. Third Street
City, State, Zip Williamsport, PA 17701
County Clinton Township(s) Grugan
Receiving Stream(s) and Classification(s) UNT Right
Branch Hyner Run, Right Branch Hyner Run, East
Branch Hyner;
Secondary: Right Branch Hyner Run, Hyner Run (all
HQ-CWF, MF)

ESCGP-1 # ESX11-081-0123
Applicant Name Range Resources—Appalachia, LLC
Contact Person Mary Patton
Address 100 Throckmorton Street, Suite 100
City, State, Zip Ft. Worth, TX 76102
County Lycoming Township(s) Hepburn
Receiving Stream(s) and Classification(s) Lang Run (HQ-
CWF) and an UNT to Lycoming Creek (HQ-CWF);
Secondary: West Branch Susquehanna River

ESCGP-1 # ESX11-015-0167
Applicant Name Talisman Energy USA, Inc.
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Windham
Receiving Stream(s) and Classification(s) Trout Stream
(CWF/MF), UNT to Wysox Creek (CWF/MF);
Secondary: Wysox Creek (CWF/MF)

ESCGP-1 # ESX11-081-0137
Applicant Name Anadarko E&P Company
Contact Person Nathan Bennett
Address 33 W. Third Street
City, State, Zip Williamsport, PA 17701
County Lycoming Township(s) Cummings

Receiving Stream(s) and Classification(s) Dam Run (EV,
MF);
Secondary: Little Pine Creek (HQ-CWF, MF)

ESCGP-1 # ESX11-081-0133
Applicant Name Anadarko E&P Company LP
Contact Person Nathan Bennett
Address 33 W. Third Street
City, State, Zip Williamsport, PA 17701
County Lycoming Township(s) Gamble
Receiving Stream(s) and Classification(s) Miller Run,
UNT West Branch Murry Run (EV)

ESCGP-1 # ESX11-081-0136
Applicant Name Anadarko E&P Company, LP
Contact Person Nathan Bennett
Address 33 W. Third Street
City, State, Zip Williamsport, PA 17701
County Lycoming Township(s) Cogan House
Receiving Stream(s) and Classification(s) UNT to Larry's
Creek (EV)

ESCGP-1 # ESX11-117-0110
Applicant Name SWEPI LP
Contact Person James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga Township(s) Charleston
Receiving Stream(s) and Classification(s) North Elk Run
(CWF-MF)

ESCGP-1 # ESX11-035-0022
Applicant Name Anadarko E&P Company LP
Contact Person Nathan Bennett
Address 33 W. Third Street
City, State, Zip Williamsport, PA 17701
County Clinton Township(s) Grugan
Receiving Stream(s) and Classification(s) Right Branch
Hyner Run (HQ-CWF, MF);
Secondary: Hyner Run (HQ-CWF, MF)

*Northwest Region: Oil and Gas Program Manager, 230
Chestnut St., Meadville, PA 16335*

ESCGP-1 #Paul Smith Unit 1H—ESX11-019-0098
Applicant XTO Energy
Contact Ms. Melissa Breitenbach
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086
County Butler Township(s) Jefferson(s)
Receiving Stream(s) and Classification(s) UNT of Thorn
Creek—CWF

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of October, 2011 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>
Kevin Adams	208 Latimer Avenue Strabane, PA 15363	Mitigation
J. Keith Baicker	403 Skillman Road Skillman, NJ 08558	Mitigation
Diane Clerkin	424 Marion Avenue Lower Gwynedd, PA 19002	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Bryan Cole	317 McWilliams Road Trafford, PA 15085	Testing
Mark Desmond	606 Brighton Road Wilmington, DE 19809	Testing
Gregory Ferguson	762 Ferguson Drive Altoona, PA 16601	Testing
Gregory Frazier	1632 Aster Lane Crescent, PA 15046	Testing
Timothy Gentry	474 Easton Road Horsham, PA 19044	Testing
Albert Gordon	106 Lyric Way Warrington, PA 18976	Testing
David Grammer RAdata, Inc.	27 Ironia Road, Unit 2 Flanders, NJ 07836	Laboratory Analysis
Daniel Howard	251 River Landing Freeport, PA 16221	Testing
Robert Huska, Jr.	1329 Glendale Road York, PA 17403	Testing
John McDermott	590 Centerville Road #134 Lancaster, PA 17601	Testing
Joseph Miloser	160 Rustic Ridge Fombell, PA 16123	Mitigation
Kenneth Schaeffer, Jr.	105 Macintosh Drive Newport, PA 17074	Testing
Rebecca Selko	1276 Bethel Green Drive Bethel Park, PA 15102	Testing
Charles Smith	11 West Grant Street Houston, PA 15342	Mitigation
Maria Stinger	P. O. Box 15811 Pittsburgh, PA 15244	Testing
Donald Stoltenberg	10522 High Rock Road Airville, PA 17302	Testing
Kenneth Struder	P. O. Box 7272 Thorndale, PA 19372	Laboratory Analysis
Matthew Tracy	17 Sunnybrook Drive Doylestown, PA 18901	Testing
John Trusa	454 Dana Street Wilkes-Barre, PA 18702	Testing & Mitigation
Michael Tyrell	371 Harshaw Drive Chester Springs, PA 19425	Testing
Robert Vail	234 Amanda Lane Scott Township, PA 18433	Mitigation
William Whiting	11879 Lake Drive Conneaut Lake, PA 16316	Testing
Gary Winterowd	1765 Cambridge Drive State College, PA 16803	Testing

Requests for Proposals

Request for Proposals: RFP No. OSM PA(DES-11). Notice is given that the Department of Environmental Protection is issuing a Request for Proposals (RFP) to retain up to eight (8) firms to provide professional design services, feasibility studies, geophysical investigations, construction oversight, and other technical services as required, for the reclamation of abandoned mine lands and associated mine-water impacts. Services include, but are not limited to, surface mine reclamation, mine fire

control, mine subsidence control, closure of mine openings, waterline extension/water supply replacement, abandoned mine drainage (AMD) remediation, design of active and passive AMD treatment facilities, evaluation, operation, monitoring, maintenance, and/or rehabilitation of existing passive and active AMD treatment systems. The contracts will be financed in part by the Federal Government. Projects will be located in the bituminous coalfields of western and the anthracite coalfields of northeastern Pennsylvania. RFPs may be requested by e-mail or mail.

Email requests (title subject line "OSM PA(DES-11) RFP Request") should be submitted to RA-RFP-BAMR@pa.gov. Mail requests should be submitted to: Department of Environmental Protection (DEP), Bureau of Abandoned Mine Reclamation, 400 Market Street, P. O. Box 8476, Harrisburg, Pennsylvania 17105-8476. Proposals in response to the RFP must be received at the above address by 2:00 p.m., local time, December 28, 2011. Late proposals will not be considered regardless of the reason. Any questions related to the RFP must be submitted in writing via email (title subject line "RFP OSM PA(DES-11) Question") to: RA-RFP-BAMR@pa.gov by November 30, 2011. Please note that questions will NOT be answered via telephone or fax. All questions and written answers will be issued as an addendum to and become part of this RFP.

Proposed NPDES Permitted Discharge at or Below In-Stream Water Quality Criteria

The Dunkard Creek TMDL, originally approved by USEPA in April 2007, has been revised to reflect a proposed NPDES permitted discharge at, or below, in-stream water quality criteria.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. To request a copy of the proposed TMDL, contact:

Bill Brown, Chief
TMDL Development Section
Watershed Protection Division
Pennsylvania Department of Environmental Protection
P. O. Box 8555
Harrisburg, PA 17105-8555
Phone: 717-783-2951, Email: Willbrown@state.pa.us

The TMDLs can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by clicking on the Water Topics Link, then the TMDL link. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users) and request that the call be relayed.

Written and Email comments will be accepted at the above addresses and must be received by December 12, 2011. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

[Pa.B. Doc. No. 11-1936. Filed for public inspection November 11, 2011, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.eLibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—New Guidance

DEP ID: 385-2100-002. Title: Policy and Procedure for National Pollution Discharge Elimination System (NPDES) Permitting of Discharges of Total Dissolved Solids (TDS)—25 Pa. Code § 95.10 (relating to treatment requirements for new and expanding mass loadings of Total Dissolved Solids (TDS)). Description: On August 21, 2010, revisions to 25 Pa. Code § 95.10 became final. These revisions mandated new treatment requirements for discharges of TDS from NPDES point sources of treated wastewater. The provisions of 25 Pa. Code § 95.10 require detailed guidance for NPDES permit writers to implement the new requirements through NPDES permit conditions and actions. This new guidance document fulfills that need. The Department published notice of the draft proposed guidance in the *Pennsylvania Bulletin* at 41 Pa.B. 560 (January 22, 2011). Public comments were accepted until the comment period closed on February 22, 2011. Twenty-one sets of written comments were received during the public comment period and are summarized in the associated Comment and Response Document. The draft guidance was revised as a result of these comments in order to produce this final guidance document. Contact: Thomas Starosta, (717) 787-4317 or tstarosta@pa.gov.

Effective Date: November 12, 2011.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1937. Filed for public inspection November 11, 2011, 9:00 a.m.]

Bid Opportunity

OSM 17(1735)102.1, Abandoned Mine Reclamation Project, Houtzdale, Houtzdale Borough, Clearfield County. The principal items of work and approximate quantities include mobilization and demobilization; air rotary drilling (4- and 6-inch); casing (4- and 6-inch); and injecting grout material. This bid issues November 10, 2011, and bids will be opened on December 15, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this

project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1938. Filed for public inspection November 11, 2011, 9:00 a.m.]

Bid Opportunity

OSM 24(3888)101.1, Abandoned Mine Reclamation Project, Dark Hollow, Benezetze Township, Elk County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; subsurface drain 220; grading 285,104 cubic yards; tree planting 14,600 trees; and seeding 29.1 acres. This bid issues November 10, 2011, and bids will be opened on December 15, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1939. Filed for public inspection November 11, 2011, 9:00 a.m.]

Bid Opportunity

OSM 32(4029)101.1, Abandoned Mine Reclamation Project, Dixon Run North, East Mahoning Township, Indiana County. The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; demolition; removal and disposal of mine facilities; backfilling mine shafts; and seeding. This bid issues November 10, 2011, and bids will be opened on December 13, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1940. Filed for public inspection November 11, 2011, 9:00 a.m.]

Bid Opportunity

OSM 56(4727)101.1, Abandoned Mine Reclamation Project, Kimberly Run East, Somerset Township, Somerset County. The principal items of work and approximate quantities include mobilization and demobilization;

erosion and sediment pollution control plan; clearing and grubbing; removal and disposal of solid waste 500 ton; subsurface drain 1,560 linear feet; grading 230,000 cubic yards; rock lining with Geotextile 400 square yards; and seeding 23.5 acres. This bid issues November 10, 2011, and bids will be opened on December 13, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1941. Filed for public inspection November 11, 2011, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of American Access Care of PA for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that American Access Care of PA has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(1)(3) (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. 11-1942. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Chestnut Hill Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chestnut Hill 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 standard contained in this publication: 2.2-3.1.3(6) (relating to trauma 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. 11-1943. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Children Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.32(a) (relating to administration of anesthesia).

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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1944. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Children's Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.22(3)(ii) (relating to criteria for performance of ambulatory surgery on pediatric patients).

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. 11-1945. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Digestive Health Center of Indiana, P.C. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Digestive Health Center of Indiana, P.C. has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative 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. 11-1946. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Divine Providence Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Divine Providence 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 standard contained in this publication: 2.2-3.4.5.3 (relating to patient 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. 11-1947. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Dubois Regional Medical Center—Clearfield Visiting Physician Suite 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—Clearfield Visiting Physician Suite 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: 3.1-3.5 and 3.2-6.3 (relating to support areas).

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. 11-1948. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Dubois Regional Medical Center—Orthopaedic Hospitalist/Fracture Clinic 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—Orthopaedic Hospitalist/Fracture Clinic 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, 3.1-3.6.9, 3.1-3.6.10, 3.1-7.2.2.1 and 3.2-6.3.

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. 11-1949. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Four Seasons Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Four Seasons Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

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 Services at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1950. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Indiana Ambulatory Surgical Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Ambulatory Surgical Associates has requested an exception to the requirements of 28 Pa. Code §§ 551.21(d)(3) and 553.31(a) (relating to criteria for ambulatory surgery; and administrative responsibilities).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

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. 11-1951. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Jefferson Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jefferson 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 standard contained in this publication: 2.1-8.5.3 (relating to technology distribution 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. 11-1952. Filed for public inspection November 11, 2011, 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 §§ 51.23, 101.172 and 107.2 (relating to positron emission tomography; patient limits; and medical staff membership).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

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. 11-1953. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Lehigh Valley Hospital Muhlenberg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital Muhlenberg 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 Services at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1954. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Meadville Medical Center has requested an exception to the requirements of 28 Pa. Code § 138.2 (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. 11-1955. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Penn Medicine Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Medicine Hospital of the University of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-8.5.1.4 (relating to building system requirements).

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. 11-1956. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of 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 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: 2.1-3.1.3, 2.1-3.1.5.9(3), 7.7.A2 and 7.7.C6.

This facility is also requesting exception to 28 Pa. Code § 123.25(2), 127.32 and 569.35 (relating to regulations for control of anesthetic explosion hazards; written orders; and general safety precautions).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1957. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of Shriners Hospitals for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Shriners Hospitals has requested an exception

to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.7-3.4.2.2(b) (relating to post anesthesia recovery positions).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1958. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of The Skin Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Skin Center has requested an exception to the requirements of 28 Pa. Code § 553.4(h) (relating to other functions).

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. 11-1959. Filed for public inspection November 11, 2011, 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 and 3.1-5.5.1.2 (relating to public toilets; and facility requirements).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980; fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1960. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of St. Luke's Hospital—Anderson 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—Anderson 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. 11-1961. Filed for public inspection November 11, 2011, 9:00 a.m.]

Application of The Surgery Center at Brinton Lake for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery Center at Brinton Lake has requested an exception to the requirements of 28 Pa. Code § 551.21(a)(1) (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. 11-1962. Filed for public inspection November 11, 2011, 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 standard contained in this publication: 2.2-2.2.2.7(2)(a)(ii) (relating to patient bathing facilities).

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. 11-1963. Filed for public inspection November 11, 2011, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule for Consolidated and Person/Family Directed Support Waiver-Funded Select Services, Targeted Service Management and Community Mental Retardation Base-Funded Program Effective November 15, 2011, through June 30, 2012

This notice announces the Department of Public Welfare's (Department) payment rates for select services funded through the Consolidated and Person/Family Directed Support waivers (waivers) and Targeted Service Management (TSM) to the Medical Assistance (MA) Program Fee Schedule effective November 15, 2011, through June 30, 2012. These fee schedule payment rates also serve as the Department's established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individuals with mental retardation under the Mental Health and Mental Retardation Act of 1966 (50 P. S. §§ 4101—4704) and 55 Pa. Code Chapter 4300 (relating to county mental health and mental retardation fiscal manual).

As part of the Department's efforts to continue to align rates and rate-setting methodology across all offices and programs, the Department used a market-based approach to develop the fee schedule rates. This process includes a review of the service definitions and a determination of allowable cost components which reflect costs that are reasonable, necessary, and related to the delivery of the service.

In developing rates for each of the MA fee schedule services, the Department evaluated independent data sources such as a Commonwealth-specific compensation study and data from approved cost reports, as applicable, and considered the expected expenses for the delivery of services under the waivers for the major allowable cost categories:

- Wages for direct care workers and other program staff, such as supervisors and program specialists, where applicable.
- Employee-related expenses related to health insurance and other benefits, employer taxes, paid time off and training time.
- Productivity related to the amount of time a direct care staff person is expected to be engaged in activities for which a claim can be submitted.
- Program indirect expenses, including transportation-related costs.
- Administration-related expenses.

The Department established a Statewide MA fee schedule rate for each service and adjusted each fee schedule rate by geographical area factors to reflect consideration for differences in wages observed across this Commonwealth.

The fee schedule rates were established by the Department to fund the fee schedule services at a level sufficient to encourage provider participation and promote provider choice, while at the same time ensuring cost effectiveness and fiscal accountability.

The services selected for inclusion on the MA fee schedule are identified under the following categories: Select Community-Based Services; and Agency with Choice Financial Management Services, Excluding benefits and Agency with Choice Financial Management Services, Including Benefits.

All services that were placed on the MA fee schedule from July 1, 2011, through November 14, 2011, will remain on the MA fee schedule for the remainder of the fiscal year (FY). These services include Companion, Behavior Support, Therapy (Physical, Occupational, Speech and Language, Individual Behavior, Group Behavior and Visual/Mobility) Nursing, Home Finding, Homemaker/Chore, Supports Broker, Older Adult Day, Supplemental Habilitation and Additional Individualized Staffing. The Department has identified a new service, Supports Coordination, to be placed on the MA Fee schedule effective November 15, 2011.

There is no cost of living adjustment applied to any of the fee schedule rates for FY 2011-2012.

Geographic Areas:

Area 1:

Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia

Area 2:

Adams, Allegheny, Beaver, Berks, Carbon, Cumberland, Dauphin, Erie, Franklin, Fulton, Greene, Lancaster, Lawrence, Lebanon, Monroe, Perry, Pike, Schuylkill, Washington, York

Area 3:

Armstrong, Bradford, Butler, Cameron, Centre, Clarion, Clinton, Columbia, Crawford, Elk, Forest, Indiana, Huntingdon, Juniata, Lackawanna, Luzerne, Lycoming, McKean, Mercer, Mifflin, Montour, Northumberland, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming

Area 4:

Bedford, Blair, Cambria, Clearfield, Fayette, Jefferson, Somerset

Fee Schedule Rates Tables: Select Community-Based Services for FY 2011-2012

Select Community-Based Services*

* Modifier ET must be used with applicable procedures codes when billing for temporary base-funded services.

(PA) Prior authorization by Office of Developmental Programs (ODP) must be obtained for this service.

** The Supports Coordination MA fee identified as follows for W7210 is also applicable to TSM and base funded supports coordination.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Nursing Services: LPN	T2025	TE	05	051	15 min.	\$11.31	\$10.58	\$10.03	\$9.12
		TE & ET							
		TE	16	161					
		TE & ET							
Nursing Services: RN	T2025	TD	05	051	15 min.	\$14.70	\$13.75	\$13.04	\$11.85
		TD & ET							
		TD	16	160					
		TD & ET							
Physical Therapy	T2025	GP	17	170	15 min.	\$21.45	\$20.07	\$19.03	\$17.30
		GP & ET							
Occupational Therapy	T2025	GO	17	171	15 min.	\$20.77	\$19.43	\$18.43	\$16.75
		GO & ET							
Speech and Language Therapy	T2025	GN	17	173	15 min.	\$19.05	\$17.82	\$16.90	\$15.36
		GN & ET							
Individual Behavioral Therapy	T2025	HE	19	208	15 min.	\$25.14	\$23.52	\$22.30	\$20.27
		HE & ET							
Group Behavioral Therapy	T2025	HE & HQ	19	208	15 min.	\$7.88	\$7.37	\$6.99	\$6.35
		HE, HQ & ET							
Visual/Mobility Therapy	W7246		51	517	15 min.	\$19.05	\$17.82	\$16.90	\$15.36
		ET							
Companion Services, Basic staff support	W1724		51	363	15 min.	\$1.20	\$1.12	\$1.06	\$0.97
		ET							
Companion Services, level 1	W1725		51	363	15 min.	\$1.38	\$1.29	\$1.22	\$1.11
		ET							
Companion Services, level 2	W1726		51	363	15 min.	\$2.13	\$1.99	\$1.89	\$1.72
		ET							
Companion Services, level 3	W1727		51	363	15 min.	\$5.86	\$5.48	\$5.20	\$4.73
Supplemental Habilitation, 1:1 (PA)	W7070		52	456, 520, 521 or 522	15 min.	\$5.24	\$4.90	\$4.65	\$4.23
		ET							
Supplemental Habilitation, 2:1 (PA)	W7084		52	456, 520, 521 or 522	15 min.	\$10.49	\$9.81	\$9.31	\$8.46
		ET							
Additional Individualized Staffing, 1:1 (PA)	W7085		52	456, 520, 521 or 522	15 min.	\$5.24	\$4.90	\$4.65	\$4.23

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Service	Procedure Code	Modifier	Provider Type	Specialty Code	Unit	Area 1	Area 2	Area 3	Area 4
Additional Individualized Staffing, 2:1 (PA)	W7086		52	456, 520, 521 or 522	15 min.	\$10.49	\$9.81	\$9.31	\$8.46
Older Adult Day Habilitation	W7094		51	410	15 min.	\$2.12	\$1.98	\$1.88	\$1.71
		ET							
Behavioral Support	W7095		51	510	15 min.	\$19.27	\$18.03	\$17.09	\$15.54
	ET								
Home Finding	W7277		51 or 55	571	15 min.	\$6.53	\$6.11	\$5.79	\$5.27
Supports Broker	W7096		51	510	15 min.	\$8.20	\$7.67	\$7.27	\$6.61
Homemaker/Chore (permanent)	W7283		43	430	1 hour	\$18.93	\$17.71	\$16.79	\$15.27
			51	430 or 431					
			55	430 or 431					
Homemaker/Chore (temporary)	W7283	UA	43	430	1 hour	\$18.93	\$17.71	\$16.79	\$15.27
		UA & ET							
		UA	51	430 or 431					
		UA & ET							
		UA	45	430 or 431					
		UA & ET							
**Supports Coordination	W7210		21	218	15 min.	\$20.37	\$19.08	\$18.15	\$16.48

Agency with Choice Financial Management Services, Excluding Benefits**

**Modifier U4 must be used with all procedures codes when billing for services excluding benefits.

Service	Procedure code	Modifier**	Provider Type	Specialty Code	Unit	Area 1	Area 2	Area 3	Area 4
Companion, level 3	W1727	U4	54	540	15 min.	\$2.91	\$2.73	\$2.59	\$2.35
Supported Employment	W7235					\$5.81	\$5.44	\$5.16	\$4.69
Unlicensed Habilitation, level 3	W7060	U4	54	540	15 min.	\$4.81	\$4.50	\$4.27	\$3.88
Unlicensed Habilitation, level 3, enhanced	W7061	U4	54	540	15 min.	\$7.97	\$7.45	\$7.07	\$6.42
		TD & U4							
		TE & U4							
Unlicensed Habilitation, level 4	W7068	U4	54	540	15 min.	\$9.63	\$9.01	\$8.54	\$7.77
Unlicensed Habilitation, level 4, enhanced	W7069	U4	54	540	15 min.	\$15.93	\$14.91	\$14.13	\$12.85
		TD & U4							
		TE & U4							
Supports Broker	W7096	U4	54	540	15 min.	\$5.84	\$5.47	\$5.19	\$4.71
Respite—unlicensed, in home, level 2	W7250	U4	54	540	1 day	\$251.76	\$235.52	\$223.34	\$203.03
	W7258	U4	54	540	15 min.	\$3.31	\$3.10	\$2.94	\$2.67
Respite—unlicensed, in home, level 2, enhanced	W7251	U4	54	540	1 day	\$539.86	\$505.03	\$478.90	\$435.37
		TD & U4							
		TE & U4							
	W7264	U4	54	540	15 min.	\$7.10	\$6.65	\$6.30	\$5.73

<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
		TD & U4							
		TE & U4							
Respite—unlicensed in home, level 3	W7252	U4	54	540	1 day	\$503.52	\$471.04	\$446.67	\$406.07
	W7265	U4	54	540	15 min.	\$6.63	\$6.20	\$5.88	\$5.34
Respite—unlicensed, in home, level 3, enhanced	W7253	U4	54	540	1 day	\$1,079.71	\$1,010.05	\$957.81	\$870.73
		TD & U4							
		TE & U4							
	W7266	U4	54	540	15 min.	\$14.21	\$13.29	\$12.60	\$11.46
		TD & U4							
		TE & U4							
Homemaker/Chore	W7283	U4	54	540	1 hour	\$12.76	\$11.93	\$11.32	\$10.29
		UA & U4							
Respite—unlicensed, out of home, level 2	W8002	U4	54	540	1 day	\$251.76	\$235.52	\$223.34	\$203.03
	W8012	U4	54	540	15 min.	\$3.31	\$3.10	\$2.94	\$2.67
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4	54	540	1 day	\$539.86	\$505.03	\$478.90	\$435.37
		TD & U4							
		TE & U4							
	W8013	U4	54	540	15 min.	\$7.10	\$6.65	\$6.30	\$5.73
		TD & U4							
		TE & U4							
Respite—unlicensed, out of home, level 3	W8004	U4	54	540	1 day	\$503.52	\$471.04	\$446.67	\$406.07
	W8014	U4	54	540	15 min.	\$6.63	\$6.20	\$5.88	\$5.34
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4	54	540	1 day	\$1,079.71	\$1,010.05	\$957.81	\$870.73
		TD & U4							
		TE & U4							
	W8015	U4	54	540	15 min.	\$14.21	\$13.29	\$12.60	\$11.46

Agency with Choice Financial Management Services, Including Benefits***

***No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier***</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Companion, level 3	W1727		54	540	15 min.	\$3.84	\$3.59	\$3.41	\$3.10
Supported Employment	W7235					\$6.74	\$6.30	\$5.98	\$5.44
Unlicensed Habilitation, level 3	W7060		54	540	15 min.	\$5.74	\$5.37	\$5.09	\$4.63
Unlicensed Habilitation, level 3, enhanced	W7061		54	540	15 min.	\$8.89	\$8.32	\$7.89	\$7.17
		TD							
		TE							
Unlicensed Habilitation, level 4	W7068		54	540	15 min.	\$11.48	\$10.74	\$10.18	\$9.26
Unlicensed Habilitation, level 4, enhanced	W7069		54	540	15 min.	\$17.78	\$16.64	\$15.78	\$14.34
		TD							
		TE							

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier ***</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Supports Broker	W7096		54	540	15 min.	\$6.77	\$6.33	\$6.01	\$5.46
Respite—unlicensed, in home, level 2	W7250		54	540	1 day	\$322.08	\$301.31	\$285.72	\$259.75
	W7258		54	540	15 min.	\$4.24	\$3.96	\$3.76	\$3.42
Respite—unlicensed, in home, level 2, enhanced	W7251		54	540	1 day	\$610.18	\$570.81	\$541.29	492.08
		TD							
		TE							
	W7264		54	540	15 min.	\$8.03	\$7.51	\$7.12	\$6.47
		TD							
		TE							
Respite—unlicensed, in home, level 3	W7252		54	540	1 day	\$644.17	\$602.61	\$571.44	\$519.49
	W7265		54	540	15 min.	\$8.48	\$7.93	\$7.52	\$6.84
Respite—unlicensed, in home, level 3, enhanced	W7253		54	540	1 day	\$1,220.36	\$1,141.63	\$1,082.58	\$984.16
		TD							
		TE							
	W7266		54	540	15 min.	\$16.06	\$15.02	\$14.24	\$12.95
		TD							
		TE							
Homemaker/Chore	W7283		54	540	1 hour	\$16.46	\$15.40	\$14.60	\$13.27
		UA							
Respite—unlicensed, out of home, level 2	W8002		54	540	1 day	\$322.08	\$301.31	\$285.72	\$259.75
	W8012		54	540	15 min.	\$4.24	\$3.96	\$3.76	\$3.42
Respite—unlicensed, out of home, level 2, enhanced	W8003		54	540	1 day	\$610.18	\$570.81	\$541.29	\$492.08
		TD							
		TE							
	W8013		54	540	15 min.	\$8.03	\$7.51	\$7.12	\$6.47
		TD							
		TE							
Respite—unlicensed, out of home, level 3	W8004		54	540	1 day	\$644.17	\$602.61	\$571.44	\$519.49
	W8014		54	540	15 min.	\$8.48	\$7.93	\$7.52	\$6.84
Respite—unlicensed, out of home, level 3, enhanced	W8005		54	540	1 day	\$1,220.36	\$1,141.63	\$1,082.58	\$984.16
		TD							
		TE							
	W8015		54	540	15 min.	\$16.06	\$15.02	\$14.24	\$12.95
		TD							
		TE							

Fiscal Impact

It is anticipated there will be an approximate part-year savings of \$7.565 million (\$3.388 million State funds) in FY 2011-2012 and full-year savings of \$12.666 million (\$5.673 in State funds) in FY 2012-2013.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Mental Retardation (MH/MR) County Program, Administrative Entity (AE) or regional ODP in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/MR County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120. E-mail should be sent to ODP's rate-setting mailbox at ra-ratesetting@pa.gov (use "PN Fee Schedule" in the subject line).

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-730. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1964. Filed for public inspection November 11, 2011, 9:00 a.m.]

Medical Assistance Program Fee Schedule for Select Services in the Consolidated and Person/Family Directed Support Waivers and Community Mental Retardation Base Program; Correction Effective July 1, 2011, through November 14, 2011

The Department of Public Welfare is correcting the Medical Assistance Fee Schedule Tables published at 41 Pa.B. 3292 (June 25, 2011).

Specifically, payment rates for providers of the Consolidated waiver, Person/Family Directed Support waiver and base funded services for a waiver service location identified as fee schedule services in Fiscal Year (FY) 2010-2011 will continue to have the same payment rates as the FY 2010-2011 final fee schedule payment rate for the period of July 1, 2011, through November 14, 2011.

The revised Fee Schedule Tables reflect carryover of the FY 2010-2011 fee schedule services for the period July 1, 2011, through November 14, 2011, and are as follows:

Geographic Areas:

- Area 1:** Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia
- Area 2:** Adams, Allegheny, Beaver, Berks, Carbon, Cumberland, Dauphin, Erie, Franklin, Fulton, Greene, Lancaster, Lawrence, Lebanon, Monroe, Perry, Pike, Schuylkill, Washington, York
- Area 3:** Armstrong, Bradford, Butler, Cameron, Centre, Clarion, Clinton, Columbia, Crawford, Elk, Forest, Indiana, Huntingdon, Juniata, Lackawanna, Luzerne, Lycoming, McKean, Mercer, Mifflin, Montour, Northumberland, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming
- Area 4:** Bedford, Blair, Cambria, Clearfield, Fayette, Jefferson, Somerset

Fee Schedule Rates Tables:

Select Community-Based Services*

- * Modifier ET must be used with applicable procedures codes when billing for temporary base-funded services.
- (PA) Prior authorization by the Office of Developmental Programs (ODP) must be obtained for this service.

Service	Procedure Code	Modifier	Provider Type	Specialty Code	Unit	Area 1	Area 2	Area 3	Area 4
Nursing Services: LPN	T2025	TE	05	051	15 min.	\$11.02	\$10.31	\$9.78	\$8.89
		TE & ET							
		TE	16	161					
		TE & ET							
Nursing Services: RN	T2025	TD	05	051	15 min.	\$16.55	\$15.48	\$14.68	\$13.35
		TD & ET							
		TD	16	160					
		TD & ET							
Physical Therapy	T2025	GP	17	170	15 min.	\$20.20	\$18.90	\$17.92	\$16.29
		GP & ET							
Occupational Therapy	T2025	GO	17	171	15 min.	\$21.29	\$19.92	\$18.89	\$17.17
		GO & ET							
Speech and Language Therapy	T2025	GN	17	173	15 min.	\$21.72	\$20.32	\$19.27	\$17.52

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
		GN & ET							
Individual Behavioral Therapy	T2025	HE	19	208	15 min.	\$20.79	\$19.45	\$18.44	\$16.77
		HE & ET							
Group Behavioral Therapy	T2025	HE & HQ	19	208	15 min.	\$5.20	\$4.86	\$4.61	\$4.19
		HE, HQ & ET							
Visual/Mobility Therapy	W7246		51	517	15 min.	\$21.73	\$20.33	\$19.28	\$17.52
		ET							
Companion Services, Basic staff support	W1724		51	363	15 min.	\$.78	\$.73	\$.69	\$.63
		ET							
Companion Services, level 1	W1725		51	363	15 min.	\$.98	\$.92	\$.87	\$.79
		ET							
Companion Services, level 2	W1726		51	363	15 min.	\$2.07	\$1.94	\$1.84	\$1.67
		ET							
Companion Services, level 3	W1727		51	363	15 min.	\$4.65	\$4.35	\$4.13	\$3.75
		ET							
Supplemental Habilitation, 1:1 (PA)	W7070		52	456, 520 521 or 522	15 min.	\$4.87	\$4.56	\$4.32	\$3.93
		ET							
Supplemental Habilitation, 2:1 (PA)	W7084		52	456, 520 521 or 522	15 min.	\$9.75	\$9.12	\$8.65	\$7.86
		ET							
Additional Individualized Staffing, 1:1 (PA)	W7085		52	456, 520 521 or 522	15 min.	\$4.87	\$4.56	\$4.32	\$3.93
Additional Individualized Staffing, 2:1 (PA)	W7086		52	456, 520 521 or 522	15 min.	\$9.75	\$9.12	\$8.65	\$7.86
Older Adult Day Habilitation	W7094		51	410	15 min.	\$2.88	\$2.69	\$2.55	\$2.32
		ET							
Behavioral Support	W7095		51	510	15 min.	\$21.52	\$20.13	\$19.09	\$17.35
		ET							
Supports Broker	W7096		51	510	15 min.	\$10.85	\$10.15	\$9.63	\$8.75
Home Finding	W7277		51 or 55	571	15 min.	\$9.94	\$9.30	\$8.82	\$8.02
Homemaker/Chore (permanent)	W7283		43	430	1 hour	\$22.87	\$21.39	\$20.29	\$18.44
			51	430 or 431					
			55	430 or 431					
Homemaker/Chore (temporary)	W7283	UA	43	430					
		UA & ET							
		UA	51	430 or 431					
		UA & ET							

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
		UA	45	430 or 431					
		UA & ET							

Agency with Choice Financial Management Services, Excluding Benefits**

**Modifier U4 must be used with all procedures codes when billing for services excluding benefits.

<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Companion, level 3	W1727	U4	54	540	15 min.	\$3.06	\$2.87	\$2.72	\$2.47
Home & Community Habilitation—unlicensed, level 3	W7060	U4	54	540	15 min.	\$5.07	\$4.74	\$4.50	\$4.09
Home & Community Habilitation—unlicensed, level 3, enhanced	W7061	U4	54	540	15 min.	\$8.39	\$7.85	\$7.44	\$6.77
		TD & U4							
		TE & U4							
Home & Community Habilitation—unlicensed, level 4	W7068	U4	54	540	15 min.	\$10.13	\$9.48	\$8.99	\$8.17
Home & Community Habilitation—unlicensed, level 4, enhanced	W7069	U4	54	540	15 min.	\$16.77	\$15.69	\$14.88	\$13.52
		TD & U4							
		TE & U4							
Supports Broker	W7096	U4	54	540	15 min.	\$6.15	\$5.76	\$5.46	\$4.96
Supported Employment	W7235	U4	54	540	15 min.	\$6.12	\$5.73	\$5.43	\$4.94
Respite—unlicensed, in home, level 2	W7250	U4	54	540	1 day	\$223.14	\$208.74	\$197.94	\$179.95
	W7258	U4	54	540	15 min.	\$3.48	\$3.26	\$3.09	\$2.81
Respite—unlicensed, in home, level 2, enhanced	W7251	U4	54	540	1 day	\$478.66	\$447.77	\$424.61	\$386.01
		TD & U4							
		TE & U4							
	W7264	U4	54	540	15 min.	\$7.48	\$7.00	\$6.64	\$6.03
		TD & U4							
TE & U4									
Respite—unlicensed in home, level 3	W7252	U4	54	540	1 day	\$446.27	\$417.48	\$395.89	\$359.90
	W7265	U4	54	540	15 min.	\$6.97	\$6.52	\$6.19	\$5.62
Respite—unlicensed, in home, level 3, enhanced	W7253	U4	54	540	1 day	\$957.31	\$895.55	\$849.23	\$772.02
		TD & U4							
		TE & U4							
	W7266	U4	54	540	15 min.	\$14.95	\$13.99	\$13.26	\$12.06
		TD & U4							
		TE & U4							
TD & U4									
TE & U4									
Homemaker/Chore	W7283	U4	54	540	1 hour	\$13.42	\$12.55	\$11.91	\$10.82
		UA & U4							

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<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Respite—unlicensed, out of home, level 2	W8002	U4	54	540	1 day	\$223.14	\$208.74	\$197.94	\$179.95
	W8012	U4	54	540	15 min.	\$3.48	\$3.26	\$3.09	\$2.81
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4	54	540	1 day	\$478.66	\$447.77	\$424.61	\$386.01
		TD & U4							
		TE & U4							
	W8013	U4	54	540	15 min.	\$7.48	\$7.00	\$6.64	\$6.03
		TD & U4							
		TE & U4							
Respite—unlicensed, out of home, level 3	W8004	U4	54	540	1 day	\$446.27	\$417.48	\$395.89	\$359.90
	W8014	U4	54	540	15 min.	\$6.97	\$6.52	\$6.19	\$5.62
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4	54	540	1 day	\$957.31	\$895.55	\$849.23	\$772.02
		TD & U4							
		TE & U4							
	W8015	U4	54	540	15 min.	\$14.95	\$13.99	\$13.26	\$12.06
		TD & U4							
		TE & U4							

Agency with Choice Financial Management Services, Including Benefits***

***No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier ***</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Companion, level 3	W1727		54	540	15 min.	\$3.88	\$3.63	\$3.44	\$3.13
Home & Community Habilitation—unlicensed, level 3	W7060		54	540	15 min.	\$6.42	\$6.01	\$5.70	\$5.18
Home & Community Habilitation—unlicensed, level 3, enhanced	W7061		54	540	15 min.	\$10.62	\$9.93	\$9.42	\$8.56
		TD							
		TE							
Home & Community Habilitation—unlicensed, level 4	W7068		54	540	15 min.	\$12.83	\$12.00	\$11.38	\$10.35
Home & Community Habilitation—unlicensed, level 4, enhanced	W7069		54	540	15 min.	\$21.23	\$19.86	\$18.83	\$17.12
		TD							
		TE							
Supports Broker	W7096		54	540	15 min.	\$7.79	\$7.29	\$6.91	\$6.28
Supported Employment	W7235		54	540	15 min.	\$7.75	\$7.25	\$6.88	\$6.25
Respite—unlicensed, in home, level 2	W7250		54	540	1 day	\$282.49	\$264.26	\$250.60	\$227.81
	W7258		54	540	15 min.	\$4.41	\$4.13	\$3.91	\$3.56
Respite—unlicensed, in home, level 2, enhanced	W7251		54	540	1 day	\$605.98	\$566.88	\$537.56	\$488.69
		TD							
		TE							
	W7264		54	540	15 min.	\$9.47	\$8.86	\$8.40	\$7.64

Service	Procedure Code	Modifier ***	Provider Type	Specialty Code	Unit	Area 1	Area 2	Area 3	Area 4
		TD							
		TE							
Respite—unlicensed, in home, level 3	W7252		54	540	1 day	\$564.98	\$528.53	\$501.19	\$455.63
	W7265		54	540	15 min.	\$8.83	\$8.26	\$7.83	\$7.12
Respite—unlicensed, in home, level 3, enhanced	W7253		54	540	1 day	\$1,211.96	\$1,133.76	\$1,075.12	\$977.38
		TD							
	TE								
	W7266		54	540	15 min.	\$18.93	\$17.71	\$16.79	\$15.27
		TD							
		TE							
Homemaker/Chore	W7283		54	540	1 hour	\$16.99	\$15.89	\$15.07	\$13.70
		UA							
Respite—unlicensed, out of home, level 2	W8002		54	540	1 day	\$282.49	\$264.26	\$250.60	\$227.81
	W8012		54	540	15 min.	\$4.41	\$4.13	\$3.91	\$3.56
Respite—unlicensed, out of home, level 2, enhanced	W8003		54	540	1 day	\$605.98	\$566.88	\$537.56	\$488.69
		TD							
	TE								
	W8013		54	540	15 min.	\$9.47	\$8.86	\$8.40	\$7.64
		TD							
		TE							
Respite—unlicensed, out of home, level 3	W8004		54	540	1 day	\$564.98	\$528.53	\$501.19	\$455.63
	W8014		54	540	15 min.	\$8.83	\$8.26	\$7.83	\$7.12
Respite—unlicensed, out of home, level 3, enhanced	W8005		54	540	1 day	\$1,211.96	\$1,133.76	\$1,075.12	\$977.38
		TD							
	TE								
	W8015		54	540	15 min.	\$18.93	\$17.71	\$16.79	\$15.27
		TD							
		TE							

Fiscal Impact

There is no anticipated fiscal impact to the Commonwealth.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Mental Retardation (MH/MR) County Program, Administrative Entity (AE) or regional ODP in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/MR County Program or AE may be accessed at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120. E-mail should be sent to ODP's rate-setting mailbox at ra-ratesetting@pa.gov (use "PN Fee Schedule" in the subject line).

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-729. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1965. Filed for public inspection November 11, 2011, 9:00 a.m.]

Rate Setting Methodology for Consolidated and Person/Family Directed Support Waiver- and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System Effective November 15, 2011, through June 30, 2012

The purpose of this notice is to announce the final payment rates for Fiscal Year (FY) 2011-2012 for Nontransportation Cost-based Services and Per Diem and Trip Transportation cost-based services funded through the Consolidated and Person/Family Directed Support (P/FDS) waivers. These rates also apply for services when they are provided with base funding at the waiver funded service location. These rates are effective November 15, 2011.

Background

Beginning in 2008, the Department of Public Welfare (Department) began implementation of a Statewide rate setting system to establish provider payment rates consistently across this Commonwealth. The Department continues to move in a direction to align rates and rate-setting methodologies across programs.

Rate Setting Methodology for Per Diem and Trip Transportation Cost-based Services

The final payment rates for the period November 15, 2011, through June 30, 2012, for Per Diem and Trip transportation services were developed from the data in the Year 3 transportation cost reports (Version 6.0 FY 2009-2010 Historical Expense Period) submitted by providers and approved in the desk review process, when available, where the procedure codes in the transportation cost reports were the same as those entered in the Services and Supports Directory (SSD) as of January 2011. The Department reviewed the transportation cost reports submitted by the transportation providers and compared the services where costs were allocated in the cost report to the services offered in the SSD.

Where there was an exact match between the procedure code reported on the cost report and the procedure code in the SSD, the cost-based rate was assigned. If there was not an exact match between the cost report and SSD, the area-average rate was assigned to the services offered in the SSD but not reported on the cost report. If the transportation provider did not submit a cost report, the lowest rate was assigned for the services offered in the SSD. If there was a new provider that started services in FY 2010-2011 and did not have historical FY 2009-2010 experience, the area average rate was assigned. If a provider was signed up in the SSD to provide Per Diem and Trip transportation services but they are considered a vendor or a public carrier or are no longer

providing Per Diem or Trip transportation services and have not yet been deleted from the SSD, \$0.01 was assigned as the rate.

Rate-Setting Methodology for Nontransportation Cost-based Services

The following methodology applies to the final FY 2011-2012 cost-based payment rates developed from expenses and utilization reported in approved Year 3 cost reports (that is, based on the FY 2009-2010 historical expense period), subject to the adjustments described as follows. The cost-based rates effective for services delivered between November 15, 2011, and June 30, 2012, are based on the FY 2011-2012 cost-based rates which were assigned at the Master Provider Index—Service Location Code—Procedure Code/Modifier level based on the following methodology.

After the unit costs for each cost-based procedure code were adjusted, a total cost of living increase of 0% (0% for FY 2009-2010 and 0% for FY 2010-2011) was applied to the FY 2009-2010 unit costs for each procedure code to establish each provider's proposed payment rates for FY 2011-2012.

Outlier Review Process

The "total unit cost" for a provider and service is equal to the total expenses for that provider and service divided by the total units for that provider and service. Note that total expenses and units are based on restated cost reports, where applicable (that is, when resubmitted to reflect adjustments that resulted in updated expenses). The following total expenses are listed by service type:

- Licensed Respite Out-of-Home services: Total expenses are equal to the cost report's Schedule A, Line 18 plus Schedule A, Line 24.
- Residential—Eligible, Nonresidential and all other Respite services: Total expenses are equal to the cost report's Schedule A, Line 18.
- Residential—Ineligible services: Total expenses are equal to residential occupancy expenses on the cost report's Schedule A, Line 24, less use allowance (UA) expenses, less Schedule A, Line 17.

- o Based on an analysis conducted by the Department, Residential-Ineligible UA expenses in Column G on Schedules E, E-1 and E-2 of the cost report were removed from residential occupancy expenses on Schedule A, Line 24 of the cost report. (Note, the UA expenses were removed from the Residential-Ineligible procedure codes proportionately, based on the distribution of residential occupancy expenses on the cost report's Schedule A, Line 24).

The total utilization for residential services is equal to the cost report's Schedule A, Line 19 (Units Available) and for all other services is equal to the cost report's Schedule A, Line 21 (Units Provided). Final utilization includes any applicable utilization adjustments based on a review of the cost report data compared to available Home and Community Services Information System and PROMISE data.

The Department identified and adjusted for outliers at the total unit cost level for each of the providers' cost-based services submitted in Year 3 approved cost reports. For all services with 20 or more unique unit costs (that is, unit costs by provider and service from separate, approved Year 3 cost reports), the Department applied the following process for each service:

- The average and standard deviation (SD) values were calculated, excluding extreme outliers, based on the total unit costs for all providers from the Year 3 cost report data.

- Total unit costs that were greater than the average plus one SD or were less than the average minus two SD were flagged as outliers.

- For total unit costs that were flagged as outliers and were within +/- 5% of the provider's FY 2010-2011 payment rate for the procedure code, the total unit cost was accepted and did not undergo a review.

- For total unit costs that were flagged as outliers and were not within +/- 5% of the provider's FY 2010-2011 payment rate for the procedure code, the total unit cost did undergo a review.

Total Unit Cost Review

The Department performed a review of all total unit cost outliers that were not within +/- 5% of the final FY 2010-2011 rate. The Department established a review process and review procedures to ensure consistency across the Commonwealth. For Residential—Eligible services, the review consisted of an evaluation of the Individual Support Plans (ISPs) for waiver participants receiving services at residential service locations impacted by the outlier unit cost. For all other services, a review (without evaluating specific ISPs) was performed. The review allowed the Department to determine whether the outlier unit cost was justified based on the provider cost report submission and historical expenses. Based on the findings of the review, the following criteria were applied:

- Total unit cost outliers that were justified based on the ISP review or the review without ISPs were not adjusted.

- Total unit cost outliers that were greater than the average unit cost plus one SD and not justified based on the ISP review or the review without ISPs were adjusted to the maximum unit cost below the average plus one SD for that service.

- For Residential—Eligible services, total unit cost outliers that were less than the average unit cost minus two SD and not justified based on the ISP reviews were adjusted to the minimum unit cost above the average minus two SD for that service.

- o For all other services, no review was performed on outliers less than the average unit cost minus two SD and all were adjusted to the minimum unit cost above the average minus two SD for that service.

The average unit cost, the maximum unit cost below the average plus one SD, and the minimum unit cost above the average minus two SD are set forth in the Department's Statistical Unit Cost Analysis Summary for Rates Effective November 15, 2011, through June 30, 2012. This summary can be found on the Department's web site at: http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/feeschedule/s_002146.pdf.

For all cost-based services with fewer than 20 unique total unit costs, there were not enough data points to produce statistically valid ranges, so the previously listed process could not be applied and the Department did not perform an outlier review on the total unit costs for those services.

Cost of Living Adjustment and Rate Adjustment Factor (RAF)

After the unit costs for each cost-based procedure code were adjusted as previously described, a total cost of

living increase of 0% (0% for FY 2009-2010 and 0% for FY 2010-2011) was applied to the FY 2009-2010 unit costs for each procedure code to establish each provider's payment rates for FY 2011-2012.

The Department then compared projected FY 2011-2012 State and Federal expenditures to the corresponding FY 2011-2012 adjusted budget amounts for the Consolidated and P/FDS Waiver programs to determine if it was necessary to apply a RAF to the FY 2011-2012 proposed payment rates. State and Federal expenditures were projected using the payment rates effective July 1, 2011, through November 14, 2011, and proposed payment rates effective November 15, 2011, through June 30, 2012, and projected utilization, which was based on actual FY 2010-2011 utilization and utilization trend factors determined by the Department. Based on this analysis, the Department determined a RAF of -6.00% was necessary. Final payment rates were calculated using the following formula:

$$\text{Final Payment Rate} = \text{Proposed Payment Rate} \times (1 - \text{RAF})$$

Rate Assignment Process

The Department used the following rate assignment process for providers who submitted their Year 3 cost report and passed the desk review process:

- Assigned their cost-based rate for existing services and service locations if completed both of the following:

- (1) The provider signed up for both the service and service location in the SSDs as of December 31, 2010.

- (2) The provider submitted both the service and service location in their approved Year 3 cost report.

- Assigned the average of their cost report rates for an existing service at a new service location, if they had a cost-base rate assigned for that service at another service location on their approved cost report.

- Assigned the area adjusted average of all providers' cost report rates for new services, if they did not submit cost report data for the service in their cost report (that is, the provider did not provide this service at any service location in FY 2009-2010).

Providers who submitted their Year 3 cost report but whose resubmission still failed the desk review process were assigned the 25th percentile rate calculated based on all approved cost reports for all services.

Providers who attempted to submit a cost report but failed to successfully upload the cost report to the online system before the deadline were assigned the 12.5 percentile rate calculated based on all approved cost reports for all services.

The Department established the provider's rates as the lowest rates calculated based on all approved cost reports if a provider did not attempt a cost report submission by the deadline or if the provider successfully submitted a cost report but did not resubmit a corrected cost report as requested during the desk review process.

Fiscal Impact

It is anticipated that there will be an approximate part-year savings of \$62.384 million (\$31.421 million State Funds) and full-year savings of \$99.870 million (\$50.301 million in State Funds) in FY 2012-2013.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Mental Retardation (MH/MR) County Pro-

gram, Administrative Entity (AE) or regional Office of Developmental Programs (ODP) in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/MR County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120. E-mail should be sent to ODP's rate-setting mailbox at ra-ratesetting@pa.gov (use "PN PPS Methodology" in the subject line).

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-732. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1966. Filed for public inspection November 11, 2011, 9:00 a.m.]

Rate Setting Methodology for Consolidated and Person/Family Directed Support Waiver- and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System from July 1, 2011, through November 14, 2011

The Department of Public Welfare (Department) is correcting the Prospective Payment System (PPS) notice published at 41 Pa.B. 3307 (June 25, 2011).

Specifically, payment rates for providers of Consolidated Waiver, Person/Family Directed Support Waiver (P/FDS) and base funded services for a waiver service location identified as cost based services in Fiscal Year (FY) 2010-2011 will continue to have the same payment rates as the FY 2010-2011 final payment rate for the period of July 1, 2011, through November 14, 2011. This correction is applicable for transportation per diem and trip cost based services, nontransportation cost based services, Supports Coordination and Targeted Service Management rates.

Background

Beginning in 2008, the Department began implementation of a Statewide rate setting system to establish provider payment rates consistently across this Common-

wealth. The Department continues to move in a direction to align rates and rate-setting methodologies across programs.

Rate-Setting Methodology for Transportation Per Diem and Trip Cost-based Services

The payment rates for the period July 1, 2011, through November 14, 2011, for Per Diem and Trip transportation services were developed from the data in the Year 2 transportation cost reports (Version 5.0 FY 2008-2009 Historical Expense Period) submitted by providers and approved in the desk review process, where the procedure codes in the transportation cost reports were the same as those entered in the Service and Supports Directory (SSD) as of February 2010. The Department reviewed the transportation cost reports submitted by the transportation providers and compared the services where costs were allocated in the cost report to the services offered in the SSD.

Where there was an exact match between the procedure code reported on the cost report and the procedure code in the SSD, the cost-based rate was assigned. If there was not an exact match between the cost report and SSD, the area-average rate was assigned to the services offered in the SSD but not reported on the cost report. If the transportation provider did not submit a cost report, the lowest rate was assigned for the services offered in the SSD. If there was a new provider that started services in FY 2009-2010 and did not have historical FY 2008-2009 experience, the area average rate was assigned.

Rate-Setting Methodology for Nontransportation Cost-based Services (Excluding Supports Coordination and Targeted Service Management)

For rates effective July 1, 2011, through November 14, 2011, the payment rates for nontransportation cost-based services were developed from the data in the Year 2 cost reports (Version 5.0—FY 2008-2009 Historical Expense Period) submitted by providers and approved in the desk review process, when available, where the procedure codes and service locations in the cost reports were the same as those entered in the SSD as of December 31, 2009. Procedure codes and service locations included in the cost reports, but not entered in the SSD as of December 31, 2009, were not included in calculating payment rates.

Final payment rates effective July 1, 2011, through November 14, 2011, include the -2.50% rate adjustment factor (RAF) calculated for FY 2010-2011.

Outlier Review Process

The "total unit cost" for a provider and service is equal to the total expenses for that provider and service divided by the total units for that provider and service. The total expenses are listed as follows by service type:

- **Licensed Respite Out-of-Home services:** Total expenses are equal to the cost report's Schedule A, Line 18 plus Schedule A, Line 23 of the cost reports.
- **Residential—Eligible, Nonresidential and all other Respite services:** Total expenses are equal to the cost report's Schedule A, Line 18.
- **Residential—Ineligible services:** Total expenses are equal to residential occupancy expenses on the cost report's Schedule A, Line 23, less Line 17.

The total utilization for residential services is equal to the cost report's Schedule A, Line 19 (Units Available) and for all other services is equal to the cost report's

Schedule A, Line 21 (Units Provided). Final utilization includes any applicable utilization adjustments based on a review of the cost report data compared to available Home and Community Services Information System and PROMISe data.

The following two allowable cost parameters were used:

- Salary and Employee Related Expenses (ERE) unit cost—The combined impact of a provider's staffing levels and salary and ERE expense levels for direct care staff (calculated using the data reported on the cost report's Schedule A, Lines 1 and 2, adjusted to account for adjustments reported, and divided by the reported utilization, as modified to correct errors).
- Administration expense percentage—The administration expenses as a percentage of the total expenses (calculated using the data reported on the cost report's Schedule A, Lines 6, 7, 9, 10, 13, 14 and 15 of the cost report divided by the reported utilization, as modified to correct errors).

After calculating the adjusted unit costs and allowable cost parameters for each procedure code for the services delivered by each provider, the Department identified and adjusted for outliers at the total unit cost level for each of the providers' cost-based services submitted in Year 2 approved cost reports. For all services with 20 or more unique unit costs, the Department applied the following process for each service:

- The average and standard deviation (SD) values were calculated, excluding extreme outliers, based on the total unit costs for all providers from the Year 2 cost report data.
- Total unit costs that were greater than the average plus one SD were flagged as outliers
- For total unit costs that were flagged as outliers and were within +/- 5% of the provider's FY 2009-2010 payment rate for the procedure code, the total unit cost was accepted and did not undergo a review.
- For total unit costs that were flagged as outliers and were not within +/- 5% of the provider's FY 2009-2010 payment rate for the procedure code, the total unit cost did undergo a review, as described as follows.
- For total unit costs that were not identified as outliers, the allowable cost parameters underwent a review, as described as follows.

Total Unit Cost Review

The Department performed a review of the total unit costs and allowable cost parameters for each procedure code and adjusted outliers, applying the following principles:

- Total unit cost outliers that were between one SD and two SD above the average unit cost were adjusted to the maximum unit cost value within one SD above the average unit cost for the procedure code.
- Total unit cost outliers that were more than two SD above the average unit cost were reviewed by the Department in the following manner.
 - For Residential—Eligible services, the review consisted of an evaluation of the Individual Support Plans (ISPs) for waiver participants receiving services at the residential service locations impacted by the outlier unit cost.
 - For all other services, a review (without evaluating specific ISPs) was performed. The review allowed the Department to determine whether the outlier unit cost

was justified based on the cost report submission and historical expenses. Based on the review, the Department applied the following principles:

- A unit cost justified by the needs of the waiver participants at the service location for residential services and by the enhanced review for nonresidential services was not adjusted.
- A unit cost not justified by the needs of the waiver participants at the service location for residential services and by the review for nonresidential services was adjusted to the maximum unit cost value within two SD above the average unit cost for the procedure code.

The average unit cost, the maximum unit cost below one SD above the average unit cost and the maximum unit cost below two SD above the average unit cost are set forth in the Department's Statistical Unit Cost Analysis Summary for Rates Effective July 1, 2011, through November 14, 2011. This summary can be found on the Department's web site at http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/feeschedule/s_002146.pdf.

Allowable Cost Parameter Review

For procedure codes with total unit costs that were not identified as outliers, the Department reviewed the allowable cost parameters for each procedure code to determine if either of the allowable cost parameters were more than two SD above the average allowable cost parameter for the procedure code and adjusted the allowable cost parameters as follows:

- In the vast majority of cases, the Department identified either an error or a misclassification of the data in the cost report and most allowable cost parameters that were flagged as outliers were not adjusted.
- For those that were adjusted based on a review of the provider's cost report and allocation methodology, the allowable cost parameter was adjusted down to the maximum allowable cost parameter within two SD above the average allowable cost parameter for the procedure code.

For all cost-based services with fewer than 20 unique total unit costs, there were not enough data points to produce statistically valid ranges, so the previously listed process could not be applied and the Department did not perform an outlier review on the total unit costs for those services.

Cost of Living Adjustment and RAF

After the unit costs for each procedure code were adjusted as previously described, a total cost of living increase of 0% (0% for FY 2008-2009 and 0% for FY 2009-2010) was applied to the FY 2008-2009 unit costs for each procedure code to establish each provider's proposed payment rates for FY 2010-2011.

The Department then compared projected FY 2010-2011 State and Federal expenditures to the corresponding FY 2010-2011 budget appropriation for the Consolidated and P/FDS waiver programs to determine if a RAF was necessary for the FY 2010-2011 rates. State and Federal expenditures were projected using the draft payment rates and projected utilization, which was based on actual FY 2009-2010 utilization and utilization trend factors determined by the Department. Based on this analysis, the Department determined a RAF of -2.50% was necessary to ensure projected expenditures would not exceed the available appropriation in FY 2010-2011. Final payment rates were calculated using the following formula:

Final Payment Rate = Proposed Payment Rate × (1 - RAF)

Rate Assignment Process

The Department used the following process for providers who submitted their Year 2 cost report and passed the desk review process:

- Assigned their cost-based rate for existing services and new service locations if completed both the following:

- (1) The provider signed up for both the service and service location in the SSD as of December 31, 2009.

- (2) The provider submitted both the service and service location in their approved Year 2 cost report.

- Assigned the average of their cost report rates for an existing service at a new service location, if they had a cost-based rate assigned for that service at another service location on their approved cost report.

- Assigned the area adjusted average of all providers' cost report rates for new services, if they did not submit cost report data for the service in their cost report (that is, the provider did not provide this service at any service location in FY 2008-2009).

Providers who submitted their Year 2 cost report whose resubmission failed the desk review process were assigned the 25th percentile rate calculated based on all approved cost reports for all services.

Providers who attempted to submit a cost report but failed to successfully upload the cost report to the online system before the deadline were assigned the 12.5 percentile rate calculated based on all approved cost reports for all services.

The Department established a provider's rate as the lowest rate calculated based on all approved cost reports if a provider did not attempt a cost report submission by the deadline or if the provider successfully submitted a cost report but did not resubmit a corrected cost report as requested during the desk review process.

Rate-Setting Methodology for Supports Coordination and Targeted Service Management Cost-based Services

Providers reported several difficulties in completing their cost report, including identifying units, allocating administration expenses and allocating staff time between waiver SC services and Targeted Services Management. The Department determined it was not possible to use the data to develop FY 2010-2011 payment rates because the reported difficulties undermined the reliability and accuracy of the cost report data.

Therefore, the payment rates for FY 2010-2011 and FY 2011-2012 for the period July 1, 2011, through November 14, 2011 were based on each provider's FY 2009-2010 payment rates instead of the FY 2008-2009 cost report data. To establish each provider's FY 2010-2011 payment rates, the Department first applied a cost of living increase of 0% to each FY 2009-2010 rate. The Department then projected total FY 2010-2011 waiver expenditures using the proposed payment rates and projected utilization for all waiver services and compared those projected expenditures to the adjusted budget amounts. A rate adjustment factor of -2.50% was applied to the adjusted unit costs for all waiver services except fee schedule, outcome-based, and vendor services, so that the estimated waiver expenditures would not exceed the available waiver appropriation.

Fiscal Impact

There is no anticipated fiscal impact.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Mental Retardation (MH/MR) County Program, Administrative Entity (AE) or regional Office of Developmental Programs (ODP) in the corresponding regions:

- Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144

- Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749

- Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

- Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/MR County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120. E-mail should be sent to ODP's rate-setting mailbox at ra-ratesetting@pa.gov (use "PN PPS Methodology" in the subject line).

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-731. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1967. Filed for public inspection November 11, 2011, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by it.

The following property is available for sale by the Department.

Parcel No. 56—Etna Borough, Allegheny County

The parcel contains approximately 4,300 +/- square feet of unimproved land located along Greismere Street and SR 0008. The estimated fair market value of the parcel is \$2,600.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to H. Daniel Cessna, P.E., District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 11-1968. Filed for public inspection November 11, 2011, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

UMCO Energy, Inc. v. DEP; EHB Doc. No. 2011-156-R

UMCO Energy, Inc. has appealed by the Department of Environmental Protection renewal of an NPDES Permit to UMCO Energy, Inc. for a facility in Fallowfield Township, Washington County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 11-1969. Filed for public inspection November 11, 2011, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, October 20, 2011, and announced the following:

Action Taken—Regulations Disapproved

Pennsylvania Liquor Control Board #54-67: Connection With Other Business (amends 40 Pa. Code § 3.52)

State Board of Medicine #16A-4931: Perfusionist (amends 49 Pa. Code §§ 16.11, 16.13 and adds §§ 18.531 to 18.541)

Disapproval Order

Public Meeting held
October 20, 2011

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Pennsylvania Liquor Control Board—
Connection With Other Business;
Regulation No. 54-67 (#2912)*

On September 7, 2011, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code § 3.52. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The purpose of this final-omitted rulemaking is to amend the Board's existing regulations to allow certain businesses, namely casinos, licensed by both the Board and the Pennsylvania Gaming Control Board (PGCB), to keep their liquor licenses and their gaming licenses in separate legal entities under common ownership, particularly, wholly-owned subsidiaries.

Upon review, we find that § 3.52(a) is ambiguous and lacks clarity and therefore does not satisfy the criterion set forth in Section 5.2(b)(3)(ii) of the Regulatory Review Act (71 P. S. § 745.5b(b)(3)(ii)). As drafted, this provision does not limit the licensing arrangement to wholly-owned subsidiaries of the licensee. Of particular concern is the use of the word "person" and the phrase "under common control." The regulated community that must comply with the rulemaking is subject to two statutes: the Liquor Code (47 P. S. §§ 1-101—8-803) and the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. §§ 1101—1904). These statutes have different definitions of the term "person." In addition, the phrase "under common control" is not defined by either statute or the Board's existing regulations. Differing standards for the term "person" and a lack of specificity for the phrase "under common control" could cause difficulty in administering this provision and lead to costly litigation.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) and the intention of the General Assembly. However, after considering the other criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

By Order of the Commission:

The regulation #54-67 (IRRC #2912) from the Pennsylvania Liquor Control Board was disapproved on 10/20/11.

Disapproval Order

Public Meeting held
October 20, 2011

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*State Board of Medicine—
Perfusionist;
Regulation No. 16A-4931 (#2848)*

On May 11, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code §§ 16.11, 16.13 and adds §§ 18.531 to 18.541. The proposed regulation was published in the May 22, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 12, 2011.

This regulation implements Act 19 of 2008 which established licensure of perfusionists. The regulation sets forth requirements for several types of licenses, including a general license, a temporary graduate license, a temporary provisional license and a one-time temporary emergency exemption from licensure. It also addresses requirements for continuing education and liability insurance.

We have identified three areas where this regulation does not meet the criterion of clarity in the Regulatory Review Act (71 P. S. § 745.5b(b)(3)(ii)). First, 63 P. S. § 422.13c(n)(1) states:

The board shall adopt, promulgate and enforce rules and regulations consistent with the provisions of this act establishing requirements of continuing education to be met by individuals licensed as perfusionists under this act as a condition for renewal of their licenses. . . . (Emphasis added.)

Paragraph 18.537(b)(4) requires the licensee to verify compliance with the continuing education provisions in the act, but does not clearly state that completion of continuing education is a condition for license renewal. In addition, Paragraph 18.537(b)(4) cross-references Section 18.540 which imposes the vague penalty of “discipline” at Paragraph 18.540(a)(3) for failure to complete continuing education. Direct and clear notice in the wording of the regulation will benefit both the Board and licensees in obtaining compliance. Clear notice can also avoid the expense of the Board taking actions against the licensee and the potential loss of income for the licensee. Therefore, while the intent and actions of the Board may be to not renew a license, we find that clear notice to licensees is needed in the regulation that the Board cannot renew a license if the licensee fails to complete the required continuing education.

The second provision that needs to be clearer is Paragraph 18.539(b)(3). The paragraphs under Subsection (b) establish what constitutes unprofessional conduct. Paragraph (3), as amended, establishes the following as unprofessional conduct:

Performing acts in the practice of a healthcare profession in violation of a statute or regulation in this Commonwealth, the United States, or another state, the District of Columbia, a territory of the United States, or another country.

As worded, regardless of where the licensee is practicing, the licensee would have to comply with all statutes and regulations in all jurisdictions. We do not believe this was the Board’s intent. However, the language of the regulation needs to be amended to avoid the impractical situation where, for example, a licensee practicing in Pennsylvania who performs a procedure in full compliance with Pennsylvania’s statutes and regulations, could technically be found under Paragraph (3) to have engaged in unprofessional conduct because the procedure violates the statute or regulations of another state or country. The Board should review and clarify Paragraph (3).

The third area that should be clarified is the conditions for waiver of the continuing education requirements in Paragraph 18.540(a)(4). This provision relies on a cross-reference to 63 P. S. § 422.13c(n)(4). Although 63 P. S. § 422.13c(n)(4) provides the conditions for waiver, which

are “serious illness, military service or other demonstrated hardship,” we believe the regulation would be clearer by including these specific statutory conditions for waiver in the regulation. Again, we believe that direct and clear notice in the wording of the regulation will benefit both the Board and licensees in successfully implementing a waiver.

We have determined this regulation is consistent with the statutory authority of the Board and the intention of the General Assembly. However, we find that the regulation does not meet the Regulatory Review Act criterion of clarity (71 P. S. § 745.5b(b)(3)(ii)). Therefore,

By Order of the Commission:

The regulation #16A-4931 (IRRC #2848) from the State Board of Medicine was disapproved on 10/20/11.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-1970. Filed for public inspection November 11, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Cornerstone Professional Liability Consultants under Act 143; Professional Casualty Association; Doc. No. AT11-10-014

A prereview telephone conference initiated by this office is scheduled for December 20, 2011, at 10 a.m. A date for the review of the agency contract termination shall be determined, if necessary, at the prereview telephone conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 5, 2011, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 19, 2011.

Persons with a disability who wish to attend the previously-referenced administrative review and require an auxiliary aid, service or other accommodation to participate in the review should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1971. Filed for public inspection November 11, 2011, 9:00 a.m.]

Allstate Fire and Casualty Insurance Company; Private Passenger Automobile Rate and Rule Revisions

On October 10, 2011, the Insurance Department (Department) received from Allstate Fire and Casualty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The Allstate Fire and Casualty Insurance Company requests an overall 2% increase amounting to \$7,909,216 annually, to be effective April 16, 2012, for new business and May 17, 2012, for renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to December 9, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1972. Filed for public inspection November 11, 2011, 9:00 a.m.]

Blue Oil Company, Inc.; Prehearing

Appeal of Blue Oil Company, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2011-0067(S); Doc. No. UT11-10-009

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on January 4, 2012, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, at the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before December 20, 2011. Answers to petitions to intervene, if any, shall be filed on or before January 3, 2012.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1973. Filed for public inspection November 11, 2011, 9:00 a.m.]

Erie Insurance Exchange; Private Passenger Auto Insurance Rate and Rule Revision

On October 24, 2011, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a proposed rate level and rule change for Private Passenger Auto insurance.

Erie Insurance Exchange requests an overall 0.1% decrease amounting to \$528,000 annually, to be effective April 1, 2012. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to December 23, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1974. Filed for public inspection November 11, 2011, 9:00 a.m.]

Physicians Insurance Program Exchange; Prehearing

Appeal of Physicians Insurance Program Exchange under the Act of July 3, 1986 (P. L. 396, No. 86) (40 P. S. §§ 3401—3409); Patricia Sutton, D.O.; File No. 11-214-105174; Doc. No. P11-10-004

A prehearing telephone conference initiated by the Administrative Hearings Office is scheduled for December 20, 2011, at 1:30 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before December 16, 2011.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 5, 2011, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before December 19, 2011.

A written request for continuance of the scheduled prehearing telephone conference, for good cause will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1975. Filed for public inspection November 11, 2011, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Robert L. Elia; file no. 11-181-105882; State Farm Fire and Casualty Company; Doc. No. P11-08-014; November 8, 2011, 1:30 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1976. Filed for public inspection November 11, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Certificate of Public Convenience

A-2011-2270585. Verizon Pennsylvania, Inc. Application of Verizon Pennsylvania, Inc. for a Certificate of Public Convenience evidencing all approvals under the Public Utility Code for the sale of a building at 332 Donahoe, Greensburg, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 22, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Verizon Pennsylvania, Inc.

Through and By Counsel: Suzan D. Paiva, Esquire, 1717 Arch Street, 3rd Floor, Philadelphia, PA 17103

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1977. Filed for public inspection November 11, 2011, 9:00 a.m.]

Petition for Finding

P-2011-2269411. PPL Electric Utilities Corporation. Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the East Tannersville 138-12 kV substation to be construction in Pocono Township, Monroe County is reasonably necessary for the convenience or welfare of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before Monday, November 28, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1978. Filed for public inspection November 11, 2011, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 28, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2011-2249149. (Corrected) Institute for the Development of African-American Youth, Inc., 2221 North Broad Street, Philadelphia, Philadelphia County, PA 19132—for the right to begin to transport, as a common carrier, persons in paratransit service by providing charitable and educational activities, from points in the City and County of Philadelphia, to Commonwealth correctional facilities in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1979. Filed for public inspection November 11, 2011, 9:00 a.m.]

Telecommunications

A-2011-2269573. Verizon Pennsylvania Inc. and RNK Pennsylvania, Inc. Joint petition of Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc. for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc., by its counsel, filed on October 27, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1980. Filed for public inspection November 11, 2011, 9:00 a.m.]

Water Service

A-2011-2269905 and A-2011-2269971. Pennsylvania American Water Company and All Seasons Water Company. Joint application of Pennsylvania American Water Company and All Seasons Water Company for approval of: 1) the transfer, by sale, of the water works property and rights of the All Seasons Water Company to Pennsylvania American Water Company; 2) beginning by Pennsylvania American Water Company of water service to the public in portions of Delaware Township, Pike County, presently being served by All Seasons Water Company; and 3) the abandonment by All Seasons Water Company of all water service to the public in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 28, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Pennsylvania American Water Company and All Seasons 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. 11-1981. Filed for public inspection November 11, 2011, 9:00 a.m.]

STATE BOARD OF NURSING**Automatic Suspension of the License to Practice Professional Nursing of Sara J. Whitlatch, RN; Doc. No. 1518-51-11**

On August 22, 2011, Sara J. Whitlatch, license no. RN598054, of Uniontown, Fayette County, had her nursing license automatically suspended, based on her felony conviction under the Drug Act.

Individuals may obtain a copy of the final order by writing to Roberta L. Silver, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 11-1982. Filed for public inspection November 11, 2011, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' request concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

December 8, 2011	Paul F. Dschuhan Pension Forfeiture	1 p.m.
December 9, 2011	Brett C. Paulhamus (D) Death Benefit	1 p.m.
December 15, 2011	Tonya Bass Disability Retirement Benefits	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,
Secretary

[Pa.B. Doc. No. 11-1983. Filed for public inspection November 11, 2011, 9:00 a.m.]

