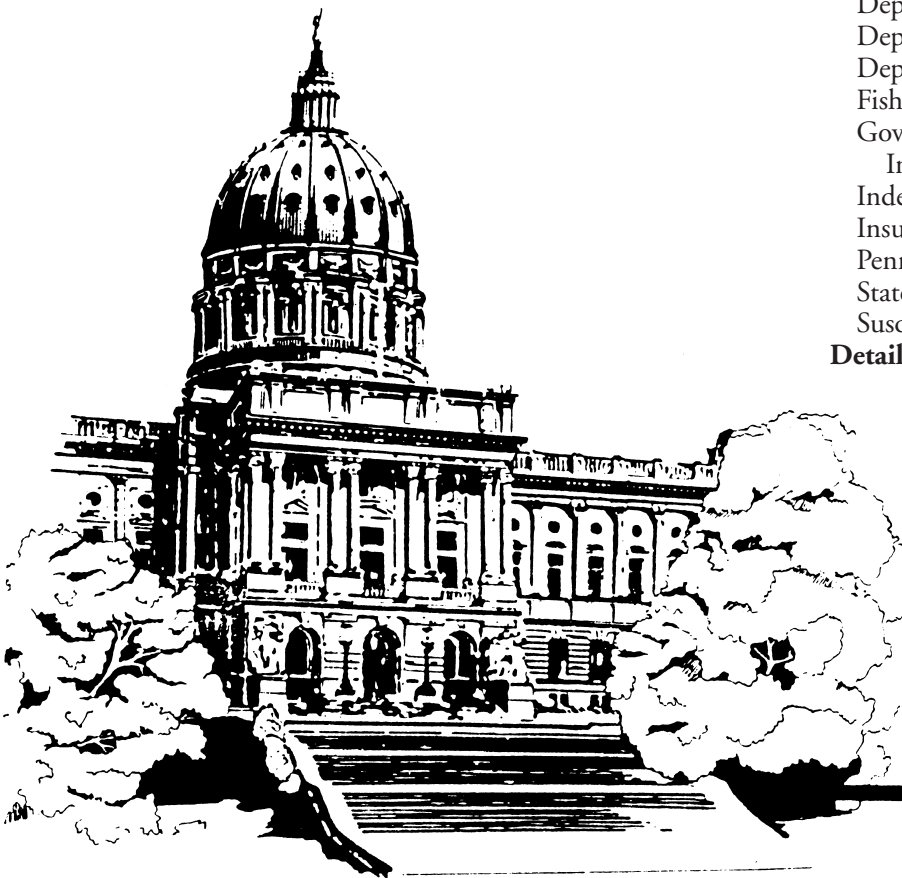


# PENNSYLVANIA BULLETIN

Volume 42  
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(Master Transmittal Sheets):**

**No. 447, February 2012**

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

## *Pennsylvania Bulletin*

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the 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.

**SUBSCRIPTION INFORMATION: (717) 766-0211  
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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

<b>4 Pa. Code (Administration)</b>		<b>204 Pa. Code (Judicial System General Provisions)</b>	
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# THE GOVERNOR

## GOVERNOR'S OFFICE

[ EXECUTIVE ORDER NO. 2011-11 ]  
Office of City Receiver—Harrisburg

December 12, 2011

*Whereas*, Chapter 7 of the Municipalities Financial Recovery Act, 53 P. S. § 11701.101 et seq., as amended, (hereinafter, the Act) authorizes the Governor of Pennsylvania to direct the Secretary of Community and Economic Development (Secretary) to petition the Commonwealth Court of Pennsylvania to appoint a Receiver for a city of the third class under certain circumstances as set forth in the Act; and

*Whereas*, on November 16, 2011, Governor Corbett directed the Secretary to file a petition in the Commonwealth Court of Pennsylvania to appoint David Unkovic to be the Receiver for the City of Harrisburg, which petition was filed with the Commonwealth Court on November 18, 2011; and

*Whereas*, by Order of the Court dated December 2, 2011, David Unkovic was appointed as the Receiver for the City of Harrisburg, and David Unkovic now has the full power and authority to exercise with respect to the City of Harrisburg all of the powers and duties of the Receiver under Chapter 7 of the Act; and

*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, do hereby create within the Executive Office of the Governor and subject to the Commonwealth Attorneys Act, Act of October 15, 1980 (P. L. 950, No. 164), the Office of the City Receiver—Harrisburg with the duties, responsibilities, and authority as set forth herein.

1. *Purpose of the Office of City Receiver—Harrisburg:*

- a. To further the stated public policy of Chapter 7 of the Act, specifically, to foster fiscal integrity of municipalities.
- b. To fulfill the commonwealth's obligation and responsibility to protect and preserve the health, safety, and welfare of the citizens of the City of Harrisburg during a time of emergency fiscal conditions and to develop a solvency plan for the fiscal recovery of the City of Harrisburg.
- c. To provide leadership, coordination, and control over the development and implementation of an emergency action and recovery plan for the City of Harrisburg during the time of fiscal emergency under the Act.

2. *Duties and Responsibilities of the Office of City Receiver—Harrisburg:*

- a. To initiate, supervise, and coordinate the receivership of the City of Harrisburg in accordance with the Act.
- b. To perform all duties and obligations set forth in Chapter 7 of the Act.
- c. To reimburse commonwealth agencies for costs incurred by such agencies on behalf of or in support of the Office of City Receiver—Harrisburg.

3. *Authority.* In addition to the authority otherwise provided by the Act, the Receiver, in carrying out his duties and responsibilities, is authorized:

- a. To select, appoint, and employ such employees as may be necessary to carry out the functions, powers, and duties of the office, in accordance with the procedures of the Governor's Office of Administration.
- b. To engage financial or legal experts, as necessary and appropriate, subject to employment or contracting procedures and requirements for offices created within the Executive Office of the Governor.



c. To enter into agreements with other commonwealth agencies under the Governor's jurisdiction as may be advisable for the conduct of the business of the Office of City Receiver—Harrisburg.

4. *Limitation of Personal Liability.* In accordance with Section 705(g) of the Act, the Receiver's personal liability is limited as follows:

a. The Receiver shall not be liable personally for any obligations of the City of Harrisburg or any of its component units or authorities.

b. The Receiver possesses sovereign and official immunity, as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver), and is immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. Chapter 85, Subchapter A (relating to general provisions), and Subchapter B (relating to actions against commonwealth parties).

c. The Receiver shall not be liable personally for any contractual or other financial obligations that he enters into in the course of exercising his official duties.

5. *Support to the Office of City Receiver—Harrisburg.* The Governor's Office will designate executive branch agencies to provide technical, administrative, and staffing support to the Office of City Receiver—Harrisburg.

6. *Relationship with other agencies.* All agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as necessary and appropriate to the Office of City Receiver—Harrisburg, in the performance of its functions.

7. *Effective Date.* This Executive Order shall take effect immediately.

8. *Termination.* This Executive Order terminates upon the termination of receivership of the City of Harrisburg under the provisions of Section 710 of the Act.



Governor

**Fiscal Note:** 2011-11. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-178. Filed for public inspection February 3, 2012, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS [ 204 PA. CODE CH. 213 ]

#### Proposed Amendments to the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania

The Administrative Office of Pennsylvania Courts is planning to recommend that the Supreme Court of Pennsylvania adopt several limited amendments to the Policy which will clarify that (1) the Policy does not govern public access to images of documents that are stored in PACMS, CPCMS, or MDJS; (2) a party's street address will be available only on web docket sheets concerning civil and landlord tenant matters filed in magisterial district courts; and (3) academic requests for bulk distribution of electronic case records for restricted data (Policy Section 3.10) must indicate whether Institutional Review Board approval has been received.

The entire Policy is embodied in 204 Pa. Code §§ 213.71 to 213.79 and is viewable at: <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

The text of the proposed amendments is set forth as follows. Additions are shown in bold; deletions are in bold and brackets.

Interested persons should submit suggestions, comments, or objections concerning this proposal to:

Administrative Office of Pennsylvania Courts  
ATTN: Public Access Comments  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102  
publicaccesscomments@pacourts.us

no later than March 5, 2012.

ZYGMONT A. PINES,  
*Court Administrator of Pennsylvania*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 213. COURT RECORDS POLICIES

#### Subchapter C. ELECTRONIC CASE RECORD PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

#### § 213.71. Definitions.

\* \* \* \* \*

(c) "Electronic Case Record" means information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the PACMS, CPCMS, or MDJS and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format. **This definition does not include images of documents filed**

with, received, produced or maintained by a court or office which are stored in PACMS, CPCMS or MDJS.

\* \* \* \* \*

#### Commentary—2012

The definition of "electronic case records" was amended to exclude images of documents filed with, received, produced or maintained by a court or office which are stored in PACMS, CPCMS or MDJS.

#### § 213.73. Electronic Case Record Information Excluded from Public Access.

The following information in an electronic case record is not accessible by the public:

\* \* \* \* \*

(6) a party's street address except the city, state, and ZIP code may be released[ ; ]. **This provision is not applicable to web docket sheets concerning civil and landlord tenant cases filed and maintained in the magisterial district courts;**

\* \* \* \* \*

#### 2012 Commentary

Since the policy was implemented in 2007, concerns have surfaced regarding the restriction on the release of a party's street address. Address information often assists reviewers of court records in distinguishing individuals with similar names. In some cases, such as civil and landlord tenant matters filed in a magisterial district court, the only party identifier that is collected by the court which can be used to distinguish individuals is address information. Dates of birth or other identifying information is not collected.

While providing city, state, and ZIP code information is helpful in some cases, this information is inadequate when a party with a common name lives in a densely populated area. This inability to match the right person with the right case information has hampered efforts to release public web docket sheets for these cases filed in the magisterial district courts. To post such docket sheets on the Internet without providing the reviewer with information to distinguish one party from another would be imprudent.

The federal judiciary has instituted a tiered approach with regard to the release of address information. Specifically, access to home addresses in criminal cases is restricted to city and state only while access to home addresses in civil cases is unrestricted. See Fed.R.Crim.P. 49.1(a)(5) and Fed.R.Civ.P. 5.2.

Moreover, the personal safety and privacy concerns with releasing a party's full address typically have surfaced when the information has been released in bulk. Thus, providing full address information on the public web docket sheets for these civil and landlord tenant matters is an appropriate and measured response to the concerns raised.

**Requests for bulk distribution of party address information in civil and landlord tenant matters filed in the magisterial district courts will continue to be governed by the provisions of Section 3.10(B).**

**§ 213.74. Requests for Bulk Distribution of Electronic Case Records.**

\* \* \* \* \*

(b) A request for bulk distribution of electronic case records not publicly accessible under § 213.73 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.

(1) Requests of this type will be reviewed on a case-by-case basis.

(2) In addition to the request form, the requestor shall submit in writing:

(i) the purpose/reason for the request;

(ii) identification of the information sought;

(iii) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected; [ and ]

(iv) certification that the information will not be used except for the stated purposes [ . ]; and

(e) whether IRB approval has been received, if applicable.

**2012 Commentary**

**An Institutional Review Board (“IRB”) is a group of individuals that has been designated to review and monitor research involving human subjects. An IRB will typically set forth requirements for research projects, such as where the information is to be kept, who has access, how the information is codified, and what information is needed for matching purposes. If there is IRB (Institutional Review Board) approval documentation setting forth the information required under Subsection B2, such documentation may be sufficient to satisfying the “writing” requirement of this subsection.**

[Pa.B. Doc. No. 12-179. Filed for public inspection February 3, 2012, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 37 ]

#### Proposed Rules Regarding Insurance Company Rehabilitation and Liquidation Proceedings in the Commonwealth Court

Following are proposed rules that address obtaining judicial review of proceedings under Article V of the Insurance Department Act of 1921 regarding rehabilitation and liquidation of insurance companies in financial distress. Review under Article V falls within the exclusive jurisdiction of the Commonwealth Court.

The judges of the Commonwealth Court, following extensive discussion and review, approved the rules for publication and comment.

Comments should be submitted within sixty (60) days of publication and should be directed to Jean Warrick, Esquire, Commonwealth Court, 610 Sentry Park East—Suite 210, Blue Bell, PA 19422.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE III. MISCELLANEOUS PROVISIONS

#### CHAPTER 37. BUSINESS OF THE COMMONWEALTH COURT

#### SUMMARY AND FORMAL PROCEEDINGS AGAINST INSURERS

##### Rule 3771. Scope of Rules.

Rules 3771—3784 apply to all actions in the Commonwealth Court arising under Article V of The Insurance Department Act of 1921, Act of May 17, 1921, P. L. 789, added by the Act of December 14, 1977, P. L. 280, *as amended*, 40 P. S. §§ 221.1—221.63 (concerning summary and formal proceedings against insurers) (Article V). The rules are intended to govern practice and procedures in Article V proceedings. In the event of any inconsistency, the provisions of Article V control.

##### Rule 3772. Definitions.

(a) Unless otherwise stated, words and phrases used in these rules shall have the meanings given to them under Article V.

(b) “administrative case docket” shall refer to the docket created upon the initiation of a formal proceeding by the filing of a petition to rehabilitate or liquidate an insurance company.

(c) “adversarial proceeding” shall refer to any action initiated by the rehabilitator or liquidator against persons other than the insurer, any action asserting a right or interest afforded by Article V and for which neither Article V nor prior orders of the Court provide an avenue for redress, and any other dispute that arises under Rules 3775 or 3776 that the Court determines shall be governed by Rule 3783.

(d) “ancillary case docket” shall refer to a docket created when an adversarial proceeding is initiated or when a creditor files an objection to the liquidator’s claim determination under Rule 3781(c).

(e) “Court” shall mean the Commonwealth Court of Pennsylvania.

(f) “formal proceeding” shall refer to an action to rehabilitate or liquidate an insurer pursuant to Sections 515 or 520 of Article V, 40 P. S. §§ 221.15—221.20.

(g) “master service list” shall refer to the list maintained by the receiver, as directed in Rule 3779, that consists of the contact information of the parties and/or their attorneys in a matter on the administrative case docket.

**Official Note: Administrative Case Docket**—The following illustrates the types of filings that may appear on an administrative case docket: any response to the petition to rehabilitate or liquidate; applications to intervene; responses in opposition to a receiver’s applications for approval of reports, partial distributions, administrative expenses, etc.; applications seeking to compel the issu-

ance of a notice of determination on a proof of claim or any other filings by the receiver related to the administration of the liquidation or rehabilitation. Other than the filing that initiated an ancillary case docket, the administrative case docket will not usually include filings related to matters assigned to an ancillary case docket.

**Rule 3773. Filings; Number of Copies.**

(a) *General Rule.* Each filing with the Court shall consist of the original document, two (2) copies, and a labeled CD-ROM or USB flash drive containing a copy of the filing in portable document format (PDF).

(b) *Exception.* Unless otherwise ordered by the Court, proof of service or report of the performance of a ministerial task does not need to be copied in electronic format.

(c) *No Courtesy Copies.* Courtesy copies of filings shall not be provided to the judge's chambers.

**Rule 3774. Manner of Initiating Article V Proceedings.**

(a) *Judicial Review of Summary Orders (Section 510 of Article V, 40 P. S. § 221.10).* A request for judicial review of a summary order by the Commissioner shall be presented by petition for review and shall conform to the provisions of Chapter 15 of the Pennsylvania Rules of Appellate Procedure.

(b) *Court Seizure Order (Section 512 of Article V, 40 P. S. § 221.12).* Petitions by the Commissioner for a seizure order shall state the material facts that constitute the grounds for relief. The petition may be decided with or without an answer or a hearing. An application by the insurer for a hearing and review of an *ex parte* seizure order may be filed at any time and shall set forth the factual and legal basis on which the applicant believes that the Court should vacate or modify the seizure order. The Court may set a time for the Commissioner to file an answer, but in any event the Court shall decide the application in accordance with Section 512(d), 40 P. S. § 221.12(d).

(c) *Formal Proceedings (Sections 515 and 520 of Article V, 40 P. S. §§ 221.15 and 221.20).*

(1) Petitions by the Commissioner for an order of rehabilitation or liquidation shall state the material facts that constitute the grounds for relief.

(2) Within thirty (30) days of the filing of a petition for rehabilitation or a petition for liquidation, the insurer shall file either an answer to the petition or consent to the entry of an order granting the relief the Commissioner seeks in the petition. No other responsive filings by the insurer are permitted. The time period for responding to the petition may be extended by the Court for good cause shown.

(3) An answer shall state the material facts that constitute a defense to the petition.

(4) Following the entry of an order to rehabilitate or liquidate the business of an insurer, the Court may enter a case management order to supplement these Rules.

**Rule 3775. Intervention in Formal Proceedings.**

(a) *Intervention.* A person not named as a respondent in a formal proceeding who has a direct and substantial interest in the administration of the insurer's business or the estate may request leave of court to intervene.

(b) *Application to Intervene.* A request for leave to intervene, generally or for a limited purpose, shall be by application and answer, if any, in accordance with Pa. R.A.P. 123. The application shall contain a concise statement of the interest of the applicant and the purposes for which the applicant seeks to intervene. A copy of the document to be filed if the Court allows intervention shall be attached to the application.

(c) *Action on Application.* Intervention in a formal proceeding shall be allowed if the proven or admitted allegations of the petition establish a sufficient interest in the proceedings, unless the interest of the applicant is already adequately represented or intervention will unduly delay or prejudice the adjudication of the rights of the parties.

(1) *General Intervention.* Where the applicant demonstrates an ongoing interest in the administration of the insurer's business or estate, the Court may grant the applicant general intervention. The general intervenor shall remain on the master service list until the formal proceeding is completed.

(2) *Limited Intervention.* Where the applicant's interest involves a discrete controversy relating to the administration of the insurer's business or estate, the Court may grant the applicant limited intervention to participate as a party in the discrete controversy. The limited intervenor shall not be placed upon the master service list unless otherwise directed by the Court.

(d) Upon grant of an application to intervene, the attached application under Rule 3776 or complaint under Rule 3783 shall be deemed filed, and the Court shall direct the time for filing a response.

**Official Note:** *General or limited intervention*—Intervention, whether general or limited in scope, may be granted for purposes such as, but not limited to, the following:

(1) Oppose a petition by the Commissioner for an order of liquidation or rehabilitation;

(2) Oppose a request by the receiver for a court order relating to the administration of the insurer's business or of the estate;

(3) Object to a report to the Court by the receiver;

(4) Seek relief from any order of the Court;

(5) Assert any rights or interest afforded to the person by Article V and for which neither Article V nor prior orders of the Court provide an avenue for redress; or

(6) Compel the liquidator to issue a notice of determination if the liquidator has failed to do so in conformity with Rule 3780.

*Relief from stay*—An application to intervene is the appropriate filing in which to request relief from the stay of actions against the insurer that is imposed under Section 526, 40 P. S. § 221.26.

**Rule 3776. Applications for Relief or Court Approval.**

An application for relief shall comply with Pa. R.A.P. 123, except that an answer shall be filed within thirty (30) days of service of the application for relief. Upon

application, the Court may extend the time for response. The application may be supported by a memorandum of law; any answer may likewise be accompanied by a memorandum of law.

**Official Note:** *Extension of time for response*—Requests based on an agreement of the parties are more likely to receive favorable consideration.

**Rule 3777. Docketing.**

(a) *Administrative Case Docket.* Upon the filing of a petition to rehabilitate or liquidate an insurance company under Article V, the chief clerk shall assign the petition a number on the administrative case docket. All filings directly related to the Court’s consideration of the petition for rehabilitation or liquidation shall be filed at that number, and this docket will contain all filings concerning the administration of the insurer’s estate should the petition be granted.

(b) *Case Caption—Administrative Case Docket.* The caption of the proceeding assigned to an administrative case docket shall be in the following form:

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

IN RE: XYZ Insurance Company :  
In Liquidation [Rehabilitation] : No. 1 XYZ 20xx  
:  
[Title of Document]

(c) *Ancillary Case Docket.* When actions are initiated against the receiver or an objection is filed in response to a notice of determination, the chief clerk will note such filing on the administrative case docket and then establish an ancillary case docket for each such matter.

(d) *Case Caption—Ancillary Dockets.* Matters that receive ancillary case docket numbers shall be captioned in accordance with the following examples:

(1) An adversarial proceeding under Rule 3783 shall be captioned:

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

\_\_\_\_\_, :  
Plaintiff/Petitioner/ :  
Applicant :  
v. :  
 : No. \_\_\_\_\_  
\_\_\_\_\_, :  
Defendant/Respondent :  
 :  
(Ancillary to IN RE: :  
XYZ Insurance Company :  
In Liquidation :  
No. 1 XYZ 20xx) :  
[Title of Document]

(2) An objection to the liquidator’s determination on a proof of claim should be captioned:

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

John Doe Company, :  
Objector : Objection to Notice of  
 : Determination  
 :  
 : Re: Proof of Claim  
 : No. \_\_\_\_\_  
 :  
v. :  
 :  
XYZ Insurance Co., in :  
Liquidation : No. \_\_\_\_\_  
 :  
(Ancillary to IN RE: :  
XYZ Insurance Company :  
In Liquidation :  
No. 1 XYZ 20xx) :

**Objection to Liquidator’s Notice(s) of Determination**

**Official Note:** *Listing proof of claim number(s)*—All claim numbers should be listed in the caption to the right of the dotted line and on the cover sheet. If the objection relates to proofs of claims numbers too numerous to conveniently be listed in the caption, the first claim number followed by “et al” must be shown in the caption and additional proof of claim numbers shall be listed in a footnote on page one.

**Rule 3778. Master Service List.**

(a) *General Rule.* As soon as practicable after commencing an action to rehabilitate or liquidate an insurer, the Commissioner shall create and maintain a master service list. If the Court grants the petition to liquidate or rehabilitate, the receiver will assume the duty to maintain the master service list. The master service list shall include (a) the name, address, telephone number, facsimile (fax) number and electronic mail (e-mail) address of counsel for each party in the proceeding, and (b) the name, address, telephone number, fax number and e-mail address of each pro se party in the proceeding at the administrative case docket number.

The receiver is not required to list a party or counsel for a party participating only as a limited intervenor on the master service list.

Changes in contact information, including transfer of responsibilities to another attorney in the firm and requests to be removed from the master service list may be accomplished by notifying the receiver by e-mail, fax or mail in accordance with the receiver’s instructions.

(b) *Request of Non-Party for Inclusion on Master Service List.* Any interested person may be included on the master service list by sending a written request to the Commissioner or the receiver, as the case may be, including name, address, telephone number, facsimile (fax) number and electronic mail (e-mail) address.

(c) *Availability of Master Service List.* The Commissioner, or receiver, shall post and maintain the master service list on the website established under these rules. If no website has been established, the receiver shall make the master service list available by e-mail upon request. The receiver may make a paper copy of the master service list available at the standard fee.

**Official Note:** *Court Maintains Its Own Service List*—The master service list maintained by the Commissioner or receiver is not the Court’s service list. The two lists are

separately managed. Amendment or deletion of information on one list does not affect the other list. Notice of any change must be given to both the Commissioner or receiver and the Court.

**Rule 3779. Website.**

Unless otherwise ordered by the Court, upon commencing an action to rehabilitate or liquidate an insurer, the Commissioner shall establish and maintain a website for the purpose of either posting or listing filings with and orders of the Court in accordance with these rules. If the Court grants the petition to liquidate or rehabilitate, the receiver will assume the duty to maintain the website. On the website, the receiver shall post in PDF format all documents filed at the administrative case docket number.

After the chief clerk assigns an ancillary case docket number to a disputed matter, the receiver shall note on the website the initiation of the ancillary case, stating briefly the nature of the dispute and the docket number assigned thereto. The receiver is not required to post a copy of filings at an ancillary case docket number.

When a copy of a filing is not required to be posted on the website, the receiver may list the filing without posting a copy.

**Rule 3780. Service.**

(a) *Administrative Case Docket.*

(1) *Service on all parties.* Service of all documents filed by any party (receiver, insurance company, general intervenors) at the administrative case docket number shall be served on all other parties in accordance with Pa. R.A.P. 121. Proof of service shall comply with Pa. R.A.P. 122.

(2) *Notice to non-parties listed on the master service list.* The receiver shall promptly notify all non-parties named on the master service list of any filing at the administrative case docket number by transmitting via facsimile (fax) or electronic mail (e-mail) a notice to each such person that the filing has been posted on the website. The notice shall include:

- (i) The title or description of the filing;
- (ii) The date of the filing;
- (iii) A statement that the filing is available for viewing, downloading, or printing at the website;
- (iv) Directions on how interested persons may view, download, or print a copy of the filing from the website;
- (v) A name, address, telephone number, fax number, and e-mail address as a contact for those unable to view, download, or print the filing from the website.

Notification is deemed complete upon transmission of the notice of filing by e-mail or when the fax transmission is complete. If the notice of filing is transmitted by fax, the receiver shall also comply with the requirements of Pa. R.C.P. No. 440(d)(2), relating to a fax cover sheet.

(b) *Ancillary Case Docket.* Service of all documents filed by a party at an ancillary case docket number shall be served on all other parties in accordance with Pa. R.A.P. 121. Proof of service shall comply with Pa. R.A.P. 122.

(c) *Filings Not Posted on Website.* Any person on the master service list desiring a copy of a filing listed, but not posted, on the website may obtain a copy from the receiver.

(d) *Alternative Service.* If a person listed on the master service list is unable to receive electronic notice of filings,

written notice of this inability shall be sent to the receiver who shall then provide notice of a filing by ordinary mail.

(e) *Notice of the Entry of Court Orders.* The chief clerk shall give written notice of the entry of a Court order to counsel of record or any party if not represented in disputes at either the administrative case docket number or at an ancillary case docket number, as the case may be. Such notice shall be given in accordance with Pa. R.C.P. No. 236.

The Commissioner or receiver, as the case may be, shall post on the website all orders issued by the Court and shall provide notice of the filing of the order to non-parties listed on the master service list in conformity with subsection (a)(2) of this rule unless otherwise ordered by the Court.

**Rule 3781. Claim Procedure in Liquidation Proceedings.**

(a) *Filing a Proof of Claim.*

(1) In the notice to potential creditors of the insurer's estate, the liquidator shall provide a proof of claim form that complies with Article V.

(2) A creditor asserting a monetary claim against the estate of the insurer shall file a proof of claim with the liquidator in accordance with Article V.

(3) The completed proof of claim form and documentation supporting the claim shall be filed with the liquidator. Filing may be accomplished by mail, facsimile (fax), or electronic mail (e-mail) to the addresses and numbers indicated on the proof of claim form. Filing is effective upon the date on which the proof of claim form is mailed, as established by a United Postal Service Form 3817 Certificate of Mailing or by any similar form from which the date of deposit in the mail can be verified. If faxed or e-mailed to the liquidator, filing is effective upon the date faxed or e-mailed, as documented by sender's fax or computer. If service is accomplished by fax, the claimant shall also comply with the requirements of Pa. R.C.P. No. 440(d)(2), relating to a fax cover sheet.

(b) *Notice of Determination.*

(1) Unless otherwise ordered, the liquidator shall issue a written notice of determination within one hundred and eighty (180) days of the filing of the proof of claim, unless the liquidator seeks additional information on a claim pursuant to Section 538(b), 40 P. S. § 221.38(b). If additional information is required, the liquidator shall issue a notice of determination within ninety (90) days of the date on which the requested supplementary information is mailed, faxed or e-mailed to the liquidator.

(2) The notice of determination shall include:

- (i) the amount of the claim allowed;
- (ii) the priority class assigned to the claim;
- (iii) if the claim is disallowed, in whole or in part, a brief statement of the reason(s) for the liquidator's determination;
- (iv) a statement advising the claimant of the requirements set forth in Rule 3781(c)(1) below; and

(v) notice that if a claimant fails to file an objection with the Commonwealth Court within sixty (60) days from the mailing date on the notice of determination, the claimant cannot later object to the liquidator's determination.

(3) If the liquidator determines that the claim has been submitted to a state guaranty association, the liquidator may defer further review of the proof of claim until the guaranty association has made its final determination and has returned the closed claim file to the liquidator. In such a case, the liquidator shall notify the claimant of the decision to defer review.

(c) *Objections.*

(1) If a claimant disputes the amount or priority class assigned to the claim, the claimant shall file an objection in the Court within sixty (60) days from the mailing date shown on the notice of determination. The objection must present the factual and legal basis for the objection and include relevant supporting documentation and a copy of the notice of determination.

(2) The claimant shall serve a copy of the objection on the liquidator in accordance with Pa. R.A.P. 121.

(3) Upon receipt of an objection, the liquidator shall promptly acknowledge receipt, contact the claimant and attempt to resolve the objection. If the objection is not resolved within sixty (60) days, the liquidator shall file with the Court and serve on the claimant a written response. The claimant and the liquidator may agree in writing to extend these deadlines. Any such agreement must be filed with the Court.

(4) If the claimant is an entity other than a natural person, an attorney admitted to practice in Pennsylvania or admitted to practice *pro hac vice* in accordance with Pa. R.C.P. No. 1012.1, Pa. B.A.R. 301, and 204 Pa. Code § 81.505, must enter an appearance for the claimant within sixty (60) days of the filing of the objection, or the Court may dismiss the objection.

(d) *Resolution of Objections.*

(1) Upon receipt of the liquidator's response to the objection, the Court shall establish a time for a hearing.

(2) Objections may be assigned to a single judge for disposition.

(3) Upon the parties' request or on its own initiative, the Court may appoint a referee to hear the objection and submit to the Court a recommended decision, which shall include findings of fact, conclusions of law and a proposed order.

(e) *Referee Procedure.*

(1) *Compensation.* Referees serve at the pleasure of the Court and shall be compensated from the insurer's estate at an hourly rate to be set by the Court at the beginning of each calendar year. The rate shall be clearly set forth in the appointment order, subject to any annual adjustment, which shall be posted on the website created under Rule 3776 and on the Court's website.

(2) *Parties' costs.* Each party shall bear its own costs associated with proceedings before the referee. The parties shall share equally any costs incurred by the referee in creating a record and any transcription costs.

(3) *Conflict of interest.* No referee may appear as counsel in connection with any matter connected to the liquidation proceeding.

(4) *Authority of the referee.* The referee shall have authority to:

- (i) set hearing dates;
- (ii) establish procedures to expedite the presentation of evidence;

(iii) establish discovery schedules where discovery is necessary; and

(iv) establish briefing schedules.

(5) *Rules of evidence.* The Pennsylvania Rules of Evidence shall apply to all evidentiary hearings conducted by a referee.

(6) *Additional evidence.* The referee shall review the objection and any response and may request and review additional documents or information.

(7) *Efficient and cost effective.* The referee shall resolve the objection in a cost-effective and efficient manner, using stipulations and depositions and conducting hearings by teleconference or videoconference where appropriate. The referee may bifurcate a proceeding to address issues *seriatim*.

(8) *Maintain a record.* The referee shall maintain a record consisting of everything submitted for consideration. The referee shall also maintain a list of the contents of the record, numbered and maintained in the order in which the items were submitted. In the case of materials submitted as evidence, the referee shall mark each exhibit offered into evidence as admitted or excluded. While an objection is pending before a referee, no documents or other material related to that objection shall be filed with the Court.

(9) *Filing recommended decision.* The referee shall file with the Court and serve on the parties the recommended decision, a proposed order and a certified list of all documents submitted by the parties and compiled in accordance with Rule 3781(e)(8).

(10) *Failure to cooperate with referee.* If a claimant or the liquidator fails to cooperate with the referee or to participate in good faith in proceedings before the referee, the referee may include such findings in his recommended decision and recommend appropriate sanctions, which may include a recommendation that the objection be sustained or dismissed.

(f) *Exceptions to the Referee's Recommended Decision.*

(1) Either the liquidator or the claimant may file with the Court exceptions to the referee's recommended decision no later than thirty (30) days after service of the recommended decision. The exceptions shall be served on the other party and the referee.

(2) In separately numbered paragraphs, the exceptions shall specify the errors in the referee's recommended decision. There shall be attached as exhibits to the exceptions: the liquidator's notice of determination; the objection; the liquidator's response; and, the referee's recommended decision. Exceptions shall be accompanied by a memorandum of law.

(3) Any response to the exceptions shall be filed and served on the other party and the referee within fourteen (14) days of service of the exceptions. A response shall be accompanied by a memorandum of law. The time for response may be extended by agreement of the parties with the approval of the Court.

(4) Within fourteen (14) days of service of the exceptions, the referee shall forward to the Court the record of the proceedings.

(5) When exceptions are filed, the Court may, on its own motion or upon request, direct an evidentiary hearing or oral argument. The Court may adopt the referee's proposed factual findings, modify those findings or recommend the matter to the referee with instructions.

(6) Upon completion of its review of the exceptions, the Court will enter a final order sustaining or overruling the exceptions, in part or in whole. The Court may adopt the referee's recommended decision or may issue its own opinion and order. An order of Court dismissing an objection as a sanction pursuant to Rule 3781(e)(10) is the final disposition of the claim.

(7) When no exceptions to a referee's recommended decision are filed, the referee, within fourteen (14) days of the last day for filing exceptions, shall file with the Court the record of the proceedings. Thereafter, either the claimant or the liquidator may apply to the Court for, or the Court on its own initiative may issue, an order either adopting the recommended decision or stating that in the absence of exceptions, the referee's proposed order is entered as the order of the Court.

(8) When no exceptions are filed, findings of fact or conclusions of law in a referee's report and the recommended decision are not considered controlling in any subsequent proceeding, unless the Court adopts the entire report or specific findings of fact or conclusions of law.

(9) Unless otherwise ordered by the Court, failure to file timely exceptions to a referee's recommended decision shall be deemed a waiver of further appeal if the Court approves the recommended decision without modification.

**Rule 3782. Claim Procedure in Rehabilitation Proceedings.**

When an approved plan of rehabilitation includes the filing of claims by creditors, the rehabilitation plan shall follow the claim procedures set forth in Rule 3781, unless modified by the Court.

**Rule 3783. Adversarial Proceedings.**

(a) *Manner of Initiating Adversarial Proceedings.* Adversarial proceedings, whether filed by the receiver or filed by an intervenor, shall be initiated by the filing of a complaint.

(b) *Rules Governing Adversarial Proceedings.* Unless otherwise directed by the Court, the Pennsylvania Rules of Civil Procedure shall apply.

(c) *Appointment of Referee.* The Court may appoint a referee to hear the complaint and make recommended findings of fact and conclusions of law and propose an order for review by the Court in the same manner and pursuant to the same procedure prescribed for the disposition of objections to a notice of determination. The Court shall determine if the referee's fee shall be paid by the estate, the claimant or apportioned between the parties.

**Rule 3784. Reporting.**

(a) At least annually, the liquidator shall prepare and submit to the Court a report of the claims against the insurer's estate that have been resolved, with his recommendations ("Claims Report"). The Claims Report shall include the following: each claimant's name, address, priority class, allowed amount, and whether the claim determination was finalized because no objection was filed, upon acceptance of the referee's recommendation or upon settlement of the parties. The Claims Report will be served on those on the master service list in accordance with these rules. No claim shall be paid, in part or in whole, until the report is approved by the Court.

(b) The receiver shall submit a comprehensive report on the status of the insurer's business or the administration of the insurer's estate as frequently as ordered by the Court.

[Pa.B. Doc. No. 12-180. Filed for public inspection February 3, 2012, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CH. 4 ]

### Order Amending Rule 407 of the Rules of Juvenile Court Procedure; No. 555 Supreme Court Rules Doc.

#### Order

*Per Curiam*

And Now, this 18th day of January, 2012, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 41 Pa.B. 2522 (May 21, 2011), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 18, No. 2, June 17, 2011), and on the Supreme Court's web-page, and an Explanatory Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rule 407 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2012.

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 4. ADJUDICATORY HEARING

#### Rule 407. Admissions.

A. *Admissions.* At any time after a petition is filed, the juvenile may tender an admission to [ **the facts, adjudication of delinquency, and/or disposition** ] **some or all of the delinquent acts charged.**

1) *Requirements.*

a) Before the court can accept an admission, the court shall determine that the admission is [ **made voluntarily and** ] knowingly, **intelligently, and voluntarily made.** [ **The court, at a minimum, shall ask questions to elicit the following information:**

a) **Does the juvenile understand the nature of the allegations to which he or she is admitting?**

b) **Is there a factual basis for the admission?**

c) **Does the juvenile understand that he or she has the right to a hearing before the judge?**

d) **Does the juvenile understand that he or she is presumed innocent until found delinquent?**

e) **Is the juvenile aware of the dispositions that could be imposed?**



f) Is the juvenile aware that the judge is not bound by the terms of any agreement tendered unless the judge accepts such agreement?

g) Has the juvenile spoken with his or her attorney or waived the right to counsel in accordance with Rule 152?

h) Does the juvenile have any questions about admitting to the facts or delinquency based on the allegations?

i) Has the juvenile had the opportunity to speak with a guardian about his or her decision? ]

b) As a part of this determination, the court shall ensure:

i) an attorney has reviewed and completed the admission colloquy with the juvenile pursuant to paragraph (C); and

ii) there is a factual basis for the admission.

c) At the hearing, the court shall conduct an independent inquiry with the juvenile to determine:

i) whether the juvenile understands the nature of the allegations to which he or she is admitting and understands what it means to admit;

ii) whether the juvenile understands that he or she has the right to a hearing before the judge and understands what occurs at a hearing;

iii) whether the juvenile is aware of the dispositions that could be imposed and the consequences of an adjudication of delinquency that can result from an admission;

iv) whether the juvenile has any questions about the admission; and

v) whether there are any other concerns apparent to the court after such inquiry that should be answered.

2) *Agreements.* If the parties agree upon the terms of an admission, the tender shall be presented to the court.

3) *Court action.* If the court accepts the tender, the court shall enter an order incorporating any agreement. If the court does not accept the tender, the case shall proceed as if no tender had been made.

4) *Limitations on withdrawals.* An admission [ cannot be withdrawn after the court enters ] may be withdrawn prior to the court entering the dispositional order. After the court has entered the dispositional order, an admission can be withdrawn only upon a demonstration of manifest injustice.

B. *Incriminating statements.* An incriminating statement made by a juvenile in the discussions or conferences incident to an admission that is not ultimately accepted by the court or otherwise permitted to be withdrawn by the court shall not be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act, 42 Pa.C.S. § 6301 et seq.

C. *Written admission colloquy.* If a juvenile is making an admission, the colloquy shall be:

- 1) in writing;
- 2) reviewed and completed with the juvenile by an attorney;
- 3) submitted to and reviewed by the court; and
- 4) substantially in the following form:

ADMISSION FORM

In re \_\_\_\_\_ : \_\_\_\_\_ JD \_\_\_\_\_  
 (Juvenile) :  
 : Delinquent Act(s): \_\_\_\_\_  
 : \_\_\_\_\_  
 : \_\_\_\_\_  
 : \_\_\_\_\_

Answer all of the questions on this form. If you do not understand any question, leave it blank and ask your lawyer or the judge.

I admit that I did the following things (attorney shall list the delinquent acts, grading of acts, and counts): \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

General Information:

- 1) What is your full name? \_\_\_\_\_
- 2) Do you have any other name or nickname? \_\_\_\_\_  
 If yes, state: \_\_\_\_\_
- 3) How old are you today? \_\_\_\_\_
- 4) What grade are you in? \_\_\_\_\_
- 5) Can you read, write, and understand English?

a) If you cannot read, has someone read this form to you? \_\_\_\_\_

If so, who? \_\_\_\_\_ (print name)

(signature of reader verifies that the form has been read to the juvenile)

b) If you do not read English, have you been given a translator or a lawyer who speaks your language? \_\_\_\_\_

c) Did your translator or lawyer read this form to you and explain it? \_\_\_\_\_

If so, who? \_\_\_\_\_ (print name)

(signature of reader verifies that the form has been read to the juvenile)

Knowing and Voluntary Admission:

6) Are you now a patient in a mental hospital or institution? \_\_\_\_\_

a) If yes, where? \_\_\_\_\_

b) Are you being treated for a mental illness (which is an illness that causes you to see a doctor for different behavior)? \_\_\_\_\_

c) If yes, what are you being treated for? \_\_\_\_\_

7) Have you taken any drugs or alcohol yesterday or today that do not make you think clearly? \_\_\_\_\_

If yes, specify type of drugs and/or alcohol: \_\_\_\_\_

8) Has anyone threatened or forced you to sign this form? \_\_\_\_\_

If yes, explain: \_\_\_\_\_

9) Have you been promised anything for this admission? \_\_\_\_\_

If yes, explain: \_\_\_\_\_

**Understanding the Admission:**

10) Has your lawyer told you what you did was against the law (delinquent act)? \_\_\_\_\_

11) By admitting what you did, do you understand that you are giving up:

a) the right to be presumed innocent, which means the judge does not think you broke the law until the D.A. (District Attorney) proves beyond a reasonable doubt that you broke the law (a reasonable doubt is a belief that it is very possible you did not break the law); \_\_\_\_\_

b) the right to a hearing by a fair judge, which means the judge will listen to what everyone has to say and look at all the evidence before deciding; \_\_\_\_\_

c) the right to remain silent and your silence cannot be held against you, which means you will not be punished for not speaking; \_\_\_\_\_

d) the right to be heard, which means you may tell the judge your side of the story if you want; \_\_\_\_\_

e) the right to face and cross-examine witnesses, which means you can ask all witnesses questions; \_\_\_\_\_

f) the right to present witnesses or evidence to help tell your side of the story, but you do not have to do anything; \_\_\_\_\_

g) the right to challenge evidence against you, which means you tell the judge you disagree with something; \_\_\_\_\_

h) the right to make objections and ask for rulings, which means the judge decides if he or she should hear certain evidence; and \_\_\_\_\_

i) the right to have another court, which is an appellate court, review this judge's decision. \_\_\_\_\_

12) Do you understand if the judge accepts your admission and believes you need help ("treatment, rehabilitation, and supervision"), the judge may find you delinquent, which means that you broke the law and need help? \_\_\_\_\_

**Possible Consequences of Adjudication of Delinquency:**

13) Do you understand that if you are found delinquent, the judge may make you pay money and place you outside of your home or on probation until you turn 21 years old? \_\_\_\_\_

14) Are you aware that if you are admitting to \_\_\_\_\_ that your driving license will be suspended now or in the future (which means you will not be able to drive)?  
(lawyer shall write acts on this line, cross off, or write n/a).

15) Do you understand that this case can be used against you in the future? For example, if you break the law again, you may get a longer sentence in jail. \_\_\_\_\_

16) Do you understand that if you are found delinquent, other people may find out about it? You may also have to tell people, including colleges, military recruiters, or employers? \_\_\_\_\_

17) Do you understand that if you are not a U.S. citizen, it may cause problems, which could include being forced to leave the U.S.? \_\_\_\_\_

**Admission Agreements:**

18) Are you aware that the judge does not have to accept any agreement between you and the D.A.? \_\_\_\_\_ (write n/a if no agreement)

**Appeals:**

19) If you are found delinquent after this admission, you can have a higher court review your case for three reasons:

a) Your admission was not knowingly, intelligently, and voluntarily made, which means you did not understand this admission or were forced to admit; \_\_\_\_\_

b) The court did not have jurisdiction, which means it was not the proper court to take your admission; or \_\_\_\_\_

c) The judge's disposition of the charge(s), which means what the judge is going to do with you (like a sentence in adult court), is more than the biggest punishment an adult would get for the same crime. \_\_\_\_\_

If you do not admit, do you understand you have other rights? \_\_\_\_\_

**Lawyer's Representation and Opportunity to Speak with Guardian**

20) Are you okay with what your lawyer did for you and how he or she explained everything? \_\_\_\_\_

21) Did you talk with your parent or guardian about admitting the charge(s)? \_\_\_\_\_

I promise that I have read this whole form or someone has read this form to me. I understand it. I am telling the truth. I am saying that I have done the things on page 1. I believe that this admission is best for me. The signature below and initials on each page of this form are mine.

\_\_\_\_\_  
JUVENILE

\_\_\_\_\_  
DATE

I, \_\_\_\_\_, lawyer for the juvenile, have reviewed this form with my client. My client has told me and I believe that he or she understands this form.

\_\_\_\_\_  
LAWYER FOR JUVENILE

\_\_\_\_\_  
DATE

**Comment**

[ Under paragraph (A)(1), the court is to determine if the admission is voluntarily and knowingly made. Nothing in this rule is intended to prevent the court from using a written form to ascertain the necessary information, provided the court asks questions of the juvenile, on the record, to authenticate the juvenile's completion and understanding of the form and the juvenile's agreement with the statements made. ]

Under paragraph (A)(1), the court is to determine if the admission is knowingly, intelligently, and

voluntarily made by asking questions to ascertain the juvenile's ability to comprehend the written colloquy and to make an admission.

The written colloquy serves as an aid for the court in making its determination that the admission is knowingly, intelligently, and voluntarily made and it does not supplant the court's responsibility to conduct a sufficient inquiry to support its determination pursuant to paragraph (A)(1).

Nothing in this rule prohibits the judge from reviewing the entire written colloquy with the juvenile on the record or asking more questions than required under paragraph (A)(1)(c).

The admission colloquy is similar to a guilty plea colloquy in criminal court; however, the juvenile court judge has special responsibilities under the Juvenile Act in providing a balanced attention to the protection of the community, the imposition of accountability for delinquent acts committed, and the development of competencies to enable juveniles to become responsible and productive members of the community. *See* 42 Pa.C.S. § 6301.

If the court finds an admission is not knowingly, intelligently, and voluntarily made, the case is to proceed to a hearing pursuant to Rule 406. The decision whether an admission is knowingly, intelligently, and voluntarily made is not appealable to another common pleas judge; therefore, the admission may not be presented to another judge once this determination has been made.

Under paragraph (A)(3), if the disposition agreed upon by the parties is unavailable or the court does not agree with the terms of the tender, the case is to proceed as if no tender had been made.

The court is not to accept a plea of *nolo contendere*. *See In re B.P.Y.*, 712 A.2d 769 (Pa. Super. Ct. 1998).

If the court does not accept an agreement or finds an admission not to be knowingly, intelligently, and voluntarily made, a motion for recusal of the judge may be appropriate for the adjudicatory hearing.

Pursuant to paragraph (C), an attorney is to review the written admission colloquy with the juvenile prior to entering the courtroom. The practice in some judicial districts permitting the juvenile probation officer to review this colloquy with the juvenile is inconsistent with this rule.

The colloquy uses several age-appropriate terms for the juvenile to understand; however, certain legal terms are contained in the form. It is expected that attorneys will explain this form until their clients understand.

Pursuant to paragraph (C)(4), the admission colloquy is to be substantially in this form. The questions set forth are the minimal standard. A judicial district may choose to add requirements to its admission colloquy. Any addition to the required colloquy is considered a local rule and the procedures of Rule 121 are to be followed if a judicial district chooses to make additions. *See* Rule 121.

Nothing in this rule precludes the court from entering a consent decree after the acceptance of an admission.

The admission colloquy can be downloaded from the Supreme Court's webpage at <http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/>. The admission form is also available in Spanish.

The Pennsylvania Juvenile Collateral Consequences checklist is also available on the Supreme Court's webpage.

**Official Note:** Rule 407 adopted April 1, 2005, effective October 1, 2005. Amended January 18, 2012, effective April 1, 2012.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 407 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 42 Pa.B. 664 (February 4, 2012).

## EXPLANATORY REPORT

January 2012

The Supreme Court of Pennsylvania has adopted the changes to Rule 407 with this Recommendation. The changes are effective April 1, 2012.

### Background

The Juvenile Court Procedural Rules Committee (Committee) looked at admission colloquies used across this Commonwealth for juveniles who were admitting to a delinquent act pursuant to Rule 407. The Committee found that in some judicial districts, the colloquy omitted important information regarding the case and the juvenile's ability to comprehend the admission. The Committee found these colloquies were inadequate and recommended a need for a unified form.

The Committee looked at colloquies from several judicial districts to create its own form. A final collation of these forms was then produced to make one unified colloquy.

After producing a final colloquy and modifying sections of the rule, the Committee sent out a recommendation for modifications to Rule 407. The public comment suggested a more child-friendly form. Juvenile language experts were consulted. The Committee then produced a colloquy written at a fifth-grade level using the Flesch-Kincaid Reading Analysis. Certain legal terms remain in the colloquy but are adequately explained at a fifth-grade level.

One area of debate during the public comment period was whether this form should be mandated. The Committee debated this issue and decided that because of the prevalence of severe inadequacies in several forms being used across this Commonwealth, the colloquy would be mandatory. However, the modified rule allows a judicial district to add more requirements to its own colloquy. Pursuant to Pa.R.J.C.P. 121, a judicial district could submit its colloquy with additional requirements to the Committee for review as a local rule. If the local rule is not in conflict with the statewide rule, the colloquy would be permitted in that judicial district. *See* Comment to Rule 407.

Some paragraphs of the rule were also modified to ensure that the admission was knowingly, intelligently, and voluntarily made.

### Rule discussion

*Paragraph (A)(1)(a)*

Paragraph (A)(1)(a) lays out the requirements for an admission, which provides the admission shall be know-

ingly, intelligently, and voluntarily made. This is the standard applied for admissions whether the juvenile is being questioned at a police station or the juvenile is admitting to the delinquent acts in court.

*Paragraph (A)(1)(b)*

Paragraph (A)(1)(b) provides the court must ensure that: i) an attorney has reviewed the admission colloquy with the juvenile; and ii) there is a factual basis for the admission.

The admission colloquy must be reviewed by an attorney with the juvenile. It is not the role of the judge or others to give legal advice to the juvenile which is inherent when allowing a juvenile to waive a constitutionally protected right. If the juvenile did not review this colloquy with an attorney, the judge, master, attorney for the Commonwealth, or juvenile probation officer would have to step in and fulfill this role. This practice utilized in some judicial districts is strictly prohibited. *See* Comment to Rule 407.

When the attorney for the Commonwealth recites the stipulated facts in the case, the court must determine that the facts actually meet the standard for the delinquent act(s) petitioned. If the standards are not met, the court must find on a lower-graded offense(s) or dismiss the offense(s).

*Paragraph (A)(1)(c)*

This paragraph lays out the questions that the court should ask to determine if the admission is knowingly, intelligently, and voluntarily made. The questions presented are intended to elicit thoughtful responses from the juvenile to aid the court in gathering information as to whether the juvenile understands and the waiver of an adjudicatory hearing is knowingly, intelligently, and voluntarily made. Questions must not be asked that elicit a mere "yes" or "no" answer.

*Paragraph (A)(2) & (A)(3)*

No changes were made to these paragraphs.

*Paragraph (A)(4)*

Allowing withdrawals of the admission if there is a demonstration of manifest injustice was added to this paragraph. There may be instances in which the court should allow withdrawals. However, the burden of proving manifest injustice rests with the juvenile.

**407(B)**

No changes were made to this paragraph concerning incriminating statements. This paragraph is taken directly from the Juvenile Act. 42 Pa.C.S. § 6323(e).

**407(C)**

This paragraph requires the admission colloquy must be: 1) in writing; 2) reviewed and completed with the juvenile by an attorney; 3) submitted to and reviewed by the court; and 4) substantially in the following form.

*Paragraph (C)(1)*

The admission colloquy must be in writing. This colloquy aids all parties in determining if the juvenile comprehends and appreciates his or her actions before the court.

*Paragraph (C)(2)*

Every admission shall be reviewed by an attorney with the juvenile. It is not the role of the judge or others to give legal advice to the juvenile. A judge, master, attorney for the Commonwealth, juvenile probation officer, or other

person is not privy to certain information and cannot aid the juvenile in making a knowingly, intelligently, and voluntarily made admission.

*Paragraph (C)(3)*

The court shall review every document prior to accepting it into the record. It is anticipated that the colloquy will be given to the judge or master during the hearing. The attorney for the Commonwealth will then recite the facts of the case and the court will ask the juvenile if he or she agrees with the recitation of the facts. The court will then enter its finding into the record that there is a factual basis to the admission as required under paragraph (A)(1)(b)(ii).

If there is a factual basis for the admission, the court will proceed into an independent inquiry as required by paragraph (A)(1)(c). After the inquiry, the court will state on the record whether the admission is knowingly, intelligently, and voluntarily made based on the testimony and colloquy presented to it.

*Paragraph (C)(4)*

The colloquy is mandated and must be substantially in the same form. If a judicial district desires additional requirements, it must follow the procedures of Pa.R.J.C.P. 121.

**Admission colloquy**

The admission colloquy is written at a fifth-grade reading level so most juveniles can read and understand the colloquy. The Committee understands that there may be exceptions. Therefore, the colloquy requires the attorney to explain the colloquy until the juvenile understands. *See also* Comment to Rule 407.

If the juvenile does not understand everything contained in the colloquy or if, at any time, the court or attorney is unsure of the juvenile's understanding or believes the admission is involuntary, the court shall proceed with an adjudicatory hearing pursuant to Pa.R.J.C.P. 406.

*General information*

This information gives the attorney and the court information regarding the juvenile's age and grade to assess the juvenile's ability to comprehend. It also guides the attorney as to whether the juvenile can read and speak English before reviewing the colloquy.

*Knowing and voluntary admission*

This section allows the attorney to address issues related to the voluntariness or comprehensiveness of the admission. Any promises, including plea agreements, should be listed on the admission colloquy.

*Understanding the admission*

To have a knowingly, intelligently, and voluntarily made admission, disclosure of all the rights being waived is important. If there is not full disclosure, then the juvenile does not truly understand waiver of a hearing. It is important to list all of these rights in the colloquy form to ensure: 1) the attorney has reviewed them with the juvenile prior to entering the courtroom; and 2) there is a written colloquy of these rights.

*Possible consequences of adjudication of delinquency*

Prior to entering the courtroom, it is important to explain to the juvenile possible outcomes to the admission. In addition to the more severe possible consequences listed on the colloquy, the Comment to the rule provides a reference to the Pennsylvania Juvenile Collateral Consequence checklist available on the Committee's web-page.

*Appeals*

The three areas of appeal are disclosed to the juvenile in this section. It is important to note that all other appellate rights are also being waived when a juvenile admits to a delinquent act. This is another factor in determining whether the admission is knowingly, intelligently, and voluntarily made.

*Lawyer's Representation and Opportunity to Speak with Guardian*

The last two questions relay that the juvenile is satisfied with the attorney and answers whether the guardians have been consulted about this admission. Whether a juvenile is satisfied with the attorney or admits without the advice of a parent is only a factor the court should consider when determining whether the admission is knowingly, intelligently, and voluntarily made.

[Pa.B. Doc. No. 12-181. Filed for public inspection February 3, 2012, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LANCASTER COUNTY

#### Adoption of Rule of Civil Procedure No. 10 Business; No. 12-00709

##### Administrative Order

*And Now*, this 12th day of January, 2012, Lancaster County Rule of Civil Procedure 10 is adopted as follows:

##### **Rule 10. Business Judge.**

A. The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Prothonotary or may be presented by counsel directly to the Business Judge by appointment.

**[ B. Family Court motions and petitions may be presented at Family Business Court, held as indicated in the Court's calendar, or directly to the Family Business Judge, as designated in the Court's calendar, by appointment. ]**

This Rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH C. MADENSPACHER,  
*President Judge*

[Pa.B. Doc. No. 12-182. Filed for public inspection February 3, 2012, 9:00 a.m.]

### LANCASTER COUNTY

#### Rules of Civil Procedure No. 205.2(a), 1920.55-2, 1931; No. 3 AD 2012; CPJ 7, Page 1357

##### Administrative Order

*And Now*, this 18th Day of January, 2012, it is hereby ordered that new Lancaster County Rule of Civil Procedure No. 205.2(a), 1920.55-2, and 1931 is adopted as follows:

The Court Administrator has:

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

These Orders were published in the *Pennsylvania Bulletin* on November 5, 2011 and became effective on December 5, 2011.

*By the Court*

JOSEPH C. MADENSPACHER,  
*President Judge*

[Pa.B. Doc. No. 12-183. Filed for public inspection February 3, 2012, 9:00 a.m.]

### LANCASTER COUNTY

#### Rules of Criminal Procedure No. 202; No. 4 AD 2012; CPJ 7, Page 1357

##### Administrative Order

*And Now*, this 18th day of January, 2012, it is hereby Ordered that Lancaster County Rule of Criminal Procedure No. 202\* (to replace the previous rule in its entirety) is adopted as follows:

The Court Administrator is directed to:

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

This Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH C. MADENSPACHER,  
*President Judge*

**\*Rule 202. Approval of Search Warrant Application by Attorney for the Commonwealth—Local Option.**

The District Attorney, having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants for the crimes listed below, shall not hereafter be issued by any judicial officer, unless the search warrant applications have the approval of an attorney for the Commonwealth before filing:

A. A violation of any criminal offense listed in any title of the Pennsylvania Statutes and/or Pennsylvania Consolidated Statutes Annotated. Prior approval is not required when the search warrant is solely seeking any one of the following:

- 1. the release of blood alcohol content test results based on any sub-section of 75 Pa.C.S.A. § 3802,
- 2. Financial records,
- 3. Medical records,
- 4. Phone records of a person described as a victim or witness within the four corners of the affidavit of probable cause on the application.

[Pa.B. Doc. No. 12-184. Filed for public inspection February 3, 2012, 9:00 a.m.]

**LYCOMING COUNTY**

**Amendments to the Rules of Civil Procedure;  
Docket No. 12 00044**

**Order**

And Now, this 10th day of January, 2012, it is hereby Ordered and Directed as follows:

COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA  
MOTION COVER SHEET

Caption (may be abbreviated)

vs.

- 1. Name of filing party:
- 2. Filing party's attorney:
- 3. Type of filing: \_\_\_\_\_

Docket No. \_\_\_\_\_

Case assigned to Judge \_\_\_\_\_

- none
- Family Court Hearing Officer

- 4. The following is/are requested:
  - Argument
  - Evidentiary Hearing
  - Court conference
  - Rule to show cause
  - Entry of uncontested order (attach supporting documentation)
  - Expedited consideration. State the basis: \_\_\_\_\_

- Video conferencing requested. Request form has been submitted. See Lyc. Co. R.G.C.B. L8.**
- Attach this cover sheet to original motion previously filed on: \_\_\_\_\_
- 5. Time required: \_\_\_\_\_

1. Lycoming County Rules of Civil Procedure L205.2(b)B. and L212 shall be amended as set forth as follows. (Bold text is new language; bold and bracketed text is removed language.)

2. The Prothonotary is directed to:

a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.

b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.

3. The revision to Rule L205.2(b)B. shall become effective immediately after its posting on the Pennsylvania Judiciary's Web Application Portal.

4. The remainder of the revisions shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

By the Court

NANCY L. BUTTS,  
*President Judge*

**L205.2. Filing Legal Papers with the Prothonotary.**

- (a) \* \* \*
- (b) *Required cover sheets.*
- A. \* \* \*
- B. *Motion Cover Sheet.*

\* \* \* \* \*

7. The form of the cover sheet shall be substantially as follows:

6. [ Name ] Names and addresses of [ filing and ] all counsel of record and unrepresented parties:

**Court Scheduling Technician**

- Continued on separate sheet.

ORDER

1. \_\_\_\_ An \_\_\_\_ argument \_\_\_\_ factual hearing \_\_\_\_ court conference is scheduled for \_\_\_\_ at \_\_\_\_ m. in courtroom no. \_\_\_\_, Lycoming County Courthouse, Williamsport, PA.

2. \_\_\_\_ Briefs are to be filed by the following dates:  
 Filing party \_\_\_\_\_  
 Responding party(ies) \_\_\_\_\_

3. \_\_\_\_ A rule is issued upon respondent to show cause why the petitioner is not entitled to the relief requested.

4. \_\_\_\_ A response to the motion/petition shall be filed [ within \_\_\_\_ days ] as follows: \_\_\_\_\_

5. \_\_\_\_ See order attached. \_\_\_\_ See separate order issued this date.  
 [ 5. ] 6. \_\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_  
 Judge

\_\_\_\_\_  
 Date

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6." ABOVE.

**L212. Pretrial Conferences and Trial Scheduling.**

A. \* \* \*

B. *Pretrial Conferences.*

\* \* \* \* \*

6. The pretrial statement shall be in substantially the following form:

CIVIL PRETRIAL STATEMENT OF  
 LYCOMING COUNTY

Caption \_\_\_\_\_ Docket # \_\_\_\_\_

1. Name of Party
2. Attorney's Name
3. Judge
4. Date of Pretrial
5. List all parties and counsel to the action.
6. Has there been a timely demand for a jury trial?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

Number of jurors demanded: 8 \_\_\_\_\_, 12 \_\_\_\_\_.

7. Scheduling—list any unusual scheduling problems, which are anticipated.

8. Estimated time to try.

9. Brief narrative statement of the submitting party's version of the case. Attach any helpful diagram.

10. Legal theory of liability. List those theories upon which you will rely, as each party may be limited to those theories at trial.

11. If there is a counterclaim, set forth the theory of liability and contentions on damages.

12. If an agreement is involved in this action, is it written or oral? Quote the provisions of the agreement, which are central to this dispute.

13. Damages—List types and amounts of damages claimed.

14. Names of witnesses:

a) Definite witnesses and scope of testimony (liability, damages or both).

b) Possible witnesses and scope of testimony (liability, damages or both).

15. Expert witnesses—list name and specialty and attach all expert reports.

16. Exhibits—[ A. ] List all exhibits and indicate whether or not they have been shown to opposing counsel.

[ B. Indicate all electronic and/or technological equipment, which is intended to be used in presentation of exhibits or evidence. ]

**17. Technological issues:**

a) Is there a request for any witness to appear live at trial by way of video or audio conferencing? See Lyc. Co. R.G.C.B. L8 for required form and procedure.

b) Indicate all electronic and/or technological equipment, which is intended to be used in presentation of exhibits or evidence.

[ 17. ] 18. Requested stipulations (Qualifications of experts, admissibility of documents without custodian, special damages, etc).

[ 18. ] 19. Unusual legal issues—issues on which trial briefs should be required.

[ 19. ] 20. Outstanding motions.

[ 20. ] 21. Miscellaneous—list any matter that you feel is important but which has not been covered.

NOTE: As to settlement and attendance by parties see Lyc. Co. R.C.P. L212.

\_\_\_\_\_  
 Attorney's signature

\_\_\_\_\_  
 Date

C. \* \* \*

[Pa.B. Doc. No. 12-185. Filed for public inspection February 3, 2012, 9:00 a.m.]

**LYCOMING COUNTY**

**Amendments to the Rules of General Court Business; Docket No. MD-6-2012**

**Order**

*And Now*, this 10th day of January 2012, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rule of General Court Business L8, as set forth as follows, is hereby promulgated.

2. The Prothonotary is directed to:

a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.

b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.

3. The revisions shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

*By the Court*

NANCY L. BUTTS,  
*President Judge*

### **L8. Video/Audio Conferencing in Court Proceedings.**

A. Under appropriate circumstances, the court may allow a witness to appear or testify in court by video or audio means. In evaluating a request for a video or audio appearance, the court shall consider all relevant issues, which may include the following:

- (1) The availability of the witness to give live testimony in court;
- (2) the cost of requiring live testimony;
- (3) the length of the matter and, particularly in criminal pre-trial matters, the inconvenience to the sheriff or the defendant involved in traveling long distances for brief court appearances;
- (4) whether all parties have agreed to the proposed video or audio appearance;
- (5) whether the finder of fact will be able to hear and understand the witness, and properly evaluate the credibility of the witness, if credibility is at issue in the matter;
- (6) whether the request for video or audio testimony was made in a timely manner so that necessary video or audio equipment is available for the scheduled court appearance; and,
- (7) the importance of the testimony relative to the issues in the matter.

B. *Timing of Request.* Whenever video or audio conferencing is sought by the moving party in a pre-trial proceeding, the request should accompany the motion or petition. In the event that the need for conferencing is not known at the time the matter is commenced or if conferencing is required by a responding party, a request for conferencing shall be submitted to the court administrator's office no less than 21 days before the scheduled hearing. Requests for video or audio appearance of a trial witness shall be made by submitting the request for conferencing form contemporaneously with the filing of the pretrial statement.

C. *Form of Request.* The request for video or audio conferencing shall be made by submitting to the Court Administrator the details of the request, on a form that is available from the Court Administrator. The request shall detail the reasons for the request and provide required technical data necessary to make the video or audio connection. Prior to making the request for conferencing, the requesting party shall determine whether or not all other parties consent to allow the video or audio appearance of the witness, and the consent or non-consent of parties shall be reported in the request form.

D. In all noncriminal cases, the party requesting conferencing shall pay all court or Lycoming County costs associated with the conferencing request.

E. The requesting party shall be responsible for all required scheduling and set-up with respect to the originating transmission of the conference.

[Pa.B. Doc. No. 12-186. Filed for public inspection February 3, 2012, 9:00 a.m.]

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## **DISCIPLINARY BOARD OF THE SUPREME COURT**

### **Notice of Suspension**

Notice is hereby given that Allen D. Brufsky having been suspended from the practice of law in the State of Florida for a period of 91 days by Order of the Supreme Court of Florida dated November 4, 2010, the Supreme Court of Pennsylvania issued an Order dated January 18, 2012, suspending Allen D. Brufsky from the practice of law in this Commonwealth for a period of 91 days. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 12-187. Filed for public inspection February 3, 2012, 9:00 a.m.]

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### **Notice of Suspension**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated January 23, 2012, Michael Davis Sinko is Suspended on Consent from the Bar of this Commonwealth for a period of 4 years retroactive to September 26, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 12-188. Filed for public inspection February 3, 2012, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CH. 1187 ]

#### Corrective Amendment to 55 Pa. Code §§ 1187.96 and 1187.97

The Department of Public Welfare has discovered discrepancies between the agency text of 55 Pa. Code §§ 1187.96 and 1187.97 (relating to price- and rate-setting computations; and rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities) as deposited with the Legislative Reference Bureau and published at 40 Pa.B. 6782, 6787 (November 27, 2010) and the official text as codified in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 435, February 2011) and as currently appearing in the *Pennsylvania Code*. Due to codification errors, subparagraphs (i) and (ii) were not deleted from § 1187.96(d)(2). In addition, clauses (B)(II) and (III) and (C) were inadvertently deleted from § 1187.97(1)(ii).

Therefore, under 45 Pa.C.S. § 901: The Department of Public Welfare has deposited with the Legislative Reference Bureau corrective amendments to 55 Pa. Code §§ 1187.96 and 1187.97. The corrective amendments to 55 Pa. Code §§ 1187.96 and 1187.97 are effective February 5, 2011, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct versions of 55 Pa. Code §§ 1187.96 and 1187.97 appear in Annex A, with ellipses referring to the existing text of the regulations.

#### Annex A

#### TITLE 55. PUBLIC WELFARE

#### PART III. MEDICAL ASSISTANCE MANUAL

#### CHAPTER 1187. NURSING FACILITY SERVICES

#### Subchapter G. RATE SETTING

#### § 1187.96. Price- and rate-setting computations.

\* \* \* \* \*

(d) Using the NIS database in accordance with this subsection and § 1187.91, the Department will set a rate for the capital cost category for each nursing facility by adding the nursing facility's fixed property component, movable property component and real estate tax component and dividing the sum of the three components by the nursing facility's total actual resident days, adjusted to 90% occupancy, if applicable.

(1) The Department will determine the fixed property component of each nursing facility's capital rate as follows:

(i) The Department will multiply the total number of the nursing facility's allowable beds as of April 1, immediately preceding the rate year, by \$26,000 to determine the nursing facility's allowable fixed property cost.

(ii) The Department will multiply the result by the financial yield rate.

(2) The Department will determine the movable property component of each nursing facility's capital rate based on the audited actual costs of major movable property as set forth in the most recent audited MA-11

cost report available in the NIS database in accordance with § 1187.91. This amount is referred to as the nursing facility's allowable movable property cost.

(3) The Department will determine the real estate tax cost component of each nursing facility's capital rate based on the audited actual real estate tax cost as set forth in the most recent audited MA-11 cost report available in the NIS database.

\* \* \* \* \*

#### § 1187.97. Rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities.

The Department will establish rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities as follows:

(1) *New nursing facilities.*

(i) The net operating portion of the case-mix rate is determined as follows:

(A) A new nursing facility, unless a former county nursing facility, will be assigned the Statewide average MA CMI until assessment data submitted by the nursing facility under § 1187.33 (relating to resident data and picture date reporting requirements) is used in a rate determination under § 1187.96(a)(5) (relating to price- and rate-setting computations). Beginning, July 1, 2010, the Statewide average MA CMI assigned to a new nursing facility will be calculated using the RUG-III version 5.12 44 group values in Appendix A and the most recent classifiable assessments of any type. When a new nursing facility has submitted assessment data under § 1187.33, the CMI values used to determine the new nursing facility's total facility CMIs and MA CMI will be the RUG-III version 5.12 44 group values and the resident assessment that will be used for each resident will be the most recent classifiable assessment of any type.

(B) For a former county nursing facility, the county nursing facility's assessment data and MA CMI will be transferred to the new nursing facility.

(C) The nursing facility will be assigned to the appropriate peer group. The peer group price for resident care, other resident related and administrative costs will be assigned to the nursing facility until there is at least one audited nursing facility cost report used in the rebasing process. Beginning July 1, 2010, a new nursing facility will be assigned the peer group price for resident care that will be calculated using the RUG-III version 5.12 44 group values in Appendix A and the most recent classifiable assessments of any type.

(ii) The three components of the capital portion of the case-mix rate are determined as follows:

(A) *Fixed property component.* The fixed property component will be determined in accordance with § 1187.96 (d)(1).

(B) *Movable property component.* The movable property component will be determined as follows:

(I) The nursing facility's acquisition cost, as determined in accordance with § 1187.61(b) (relating to movable property cost policies), for any new items of movable property acquired on or before the date of enrollment in the MA program, will be added to the nursing facility's

remaining book value for any used movable property as of the date of enrollment in the MA program to arrive at the nursing facility's movable property cost.

(II) The nursing facility's movable property cost will then be amortized equally over the first 3 rate years that the nursing facility is enrolled in the MA program to determine the nursing facility's movable property component of the capital rate.

(III) After the first 3 rate years the nursing facility's movable property component will be based on the most recent audited MA-11 cost report available in the NIS database. If no MA-11 is available in the NIS database, the nursing facility will not receive the movable property component of the capital rate.

(C) *Real estate tax component.*

(I) For the first 3 rate years, the new nursing facility real estate tax component will be the nursing facility's annual real estate tax cost as of the date of enrollment in the MA program.

(II) After the first 3 rate years, the real estate tax component will be based on the audited MA-11 cost report available in the NIS database. If no audited MA-11 cost report is available in the NIS database, the nursing facility will not receive the real estate tax component of the capital rate.

(iii) Newly constructed nursing facilities are exempt from the adjustment to 90% occupancy until the nursing facility has participated in the MA Program for one full annual price setting period as described in § 1187.95 (relating to general principles for rate and price setting).

(iv) A new nursing facility is exempt from the occupancy requirements in § 1187.104(1)(ii) (relating to limitations on payment for reserved beds) until a CMI Report for each of the three picture dates used to calculate overall occupancy as set forth in § 1187.104(1)(iii) is available for the rate quarter.

\* \* \* \* \*

[Pa.B. Doc. No. 12-189. Filed for public inspection February 3, 2012, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CHS. 3270, 3280 AND 3290 ]

#### Tuberculosis Blood Test

##### Scope

This statement of policy applies to child day care centers, group child day care homes and family child day care homes.

##### Purpose

The purpose of this statement of policy is to clarify the Department of Public Welfare's (Department) regulations for child care facilities relating to tuberculosis (TB) testing for facility persons under §§ 3270.151(c)(2), 3280.151(c)(2) and 3290.151(c)(2) (relating to health assessment) to include the interferongamma release assay (IGRA) blood test as acceptable to meet the regulatory requirements.

##### Discussion

The child care facility regulations in §§ 3270.151(a), 3280.151(a) and 3290.151(a) require that a facility person providing direct care to children or who works with food preparation shall obtain a health assessment within 12 months prior to providing initial service in a child care setting and every 24 months thereafter. The health assessment must include TB screening using the Mantoux method at initial employment. See §§ 3270.151(c)(2), 3280.151(c)(2) and 3290.151(c)(2).

Based on the recommendations of the Department of Health and the American Academy of Pediatrics, the Department will accept an IGRA blood test instead of the Mantoux skin test to meet the requirement for TB testing. The IGRA blood test may be administered instead of the traditional Mantoux skin test specified in the regulations. The record of a person with a positive tuberculin skin test or blood test shall include the results of a chest X-ray and evaluation for chemoprophylaxis as required under the regulations. See §§ 3270.151(c)(2), 3280.151(c)(2) and 3290.151(c)(2).

##### Regulation Guidelines

The statements of policy are in Annex A.

##### Effective Date

This statement of policy is effective immediately upon publication in the *Pennsylvania Bulletin*.

##### Contact Person

Comments and questions regarding this statement of policy should be directed to Amanda Dorris, Office of

Child Development and Early Learning, Division of Regulatory Administration, Bureau of Certification Services, 333 Market Street, 6th Floor, Harrisburg, PA 17126, (717) 346-1116.

GARY D. ALEXANDER,  
*Secretary*

*(Editor's Note: Title 55 of the Pennsylvania Code is amended by adding statements of policy in §§ 3270.151a, 3280.151a and 3290.151a to read as set forth in Annex A.)*

**Fiscal Note:** 14-BUL-97. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 55. PUBLIC WELFARE

#### PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

#### Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

#### ARTICLE I. LICENSING/APPROVAL

#### CHAPTER 3270. CHILD DAY CARE CENTERS ADULT HEALTH

#### § 3270.151a. Tuberculosis testing—statement of policy.

The Department will accept an interferongamma release assay blood test instead of the Mantoux skin test for an adult health assessment.

#### CHAPTER 3280. GROUP CHILD DAY CARE HOMES

#### ADULT HEALTH

#### § 3280.151a. Tuberculosis testing—statement of policy.

The Department will accept an interferongamma release assay blood test instead of the Mantoux skin test for an adult health assessment.

#### CHAPTER 3290. FAMILY CHILD DAY CARE HOMES

#### ADULT HEALTH

#### § 3290.151a. Tuberculosis testing—statement of policy.

The Department will accept an interferongamma release assay blood test instead of the Mantoux skin test for an adult health assessment.

[Pa.B. Doc. No. 12-190. Filed for public inspection February 3, 2012, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 17, 2012.

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-13-2012	David Joseph Bursic Valerie Lee Bursic  Application for approval to collectively acquire up to 24.9% of the common stock of WVS Financial Corp, Pittsburgh.	Approved

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-17-2012	Beneficial Mutual Bancorp, Inc. Philadelphia Philadelphia County  Application for approval to acquire 100% of SE Financial Corp., Philadelphia, and thereby indirectly acquire 100% of St. Edmond's Federal Savings Bank, Philadelphia.	Filed

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-11-2012	Colonial American Bank Horsham Montgomery County  Merger of Colonial American Bank of New Jersey, Middletown, New Jersey, with and into Colonial American Bank, Horsham.	Effective
1-17-2012	Beneficial Mutual Savings Bank Philadelphia Philadelphia County  Application for approval to merge St. Edmond's Federal Savings Bank, Philadelphia, with and into Beneficial Mutual Savings Bank, Philadelphia.	Filed

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-21-2011	Customers Bank Phoenixville Chester County	102 South Ridge Street Rye Brook Westchester County, NY	Opened
1-12-2012	Jersey Shore State Bank Jersey Shore Lycoming County	606 Continental Boulevard Danville Montour County	Opened

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-31-2011	Customers Bank Phoenixville Chester County	2493 Bernville Road Reading Berks County	Closed
12-31-2011	Customers Bank Phoenixville Chester County	555 Penn Avenue West Reading Berks County	Closed
12-31-2011	Customers Bank Phoenixville Chester County	601 North Main Street Port Chester New York	Closed
1-13-2012	Citizens Bank of PA Philadelphia Philadelphia	255 Cumberland Parkway Mechanicsburg Cumberland County	Filed
1-17-2012	Firststrust Savings Bank Conshohocken Montgomery County	4275 County Line Road Chalfont Bucks County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
1-10-2012	Quaint Oak Bank Southampton Bucks County	Effective

Amendment to Article II of the institution's Articles of Incorporation provides for changes to the principal place of business of the institution from 607 Lakeside Drive, Southampton, Bucks County, Pennsylvania 18966 to 501 and 503 Knowles Avenue, Southampton, Bucks County, Pennsylvania 18966.

**SAVINGS INSTITUTIONS**

No activity.

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-6-2011	White Rose Credit Union York York County	<i>To:</i> 107 East Philadelphia Street York York County  <i>From:</i> 200 South George Street York York County	Effective

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-191. Filed for public inspection February 3, 2012, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of The Commonwealth Medical College for Approval to Amend and Restate Its Articles of Incorporation

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of The Commonwealth Medical College to have a Certificate of Authority to amend and restate its Articles of Incorporation.

Amendments are related to the make-up and powers of the Board of Directors (Board), stating its relationship to the Hospital Services Association of Northeastern Pennsylvania, d/b/a Blue Cross of Northeastern Pennsylvania and requiring a Super Majority Vote as defined by the articles for specific actions to be considered by the Board.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing, unless, within 30 days after the publication of this notice in the *Pennsylvania Bulletin*, a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and requests for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, before 4 p.m. within 30 days after date of publication of this notice. Persons wishing to review the application should call (717) 783-8228 or write to the previously listed address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol M. D. Gisselquist at (717) 783-8228 to discuss how the Department may best accommodate their needs.

RONALD J. TOMALIS,  
*Secretary*

[Pa.B. Doc. No. 12-192. Filed for public inspection February 3, 2012, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, actions and special notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS802222 (Storm Water)	Male Road Industrial Properties, L.P. 593 Male Road Wind Gap, PA 18091	Northampton County Plainfield Township	Unnamed Tributary to Little Bushkill Creek (1-F)	Y
PA0061344 (Industrial Waste)	WPS Westwood Generating Station 490 West Main Street Tremont, PA 17981	Schuylkill County Frailey Township	Lower Rausch Creek (07D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0085600 (IW)	Ono Industries, Inc. PO Box 150 Ono, PA 17077-0150	Lebanon County / East Hanover Township	Reed's Creek / 7-D	Y
PA0248061 (Sew)	Jefferson Codorus Joint Sewer Authority 48 Baltimore Street Codorus, PA 17311	York County / Codorus Creek	UNT Codorus Creek / 7-H	Y
PA0081281 (Sew)	Cavalry Heights MHP Park Acquisition LLC 2160 Hanover Road Gettysburg, PA 17325	Adams County / Gettysburg Borough	White Run / 13-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0221589	Linesville Business Park 764 Bessemer Street Suite 101 Meadville, PA 16335	Crawford County	Linesville Borough Linesville Creek (20-A)	Y
PA0238538	Patricia & Robert Tuznik SFTF 9028 South Creek Road Girard, PA 16417-8808	Erie County Girard Township	Unnamed Tributary to Elk Creek (15)	Y
PA0100056	Rose Point Park Campground 314 Rose Point Road New Castle, PA 16101-9358	Lawrence County Slippery Rock Township	Unnamed Tributary to Slippery Rock Creek (20-C)	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*

**PA0058271**, Sewage, SIC Code 4952, **Hilltown Township Water & Sewer Authority Bucks County**, P. O. Box 365, Sellersville, PA 18960-365. Facility Name: Hilltown Highland Park Sewer System & STP. This existing facility is located in Hilltown 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 Mill Creek, is located in State Water Plan watershed 3-E 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 0.15 MGD.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Inst. Minimum	Average Monthly	Weekly Average	Instant. Maximum
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>	12.5	18.8	XXX	10.0	15.0	20.0
Total Suspended Solids	12.5	18.8	XXX	10.0	15.0	20.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000*
Nitrate-Nitrite as N	12.5	XXX	XXX	10.0	XXX	20.0
Ammonia-Nitrogen	2.5	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	1.88	XXX	XXX	1.5	XXX	3.0

\* Shall not exceed in more than 10 percent of samples.

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

The EPA Waiver is in effect.

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

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

**PA0063037**, Sewage, SIC Code 4952, **Stoney Creek Hotel**, Route 903 and Smith Road, Albrightsville, PA 18229. Facility Name: Stoney Creek Hotel. This existing facility is located in Penn Forest Township, **Carbon 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), Stony Creek, is located in State Water Plan watershed 2-B and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0035 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.2	XXX	2.8
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000

Notice of the draft permit was initially published under Section I (Renewal Applications) in the *Pennsylvania Bulletin* on January 7, 2012. The revised draft permit reflects a revision to the proposed effluent limit for Dissolved Oxygen.

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.*

**PA0020591**, Sewage, SIC Code 4952, **Mount Gretna Borough Authority**, 101 Chautauqua Drive, Mount Gretna, PA 17064. Facility Name: Mt Gretna STP. This existing facility is located in South Londonderry Township, **Lebanon County**.

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

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



The proposed effluent limits for Outfall 001 are based on a design flow of 0.20 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	42	67	XXX	25	40	50
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	50	75	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	6.7	XXX	XXX	4.0	XXX	8.0
Nov 1 - Apr 30	20	XXX	XXX	12	XXX	24
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	XXX	1,217	XXX	XXX	XXX	XXX
		Total Annual				
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Copper (Interim)	XXX	XXX	XXX	Report	XXX	XXX
Total Copper (Final)	0.050	XXX	XXX	0.030	XXX	0.075

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

- Conduct a Toxic Reduction Evaluation

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

The EPA Waiver is not in effect.

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

**PA0026506, Sewage, West Mifflin Sanitary Sewer Municipal Authority, 1302 Lower Bull Run Road, West Mifflin, PA 15122-2902. Facility Name: Thompson Run STP. This existing facility is located in West Mifflin Borough, Allegheny 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, Thompson Run, is located in State Water Plan watershed 19-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 4.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	.01	XXX	.03
CBOD <sub>5</sub>	834	1,251	XXX	25	37.5	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,001	1,502	XXX	30	45	60

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	67	100	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	100	150	XXX	3.0	4.5	6.0

In addition, the permit contains the following major special conditions: The Authority is authorized to discharge uncontaminated storm water at the sewage treatment plant site through Outfalls 102, 103 and 104.

The EPA Waiver is not in effect.

**PA0205737**, Sewage, **Dominion Trans Inc.**, 1875 Grange Road, Charleroi, PA 15022. Facility Name: South Oakford Station. This existing facility is located in Hempfield Township, **Westmoreland 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 Brush Creek, is located in State Water Plan watershed 19-A 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 0.000144 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

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

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

**WQM Permit No. 6411401**, Sewerage, **South Wayne County Water and Sewer Authority**, PO Box 6, Lake Ariel, PA 18436.

This proposed facility is located in Salem/Lake Twp., **Wayne County**, PA.

Description of Proposed Action/Activity: This project involves "Stage 1" of a sewer replacement project at the Hideout. This stage involves replacing existing gravity sewers by installing approximately 102,000 feet of low pressure sewers and individual grinder pumps. Stage 1 will also eliminate 16 of the 29 existing pump stations.

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

**WQM Permit No. 3612401**, Sewerage, **Lancaster County Bible College**, 2392 Mount Joy Road, Manheim, PA 17545.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a sequencing batch reactor to meet Dept of Environmental effluent criteria.

**WQM Permit No. 5012401**, Sewerage, **Loysville Village Municipal Authority**, PO Box 133, Loysville, PA 17047.

This proposed facility is located in Tyrone Township, **Perry County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of upgrades to their wastewater treatment plant, upgrade of headworks, biological treatment, sludge holding and disinfection.

**WQM Permit No. 2112402**, Sewerage, **Borough of Wormleysburg**, 20 Market Street, Wormleysburg, PA 17043.

This proposed facility is located in Wormleysburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of upgrades to Pump Station #1, upgrade and new force main.

**WQM Permit No. 2180402, Amendment 12-1**, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050.

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

Description of Proposed Action/Activity: Seeking permit approval for upgrades to their wastewater treatment system to meet nutrient discharge limits, accommodate projected wastewater flows and constituent loadings, and relieve existing operational bottlenecks and replace process equipment that is at the end of its functional life.

**WQM Permit No. 3812401**, Sewerage, **Borough of Palmyra**, 325 South Railroad Street, Palmyra, PA 17078.

This proposed facility is located in Palmyra Borough, Lebanon County and Derry Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for reconstruction and relocation of Pump Station No. 2.

**WQM Permit No. 0612201**, Industrial Waste, **Delaware County Solid Waste Authority**, Rolling Hills Landfill, 1521 North Providence Road, Media, PA 19063

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

Description of Proposed Action/Activity: Seeking permit approval for the addition of a Desalination System, upgrade is to help meet the Department's effluent criteria.

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

**WQM Permit No. 4212401**, Sewerage, **Keating Township**, PO Box 103, 7160 Route 46, E. Smethport, PA 16730

This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: A WWTP and pressure collection system.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151201	Hopewell United Methodist Church 852 Hopewell Road Downingtown, PA 19335	Chester	East Brandywine Township	East Branch Brandywine Creek (HQ-TSF-MF)
PAI01 2308007-1	Sweetwater Valley, LLC 11176 Middletown Road Gradyville, PA 19039	Delaware	Middletown Township	Rock Run (HQ-CWF-MF)
PAI01 5106002-R	City of Philadelphia Division of Aviation Department of Planning and Environmental Stewardship Philadelphia International Airport Terminal E—Fifth Floor Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Mingo Creek to Schuylkill River (WWF-MF)

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

*Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, 570-281-9495.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023512001	Maria Elkins Multi-Purpose Stadium Authority of Lackawanna County 200 Adams Avenue 6th Floor Scranton, PA 18503	Lackawanna Moosic Borough	Unnamed Tributary to Spring Brook, CWF, MF and EV Wetlands	

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041412001	Wes Rogers Retreat at State College LLC 2470 Daniels Bridge Rd Ste 161 Athens GA 30606	Centre	College Township State College Borough	Thompson Run HQ-CWF

*Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI046012002	Floyd Martin 1265 Cold Run Rd Millmont PA 17845	Union	Lewis Township	Trib to Buffalo Creek HQ-CWF

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

*McKean County Conservation District, 17137 Route 5, Smethport PA 16749*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064212001	Bradford Township 136 Hemlock Street Bradford PA 16701	McKean	Bradford Township	Rutherford Run, CWF Minard Run, EV UNT Minard Run, EV UNT Marilla Brook CWF E Branch Tunungwant Creek CWF

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

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PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## **STATE CONSERVATION COMMISSION**

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

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

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication

of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Lester B Weaver 256 Sunnyside Rd Manheim, PA 17545	Lancaster	232	488.27	Dairy/Swine	NA	R

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 4112501—Construction** Public Water Supply.

Applicant **Montgomery Water & Sewer Authority**

[Township or Borough]	Montgomery Borough
County	<b>Lycoming</b>
Responsible Official	John D. Lynch, Sr., Borough Manager Montgomery Water & Sewer Authority 35 South Main Street Montgomery, PA 17752
Type of Facility	Public Water Supply
Consulting Engineer	Eric Raski Larson Design Group 1000 Commerce Park Drive Williamsport, PA 17701
Application Received	January 23, 2012
Description of Action	Install 12,500 LF of 12" water line along Cemetery Hill Rd. from existing finished water reservoir to a connection point along Alexander Drive. Also includes a booster pump mounted on a skid that will be installed inside the existing reservoir building.

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

<b>Permit No. 6212501</b> , Public Water Supply	
Applicant	<b>Aqua Pennsylvania, Inc.</b>
[Township or Borough]	Clarendon Borough
[County]	<b>Warren</b>
Responsible Official	Marc A. Luca, P.E.
Type of Facility	Public Water Supply
Consulting Engineer	William A. LaDieu, P.E. CET Engineering Services—GHD 1240 N. Mountain Road Harrisburg, PA 17112
Application Received Date	January 17, 2012
Description of Action	Build a replacement treatment plant.

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**MINOR AMENDMENT**


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


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

**Application No. 4512501MA**

Applicant	<b>Les Duebler</b>
[Township or Borough]	Polk Township Monroe County
Responsible Official	Ken Duebler Gilbert Mobile Home Park P. O. Box 379 Gilbert, PA 18331
Type of Facility	Community Water System
Consulting Engineer	Fred I. Courtright, PE Gilmore & Associates, Inc. 33 Stores Avenue East Stroudsburg, PA 18301 570-421-7670
Application Received Date	January 13, 2012
Description of Action	Application for construction of a new segment of conveyance line to provide additional chlorine contact volume to meet requirements of the Groundwater Rule.

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**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**


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**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**


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*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**Renewal Applications Received**

**Veolia ES Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824. License No. PA-HC 0199. Received August 1, 2011.

**Altoona Regional Health System**, 620 Howard Avenue, Altoona, PA 16601. License No. PA-HC 0124. Received August 23, 2011.

**S.H. Bio-Waste, Ltd.**, 104 G P Clement Drive, Collegeville, PA 19426. License No. PA-HC 0096. Received August 31, 2011.

**Geisinger System Services**, 100 North Academy Avenue, Danville, PA 17822-1540. License No. PA-HC 0141. Received September 20, 2011.

**University of Pittsburgh—of Commonwealth System of Higher Education**, Public Safety Building Floor 4, 3412 Forbes Avenue, Pittsburgh, PA 15260. License No. PA-HC 0183. Received September 23, 2011.

**Clean Harbors Environmental Services, Inc.**, 42 Longwater Drive, Norwell, MA 02061-1612. License No. PA-HC 0053. Received October 17, 2011.

**Premier Medical Waste Transport, LTD.**, P. O. Box 182, New Cumberland, PA 17070. License No. PA-HC 0237. Received November 18, 2011.

**JPS Equipment Company, Inc.**, P. O. Box 788, Edgemont, PA 19028. License No. PA-HC 0142. Received January 10, 2012.

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**RESIDUAL WASTE GENERAL PERMITS**


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


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

**General Permit Application No. WMGR137. Atlas Oilfield Construction Company, LLC**, 467 95 W. Wellsboro St., Mansfield, PA 16933

General Permit Numbered WMGR137 is for the processing of gel chem-based, synthetic oil-based, or bentonite clay-based saturated drill mud for beneficial use in drilling or completion processes at active drill pad sites. The processing is limited to removal of suspended sediment, drill cuttings, sand, and other contaminants from the mud through centrifugation. The processing facility will be located at 347 Water Tower Road—Lawrence Township, located in **Tioga County**. The beneficial use activity will be conducted at active gas well drilling sites throughout the Commonwealth. Central Office received the application on November 21, 2011 and determined it administratively complete on December 23, 2011.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place “Comments on WMGR137” in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

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**Application for Determination of Applicability Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**


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

**General Permit Application No. WMGR098D006. Frush Valley Holdings LLC**, 100 Cleveland Avenue, Muhlenberg PA 19605. This permit is for the beneficial use of foundry sand and sand system dust generated by ferrous metal foundries and steel for use as construction material, or as soil additive or soil amendment. The application for determination of applicability was determined to be administratively complete by The Bureau of Waste Management on January 13, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR098D006" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

#### Application Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

**Permit Application No. 101680. Waste Management Disposal Service of Pennsylvania Inc.**, 1000 New Ford Mill Road, Morrisville PA 19067. This minor permit modification application seeks the approval for revisions related to the interface shear strength values for the Geosynthetic Liner System at G.R.O.W.S. North Landfill, a municipal waste facility located in Falls Township, **Bucks County**. The application was issued by the Southeast Regional Office on January 19, 2012.

### AIR QUALITY

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

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Per-

mit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

### PLAN APPROVALS

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

*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*

**30-00196: Laurel Mountain Midstream Operating, LLC** (Westpoint Center Three, 1605 Coraopolis Heights Road, Moon Township) for expansion of Cantaral Compressor Station in Franklin Township, **Greene County**.

**03-00027D: GenOn Northeast Management Co.** (121 Champion Way, Suite 200, Canonsburg, PA 15317) for installing a diesel oxidation catalyst (DOC) on each of the four Peaking Diesels at their Keystone Power Plant in Plumcreek Township, **Armstrong County**.

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

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

**24-123G: Veolia ES Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846) for modification of NSPS requirements and flare capacity requirements in Fox Township, **Elk County**. This is a Title V facility.

**62-141G: National Fuel Gas—Roystone Station** (1878 US Route 6, Sheffield, PA 16347) for replacement of four (4) existing natural gas-fired compressor engines with two (2) new 840 bhp natural gas-fired compressor engines and associated NSCR control devices at their facility in Sheffield Township, **Warren County**. This is a Title V facility.

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

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

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

**66-329-012: Chief Gathering, LLC** (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) for construction and operation of eight (8) Caterpillar G3608LE engines with Oxidation Catalyst and two (2) Glycol Dehydrators with reboilers controlled by a Thermal Oxidizer at their Hirkey Compressor Station facility in Washington Township, **Wyoming County**. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the operations within all applicable air quality requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—  
Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

**06-03151A: Luicana Industries, Inc.** (20 North Front Street, Bally PA 19503) for molding cast polymer materials to make bathroom vanity tops, bathtubs, shower bases and shower walls at the Luciana Industries, Inc. facility in Bally Borough, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the 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. 06-03151A is for the installation of a gelcoat spray booth, open molding process and cold cleaning station (degreaser) to mold cast polymer materials. The spray booth will be controlled by mesh filters. The application and curing areas are ventilated. A Marble-Matic Cold Cleaning Station is used to clean pots. The waste material from the pot washer is picked up by a waste management company. The resins used have less than 35% styrene content. The gel coat spray system was manufactured by Venus Magnum Company and uses a model ATG 3500 HVLP air assisted airless spray gun. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate matter and 25 Pa. Code § 129.63 for degreasing operations. 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 expected actual air emissions from the proposed project are 1.8 tpy of styrene and 0.9 tpy of VOCs.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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. Mr. Thomas Hanlon may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests. Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

#### OPERATING PERMITS

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

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

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

**35-00055: McGregor Industries, Inc.** (46 Line Street, Dunmore, PA 18512-1432) for operation of fabricated structural metal manufacturing in Dunmore Borough, **Lackawanna County**. The proposed State-only Operating Permit contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**37-00059: Praxis Companies, LLC—Praxis Northeast Plant** (435 Industrial Drive, Savannah, TN 38372-5996) to re-issue the Title V Operating Permit for this Reinforced Plastics Plumbing Fixture manufacturing facility at 372 Rundle Road, in Taylor Township, **Lawrence County**. The facility is a major source due to its potential to emit VOCs and HAPs.

##### Intent to Issue Operating Permits 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, Facility Permitting Chief—  
Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

**67-03156: Apex Urethane Millwork, LLC** (105 Church Lane, Red Lion, PA 17356) for operation of urethane millwork fabrication processes at the facility located in Red Lion Borough, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

Actual emissions for 2010 are estimated to be less than two tons per year for volatile organic compounds and less than one ton per year for hazardous air pollutants. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.



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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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, protests or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Mr. Daniel C. Husted, P.E., New Source Review Chief may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

**67-03157: SWF Industrial, Inc.** (6287 Lincoln Highway, Wrightsville, PA 17368) for operation of two (2) paint spray booths, paint mixing room and cleanup operations at the metal parts fabrication facility in Hellam Township, York County.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The facility has the following estimated actual annual emissions: 16.15 tons per year VOC; 7.04 tons per year total HAPs; and 0.394 tons per year PM. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

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

**36-03030: ICM of Pennsylvania, Inc.** (638 Lancaster Avenue, Malvern, PA 19355) for operation of a portable crushing facility at their Talmage Quarry in Upper Leacock Township, Lancaster County.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility's estimated actual emissions of PM-10 were found to be around 8.0 tons per year. Other criteria pollutants are negligible.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from NSPS Subpart OOO, "Standards of Performance for Nonmetallic Mineral Processing Plants."

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, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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. Mr. Thomas Hanlon, Chief, Facilities Permitting Section may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**49-00041: New Enterprise Stone and Lime Co., Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for issuance of a State-Only (Synthetic Minor) Operating Permit renewal for operation of its Shamokin Plant facility located in Coal Township, Northumberland County. New Enterprise Stone and Lime Co., through its

division-Eastern Industries, Inc., operates a 1.3 MMBtu/hr #2 fuel-oil fired hot oil heater (Source ID 031), a 150 tph batch mix asphalt plant (Source ID P101), a stone crushing plant (Source ID P102), a 25,000 gallon asphalt cement storage tank (Source ID P103), and a remote-reservoir immersion parts washer (Source P109). The Department of Environmental Protection proposes to issue State-Only (Synthetic Minor) Operating Permit 49-00041. The proposed renewal operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping, and reporting conditions regarding compliance with all applicable requirements are included.

**12-00005: Pennsylvania Department of Transportation** (1924 Daisy Street Ext. PO Box 342, Clearfield, PA 16830) for issuance of a State-Only Operating Permit renewal for operation of its Cameron Regional Repair Facility located in Lumber Township, **Cameron County**. The facility's main sources of air contamination are a sandblasting operation and a small surface coating operation. This facility has the potential to emit sulfur oxides, (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and particulate matter less than 10 microns (PM<sub>10</sub>) below the major emission thresholds. The proposed renewal operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping, and reporting conditions regarding compliance with all applicable requirements are included.

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

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

**56-00102: Penn Carbose, Inc.** (100 Burgess Street, Somerset, PA 15501) for manufacturing carboxymethylcellulose at the Penn Carbose, Inc. Plant in Somerset Borough, **Somerset County**. This is a State-Only Operating Permit Renewal Application submittal.

**04-00600: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for bituminous coal mining underground at the Beaver Valley Mine Coal Preparation Plant in Greene Township, **Beaver County**. This is a State Only Operating Permit Renewal Application submittal.

**11-00507: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for bituminous coal mining underground at the Twin Rocks Mine Coal Preparation Plant in Blacklick Township, **Cambria County**. This is a State Only Operating Permit Renewal Application submittal.

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

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

**N05-011: The Curtis Center** (601 Walnut Street, Philadelphia, PA 19106) for the operation of a commercial office in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two boilers less than 15.0 MMBTU/hr each, a 600 kW emergency generator, and a 245 BHP emergency fire pump.

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

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

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

*Coal Applications Received*

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

**03061301 and NPDES No. PA 0235687. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the TJS No. 6 Deep Mine in Plumcreek Township, **Armstrong County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on January 20, 2012. Application received: November 3, 2011.

**30940701 and NPDES No. PA 0215465. Cobra Mining, LLC**, (P. O. Box 40, 178 Chess Mine Road, Dilliner, PA 15327), to renew the permit for the Refuse Dump No. 4 in Monongahela Township, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on January 18, 2012. Application received: March 11, 2011.

**56961302 and NPDES No. PA 0214639. RoxCOAL**, (P. O. Box 149, Friedens, PA 15541), to renew the permit for the Miller Mine in Lincoln and Jenner Townships, **Somerset County** and related NPDES for Reclamation Only (Water Treatment) The application was considered administratively complete on January 23, 2012. Application received: October 31, 2011.

**03961301 and NPDES No. PA 0214787. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-1504), to renew the permit for the Tracy Lynne Mine in Kiskiminetas and Parks Townships, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on January 23, 2012. Application received: September 19, 2011.

**03110701 and NPDES No. PA 0236128, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to operate the Logansport Refuse Disposal Area No. 1 in Bethel Township, **Armstrong County** and related NPDES permit. Coal Refuse Disposal Support Acres Proposed 47.6, Coal Refuse Disposal Acres Proposed 59.1. Receiving streams: Allegheny River and Unnamed Tributaries to Allegheny River, all classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority at Freeport, PA and intake: Allegheny River. The application was considered administratively complete on January 23, 2012. Application received: August 3, 2011.

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

**16060109. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in Monroe Township, **Clarion County** affecting 44.0 acres. Receiving streams: Unnamed tributaries to Piney Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: January 18, 2012.

**16070103. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Renewal of an existing bituminous surface mine in Perry Township, **Clarion County** affecting 145.0 acres. Receiving streams: Unnamed tributaries to the Clarion River, classified for the following uses: CWF. The first downstream potable water supply intake from the point

of discharge is West Freedom Water Association. This renewal is for reclamation only. Application received: January 18, 2012.

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

**35090101C and NPDES Permit No. PA0225258. Maco Associates, Inc.**, (400 Mill Street, Dunmore, PA 18512), NPDES Permit for discharge of treated mine drainage from an anthracite surface mine and coal refuse reprocessing operation in Fell Township and City of Carbondale, **Lackawanna County** affecting 1700.0 acres, receiving stream: Lackawanna River, classified for the following use: HQ-cold water fishes. Application received: January 17, 2012.

*Noncoal Applications Received*

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

**07070301, Glenn O. Hawbaker, Inc.**, 1952 Waddle Road, State College, PA 16803, renewal in Woodbury Township, **Blair County**. Receiving stream(s): Schmucker Run, classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Renewal application received: October 20, 2011.

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

**58070805. Brandon J. Hunsinger**, (960 Hunsinger Road, Springville, PA 18844), Stage I & II bond release of a quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre on property owned by Randy Pierson. Application received: January 13, 2012.

**7973SM3T and NPDES Permit No. PA0594369. Naceville Materials**, (6100 Easton Road, Pipersville, PA 18947), transfer of an existing quarry operation and NPDES Permit from Miller Quarries in Wrightsville Township, **Bucks County** affecting 60.0 acres, receiving stream: Mill Creek, classified for the following uses: trout stock fishes and migratory fishes. Application received: January 13, 2012.

## MINING ACTIVITY NPDES DRAFT PERMITS

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

#### *Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0212849 (Mining permit no. 56940104), Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, renewal of an NPDES permit for a bituminous surface mine in**

Brothersvalley Township, **Somerset County**, affecting 107.2 acres. Receiving stream(s): unnamed tributaries to Laurel Run and unnamed tributaries to Tubs Run, classified for the following use(s): warm water fishery (Laurel Run) and cold water fishery (Tubs Run). The receiving stream is included in the Laurel Run and Buffalo Creek TMDL. Application received: January 5, 2012.

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

The treated wastewater outfall(s) listed below discharge to: Unnamed Tributary to Laurel Run.

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

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

<i>Outfalls: Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
Alkalinity must exceed acidity at all times

The stormwater outfall(s) listed below discharge to: Unnamed Tributary to Laurel Run.

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

**NPDES No. PA0249831 (Mining permit no. 11050102), Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, renewal of an NPDES permit for bituminous surface mine in Adams Township, **Cambria County**, affecting 90.6 acres. Receiving stream(s): Paint Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: December 15, 2011.

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

The outfall(s) listed below discharges to Paint Creek.

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

**NPDES No. PA0263401 (Mining permit no. 32070103), RES Coal LLC**, 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, new NPDES permit attached to an existing coal mining permit for surface mining, auger mining and blasting in East Mahoning Township, **Indiana County**, affecting 201.4 acres. Receiving stream(s): Little Mahoning Creek, classified for the following use(s): High Quality Cold Water Fishery. There are no mining applicable TMDL Reports involving this receiving stream. Application received: December 8, 2011.

All treatment and sediment facilities will be addressed through non-discharge alternatives. There will be no point source discharges from this mining permit.

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

**NPDES No. PA0252123 (Mining permit no. 26110101), Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687), new NPDES permit for a bituminous surface mine in Wharton Township, **Fayette County**, affecting 50.7 acres. Receiving stream(s): unnamed tributaries to Stony Fork and Stony Fork, classified for the following use(s): HQ-CWF. Application received: September 26, 2011.

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

The outfalls listed below will be using a non-discharge alternative (all sediment ponds and treatment facilities):

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
SP1	Y
SP2	Y
SP3	Y
SP4	Y
TFA	Y
TFB	Y

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

**NPDES No. PA0258172 (Permit No. 10060103), Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an NPDES permit for a bituminous surface mine in Clay & Center Townships, **Butler County**, affecting 218.0 acres. Receiving streams: Unnamed tributary to Stony Run, classified for the following uses: WWF. TMDL: None. Application received: September 7, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to Stony Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
E	N
G	N

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

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

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

**NPDES No. PA 0257176 (Mining permit no. 14090103), River Hill Coal Company, Inc.** Applicant, Address, P. O. Box 141, Kylertown, PA 16847 new application of an NPDES permit for surface coal mining in Snow Shoe Township, **Centre County**, affecting 224.5 acres. Receiving stream(s): North Fork Beech Creek and unnamed tributary to North Fork Beech Creek, classified for the following use(s): Cold Water Fisheries, North Fork Beech Creek Watershed TMDL. Application received: June 15, 2009.

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

The outfall(s) listed below discharge to [list receiving stream]: unnamed tributary to North Fork Beech Creek

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-3	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.2	2.4	3.0
Aluminum (mg/l)		0.75	1.5	1.9
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50 milliosmoles/ kilogram

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

The outfall(s) listed below discharge to [list receiving stream]: North Fork Beech Creek

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-1	Y
TB-2	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		2.5	5.0	6.2
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	1.5	1.9
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50 milliosmoles/ kilogram

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

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA-0257681 (Mining permit no. 08110305), Glenn O. Hawbaker, Inc.**, 1952 Waddle Road, State College, PA 16803 New NPDES permit for Noncoal Surface Mine in Windam and Rome Townships, **Bradford County**, affecting 150.8 acres. Receiving stream(s): Trout Brook and Wysox Creek, classified for the following use(s): CWF. Application received: June 1, 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 Trout Brook and Wysox Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP01	Yes
SP03	Yes
SP04	Yes

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

**NPDES No. PA0225061 on Surface Mining Permit No. 64112502. Johnston & Rhodes Bluestone Co.,** (PO Box 130, East Branch, NY 13756), new NPDES Permit for a General Permit for Bluestone Mining (GP-105) operation in Manchester Township, **Wayne County**, affecting 10.0 acres. Receiving stream(s): Weston Brook, classified for the following use(s): HQ—cold water fishes. Application received: August 26, 2011.

Non-discharge BMP's shall be in effect.

### 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

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

**E36-877: Landis Homes Retirement Community,** 1001 E. Oregon Road, Lititz, PA 17543, Manheim Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain a stream restoration project including (1) bank grading along 327.0 feet of Kurtz Run (WWF); (2) the relocation of 1,988.0 feet of Kurtz Run (WWF); (3) bank grading along 151.0 feet of an unnamed tributary to Kurtz Run (WWF); (4) the relocation of 782.0 feet of an unnamed tributary to Kurtz Run (WWF); (5) the creation of 375.0 feet of new stream channel; (6) the installation of two log sill and one rock sill grade control structures; (7) the removal of a 1.9 acre manmade pond; (8) the replacement of an existing bridge with a 30.0-foot long by 10.0-foot wide single span arch bridge with an under clearance of 10.0 inches; (9) the removal of a total of 25,000 cubic yards of topsoil from the floodways and floodplains of Kurtz Run and its unnamed tributary; and (10) the installation of nine storm water outfalls and associated rip rap aprons in the floodplains of Kurtz Run and its unnamed tributary. The project will permanently impact 0.12 acres of PEM wetlands. The applicant is required to create a minimum of 0.12 acres of replacement wetlands to compensate for the impacts and proposes the creation of 5.72 acres of wetlands. The project is located approximately 0.38 miles east of the intersection of John Landis Road and SR 0722 (Lancaster, PA Quadrangle, N: 20.5 inches, W: 1.75 inches, Latitude: 40° 06' 43", Longitude: 76° 15' 45") in Manheim Township, Lancaster County

**EA21-008: Cumberland Valley Trout Unlimited, LeTort Sinkhole Repair,** South Middleton Township, **Cumberland County**, ACOE Baltimore District

To line 150.0-linear feet of streambank with sandbags & coir logs and fill subsided pockets along the floodway of LeTort Spring Run (EV) following emergency sinkhole repair, temporarily impacting 0.02 acre and permanently impacting 0.01 acre of Exceptional Value Palustrine Emergent (PEM) wetland, all for the purpose of restoring the banks and preventing future sinkhole formation. The project is located approximately 1,500 feet northeast of the intersection of SR 34 and Bonneybrook Road in South Middleton Township, Cumberland County (Carlisle, PA Quadrangle, N: 9.89 inches, W: 8.71 inches; Latitude: N 40° 10' 46", Longitude: W -77° 11' 14.5").

**E06-675: PA Department of Transportation Engineering District 5-0,** 1002 Hamilton Street, Allentown, PA 18101, in Birdsboro Borough and Exeter Township, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District

To 1) remove the existing structure, 2) to construct and maintain a four span prestressed concrete bridge skewed 90( having a total span of 536.00 feet, a width of 56.46 feet, and a minimum underclearance of 14.80 feet across

the Schuylkill River (WWF, MF) approximately 100 feet upstream from the existing bridge, (3) to place and maintain 10,764,336 cubic feet of fill in the left floodplain of the Schuylkill River, (4) to construct and maintain two stormwater outfalls to the Schuylkill River at the proposed bridge location, (5) to temporarily impact 0.08 acre PEM wetlands, (6) to permanently impact 0.01 acre of PEM wetlands, and (7) to construct a temporary causeway for demolition and construction in five separate phases, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0345 (South Center Street) (Birdsboro, PA Quadrangle, (N: 3.3 inches, W: 8.3 inches; Latitude: 40°16'5", Longitude: 75°48'34") in Birdsboro Borough and Exeter Township, Berks County.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E17-469. City of DuBois**, 16 West Scribner Avenue, DuBois, PA 15801-2210. Sandy Lick Creek Flood Control Maintenance and Restoration Project, DuBois City, **Clearfield County**, ACOE Pittsburgh District (Luthersburg, PA Quadrangle Latitude: 41° 27' 07.1"; Longitude: 78° 44' 13.8").

The applicant has proposed to restore, operate and maintain an existing flood control that was constructed in and along a 4.6-mile reach of Sandy Lick Creek. Perpetual restoration and maintenance activities on the flood control authorized by this permit where minor permit amendments shall not be required are stormwater outfall replacement, stormwater outfall slope protection, and flood control side-slope restoration with rock protection. At stream reaches where flood control restoration and maintenance activities are to be performed in-stream, including but not limited to, accumulated sediment removal and fish enhancement structure installation, the permittee shall submit plans, drawings and specifications for minor permit amendment to the Department for review and approval. No activity authorized by this permit shall change the current, course or cross-section of Sandy Lick Creek beyond that depicted in the June 30, 1977, flood control as-built drawings. Since Sandy Lick Creek is a stock trout fishery, no restoration or maintenance work shall be performed in or along the stream between March 1 and June 15 without prior written permission from the Pennsylvania Fish and Boat Commission. Eastern project terminus is located on Sandy Lick Creek at the Shaffer Road and the western project terminus is located at West Long Avenue.

**E17-472. Pennsylvania Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0255, Section A06 Bridge Replacement over Sandy Lick Creek in Sandy Township, **Clearfield County**, ACOE Baltimore District (Sabula, PA Quadrangle; Latitude: 41° 10' 00"; Longitude 78° 39' 45").

The applicant proposes to remove the existing bridge structure, construct, operate and maintain a new 19 X 9 ft. Single Cell Precast Concrete Box Culvert. The existing structure is a single span concrete T-beam bridge with a normal span of 20 ft., skew of 60°, and an average underclearance of 8.27 ft. The proposed structure will be constructed on approximately the same horizontal and vertical alignment as the existing structure. The proposed box culvert has a normal span of 19 ft., skew of 60°, and an average underclearance of 8 ft. The box culvert will be depressed one foot and will include baffles in accordance with the BD-632m and PA FBC recommendations. The

proposed box culvert has a structure length increase of approximately 28 Ft. upstream to downstream; therefore, it is not eligible for a General Permit 11. The project will not increase water surface elevations for the 100 year storm. Sandy Lick Creek is classified as a Trout Stream Fishery. The project proposes temporarily impact of 0.21 Acres and permanently impact 0.04 Acres of Jurisdictional Wetlands. This is a De minimus impact and does not require mitigation.

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

**E10-473, Catholic Diocese of Pittsburgh**, 111 Boulevard of the Allies, Pittsburgh, PA 15222. Cardinal Wuerl North Catholic High School Campus, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 41', 18"; W: 80°, 04', 13").

To construct and maintain a 69 acre high school campus facility to include the placement of ~1,899 lf of stream fill and 0.27 acres of wetland impact. Impacts will be mitigated by the creation of stream bank grading, bankfull benches, in-stream habitat enhancement features and riparian buffer zones along ~ 2,110 lf of stream (~1,440 lf of Kaufman Run).

**E42-354, Bradford Township**, 136 Hemlock Street, Bradford, PA 16701. Bradford STP Sewer System Extension, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford/Derrick City, PA Quadrangle N: 41°, 54', 00"; W: 78°, 37', 30").

To construct and maintain new 8" diameter pipe extensions to existing sanitary sewer lines along the roadway shoulder and into the areas of: Rutherford Run (~3,300 lf, 8 watercourse crossings), Hedgehog Lane (~3,700 lf, 1 wetland & 5 stream crossings), Minard Run (~17,300 lf, 4 wetland & 29 stream crossings) and Browntown (~1,900 lf, 3 wetland & 5 stream crossings) areas. Directional bore and open cut to be utilized for all wetland and stream crossings.

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

**E5829-012 Williams Field Services Company, LLC.**, 2800 Post Oak Blvd, Houston, TX 77056; Springville Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 12 inch natural gas gathering pipeline and timber mat crossing impacting 83 lineal feet of an unnamed tributary to Tower Branch (CWF-MF) (Lenox, PA Quadrangle: Latitude 41° 42' 54"; Longitude -75° 42' 33"),

2. a 12 inch natural gas gathering pipeline impacting 8 lineal feet of an unnamed tributary to Tower Branch (CWF-MF) (Lenox, PA Quadrangle: Latitude 41° 42' 34"; Longitude -75° 42' 17"),

3. a 12 inch natural gas gathering pipeline, temporary access road, and 3—36" culverts depressed 6 inches impacting 272 square feet of an unnamed tributary to Tower Branch (CWF-MF) (Lenox, PA Quadrangle: Latitude 41° 42' 28"; Longitude -75° 42' 07"),

4. a 12 inch natural gas gathering pipeline and timber mat crossing impacting 76 lineal feet of Sterling Brook and Partners Creek (CWF-MF) (Lenox, PA Quadrangle: Latitude 41° 42' 28"; Longitude -75° 41' 27"),

5. a 12 inch natural gas gathering pipeline and timber mat crossing impacting 871 square feet of Palustrine



Emergent Wetland (PEM) (Lenox, PA Quadrangle: Latitude 41° 42' 29"; Longitude -75° 42' 05"),

6. a 12 inch natural gas gathering pipeline impacting 20,909 square feet of Palustrine Emergent Wetland (PEM), 18,295 square feet of Palustrine Scrub Shrub Wetland (PSS), and 1,742 Palustrine Forested Wetland (PFO) (Lenox, PA Quadrangle: Latitude 41° 42' 31"; Longitude -75° 41' 27"),

7. a 12 inch natural gas gathering pipeline and timber mat crossing impacting 8,276 square feet of Palustrine Emergent Wetland (PEM) (Lenox, PA Quadrangle: Latitude 41° 42' 25"; Longitude -75° 42' 05"),

8. a 12 inch natural gas gathering pipeline and timber mat crossing impacting 8,276 square feet of Palustrine Emergent Wetland (PEM) (Lenox, PA Quadrangle: Latitude 41° 42' 29"; Longitude -75° 42' 12").

The project consists of construction, operation, and maintenance of a 12 inch natural gas gathering pipeline from the Stalter Well Pad to the Zick Well Pad and connect to existing gas gathering line. The project will result in 295 feet of stream impacts, 49,658 sq. ft. (1.14 acres) of temporary wetlands impacts, and 1,742 sq. ft. (0.04 acre) of permanent wetlands impacts.

**E5729-019: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 150 linear feet of Little Loyalsock Creek (EV) and 7,721 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°32'13"N 76°21' 09"W);

2) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 80 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) (Colley, PA Quadrangle 41°32'03"N 76°21' 25"W);

3) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 191 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) and 17,931 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°31'37"N 76°21'07"W);

4) a 20 inch diameter natural gas gathering line impacting 303 square feet of a palustrine forested (PFO) wetland (Colley, PA Quadrangle 41°33'05"N 76°21'49"W);

5) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 693 square feet of a palustrine scrub shrub (PSS) wetland (Colley, PA Quadrangle 41°33'02"N 76°21'42"W);

6) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 1,471 square feet of a palustrine scrub shrub (PSS) wetland (Colley, PA Quadrangle 41°33'00"N 76°21'39"W);

7) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 4,963 square feet of a palustrine scrub shrub (PSS) wetland (Colley, PA Quadrangle 41°32'46"N 76°20'55"W);

8) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 1,069 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°32'42"N 76°20'51"W);

9) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 41,483 square feet of a palustrine emergent and scrub shrub (EV-PEM/PSS) wetland (Colley, PA Quadrangle 41°32'28"N 76°20'52"W);

10) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 5,494 square feet of a palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°32'15"N 76°21'06"W);

11) a temporary road crossing using a mat bridge and a 20 inch diameter natural gas gathering line impacting 1,635 square feet of a palustrine emergent and forested (EV-PEM/PFO) wetland (Colley, PA Quadrangle 41°32' 04"N 76°21'25"W);

12) a temporary road crossing using a mat bridge, a 20 inch diameter natural gas gathering line impacting 545 square feet of a palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°31'57"N 76°21'22"W).

The project will result in 421 linear feet of temporary stream impacts, a total of 83,348 square feet (1.91 acres) of temporary wetland impacts, and 686 square feet (0.02 acre) of permanent wetland impacts all for the purpose of installing natural gas gathering line and associated access roadways.

This project was mistakenly published in the *Pennsylvania Bulletin* on January 14, 2012, as permit number E5729-018. The project will be properly published as permit number E5729-019 on January 28, 2012.

**E4129-026: Chief Gathering LLC**, 6051 Wallace Road, Suite 210, Wexford, Pa 15090, Shrewsbury Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain:

1) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 71 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'03"N 76°40'57"W),

2) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 65 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'03"N 76°40'56"W),

3) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 68 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'02"N 76°40'56"W),

4) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 2355 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'02"N 76°40'53"W),

5) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 30 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) and 546 square feet of adjacent palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°19'58"N 76°40'46"W),

6) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 1188 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°19'59"N 76°40'32"W),

7) one 12 inch natural gas pipeline bored beneath 168 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'00"N 76°40'30"W),

8) one 12 inch natural gas pipeline bored beneath 30 linear feet of Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'01"N 76°40'28"W),

9) one 12 inch natural gas pipeline bored beneath 60 linear feet of unnamed tributaries to Lake Run (HQ-CWF,MF) and 2945 square feet of adjacent palustrine forested (PFO) wetland (Picture Rocks PA Quadrangle 41°20'02"N 76°40'27"W),

10) one 12 inch natural gas pipeline impacting 850 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'03"N 76°40'25"W),

11) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 66 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'14"N 76°39'52"W),

12) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 67 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'16"N 76°39'46"W),

13) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 2075 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'22"N 76°39'37"W),

14) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 65 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'26"N 76°39'35"W),

15) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 69 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'27"N 76°39'35"W),

16) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 66 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'28"N 76°39'34"W),

17) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 64 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'28"N 76°39'32"W),

18) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 74 linear feet of Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'29"N 76°39'29"W),

19) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 119 linear feet of Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'28"N 76°39'27"W),

20) one 12 inch natural gas pipeline impacting 9 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'31"N 76°39'22"W),

21) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 66 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'31"N 76°39'21"W).

The project will result in 989 linear feet of temporary stream impacts and 0.23 acre of temporary wetland

impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus well development.

**E4129-019: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade and Gamble Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 3,730 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°26'22"N 76°55'32"W),

2) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 83 linear feet of an unnamed tributary to Slacks Run (HQ-CWF, MF) (Bodines PA Quadrangle 41°26'22"N 76°55'32"W),

3) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 79 linear feet of an unnamed tributary to Slacks Run (HQ-CWF, MF) (Bodines PA Quadrangle 41°26'24"N 76°55'31"W),

4) two six inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 9701 square feet of palustrine forested (PFO) wetland adjacent to Slacks Run Road (Bodines PA Quadrangle 41°26'47"N 76°55'09"W),

5) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 17044 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°26'59"N 76°54'51"W),

6) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 177 linear feet of an unnamed tributary to Slacks Run (HQ-CWF, MF) (Bodines PA Quadrangle 41°26'59"N 76°54'51"W),

7) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 1378 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°27'18"N 76°54'50"W).

The project will result in 339 linear feet of temporary stream impacts and 0.73 acre of temporary wetland impacts all for the purpose of installing a natural gas and water pipelines with associated access roadways for Marcellus well development.

This application is being reposted for public comment due to changes in impacts including a trenched crossing that was previously published as bored in the *Pennsylvania Bulletin* on September 10, 2011.

**E5829-010: Chief Gathering LLC**, 6051 Wallace Road Extension, Suite 210, Wexford, PA 15090, Springville Township, Susquehanna County and Lemon Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) an 8 inch steel gas gathering line and a temporary road crossing impacting 24 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Springville, PA Quadrangle; Latitude: 41° 38' 40", Longitude: -75° 54' 28");

2) an 8 inch steel gas gathering line and a temporary road crossing impacting 76 lineal feet of Meshoppen Creek (CWF-MF) (Springville, PA Quadrangle; Latitude: 41° 38' 42", Longitude: -75° 54' 28");

3) an 8 inch steel gas gathering line and a temporary road crossing impacting 6,179 square feet of a palustrine scrub shrub/emergent (PSS/PEM) wetland (Springville, PA Quadrangle; Latitude: 41° 39' 14", Longitude: -75° 54' 26");

4) an 8 inch steel gas gathering line and a temporary road crossing impacting 60 lineal feet of Meshoppen Creek (CWF-MF) (Springville, PA Quadrangle; Latitude: 41° 39' 18", Longitude: -75° 54' 17");

5) an 8 inch steel gas gathering line and a temporary road crossing impacting 917 square feet of a palustrine emergent (PEM) wetland (Springville, PA Quadrangle; Latitude: 41° 39' 19", Longitude: -75° 54' 16");

6) a temporary road crossing impacting 4,058 square feet of a palustrine emergent (PEM) wetland (Springville, PA Quadrangle; Latitude: 41° 39' 26", Longitude: -75° 54' 10");

7) an 8 inch steel gas gathering line impacting 164 square feet beneath a palustrine forested (PFO) wetland (Springville, PA Quadrangle; Latitude: 41° 39' 54", Longitude: -75° 53' 50");

8) an 8 inch steel gas gathering line impacting 1 lineal foot beneath an unnamed tributary to Meshoppen Creek (CWF-MF) (Springville, PA Quadrangle; Latitude: 41° 39' 55", Longitude: -75° 53' 50");

The purpose of the project is for the conveyance of natural gas from the PMG Annie well site for 2.04 miles to the Polovitch to Wilson natural gas pipeline. The project will result in 134 linear feet of temporary stream impacts and a total of 11,318 square feet (0.26 acre) of temporary wetland impacts.

**E5829-016: Williams Field Services Company, LLC**, 1605 Coraopolis Heights Road, Moon Township, PA 15108-4310, Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 10 inch steel gas gathering line and a temporary road crossing impacting 50 lineal feet of an unnamed tributary to Horton Creek (CWF-MF) (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 47", Longitude: -75° 50' 15");

2) a 10 inch steel gas gathering line and a temporary road crossing impacting 55 lineal feet of an unnamed tributary to Horton Creek (CWF-MF) (Hop Bottom, PA Quadrangle; Latitude: 41° 44' 02", Longitude: -75° 49' 32");

3) a 10 inch steel gas gathering line and a temporary road crossing impacting 58 lineal feet of Horton Creek (CWF-MF) (Hop Bottom, PA Quadrangle; Latitude: 41° 44' 07", Longitude: -75° 48' 58");

4) a 10 inch steel gas gathering line and a temporary road crossing impacting 436 square feet of a palustrine

emergent (PEM) wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 47", Longitude: -75° 50' 16");

5) a 10 inch steel gas gathering line and a temporary road crossing impacting 4,356 square feet of a palustrine forested (PFO) wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 44", Longitude: -75° 50' 11");

6) a 10 inch steel gas gathering line and a temporary road crossing impacting 871 square feet of a palustrine forested (PFO) wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 54", Longitude: -75° 49' 54");

7) a temporary road crossing impacting 871 square feet of a palustrine emergent (PEM) wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 55", Longitude: -75° 49' 53");

8) a 10 inch steel gas gathering line and a temporary road crossing impacting 3,049 square feet of a palustrine emergent (PEM) wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 57", Longitude: -75° 49' 40");

9) a 10 inch steel gas gathering line and a temporary road crossing impacting 436 square feet of a palustrine emergent (PEM) wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 44' 03", Longitude: -75° 49' 33");

**E5329-010. Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA, 15825. Wingo Property Surface Water Withdrawal and Waterline, in Ulysses Township, **Potter County**, and ACOE Baltimore District (Brookland, PA Quadrangle, N: 41°49'36.44"; W: 77°47'49.49").

To construct, operate, and maintain a surface water withdrawal and underground utilities with the following impacts:

1. 31.0 linear feet (165.0 square feet) of temporary impacts to a pond (HQ-CWF) for a submerged intake structure, a waterline, and an electric line to be placed on the bottom of the pond.

2. 58.0 square feet of temporary impacts to an EV wetland (PEM/PSS) for underground water and electric lines installed via open trenching.

3. 12.0 linear feet (21.0 square feet) of permanent impacts, and 23.0 linear feet (130.0 square feet) of temporary impacts to an Unnamed Tributary to Pine Creek (HQ-CWF, MF), and 68.0 square feet of adjacent EV wetlands (PEM) for the replacement of an existing 12" culvert stream crossing and the installation of underground water and electric lines installed via open cut trenching

The project will result in 126.0 square feet (0.01 acre) of EV wetland impacts via open cut trenching, 31.0 linear feet of impacts to the bottom of a pond, and 23.0 linear feet of channel impacts via open cut trenching, all for the purpose of Marcellus Shale well site development.

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

**D56-042EA. Joseph DeBlase, Chairman, Boswell Borough Municipal Authority**, 300 Stonycreek Street, Boswell, PA 15531. Boswell Borough, **Somerset County**, ACOE Pittsburgh District.

Project proposes to breach Boswell Dam for the purpose of restoring the stream to a free flowing condition and eliminating a threat to public safety. The dam is located across a tributary to Quemahoning Creek (CWF) (Boswell, PA Quadrangle, Latitude: 40.1565; Longitude: -79.0262).

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**ACTIONS**


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**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**
**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0110931 (Sew)	Mr. Bernard George 166 Shellbark Road Manns Choice, PA 15550-8614	Bedford County / Napier Township	Raystown Branch Juniata River / 11-C	Y
PA0111601 (Sew)	Christian Retreat Center 369 CRC Drive East Waterford, PA 17021	Juniata County / Lack Township	Tuscarora Creek / 12-B	Y
PA0080845 (IW)	Genon Rema LLC Williamsburg Closed Ash Site 121 Champion Way Suite 200 Canonsburg, PA 15317-5817	Blair County / Catharine Township	Frankstown Branch Juniata River / 11-A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247936 (Sew)	Mr. Philip Moreau Twin Grove Park Campground, Inc. PO Box 222178 Carmel, CA 93922	Lebanon County / Union Township	Swatara Creek / 7-D	Y
PA0035157 (IW)	Farmer's Pride PO Box 39 Fredericksburg, PA 17026-0039	Lebanon County / Bethel Township	Deep Run / 7-C	Y
<i>Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218812 Sewage	Hillsdale STP 602 Kolter Drive Indiana, PA 15701	Indiana County Montgomery Township	Cush Creek	N
PA0093955 Sewage	DeCarlo SR STP 2800 Washington Boulevard McKeesport, PA 15037	Somerset County Middlecreek Township	UNT of Laurel Hill Creek	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102580 (Sewage Renewal)	Baxter MHP 457 Jamisonville Road Butler, PA 16001-8144	Butler County Center Township	Unnamed Tributary to Stony Run (20-C)	Y
PA0091316 (Sewage Renewal)	Buttercup Woodlands Campground 854 Evans City Road Renfrew, PA 16053-9206	Butler County Connoquenessing Township	Unnamed Tributary to Little Connoquenessing Creek (20-C)	Y
PA0029114 (Sewage Renewal)	Clintonville Borough STP Porter Road, Clintonville, PA 16372	Venango County Clintonville Borough	Unnamed Tributary to Scrubgrass Creek (16-G)	Y
PA0102482 (Sewage Renewal)	Green Acres MHP 797 Pittsburgh Road Butler, PA 16002	Butler County Penn Township	Unnamed Tributary to Glade Run (20-C)	Y
PA0029467 (Sewage Renewal)	North Warren Municipal STP 44 Hospital Drive North Warren, PA 16365-4882	Warren County Conewango Township	Conewango Creek (16-B)	Y
PA0238562 (Sewage Renewal)	Ditrich Subdivision 8062 Harborgreene Road Erie, PA 16510	Erie County Harborcreek Township	Unnamed Tributary to Sixmile Creek (15)	Y
PA0101079 (Sewage Renewal)	Oak Tree CC 48 Stateline Road West Middlesex, PA 16159	Mercer County Shenango Township	Unnamed Tributary to Shenango River (20-A)	Y
PA0104108 (Sewage Renewal)	Hickory View Terrace WWTP 169 Terrace Drive New Castle, PA 16102	Lawrence County North Beaver Township	Hickory Run (20-B)	Y

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

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

**NPDES Permit No. PA0057061**, Sewage, **Upper Frederick Township**, 3205 Big Road, Frederick, PA 19435-0597.

This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 00215 MGD of treated sewage from a facility known as Ivy Ridge STP to Scioto Creek in Watershed 3-E.

**NPDES Permit No. PA0054780A-2**, Sewage, **Concord Township**, 43 Thornton Road, Glen Mills, PA 19342.

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

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit formerly Concord Township Sewer Authority to Concord Township.

**NPDES Permit No. PA0244091**, IW, **Patriot Sensors & Controls Corporation, Ametek Drexelbrook Division**, 205 Keith Valley Road, Horsham, PA 19044-1499.

This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.009 MGD of treated groundwater from a facility known as Ametek Drexelbrook Division to Park Creek via a stormsewer in Watershed 2-F.

**NPDES Permit No. PA0025917 Amendment 2**, Sewage, **Chalfont-New Britain Township Joint Sewage Authority**, 1645 Upper State Road, Doylestown, PA 18901.

This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to increase in design flow from 4.6 to 4.625 MGD of treated sewage from a facility known as Chalfont New Britain STP to Neshaminy Creek in Watershed 2F-Neshaminy.

**NPDES Permit No. PA0027154**, Sewage, **Phoenixville Borough**, 140 Church Street, Phoenixville, PA 19460-3457.

This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 4.0 MGD of treated sewage from a facility known as Phoenixville Borough STP to Schuylkill River in Watershed 3-D.

**NPDES Permit No. PA0054810**, Sewage, **Upper Frederick Township**, P. O. Box 597, 3205 Big Road, Frederick, PA 19435-0597.

This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.04785 MGD of treated sewage from a facility known as Perkiomen Crossing STP to Goshenhoppen Creek in Watershed 3-E.

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

**NPDES Permit No. PA0060135-A1**, Sewage, SIC Code 4952, **Shickshinny Borough Sewer Authority**, PO Box 62, Shickshinny, PA 18655.

This existing facility is located in Shickshinny Borough, **Luzerne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit amendment to revise the Chesapeake Bay interim compliance dates.

**NPDES Permit No. PA0052167**, Sewage, SIC Code 4952, **Wind Gap Municipal Authority**, 578 Abel Colony Road, Wind Gap, PA 18091.

This existing facility is located in Plainfield Township, **Northampton County**.

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

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

**NPDES Permit No. PA0261602, Amendment No. 1**, Sewage, **Mr. John P. McDermott**, 7269 Union Deposit Road, Hummelstown, PA 17036

This proposed facility is located in South Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of Permit.

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

**NPDES Permit No. PA0263711**, Sewage, **Benezette WWTP**, P. O. Box 10, Benezette, PA 15821.

This existing facility is located in Benezette Township, **Elk County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for a new discharge of treated sewage from a POTW. This is a minor discharge.

**NPDES Permit No. PA0263907**, Sewage, **Anderson SFTF**, 5201 W 38th Street, Erie, PA 16506.

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

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated sewage from a Small Flow Treatment Facility

### **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. 5211402**, Sewage, SIC Code 4952, **Municipal Authority Of The Township Of Westfall**, 155 Westfall Town Drive, Matamoras, PA 18336.

This proposed facility is located in Westfall Township, **Pike County**.

Description of Proposed Action/Activity: This project involves re-rating the capacity of the Authority's existing sewage treatment plant from 0.300 MGD to 0.374 MGD and sewer system improvements consisting of the following: construction of a new Westfall Main Pump Station to convey sewage to the treatment plant, addition of a new parallel force main, and decommissioning of existing Westfall #1 Pump Station.

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

**WQM Permit No. 2210402, Transfer No. 1, Sewerage, John P. McDermott, 7269 Union Deposit Road, Hummelstown, PA 17036.**

This proposed facility is located in South Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. 0611404, Sewerage, Hamburg Borough Municipal Authority, 61 North 3rd Street, Hamburg, PA 19526-1501.**

This proposed facility is located in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the replacement of the existing 2.5-inch force main with 4-inch force main between the Ridge Lawn Pumping Station and Manhole 6A in Zone 4c of the Hamburg Municipal Authority collection system.

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

**WQM Permit No. 6511402, 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: Permit issuance for the construction and operation of an STP, pump station, force main and gravity collector sewer system.

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

**WQM Permit No. 2410402, Sewage, Benezette WWTP, P. O. Box 10, Benezette, PA 15821.**

This existing facility is located in Benezette Township, **Elk County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Permit to allow for the construction and operation of sewage wastewater facilities.

**WQM Permit No. 2511403, Sewage, Anderson SFTF, 5201 W 38th Street, Erie, PA 16506.**

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

Description of Proposed Action/Activity: Issuance of a Water Quality Permit to allow for the construction and operation of sewage facilities.

**WQM Permit No. WQG018827, Sewage, Johnson SRSTP, 2030 Mathews Run Road, Youngsville, PA 16371**

This proposed facility is located in Brokenstraw Township, **Warren County**.

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

**WQM Permit No. WQG018829, Sewage, Llewellyn Cook, 103 Powerhouse Road, Shinglehouse, PA 16748.**

This proposed facility is located in Ceres Township, **McKean County**.

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

**WQM Permit No. WQG0188230, Sewage, Dean Thomas, 1386 Thompson Hill Road, Russell, PA 16345.**

This proposed facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a new permit to replace a malfunctioning on-lot system.

#### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

#### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151121	220 Chestnut Associates, LP 55 Country Club Rd, Ste 200 Downingtown, PA 19335	Chester	West Chester Borough	Chester Creek (TSF)
PAS10- G444-R2	West Vincent Associates, 707 Eagleview Boulevard Exton, PA 19341	Chester	West Vincent Township	Birch Run Creek (EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S056R(8)	Sanofi Pasteur, Inc. Discovery Drive Route 611 Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek, HQ-CWF, MF
PAI026411003	Aqua Pennsylvania, Inc. 1775 North Main Street Honesdale, PA 18431	Wayne	Lake Township and Paupack Township	Purdy Creek, HQ-CWF, MF

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

*Sullivan County Conservation District: RR 2, Box 2022B, Dushore, PA 18614, (570) 928-7057*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045711001	AJAR International Inc PO Box 38 Randolph NY 14772	Sullivan	Cherry Township	UNT to Birch Creek to Loyalsock Creek CWF

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

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

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

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

#### *General Permit Type—PAG-02*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Telford Borough Bucks County	PAG0200 0911063	Altek Business Systems, Inc. 50 South Third Street Telford, PA 18960	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 0911057	Sears Holdings Corporation 1 Kresge Road Fairless Hills, PA 19030	Rock Run/Martins Creek/ Delaware River South (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG0200 0910009	Route 113 Associates, LP 120 East Lancaster Avenue Ardmore, PA 19003	Unnamed Tributary Mill Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Salford Township Montgomery County	PAG0200 4605076-R	Rosey Ridge Associates, LP 404 Sumneytown Pike North Wales, PA 19454	East Perkiomen Creek (MF-TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG0200 4609063-R	Rotelle Development Company 219 Nianatic Road Barto, PA 19504	Zacharias Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG0200 46052005-R	Heritage Building Group 2500 York Road Jamison, PA 18929	Swamp Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4607150	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Unnamed Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4611072	David Magerman 1357 Hearthstone Lane Gladwyne, PA 19035	Schuylkill River (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4611063	Limerick Generating Station 3146 Sanatoga Road Pottstown, PA 19464	Possum Hollow Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG09201 511125	Philadelphia School Improvement Team 440 North Broad Street Philadelphia, PA 19130	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bonneauville Boro. Adams County	PAG02000107005R	Thomas E. Varish Varish Construction, Inc. 1860 Baltimore Pike, Suite 1 Gettysburg, PA 17325	Rock Creek/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Straban Township Adams County	PAG02000111006	Ben Abrams Consolidated Scrap Resources, Inc. 120 Hokes Road York, PA 17405	Tributary to Rock Creek/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Bethel Township Berks County	PAG02000611047	Bob Gage GBT Realty Corporation 201 Summit View Dr, Ste 110 Brentwood, TN 37027	Little Swatara Creek / CWF-MF	Berks Co. Conservation District 1238 County Welfare Rd, Ste 200 Leesport, PA 19533 610.372.4657
Lemoyne & New Cumberland Boroughs Cumberland Co.	PAG02002111024	Michael S. Gillespie PennDOT, District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Yellow Breeches Creek/ CWF, MF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717-240-7812
Upper Frankford Township Cumberland Co.	PAG02002111021	John T. Moore 107 Bridge Road Newville, PA 17241	Bloser Creek/ WWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717-240-7812

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Fermanagh Twp. Juniata County	PAG2033406003R	John Groninger Groninger Farms, LLP PO Box 36, Swamp Road Mexico, PA 17056	Horning Run/ CWF	Juniata Co. Conservations District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059 717.436.8953

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

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Asylum Township Bradford County	PAG02000812002	Kent Morton Moxie Liberty LLC 612 Center St S, Ste 200 Vienna VA 22180	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Ulster Township Bradford County	PAG02000812005	Andy Bishop Bishop Brothers Partnership PO Box 289 Ulster PA 18850	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Harris Township Centre County	PAG02001409013R	Olga Levi Levi Homes 196 Potters Ln Port Matilda PA 16870	UNT to Spring Creek & Cedar Run CWFs	Centre County Conservation District 414 Holmes Ave Suite 4 Bellefonte PA 16823 Phone: (814) 355-6817
College Township Centre County	PAG02001411013	Ronald Smith Unitarian Universalist Fellowship of Centre County 780 Waupelani Dr Ext State College PA 16801	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave Suite 4 Bellefonte PA 16823 Phone: (814) 355-6817
Sandy Township Clearfield County	PAG02001710001R	DuBois Continuum of Care Community Inc 200 S 8th St PO Box 307 DuBois PA 15801	Reisinger Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629
Sandy Township Clearfield County	PAG02001710005R	A&R Development c/o Roger Chapman Route 1 Box 1131 Roosevelt UT 84066	Wolf Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629
Lawrence Township Clearfield County	PAG02001711012	Keith Billotte River's Bend Properties LLC 18 N Second St Clearfield PA 16830	Clearfield Creek WWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629
Richmond Township Tioga County	PAG02005911016	Lisa Guthrie 2204 S Main St Mansfield PA 16933	Tioga River CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 Ext. 5

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Armstrong County East Franklin Township Washington Township	PAG02000311005	Steven W. Shaffer PO Box 32 671 Reesedale Road Adrian, PA 16210	UNT- Limestone Run (WWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 (724) 548-3435
Fayette County Dunbar Township	PAG02002611013	Anthony Tristani Dunbar Borough/Township Sanitary Authority 93 Connellsville Street Dunbar, PA 15431	UNT- Gist Run (TSF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Washington County Peters Township	PAG02006312006	Investors Mark Acquisitions, LLC— Mark Hoskins PO Box 1287 McMurray, PA 15317	UNT- Brush Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Washington County Chartiers Township Cecil Township Mt. Pleasant Township	PAG02006311021(1)	MarkWest Liberty Midstream & Resources, LLC. 601 Technology Drive Canonsburg, PA 15317	Chartiers Run & Millers Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cranberry Township Butler County	PAG2001010017	Sampson-Morris Group Attn: Mr. Michael Morris 2500 Eldo Road Monroeville PA 15146	UNT Brush Creek WWF	Butler Conservation District 724-284-5270

*General Permit Type—PAG-3*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Georges Township Fayette County	PAR236132	Hunter Panels, LLC 2000 Summit View Drive Smithfield, PA 15478	Georges Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler Township Butler County	PAR238301	Air Products & Chemicals, Inc. 357 Marian Avenue Tamaqua, PA 18252	Unnamed Tributary to Sawmill Run 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
City of Erie Erie County	PAR208310	Custom Engineering Company 2800 McClelland Avenue Erie, PA 16510-2598	Municipal Storm Sewers to Lake Erie 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Hempfield Township Mercer County	PAR808375	VEC Technology, LLC 639 Keystone Road Greenville, Pa 16125	Unnamed Tributary to the Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*Lower Merion  
Township  
Montgomery County*Permit No.*  
PAG040162*Applicant Name &  
Address*  
Mr. James J Gorman  
1426 Rose Glen Road  
Gladwyne, PA 19035*Receiving  
Water/Use*  
Unnamed Tributary to  
Mill Creek—3F*Contact Office &  
Phone No.*  
Southeast Region  
Water Management  
484-250-5970*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:  
Municipality &  
County*Brokenstraw  
Township  
Warren County*Permit No.*  
PAG041060*Applicant Name &  
Address*  
John Johnson  
2030 Mathews Run Road  
Youngsville, PA 16371*Receiving  
Water/Use*  
Unnamed Tributary  
to Dunn Run 16-F*Contact Office &  
Phone No.*  
DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942*General Permit Type—PAG-7**Facility Location:  
Municipality &  
County*Peach Bottom  
Township  
York County*Permit No.*  
PAG070003  
PAG070005  
PAG073508*Applicant Name &  
Address*  
Synagro  
1605 Dooley Road  
PO Box B  
Whiteford MD, 21160*Site Name &  
Location*  
Steve Troyer Farm  
995 Flintville Road  
Delta, PA 17314*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*Peach Bottom  
Township  
York County*Permit No.*  
PAG080002  
PAG080003  
PAG080004  
PAG080006  
PAG080008  
PAG080018  
PAG080021  
PAG082203  
PAG082211  
PAG082219  
PAG083501  
PAG083506  
PAG083510  
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PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG083605  
PAG083825  
PAG089903  
PAG089904  
PAG089905  
PABIG9903  
WMGR099*Applicant Name &  
Address*  
Synagro  
1605 Dooley Road  
PO Box B  
Whiteford MD, 21160*Site Name &  
Location*  
Steve Troyer Farm  
995 Flintville Rd.  
Delta, PA 17314*Contact Office &  
Phone No.*  
DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

General Permit Type-PAG-10

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Lime Stone Township Clarion County	PAG108314	Mountain Gathering, LLC 810 Houston Street Fort Worth, TX 76102	Unnamed Tributary to the Runaway Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

**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: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. 4111502—Construction** Public Water Supply.

Applicant	<b>Pinecrest Village Mobile Home park</b>
[Township or Borough]	Eldred Township
County	<b>Lycoming</b>
Responsible Official	Mr. Terry Knittle Pinecrest Village Mobile Home Park 24 Pinecrest Drive Williamsport, PA 17701-9730
Type of Facility	Public Water Supply

Consulting Engineer	Mr. Thomas M. Levine Levine Engineering, LLC P. O. Box 429 Altoona, PA 16603
Permit Issued	January 18, 2012
Description of Action	Installation of a cartridge filtration system on Well No. 7.

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

Applicant	<b>East Cameron Township Municipal Authority</b>
[Township or Borough]	East Cameron Township
County	<b>Northumberland</b>
Responsible Official	Mr. Timothy Lagerman East Cameron Township Municipal Authority 4628 Upper Road Shamokin, PA 17872
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	January 24, 2012
Description of Action	4-log inactivation of viruses at Entry Point 100 (Well Nos. 1 and 2).

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

Applicant	<b>Greenburr Water Association</b>
[Township or Borough]	Logan Township
County	<b>Clinton</b>
Responsible Official	Ms. Flo Miller Greenburr Water Association 47 Camptown Road Loganton, PA 17747
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	January 24, 2012
Description of Action	4-log inactivation of viruses at Entry Point 101 (Well No. 1).

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

Applicant	<b>Haines Woodward Municipal Authority</b>
[Township or Borough]	Haines Township
County	<b>Centre</b>

Responsible Official Mr. Gardner Wagner  
Haines Woodward  
Municipal Authority  
P. O. Box 147  
Woodward, PA 16882

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued January 24, 2012

Description of Action 4-log inactivation of viruses at  
Entry Point 100 (Well No. 1).

**Borough of Burnside Water System** (Public Water Supply), **Clearfield County**: On January 18, 2012, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Borough of Burnside Water System. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was possible by funding from the EPA and through the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

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

**Permit No. 2511503** Public Water Supply

Applicant **Fairview Township Water Authority**

Township or Borough Fairview Township

County **Erie**

Type of Facility Public Water Supply

Consulting Engineer Mark J. Corey, P.E.  
Mark J. Corey & Associates  
P. O. Box 268  
Harborcreek, PA 16421

Permit to Construct Issued January 19, 2012

**Transfer of Operation Permit** issued to **Keystone Research, Inc.**, PWSID #6430047, Lackawannock Township, **Mercer County** on January 19, 2012. Action is for change in ownership; the potable water supplier will do business as Willow Bend Mobile Home Park. The new permit number is 4389506-T3.

**Operation Permit** issued to **Wick Auto Sales, Inc. d/b/a Franklin Mobile Home Village**, PWSID #5100104, Franklin Township, **Butler County**. Permit Number 1091503-MA1, issued January 19, 2012 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Lucinda Waterworks Company**, PWSID #6160039, Knox Township, **Clarion County**. Permit Number 1691504-MA3, issued January 19, 2012 for the operation of 4-Log treatment of viruses for Entry Point 100. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Trustees of Conneaut Lake Park**, PWSID #6200018, Sadsbury and Summit Townships, **Crawford County**. Permit Number 2009505-MA1, issued January 19, 2012 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Commonwealth of Pennsylvania, Department of Welfare**, PWSID

#6620034, Conewango Township, **Warren County**. Permit Number 8837-W-MA2, issued January 19, 2012 for the operation of 4-Log treatment of viruses for Entry Point Nos. 167 and 108. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Riverview Communities, L.P.**, PWSID #6620833, Conewango Township, **Warren County**. Permit Number 6207503-T1-MA1, issued January 19, 2012 for the operation of 4-Log treatment of viruses for Entry Point No. 130. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Pennsylvania American Water Company**, PWSID #6370011, Jackson Township, **Butler County**. Permit Number 3709504-MA1 issued January 23, 2012 for the operation of the Interconnection with Evans City Water and Sewer Authority System via the new meter/PRV vault located along Ridge Road in Jackson Township, **Butler County**. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on December 20, 2011.

**Operation Permit** issued to **Evans City Water and Sewer Authority**, PWSID #5100033, Forward and Jackson Townships and Evans City Borough, **Butler County**. Permit Number 1011502 issued January 23, 2012 for the operation of Evans City Water and Sewer Authority as a consecutive Public Water System to Pennsylvania American Water Company. The permit also consolidates previous permits issued to Evans City Borough.

#### 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**

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

**WA-693D, Water Allocation**, North Wales Water Authority, 200 West Walnut Street, P. O. Box 1339, North Wales, PA 19454-0339. Chalfont Borough, **Montgomery County**. The subsidiary water allocation permit grants the applicant's right to purchase up to 15.3 million gallons per day, as a 30-day from Forest Park Water Treatment Plant from North Wales Water Authority and North Penn Water Authority.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Shippensburg Borough	PO Box 129, 111 N. Fayette St., Shippensburg, PA 17257	Cumberland and Franklin

*Plan Description:* The approved plan provides for an upgrade and expansion of the existing 3.3 MGD sewage treatment plant to 4.3 MGD average daily flow in order to meet the nutrient reduction requirements imposed by the Chesapeake Bay Tributary Strategy. The Plan in-

cludes an expansion of sewage flow from the existing Schreiber Foods Inc. facility to 0.63MGD. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Granville Township	100 Helen Street, Lewistown, PA 17044	Mifflin
Bratton Township	133 Mountain Lane, McVeytown, PA 17051	Mifflin

*Plan Description:* The approved plan provides for a biological nutrient reduction upgrade to the existing sewage treatment plant in order to comply with the Chesapeake Bay Tributary Strategy. The capacity of the sewage treatment plant will be an annual average daily flow of 0.5 MGD. The plan also provides for extension of sanitary sewers with septic tank effluent pumps and low pressure force mains to the PA 333 Area, the Blue Juniata Drive Area and the Anderson Road Area which includes a small portion of Bratton Township. The Plan proposes one new pump station, number 4, and an associated force main to relieve an existing bottleneck in the collection system and the rehabilitation of pumping stations numbers 2, 5, 6, 7, 8, 9, and 10. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Swatara Township	68 Supervisor Drive, Jonestown PA 17038	Lebanon

*Plan Description:* The approved plan provides for the implementation of a Township wide on-lot sewage disposal system operation and management program. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Peach Bottom Township	545 Broad St Ext, Delta PA 17314	York

*Plan Description:* The planning module for the Melvin Esh Subdivision, DEP Code No. A3-67950-195-2, APS Id 766911, consisting of an additional single family dwelling unit on an 88 acre lot using individual on lot sewage disposal systems is disapproved. The proposed development is located on the west side of Flintville Road between Orchard Road and Burke Road. This plan is

disapproved because the preliminary hydrogeologic study failed to accurately assess the background nitrate-nitrogen concentration in the groundwater beneath this proposed development. The existing well on the property was not sampled even though it is located closer to the proposed development and would provide a more accurate representation of the groundwater under the site than the three off site wells that were sampled. One sample point lay 0.4 miles from the proposed site and is in a different watershed. The other two sample points were located approximately 0.25 miles from the site and one of those was on the other side of a small stream.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

**Quadrant Engineering Plastics Property**, Laurel Line Drive, Scranton City, **Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street,

Peckville, PA 18452 has submitted a Final Report (on behalf of his client, Quadrant EPP USA, Inc., 900 North-South Road, Scranton, PA 18504), concerning the remediation of soil and groundwater found to have been impacted by hydraulic fluids as a result of a release from a large press located at the property. The report was submitted to document attainment of the Non-Residential Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the final Report was published in *The Scranton Times* on January 4, 2012.

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

**Norfolk Southern—LORAM Diesel Release Area**, 3322 Industrial Road, Harrisburg, PA 17110, City of Harrisburg, **Dauphin County**. AECOM Technical Services, Inc. 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17050, on behalf of Norfolk Southern Railway Company, 4600 Deer Path Road, Suite 106, Rm. 148, Harrisburg, PA 17110, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Higgins Key Distribution Center**, 1700 Ritner Highway, Carlisle Borough, **Cumberland County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033, on behalf of Carlisle 44, LP, 126 Seven Farms Drive, Suite 160-A, Charleston, SC 29492, submitted a Final Report concerning remediation of site soils and groundwater contaminated with VOCs, chlorinated solvents and inorganics. The report is intended to document remediation of the site to meet the Residential Statewide Health and Background Standards.

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

**Anadarko Petroleum Corporation—Seely Pipe Line Hensler Road Diesel Release**, Mifflin Township, **Lycoming County**. Groundwater Environmental Services on behalf of Anadarko Petroleum Corporation has submitted a Final Report for soil contaminated with diesel fuel along Hensler Road. The applicant proposes to remediate the site to meet the Statewide Health Standard.

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

**Warrant 3410 Well P24**, Lafayette Township, **McKean County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of Cataylst Energy, Inc., 424 South 27th Street, Suite 304, Pittsburgh, PA 15203 has submitted a Final Report concerning remediation of site soil contaminated with crude oil impacted soils. The report is intended to document remediation of the site to meet the Statewide Health Standard within 90 days of the release.

**Well No. 1475 Warrant 5211**, Hickory Township, **Forest County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 has submitted a Final Report concerning remediation of site soil contaminated with hydraulic fluid impacted soil. The report is intended to document remediation of the site to meet the Statewide Health Standard within 90 days of the release.

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

**Beaver Valley Industrial Park Site, (Former Teledyne Vasco—Colonial Plant)** Monaca Borough,

**Beaver County**. RAR Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101 on behalf of Beaver Valley Industrial Park Corporation, 1 Industrial Park Road, Monaca PA 15061 has submitted a Baseline Remedial Investigation Report concerning the remediation of site soils contaminated with metals exceeding non-residential medium specific concentrations. The site is in a Special Industrial Area and will remain non-residential for commercial and industrial uses.

**Scottdale Housing**, Scottdale Borough, **Westmoreland County**. Cribbs and Associates, Inc., PO Box 44, Delmont, Pa 15626 on behalf of Scottdale Housing L.P., 218 South Maple Avenue, Greensburg, PA 15601 has submitted a Remedial Investigation Report, Risk Assessment & Closure Plan on January 19 2012 concerning the remediation of the site groundwater contaminated with chlorinated solvents from historical use as an autobody repair shop.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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**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).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.



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

The Department has received the following plans and reports:

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

**Mezick Property**, 714 Dudley Street, Throop Borough, **Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report on behalf of Katherine Mezick, 714 Dudley Street, Throop, PA 18512, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from the nozzle of the product delivery line to the unregulated, 275-gallon aboveground storage tank during a scheduled heating oil delivery. The report documented attainment of the Statewide Health Standard for soil and was approved on January 11, 2012. The report was originally submitted within 90 days of the release.

**Former Ashley Rail Yard Brownfield Site**, 1733 Brandywine Road, Ashley Borough, **Luzerne County**. Simeon Suter, Stell Environmental Enterprises, Inc., 55 W. Main Street, Elverson, PA 19520 submitted a Baseline Environmental Report on behalf of his client, Redevelopment Authority of Luzerne County, 16 Luzerne Avenue, Suite 210, West Pittston, PA 18643, concerning the remediation of soil found to have been impacted by lead and groundwater found to have been impacted by iron, manganese and several semi-volatile organic compounds as a result of historic rail yard operations and locomotive repair and maintenance facilities on the property. The Baseline Environmental Report was submitted in partial fulfillment of the Special Industrial Area requirements and was approved on January 18, 2012.

**Jeras Corporation Property (Runk Barn)**, 2175 Pirma Avenue, South Whitehall Township, **Lehigh County**. Chris Jacangelo, J. Rockwood & Associates, Inc., P. O. Box 1006, Easton, PA 18044 submitted a Final Report on behalf of his client, Jeras Corporation, 1802 N. Cedar Crest Boulevard, Allentown, PA 18104, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a pitted and corrosive underground storage tank, which was observed during the tank's removal process. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on January 19, 2012.

**Former Wilkes-Barre Water Street MGP Site**, City of Wilkes-Barre, **Luzerne County**. John Roberts, Stantec Consulting Services, Inc., 400 Dais Drive, Suite 400, Plymouth Meeting, PA 19462 submitted a Final Report on behalf of his client, UGI Penn Natural Gas, Inc., P. O. Box 12677, Reading, PA 19612-2677, concerning the remediation of site soils and groundwater found to have been impacted by manufactured gas plant constituents due to historical operations from a former manufactured gas plant. The report documented attainment of the Site-Specific Standard for soil and groundwater and the Statewide Health Standard for soil and groundwater. The Final Report was approved on January 18, 2012.

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

**Linker Property**, 175 Bunny Lane, Palmyra, PA 17078, East Hanover Township, **Dauphin County**. PA Tectonics, Inc. 826 Main Street Peckville, PA 18452, on behalf of Andrew and Michelle Linker, 175 Bunny Lane, Palmyra, PA 17078, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on January 19, 2012.

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

**Anadarko Petroleum Corporation—Seely Pipe Line Hensler Road Diesel Release**, Mifflin Township, **Lycoming County**. Groundwater Environmental Services on behalf of Anadarko Petroleum Corporation has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel along Hensler Road. The Final report demonstrated attainment of the Statewide Health and was approved by the Department on January 19, 2012.

**Cherry Flats Compressor Station**, Covington, **Tioga County**. EPA Industries, Inc., 701 E. Spring Street Box 16, Titusville, PA 16354 on behalf of NFG Midstream Covington, LLC, 6363 Main Street, Williamsville, NY 14221 has submitted a Final Report concerning the remediation of site soil contaminated with benzene at the Cherry Flats Compressor Station. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 20, 2012.

**Pennsylvania General Energy Co., LLC**, Cummings Township, **Lycoming County**. Northridge Group, Inc. 1172 Ridge Road, Northumberland, PA 17857 on behalf of Pennsylvania General Energy Co., LLC., 120 Market Street, Warren, PA 16365 has submitted a Final Report with 90 days of release concerning the remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 13, 2012.

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

**Erie County Convention Center Authority Bayfront Site (Fmr. GAF Materials Corp.)** City of Erie, **Erie County**. AMEC E&I, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of the Erie County Convention Center Authority, 809 French Street, Erie, PA 16501 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with arsenic, anthracene, benzo[a]-anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[g,h,i]perylene, carbazole, chrysene, dibenzo(a,h)anthracene, dibenzofuran, indeno[1,2,3-cd]pyrene, 2-methylnaphthalene, fluoranthene, 4-methylphenol[p-cresol], naphthalene, 4-nitroaniline, and 1,3,5-trimethylbenzene and site groundwater contaminated with iron, aluminum, 2-methylnaphthalene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, benzo[k]fluoranthene, chrysene, 2,4-dichlorophenol, dibenzo(a,h)-anthracene, fluoranthene, indeno[1,2,3-cd]pyrene, phenanthrene, pyrene, 4-methylphenol[p-cresol], naphthalene, and benzene. The Remedial Investigation Report was approved by the Department on January 10, 2012.

**NLMK Pennsylvania Corporation (Duferco Farrell Corporation Facility)**, Keating Township, **McKean County**. Cummings Riter Consultants, Inc., 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235 on behalf of NLMK Pennsylvania Corporation, 15 Roemer Boulevard, Farrell, PA 16121 has submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of non-media solids related to two pre-1980 waste piles. The Remedial Investigation/Risk Assessment Report/Cleanup Plan was approved by the Department on January 20, 2012.

**Former BP Service Station No. 07038**, City of Erie, **Erie County**. Antea USA, Inc., 9810 Patuxent Woods Drive, Suite B, Columbia, MD 21046 on behalf of BP Products North America, Inc., 1 West Pennsylvania Avenue, Suite 440, Towson, MD 21204 has submitted a Final Report concerning the remediation of site soil & groundwater contaminated with Benzene, Toluene, Lead, Ethylbenzene, Total Xylenes, Methyl tert-butyl ether (MTBE), Cumene, 1,2,4-trimethylbenzene (TMB), and 1,3,5-TMB. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 23, 2012.

**Grosick**, Lancaster Township, **Butler County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Rex Energy Operating Corporation, 476 Rolling Ridge Drive, Suite 300, State College, PA 16801 has submitted a Final Report concerning the remediation of site soil contaminated with aluminum, arsenic, barium, cadmium, chromium III—IV, iron, lead, manganese, selenium, silver, mercury, acetone, benzene, bromodichloromethane, tribromomethane (bromofom), bromomethane, methyl ethyl ketone (2-butanone), carbon disulfide, carbon tetrachloride, chlorobenzene, chloroethane, chloroform, methyl chloride (chloromethane), chlorodibromomethane (dibromochloromethane), 1,2-dichlorobenzene, 1,3-dichlorobenzene, p-dichlorobenzene (1,4-dichlorobenzene), 1,1-dichloroethane, 1,2-dichloroethane, 1,2-Dichloroethene (total), 1,1-dichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethene, 1,2-dichloropropane, cis-1,3-dichloropropene, trans-1,3-dichloropropene, ethylbenzene, methyl n-butyl ketone (2-hexone), dichloromethane (methylene chloride), methyl isobutyl ketone (4-methyl-2-pentanone), methyl tertiary butyl ether, styrene, 1,1,2,2-tetrachloroethane, tetrachloroethene (PCE), toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethene (TCE) vinyl chloride, total xylenes, acenaphthene, acenaphthylene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[ghi]perylene, benzo[k]fluoranthene, benzyl alcohol, butyl benzyl phthalate, bis[2-chloroethoxy]methane, bis[2-chloroethyl]ether, bis[2-chloroisopropyl]ether, 2-chloronaphthalene, 2-chlorophenol, chrysene, dibenz[a,h]anthracene, dibenzofuran, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 3,3-dichlorobenzidine, 2,4-dichlorophenol, diethyl phthalate, 2,4-dimethylphenol, 2,4-dinitrophenol, 2,4-dinitrotoluene, 2,6-dinitrotoluene, bis[2-ethylhexyl]phthalate, fluoranthene, fluorene, hexachlorobenzene, hexachlorocyclopentadine, hexachloroethane, Indeno [1,2,3-cd]pyrene, isophorone, 2-methylnaphthalene, 2-methylphenol, naphthalene, 2-nitroaniline, 3-nitroaniline, 4-nitroaniline, nitrobenzene, 2-nitrophenol, 4-nitrophenol, N-nitrosodi-n-propylamine, N-nitrosodiphenylamine, pentachlorophenol, phenanthrene, phenol, pyrene, 1,2,4-trichlorobenzene, 2,4,5-trichlorophenol, and 2,4,6-trichlorophenol. The site has been remediated within 90 days of the release. The Final

Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 23, 2012.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

#### *Hazardous Waste Transporter License Issued*

**Metro Environmental Contracting Company**, 690-A North Queens Avenue, Lindenhurst, NY 11757. License No. PA-AH 0785. Effective October 7, 2011.

**Cetco, LLC**, 3091 Rockefeller Avenue, Cleveland, OH 44115. License No. PA-AH 0790. Effective October 12, 2011.

**Terra Contracting, LLC**, 5787 Stadium Drive, Kalamazoo, MI 49009. License No. PA-AH 0792. Effective November 9, 2011.

**Solvents And Petroleum Service, Inc.**, 1405 Brewerton Road, Syracuse, NY 13208. License No. PA-AH 0629. Effective December 2, 2011.

**Transport Sylvester & Forget, Inc.**, 320 RT 201, St-Tanislas-De-Kost, QC J0S 1W0 Canada. License No. PA-AH 0791. Effective December 6, 2011.

#### *Hazardous Waste Transporter License Renewed*

**Barnett Transportation, Inc.**, P. O. Box 2486, Tuscaloosa, AL 35403. License No. PA-AH 0700. Effective August 4, 2011.

**AEG Environmental Products & Services**, P. O. Box 286, Westminster, MD 21158. License No. PA-AH 0701. Effective August 4, 2011.

**Tri-Line Carriers GP, Inc.**, 1179 Ridgeway Road, P. O. Box 1669, Woodstock, ON N4S 0A9 Canada. License No. PA-AH 0736. Effective August 10, 2011.

**Heritage Transport, LLC**, 7901 W. Morris Street, Indianapolis, IN 46231. License No. PA-AH 0200. Effective August 12, 2011.

**Turn-Key Environmental Services, Inc.**, P. O. Box 519, Blairstown, NJ 07825. License No. PA-AH 0738. Effective August 24, 2011.

**Safety-Kleen Systems, Inc.**, 5360 Legacy Drive, Building 2, Suite 100, Plano, TX 75024. License No. PA-AH 0172. Effective August 24, 2011.

**Emerald Environmental Services, Inc.**, 1621 St. Clair Avenue, Kent, OH 44240. License No. PA-AH 0641. Effective August 26, 2011.

**Care Environmental Corporation**, 10 Orben Drive, Landing, NJ 07850. License No. PA-AH 0735. Effective August 31, 2011.

**Miller Environmental Group, Inc.**, 538 Edwards Avenue, Calverton, NY 11933. License No. PA-AH 0501. Effective August 31, 2011.

**Auchter Industrial Vac Service, Inc.**, 4801 S. Wood Avenue, Linden, NJ 07036. License No. PA-AH 0444. Effective September 1, 2011.

**Midwest Environmental Transport, Inc.**, 10163 Cincinnati-Dayton Road, Cincinnati, OH 45241. License No. PA-AH 0368. Effective September 19, 2011.

**Superior Carriers, Inc.**, 711 Jorie Blvd, Suite 101 North, Oak Brook, IL 60523. License No. PA-AH 0686. Effective September 19, 2011.

**Sumter Transport Company**, P. O. Box 1060, Sumter, SC 29151-1060. License No. PA-AH 0439. Effective September 21, 2011.

**Veolia ES Technical Solutions, LLC**, 1 Eden Lane, Flanders, NJ 07836. License No. PA-AH 0500. Effective September 22, 2011.

**Lacy's Express, Inc.**, P. O. Box 130, Pedricktown, NJ 08067. License No. PA-AH 0243. Effective September 27, 2011.

**RSO, Inc.**, P. O. Box 1450, Laurel, MD 20725-1450. License No. PA-AH 0578. Effective September 30, 2011.

**Reliable Environmental Transport, Inc.**, P. O. Box 500, Bridgeport, WV 26330. License No. PA-AH 0721. Effective October 3, 2011.

**Set Environmental, Inc.**, 450 Sumac Road, Wheeling, IL 60090. License No. PA-AH S226. Effective October 5, 2011.

**SMP, Inc.**, 402 Route 519, Phillipsburg, NJ 08865. License No. PA-AH S221. Effective October 14, 2011.

**Action Resources, Inc.**, 40 County Road 517, Hanceville, AL 35077. License No. PA-AH 0650. Effective October 25, 2011.

**Mccutcheon Enterprises, Inc.**, 250 Park Road, Apollo, PA 15613-8730. License No. PA-AH 0130. Effective October 31, 2011.

**IMS Environmental Services, Inc.**, P. O. Box 1779, Norfolk, VA 23501. License No. PA-AH 0724. Effective November 16, 2011.

**Goulet Trucking, Inc.**, P. O. Box 259, South Deerfield, MA 01373. License No. PA-AH 0768. Effective November 16, 2011.

**Robbie D. Wood, Inc.**, P. O. Box 125, Dolomite, AL 35061. License No. PA-AH 0504. Effective November 17, 2011.

**The Environmental Service Group (NY)**, 177 Wales Avenue, Tonawanda, NY 14150. License No. PA-AH S144. Effective November 30, 2011.

**Environmental industrial Services Company**, 288 Oak Grove Road, Swedesboro, NJ 08085. License No. PA-AH 0457. Effective November 29, 2011.

**Fortress Trucking Limited**, 7079 Wellington Road 124, Guelph, ON N1H 6J3 Canada. License No. PA-AH 0512. Effective November 30, 2011.

**Valley City Disposal, Inc.**, 1040 Market Street SW, Grand Rapids, MI 49503. License No. PA-AH 0410. Effective December 6, 2011.

**Dalmatian Transportation, Ltd.**, P. O. Box 926, Hebron, OH 43025. License No. PA-AH 0740. Effective December 8, 2011.

**JMT Environmental Technologies, Inc.**, P. O. Box 22044, Lehigh Valley, PA 18002. License No. PA-AH 0648. Effective December 8, 2011.

**Three Rivers Trucking, Inc.**, 3250 Country Road 427, Waterloo, IN 46793. License No. PA-AH 0769. Effective December 8, 2011.

**Environmental Services, Inc.**, 90 Brookfield Street, South Windsor, CT 06074-1262. License No. PA-AH 0725. Effective December 16, 2011.

**Coal City Cob Company, Inc.**, P. O. Box 597, Waxahachie, TX 75168. License No. PA-AH 0589. Effective December 19, 2011.

**Veolia ES Industrial Services, Inc.**, 6151 Executive Blvd, Huber Heights, OH 45424. License No. PA-AH 0583. Effective December 20, 2011.

**S-J Transportation Company, Inc.**, P. O. Box 169, Woodstown, NJ 08098. License No. PA-AH 0015. Effective December 22, 2011.

**Frank's Vacuum Truck Service, Inc.**, 4500 Royal Avenue, Niagara Falls, NY 14303. License No. PA-AH 0331. Effective January 5, 2012.

**Enviroserve, J.V. Limited Partnership**, 5502 Schaaf Road, Cleveland, OH 44131. License No. PA-AH 0456. Effective January 13, 2012.

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**Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

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*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Hazardous Waste Transporter License Voluntarily Terminated*

**DTC Environmental Services, Inc.**, 2567 Congo Arroyo Road, Newell, WV 26050-1317. License No. PA-AH 0612. Effective August 8, 2011.

**Freeport Transport Industries, Inc.**, 1200 Butler Road, Drawer A, Freeport, PA 16229. License No. PA-AH 0767. Effective August 1, 2011.

**Haz-Mat Environmental Services, LLC**, P. O. Box 37392, Charlotte, NC 28237. License No. PA-AH 0778. Effective November 9, 2011.

**Rinchem Company, Inc.**, 6133 Edith Blvd, NE, Albuquerque, NM 87107-5069. License No. PA-AH S205. Effective November 16, 2011.

*Hazardous Waste Transporter License Expired*

**Marcor Environmental, LP**, 246 Cockeyesville Road, Suite 1, Hunt Valley, MD 21030. License No. PA-AH 0763. Effective July 31, 2011.

**T.F. Boyle Transportation, Inc.**, 15 Riverhurst Road, Billerica, MA 01821. License No. PA-AH 0572. Effective September 30, 2011.

**Bestrans, Inc.**, 931 Red Toad Road, North East, MD 21901-2203. License No. PA-AH 0766. Effective December 31, 2011.

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**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

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**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

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*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Veolia ES Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824. License No. PA-HC 0199. Effective August 24, 2011.

**Altoona Regional Health System**, 620 Howard Avenue, Altoona, PA 16601. License No. PA-HC 0124. Effective September 14, 2011.

**S.H. Bio-Waste, Ltd.**, 104 G P Clement Drive, Collegeville, PA 19426. License No. PA-HC 0096. Received September 16, 2011.

**Geisinger System Services**, 100 North Academy Avenue, Danville, PA 17822-1540. License No. PA-HC 0141. Effective September 23, 2011.

**University of Pittsburgh—of Commonwealth System of Higher Education**, Public Safety Building Floor 4, 3412 Forbes Avenue, Pittsburgh, PA 15260. License No. PA-HC 0183. Effective October 3, 2011.

**Clean Harbors Environmental Services, Inc.**, 42 Longwater Drive, Norwell, MA 02061-1612. License No. PA-HC 0053. Effective December 1, 2011.

**Premier Medical Waste Transport, LTD.**, P. O. Box 182, New Cumberland, PA 17070. License No. PA-HC 0237. Effective December 9, 2011.

**JPS Equipment Company, Inc.**, P. O. Box 788, Edgemont, PA 19028. License No. PA-HC 0142. Effective January 18, 2012.

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**Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act and Act 93 of June 28, 1988 and regulations to transport infectious and chemotherapeutic waste.**

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*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Infectious and Chemotherapeutic Waste Transporter License Expired*

**Bestrans, Inc.**, 931 Red Toad Road, North East, MD 21901. License No. PA-HC 0209. Effective August 31, 2011.

**Healthcare Waste Solutions, Inc.**, 1281 Viele Avenue, Bronx, NY 10474. License No. PA-HC 0235. Effective December 31, 2011.

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**HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

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**Permits issued under the Solid Waste Management Act and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

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

**PAD980550412. Johnson Matthey Inc.**, 900 River Road, Conshohocken PA 19428-2647. This class 1 permit modification is to reflect the transfer of RCRA Part B permit from Lonza Inc., to Johnson Matthey Inc., at the Johnson Matthey Riverside Facility, formerly known as Lonza Riverside Facility, a captive hazardous waste facility located at 900 River Road in Upper Merion Township,

**Montgomery County.** Permit was issued by the Southeast Regional Office on November 29, 2011.

**DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

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**Determination of Applicability for General Permit Approved Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit Application No. WMGR083D001. Matt Canestrone Contracting, Inc.**, P. O. Box 234, Belle Vernon, PA 15012-0234.

General permit WMGR083D001 allows the processing of dewatered dredge waste for beneficial use as a final cover at the LaBelle Refuse Site, located in Luzerne Township, **Fayette County**. Central Office approved modifications to the operating procedures regarding measures to prevent fugitive emissions and to clarify the source(s) and quality of dewatered dredge waste to be beneficially used at the site. These modifications were incorporated into the approved application to operate under WMGR083D001 on January 18, 2012.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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**Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 101069. Southeastern Chester County Refuse Authority**, P. O. Box 221, Kennett Square PA 19348-0221. This major permit modification is for the Willa Expansion to provide for a lateral expansion of the disposal area of the Southeastern Chester County Refuse Authority (SECCRA) Community Landfill and to reconfigure the final grading without changing the current maximum permitted vertical elevation or the horizontal base width at the North Disposal Area of SECCRA Community Landfill located at 261 Street Road in London Grove Township, **Chester County**. The permit was issued by the Southeast Regional Office on December 22, 2011.

*Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.*

**Permit ID No. 100277. Sanitary Landfill, CCS Midstream Services, LLC**, 363 North Sam Houston Parkway East. Suite 330, Houston, TX 77060. Operation

of a municipal waste landfill in Rostraver Township, **Westmoreland County**. Permit reissued in Regional Office on January 19, 2012.

## AIR QUALITY

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

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

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

**GP3-09-0105: Allied Recycling Co.** (1752 Limekiln Pike—Suite 3A, Dresher, PA 19025) on January 19, 2012, to operate a portable nonmetallic mineral processing plant in Falls Township, **Bucks County**.

**GP11-09-0033: Allied Recycling Co.** (1752 Limekiln Pike—Suite 3A, Dresher, PA 19025) on January 19, 2012, to operate a non-road engine(s) in Falls Township, **Bucks County**.

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

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

**58-399-036GP5: Laser Northeast Gathering Co. LLC** (1212 South Abington Road, Clarkes Summit, PA 18411) on January 17, 2012, for the construction and operation of three dehydrators/reboilers at the Shields Compressor Site located in Dimock Twp., **Susquehanna County**.

**48-310-084GP3: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on January 13, 2012, for construction and operation of a Portable Crushing Operation with watersprays at the site located in Upper Nazareth Twp., **Northampton County**.

**48-329-013GP9: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on January 13, 2012, for the installation and operation of a Diesel I/C Engine at the site located in Upper Nazareth Twp., **Northampton County**.

**64-310-029GP3: Bunnell Waste Removal, Inc.** (267 Tryon Street, Honesdale, PA 18431) on January 17, 2012, for the construction and operation of a Portable Crushing Operation with watersprays at the site located in Texas Twp., **Wayne County**.

**64-310-029GP3: Bunnell Waste Removal, Inc.** (267 Tryon Street, Honesdale, PA 18431) on January 17, 2012, for the construction and operation of a Portable Crushing Operation with watersprays at the site located in Texas Twp., **Wayne County**.

**64-329-006GP9: Bunnell Waste Removal, Inc.** (267 Tryon Street, Honesdale, PA 18431) on January 17, 2012 for the construction and operation of an IC engine at the site located in Texas Twp., **Wayne County**.

*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*

**GP7-06-03060A: Tursack Printing, Inc.** (701 Hemlock Road, Morgantown, PA 19543) on January 12, 2012, for sheet-fed offset lithographic printing presses under GP7 in Caernarvon Township, **Berks County**. The general permit was renewed.

**GP3-36-05101A: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on January 19, 2012, to relocate a crusher, vibrating screen feeder and four conveyors under GP3 to the Lititz Asphalt facility in Warwick Township, **Lancaster County**.

**GP9-36-05101A: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on January 19, 2012, to relocate two diesel engines under GP9 to the Lititz Asphalt facility in Warwick Township, **Lancaster County**.

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

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

**GP3-08-330D: TMT Gravel & Contracting, Inc.** (1609 Pennsylvania Avenue, Pine City, NY 14871) on January 9, 2012, to construct and operate a 2010 vintage Pegson model XA750 portable crushing plant and a 2010 vintage Powerscreen Warrior 2400 portable screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at a site in Wells Township, **Bradford County**.

**GP9-08-330D: TMT Gravel & Contracting, Inc.** (1609 Pennsylvania Avenue, Pine City, NY 14871) on January 9, 2012, to construct and operate a 2010 vintage 385 brake-horsepower Caterpillar model C13 diesel engine and a 2010 vintage 192 brake-horsepower (143 kilowatt) Duetz model TCD2012L06 diesel engine under the General Plan Approval and/or General Operating Permit for Diesel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) at a site in Wells Township, **Bradford County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-0075B: Dunmore Corp.** (145 Wharton Road, Bristol, PA 19007) on January 13, 2012, to operate a regenerative thermal oxidizer in Bristol Township, **Bucks County**.

**09-0024F: Waste Management of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on January 19, 2012, to operate a landfill gas collection system in Tullytown Borough, **Bucks County**.

**46-0162A: Hammond Lead Products, Inc.** (10 South Grosstown Road, Pottstown, PA 19464) On January 10, 2012, to operate a baghouse and filter in West Pottsgrove Township, **Montgomery County**.

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

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

**19-00006C: Del Monte Corp.** (6670 Low Street, Bloomsburg, PA 17815) on January 4, 2012, to construct and operate a pet food manufacturing line in Bloomsburg, **Columbia County**, until July 29, 2012. The plan approval has been extended.

**18-315-001E: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17702-7428) on January 12, 2012, to extend the authorization to operate a paper towel and tissue manufacturing operation at their facility in Castanea Township, **Clinton County** on a temporary basis until July 10, 2012. The plan approval has been extended.

**08-399-038D: Global Tungsten & Powders, Corp.** (Hawes Street, North Towanda, PA 18848) on January 20, 2012, to extend the authorization to temporarily operate eleven (11) existing tungsten wire drawing capstan annealing heads and ten (10) existing wire annealing ovens in department (012) and associated control devices for their facility, in North Towanda Township, **Bradford County** until August 9, 2012. The plan approval has been extended.

**08-00003H: CraftMaster Manufacturing, Inc.** (PO Box 311, Shiner Road, Towanda PA 18848) on January 20, 2012, to extend the authorization to exhaust the cavity steam from the Line 2 Press (Source ID 172P) to regenerative thermal oxidizer (RTO, ID C142) on a temporary basis until August 9, 2012, at their facility in Wysox Township, **Bradford County**.

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

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

**PA-30-00072I: Consol Pennsylvania Coal Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) on January 17, 2012, for modification to incorporate a reduced maximum exhaust flow rate for each coal storage silo and apply a PM grain loading standard more restrictive than the 40 CFR Part 60 Subpart Y (Standards of Performance for Coal Preparation and Processing Plants) standard that was previously included in the Plan Approval for each coal storage silo mechanical vent. Potential emissions from the Enlow Fork Conveyor will decrease as a result of this modification. The Enlow Fork Conveyor is a 5.73-mile long overland conveyor system to transfer raw coal from the Consol Enlow Fork Mine in East Finley Township, Washington County, to the Consol Bailey Central Mine Complex/Bailey Prep Plant in Richhill Township, **Greene County**.

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

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

**10-359B: Keystone Midstream Services, LLC** (10355 Westmoor Drive, Suite 250, Westminster, CO 80021-2579) on January 31, 2012, to expand their natural gas processing facility at the former Rex Energy site in Forward Township, **Butler County**.

**20-303A: Crawford Central School District** (860 Thurston Road, Meadville, PA 16335) on January 31, 2012, to construct a new biomass combustion unit providing renewal energy to heat the Meadville Area Middle/High School, Crawford County Career & Technical Center and the Meadville Recreation Complex in the City of Meadville, **Crawford County**.

**24-166B: National Fuel Gas—Bowen Station** (1100 State Street, Erie, PA 16512) on January 31, 2012, to

install two (2) 1775 bhp natural gas compressor engines at their facility in Highland Township, **Elk County**.

**42-004F: American Refining Group** (77 North Kendall Avenue, Bradford, PA 16701) on January 31, 2012, to replace the refinery flare tip system associated with the Refinery Flare (FL No. 301) at their Bradford facility in Bradford City, **McKean County**. This is a Title V facility, Permit No. 42-0004.

**62-176A: Allegheny Pellet Corp.** (1055 Matthews Run Road, Youngsville, PA 16371) on January 31, 2012, to install a 22 MMBtu/hr wood-fired pellet drying operation at their facility in Brokenstraw Township, **Warren County**.

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#### Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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*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*

**06-05005: New Enterprise Stone & Lime Co., Inc.—Eastern Industries, Inc. Division** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9467) on January 12, 2012, for their stone crushing and batch asphalt plants in Oley Township, **Berks County**. The State-only permit was renewed.

**36-05093: New Enterprise Stone & Lime Co., Inc.—dba Martin Limestone, Inc.** (PO Box 550, Blue Ball, PA 17506-0550) on January 11, 2012, for their Denver Asphalt Plant in East Cocalico Township, **Lancaster County**. The State-only permit was renewed.

**67-05049: Oldcastle APG Northeast, Inc.** (1 Connelly Road, Emigsville, PA 17318) on January 12, 2012, for their specialty concrete block manufacturing facility in Manchester Township, **York County**. The State-only permit was renewed.

**36-05153: Pierson Rheems LLC** (5 Heisey Quarry Road, Elizabethtown, PA 17022-9760) on January 17, 2012, for their stone crushing plant in West Donegal Township, **Lancaster County**.

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

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

**49-00040: Reagent Chemical & Research, Inc.** (145 Happy Hollow Road, Coal Township, PA 17866-7733) on January 20, 2012, issued a state only operating permit for their facility in Coal Township, **Northumberland County**. The facility's sources include a limestone storage operation, two skeet target production lines and two parts washers. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**60-00020: Pik Rite, Inc.** (Pik Rite Lane, Lewisburg PA 17837-6840) on January 20, 2012, issued a state only operating permit for their facility in Buffalo Township, **Union County**. The facility's source is a surface coating operation. The potential emission of all air contaminants are below their respective major emission thresholds. The

state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00061: Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866-8203) on January 20, 2012 issued a state only operating permit for their facility in Decatur Township, **Clearfield County**. The facility's source is a coal preparation plant. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**11-00521: Fuel Recovery, Inc.** (254 Interpower Drive, Colver, PA 15927) on January 13, 2012, to operate their Lilly Coal Refuse Site in Washington Township, **Cambria County**. The 200,000 ton per year facility contains air contamination sources, consisting of one screen driven by a 152-bhp diesel engine, conveyers, truck loading/unloading, and storage piles. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and Subpart III and Pa. Code Title 25, Chapters 121—145. The permit also includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements.

**32-00398: Western Allegheny Energy, LLC** (301 Market Street, Kittanning, PA 16201) on January 19, 2012, to operate their Knob Creek Coal Preparation Plant in Young Township, **Indiana County**. The 800,000 ton per year facility contains air contaminating sources, consisting of one 200tph screen, conveyers, truck loading, storage piles, and a 277-bhp diesel emergency engine. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and Subpart III and Pa. Code Title 25, Chapters 121—145. The permit also includes emissions limitations, operational requirements, monitoring requirements, and recordkeeping requirements.

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

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

**S11-020: National Publishing Co.** (11311 Roosevelt Boulevard, Philadelphia, PA 19154) on January 20, 2012, to operate a printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include includes fourteen (14) 0.5 MMBTU/hr natural gas fired space heaters, four (4) lithographic presses with less than 8 MMBTU/hr natural gas fired dryers, and a 1.75 MMBTU/hr natural gas fired thermal oxidizer.

**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*

**15-00054: Highway Materials, Inc.** (680 Morehall Road, Malvern, PA) on January 20, 2012, for their facility in East Whiteland Township, **Chester County**. This

State-only operating permit was administratively amended for the incorporation of PA-15-0054B into SMOP-15-00054. PA-15-0054B was issued for the installation of a dryer burner at the existing asphalt plant and for the amendment to the sulfur limits for the liquid fuels.

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

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

**10-00346: Scrap Salvage & Surplus Butler Plant** (690A Glenwood Way, Butler, PA 16001) on January 17, 2012, issued an administrative amendment to the State Operating Permit to incorporate plan approval 10-346C requirements into the permit for the facility located in Center Township, **Butler County**.

**25-00069: BASF Corp.—Erie Plant** (1729 East Avenue, Erie, PA 16503) on January 19, 2012, issued an administrative amendment to the State Operating Permit to incorporate the plan approval 25-069N requirements into the permit for the facility located in Erie City, **Erie County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### Coal Permits Actions

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

**30841316. Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** for installation of dewatering borehole and pipeline to existing Bailey Mine injection borehole. Surface Acres Proposed 9.4. No additional discharges. The application was considered administratively complete on September 13, 2010. Application received: July 19, 2010. Permit issued: January 13, 2012.

**30031301 and NPDES No. PA 0235610. Dana Mining company of Pennsylvania, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to renew the NPDES permit for the 4 West Mine in Dunkard and Perry Townships, **Greene County** for the related coal mine activity permit renewed on November 11, 2011. No additional discharges. The application was considered admin-

istratively complete on November 30, 2009. Application received: October 23, 2009. Permit issued: January 13, 2012.

**30841307. Emerald Coal Resources, LP**, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Jefferson Township, **Greene County** to install the E4-1 ventilation borehole. Surface Acres Proposed 0.53. No additional discharges. The application was considered administratively complete on November 7, 2011. Application received: May 12, 2011. Permit issued: January 17, 2012.

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

**32850114 and NPDES Permit No. PA0597457, Beilchick Brothers**, P. O. Box 7, Heilwood, PA 15745, permit renewal for reclamation only of a bituminous surface mine in Pine Township, **Indiana County**, affecting 147.5 acres. Receiving stream(s): UTS of Little Yellow Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 21, 2011. Permit issued: January 18, 2012.

**05753004. NPDES No. PA0124869 and General Permit GP-12-05753004, Heritage Coal & Natural Resources, LLC**, 208 West Mud Pike Road, Rockwood, PA 15557, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Broad Top and Carbon Townships, **Bedford and Huntingdon Counties**, affecting 222.1 acres. Receiving stream(s): Unnamed Tributary to Coal Bank Run and to Coal Bank Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 15, 2011. Permit issued: January 18, 2012.

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

**03070104 and NPDES Permit No. PA0251267. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Not Started Renewal permit issued for commencement, operation and reclamation of a bituminous surface mine, located in East Franklin and Washington Townships, **Armstrong County**, affecting 247.3 acres. Receiving stream: Limestone Run. Renewal application received: May 31, 2011. Renewal permit issued: January 12, 2012.

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

**13743002R5. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Banks and Hazle Townships, **Carbon and Luzerne Counties** affecting 984.5 acres, receiving streams: Catawissa and Beaver Creeks. Application received: November 5, 2010. Renewal issued: January 20, 2012.

**13743002GP104. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 13743002 in Banks and Hazle Townships, **Carbon and Luzerne Counties**, receiving streams: Catawissa and Beaver Creeks. Application received: November 18, 2011. Permit issued: January 20, 2012.

#### *Noncoal Permits Actions*

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

**10960302. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Renewal of existing NPDES Permit No. PA0227200 in Marion Township, **Butler County**. Receiving streams: Three unnamed tributaries to Blacks Creek and one unnamed tributary to North Branch Slippery Rock Creek. Application received: May 5, 2011. Permit Issued: January 17, 2012.

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

**58080829. John R. Belmont**, (1036 Fuller Lake Road, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Jackson Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received: April 28, 2008. Permit issued: January 19, 2012.

**58100806. Mahlon A. Winkleblech, Jr.**, (89 S. Booth Road, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Snake Creek. Application received: May 19, 2010. Permit issued: January 23, 2012.

**6575SM4C7 and NPDES Permit No. PA0611964. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Eldred and Ross Townships, **Monroe County**, receiving stream: Buckwha Creek and Aquashicola Creek. Application received: July 29, 2011. Renewal issued: January 23, 2012.

**67960301C9 and NPDES Permit No. PA0223701. Codorus Stone & Supply Co., Inc.**, (135 Mundis Race Road, York, PA 17402), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Manchester Township, **York County**, receiving stream: Codorus Creek. Application received: August 8, 2011. Renewal issued: January 23, 2012.

**06010301C5 and NPDES Permit No. PA0224146. Berks Products Corp.**, (167 Berks Products Drive, Leesport, PA 19533), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Maxatawny Township, **Berks County**, receiving stream: groundwater of Maiden Creek Watershed. Application received: October 19, 2011. Permit issued: January 23, 2012.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**08124101. Doug Wathen LLC** (16282 State Highway 13, Suite J, Branson West, MO 65737). Blasting for a gas well pad located in Ulster Township, **Bradford County**. Permit issued: January 12, 2012. Permit expires: January 11, 2013.



**08124102. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a pipeline located in Wysox, Standing Stone and Herrick Townships, **Bradford County**. Permit issued: January 12, 2012. Permit expires: January 11, 2013.

**08124103. Doug Wathen LLC** (16282 State Highway 13, Suite J, Branson West, MO 65737). Blasting for a gas well pad located in Ulster Township, **Bradford County**. Permit issued: January 18, 2012. Permit expires: January 11, 2013.

**08124104. Maurer & Scott Sales, Inc.** (122 Thomas St, Coopersburg, PA 18036-2100). Blasting for a natural gas well pad located in Overton Township, **Bradford County**. Permit issued: January 18, 2012. Permit expires: July 31, 2012.

**14124101. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for a dairy barn located in College Township, **Centre County**. Permit issued: January 17, 2012. Permit expires: June 30, 2012.

**41124102. Maurer & Scott Sales, Inc.** (122 Thomas St, Coopersburg, PA 18036-2100). Blasting for a gas well pad located in Franklin Township, **Lycoming County**. Permit Issued: January 11, 2012. Permit expires: July 9, 2012.

**53124104. Wampum Hardware Co.** (2856 Stoystown Road, Friedens, PA 15541-7020). Blasting for a pool/pond located in Sweden Township, **Potter County**. Permit issued: January 18, 2012. Permit expires: December 31, 2012.

**57124101. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for road construction located in Forks Township, **Sullivan County**. Permit issued: January 18, 2012. Permit expires: December 30, 2013.

**57125101. John H. Brainard** (RR 1, Box 275, Kingsley, PA 18826-9702). Blasting for road construction located in Forks Township, **Sullivan County**. Permit issued: January 15, 2012. Permit expires: February 28, 2012.

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

**06124101. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Bern View Estates in Bern Township, **Berks County** with an expiration date of January 15, 2013. Permit issued: January 19, 2012.

**06124102. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for State Hill Tap PPL Poles in Spring Township, **Berks County** with an expiration date of January 16, 2013. Permit issued: January 19, 2012.

**22124102. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Ivy Ridge in Swatara Township, **Dauphin County** with an expiration date of January 15, 2013. Permit issued: January 19, 2012.

**58124103. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Richards Well Site in Rush Township, **Susquehanna County** with an expiration date of April 30, 2012. Permit issued: January 19, 2012.

**58124104. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Meshoppen Stone Wright Quarry in Auburn Township, **Susquehanna County** with an expiration date of July 12, 2012. Permit issued: January 19, 2012.

**58124105. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Snake Creek Gathering Pipeline Phase I in Liberty and Franklin Townships, **Susquehanna County** with an expiration date of January 16, 2013. Permit issued: January 19, 2012.

**58124106. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Snake Creek Gathering Pipeline Phase II in Liberty and Franklin Townships, **Susquehanna County** with an expiration date of January 16, 2013. Permit issued: January 19, 2012.

**66124101. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Shupps Development in Clinton Township, **Wyoming County** with an expiration date of January 31, 2013. Permit issued: January 19, 2012.

**66124102. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hayduk Enterprises site development in Lemon Township, **Wyoming County** with an expiration date of January 31, 2013. Permit issued: January 19, 2012.

**66124103. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Vosburg Quarry in Eaton Township, **Wyoming County** with an expiration date of June 30, 2012. Permit issued: January 19, 2012.

**67124101. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Springettsbury Sewer in Springettsbury Township, **York County** with an expiration date of January 16, 2013. Permit issued: January 19, 2012.

**58124002. M & S Blasting LLC**, (943 Gontarski Road, Hallstead, PA 18822), construction blasting for the Silver Lake Saw Shop Stockpile Area in Silver Lake Township, **Susquehanna County** with an expiration date of January 4, 2013. Permit issued: January 20, 2012.

**58124003. John Brainard**, (2978 State Route 2073, Kingsley, PA 18826), construction blasting for Range Unit 20 Gas Pad in New Milford Township, **Susquehanna County** with an expiration date of August 30, 2012. Permit issued: January 20, 2012.

**23124001. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting for Trimble Hill Estates in Concord Township, **Delaware County** with an expiration date of December 31, 2012. Permit issued: January 20, 2012.

**23124101. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Britton Lakes in Concord Township, **Delaware County** with an expiration date of January 9, 2013. Permit issued: January 20, 2012.

**23124102. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Pine Valley in Concord and Thornbury Townships, **Delaware County** with an expiration date of January 9, 2013. Permit issued: January 20, 2012.

**46124101. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Hill Crest in Whitpain Township, **Montgomery County** with an expiration date of January 16, 2013. Permit issued: January 20, 2012.

**58124107. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Smith Great Bend Pad and Road in Great Bend Township, **Susquehanna County** with an expiration date of January 16, 2013. Permit issued: January 20, 2012.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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

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

**E31-223: Alexandria Borough Porter Township Joint Sewer Authority**, PO Box 113, Alexandria, Pennsylvania 16611, in Alexandria Borough and Porter Township, ACOE Baltimore District

To: 1) construct and maintain an 8.0-inch PVC sewer line in and across an unnamed tributary to Frankstown Branch Juniata River (WWF) in two locations impacting 20.0 linear feet of stream channel and through three exceptional value wetlands temporarily impacting 0.11

acre of wetland from Latitude: 40°34'09", Longitude: -78°06'15" to Latitude: 40°34'41", Longitude: -78°06'22", 2) construct and maintain a 1.25-inch PVC sewer line through an exceptional value wetlands temporarily impacting 0.11 acre of wetland at Latitude: 40°34'02", Longitude: -78°06'15", 3) construct and maintain a 6.0-inch PVC sewer line through two exceptional value wetlands temporarily impacting 0.06 acre of wetland at Latitude: 40°34'42"N, Longitude: -78°06'22"W and Latitude: 40°34'44"N, Longitude: -78°06'20"W, 4) construct and maintain a 6.0-inch PVC sewer line in and across an unnamed tributary to Frankstown Branch Juniata River (WWF) in two locations impacting 8.0 linear feet of stream channel and through two wetlands temporarily impacting 0.27 acre of wetland from Latitude: 40°32'56", Longitude: -78°06'20" to Latitude: 40°32'18", Longitude: -78°07'14", 5) construct and maintain an 8.0-inch PVC sewer line in and across an unnamed tributary to Frankstown Branch Juniata River (WWF) in 12 locations impacting 80.0 linear feet of stream channel and through a wetland temporarily impacting 0.07 acre of wetland from Latitude: 40°34'25", Longitude: -78°06'18" to Latitude: 40°32'37", Longitude: -78°06'42", and 6) place and maintain 12,849.0 cubic yards of fill and 7,323.0 cubic yards of cut in the 100-year floodway of Frankstown Branch Juniata River (WWF) (Latitude: 40°33'08", Longitude: -78°05'49") to construct a new office building, control building, pump station, UV channel, reactor tanks, clarifier, and digesters. The purpose of the project is to expand and upgrade the existing Alexandria Borough Porter Township Joint Sewer Authority Wastewater Treatment Plant, located on Grange Hall Road in Alexandria Borough and Porter Township, **Huntingdon County**. All wetland impacts are temporary and mitigation is not required.

**E34-131: Pa. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Ext., PO Box 342, Clearfield, Pennsylvania 16830, in Lack Township, **Juniata County**, ACOE Baltimore District

To: 1) remove the existing structure, 2) construct and maintain a single span composite pre-stressed concrete spread box beam bridge with integral abutments skewed 45° having a normal span of 90.0 feet, a width of 31.38 feet, and a minimum underclearance of 8.47 feet across Narrows Branch Tuscarora Creek (CWF, MF), 3) construct a temporary road crossing immediately upstream of the structure consisting of a single span bridge having a normal span of 90.0 feet, a width of 26.00 feet, and a minimum underclearance of 5.50 feet across Narrows Branch Tuscarora Creek (CWF, MF), and 4) temporarily impact 0.04 acre of four separate PFO wetlands, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0075 (Path Valley Road) (Blairs Mills, PA Quadrangle, (N: 3.1 inches, W: 11.0 inches; Latitude: 40°16'2", Longitude: -77°42'13")) in Lack Township, Juniata County.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E55-228. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218, Montoursville, PA 17754-0218. S.R. 3007 Section 009, Middle Creek Bridge Replacement, Franklin Township, **Snyder County**, ACOE Baltimore District (Middleburg, PA Quadrangle N: 40° 46' 32"; W: 77° 04' 02").

PA DOT Engineering District 3-0 proposes to replace a single-span truss bridge with a two-span spread box beam bridge. The existing bridge has a span of 110 Ft., a skew

of 90 degrees, an underclearance of 12.8 Ft. and a low chord of 503.49 Ft. The proposed bridge has a span of 146.5 Ft., a skew of 90 degrees, an underclearance of 9.6 Ft., and a low chord of 499.6 Ft. The project will temporarily impact 0.01 acres and permanently impact 0.04 acres of jurisdictional wetlands and does not require mitigation. The project has an adverse impact to an historic structure, but has been coordinated with Federal Highways Administration and PHMC. Middle Creek is classified as Trout Stream Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation. This permit also includes 401 Water Quality Certification.

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

**E04-339. Beaver County Board of Commissioners,** Beaver County Court House, 810 Third Street, Beaver, PA 15009-2139. To remove the existing structures; construct, operate and maintain a precast modular bridge having a span of 36 ft, underclearance of 8 ft. and length of 30 ft. and to construct, maintain and remove a temporary stream crossing across S. Branch of Brady Run (TSF). The project will impact 0.015 acres of wetlands. The project is located along Brady's Run Road approximately one mile from the intersection of Brady's Run Road and S.R. 51N (Beaver, PA Quadrangle; N: 12.26 inches, W: 14.25 inches; Latitude: 40° 43' 54.6"; Longitude: 80° 21' 8.4" ) in Brighton Township, **Beaver County**.

*Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, 570-826-2371.*

**GP-0449111002: Bureau of Abandoned Mine Reclamation,** Wilkes-Barre District Office. Boyers Knob Lookout Project in Coal Township, **Northumberland County**, ACOE Baltimore District, Shamokin, PA Quadrangle N: 2.40 inches; W: 14.50 inches.

To perform the following water obstruction and encroachment activities associated with abandoned mine reclamation.

This project will reclaim 83 acres of abandoned mine lands in Coal Township. Stormwater discharged from the project site will be directed into un-named tributaries to Shamokin Creek at two different locations. Runoff from the project site will first be directed into stormwater detention areas. The western most channels constructed downstream of the detention areas will direct stormwater into an existing culvert underneath the existing haul road. The easternmost channel will discharge stormwater into a rock apron before it enters an un-named tributary. Both un-named tributaries meet downstream before joining into Shamokin Creek.

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

**E0829-021: Appalachia Midstream, LLC,** 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 293 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°29'05");

2. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary

to Ladds Creek (CWF,MF) impacting 80 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°28'25");

3. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM-EV) and a Palustrine Scrub-Shrub Wetland (PSS-EV) impacting 184 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°28'23");

4. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM-EV) impacting 619 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'11", Longitude: -76°28'20");

5. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM-EV) and a Palustrine Scrub-Shrub Wetland (PSS-EV) impacting 2,474 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'10", Longitude: -76°28'17");

6. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 434 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'08", Longitude: -76°27'51");

7. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 2,821 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'11", Longitude: -76°26'23");

8. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 594 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°27'19");

9. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 4,771 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°28'23");

10. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 195 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°26'54");

11. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 4,429 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'17", Longitude: -76°26'46");

12. a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 2,536 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'16", Longitude: -76°26'40");

13. a 16 inch diameter natural gas line across Beaver Run (CWF,MF) impacting 13 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°26'38");

14. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 7,196 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'17", Longitude: -76°26'09");

15. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 837 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'18", Longitude: -76°26'08");

16. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 5,105 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'21", Longitude: -76°26'05");

17. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 213 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°26'00");

18. a 16 inch diameter natural gas line across South Branch Towanda Creek (CWF, MF) impacting 28 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°25'59");

19. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 99 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'28", Longitude: -76°25'57");

20. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 24 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'29", Longitude: -76°25'57");

21. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 168 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'29", Longitude: -76°25'56");

22. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PEM) impacting 252 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'43", Longitude: -76°25'31");

23. a permanent access road crossing a Palustrine Emergent Wetland (PEM) impacting 894 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'34", Longitude: -76°28'23");

24. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 1,829 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'43", Longitude: -76°25'16");

25. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to French Creek (CWF, MF) impacting 90 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'43", Longitude: -76°24'54");

26. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 1,892 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'43", Longitude: -76°24'52");

27. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 81 linear feet of French Creek (CWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Forested Wetland (PFO) impacting 11,281 square feet (Dushore, PA, Latitude: 41°35'14", Longitude: -76°23'51");

28. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 81 linear feet of an unnamed tributary to Sugar Run (CWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Scrub-Shrub Wetland (PSS) impacting 2,244 square feet (Dushore, PA, Latitude: 41°35'14", Longitude: -76°23'51");

29. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested

Wetland (PF) impacting 9,800 square feet; (Dushore, PA Quadrangle, Latitude: 41°36'17", Longitude: -76°23'42");

30. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 2,477 square feet; (Dushore, PA Quadrangle, Latitude: 41°36'21", Longitude: -76°23'36");

31. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 4,961 square feet; (Dushore, PA Quadrangle, Latitude: 41°36'28", Longitude: -76°23'19");

32. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 81 linear feet of an unnamed tributary to Sugar Run (CWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Scrub-Shrub Wetland (PSS) impacting 2,230 square feet (Dushore, PA, Latitude: 41°36'33", Longitude: -76°23'13");

33. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 152 linear feet of Sugar Run (CWF, MF) (Dushore, PA, Latitude: 41°36'47", Longitude: -76°22'59");

34. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 404 linear feet of Sugar Run (CWF, MF) and adjacent Palustrine Emergent Wetland (PEM) impacting 25,589 square feet (Dushore, PA, Latitude: 41°36'47", Longitude: -76°23'57");

The project will result in 1,010 linear feet and 10,644 square feet of temporary stream impacts, 95,547 square feet (2.19 acres) of PEM/PSS/PFO temporary wetland impacts and 894 square feet (0.02 acres) of PEM permanent wetland impacts. All for the purpose of installing a natural gas pipeline with associated access roadways.

**E5729-015: Chesapeake Appalachia, LLC**, 101 N. Main Street, Athens, PA 18810, Fox 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 an unnamed tributary to Pleasant Stream (EV, MF) impacting 33 linear feet (Grover Quadrangle 41°32'08"N 76°47'40"W),

(2) two 16.0 inch diameter temporary water lines and a timber mat impacting 362 square feet of a palustrine emergent (PEM) wetland (Grover Quadrangle 41°32'08"N 76°47'33"W),

(3) two 16.0 inch diameter temporary water lines and a timber mat impacting 2504 square feet of palustrine forested (PFO) wetland (Grover Quadrangle 41°32'15"N 76°47'25"W),

(4) two 16.0 inch diameter temporary water lines and a timber mat across an unnamed tributary to Pleasant Stream (EV, MF) impacting 21 linear feet (Grover Quadrangle 41°32'20"N 76°46'59"W),

The project will result in 54 linear feet of temporary stream impacts and 2866 square feet of temporary wetland impacts from water lines and temporary mat crossings. These crossings will accumulate a total of less than 0.01 acres of watercourse impacts and 0.07 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

**E4129-022: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 147 linear feet of Wendell Run (EV, MF) and 3243 square feet of the adjacent palustrine emergent (PEM) wetland (White Pine PA Quadrangle 41°25'45"N 77°12'26"W).

The project will result in 147 linear feet of temporary stream impacts and 0.07 acres of temporary wetland impacts all for the purpose of installing a natural gas and water pipelines with associated access roadways for Marcellus well development.

#### 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.

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

ESCGP-1 # ESG11-117-0026 (01)  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Tioga County  
Township(s) Jackson Township  
Receiving Stream(s) and Classification(s) UNT to Hammond Creek (CWF-MF), Hammond Creek (CWF-MF)

ESCGP-1 # ESX11-131-0039  
Applicant Name Citrus Energy Corporation  
Contact Person Kyle Johns  
Address 5000 Legacy Drive, Suite 300  
City, State, Zip Plano, TX 75024  
County Wyoming County  
Township(s) Washington Township  
Receiving Stream(s) and Classification(s) Taques Creek (CWF)

ESCGP-1 # ESX11-117-0205 (01)  
Applicant Name SWEPI LP

Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Toga County  
Township(s) Rutland and Sullivan Township  
Receiving Stream(s) and Classification(s) Elk Run, UNT to Elk Run, UNT to Mill Creek (all TSF,MF)

ESCGP-1 # ESX11-117-0144  
Applicant Name EQT Gathering  
Contact Person Megan Stahl  
Address 625 Liberty Avenue  
City, State, Zip Pittsburgh, PA 15222  
County Tioga County  
Township(s) Duncan Township  
Receiving Stream(s) and Classification(s) UNT to Rock Run (CWF), Sand Run (CWF) & Wilson Creek (CWF);  
Secondary: Babb Creek

ESCGP-1 # ESX11-117-0145  
Applicant Name SWEPI LP  
Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Liberty Township  
Receiving Stream(s) and Classification(s) Brion Creek, UNT to Brion Creek, Little Elk Run and UNT to Little Elk Run—All tribs. To Roaring Branch (CWF, MF)

ESCGP-1 # ESX11-015-0318  
Applicant Name Angelina Gathering Company, LLC  
Contact Person Danny Spaulding  
Address 2350 N. Sam Houston Parkway E., Suite 125  
City, State, Zip Houston, TX 77032  
County Bradford County  
Township(s) Herrick Township  
Receiving Stream(s) and Classification(s) Rummerfield Creek and UNT to Rummerfield Creek (WWF, MF)

ESCGP-1 # ESX11-023-0010  
Applicant Name Seneca Resources Corporation  
Contact Person Michael Clinger  
Address 51 Zents Boulevard  
City, State, Zip Brookville, PA 15825  
County Cameron County  
Township(s) Shippen Township  
Receiving Stream(s) and Classification(s) Havens Run/ UNT to North Creek/Left and Right Branch;  
Secondary: Potato Creek U Driftwood Branch Sinnemahoning Creek (HQ/EV)

ESCGP-1 # ESX11-117-0132  
Applicant Name SWEPI LP  
Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Liberty Township  
Receiving Stream(s) and Classification(s) Brion Creek, A trib. To Roaring Branch & UNT to Blockhouse Creek (CWF, MF, TSF)

ESCGP-1 # ESX11-113-0025  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Sullivan County  
Township(s) Elkland and Forks Townships  
Receiving Stream(s) and Classification(s) Forksville: Blackwater Run (EV, 3 UNT to Blackwater Run (EV), Loyalsock Creek Watershed. Battin: Tributary 20213 to

- Big Bottom Run (EV), Trib. 20211 to Big Bottom Run (EV), Big Bottom Run (EV), Trib. 20180 to Lick Creek (EV), Trib. 20181 to Lick Creek (EV) Lick Creek (EV), Trib. 20168 to Mill Creek (EV), Trib. 20169 to Mill Creek (EV), Trib. 20175 to Mill Creek (EV), Trib. 20107 to Kings Creek (EV), Trib. 20108 to Kings Creek (EV), Trib. 20126 to Elk Creek (EV), and Trib. 20123 to Elk Creek (EV), Loyalsock Creek Watershed;  
Secondary: Elk Creek (EV)
- ESCGP-1 # ESX11-033-0037  
Applicant Name EQT Gathering  
Contact Person Megan Stahl  
Address 625 Liberty Avenue, Suite 1700  
City, State, Zip Pittsburgh, PA 15222  
County Clearfield County  
Township(s) Jordan and Ferguson Townships  
Receiving Stream(s) and Classification(s) Stony Run (HQ-CWF), Snyder Run (CWF), Tuckers Run (CWF), Woods Run (CWF), Barrett Run (CWF), Wilson Run (CWF) and North Witmer Run (CWF);  
Secondary: Chest Creek, Gazzam Run & Clearfield Creek
- ESCGP-1 # ESX11-081-0163  
Applicant Name Atlas Resources, LLC  
Contact Person Joel Heiser  
Address 1000 Commerce Drive  
City, State, Zip Pittsburgh, PA 15275  
County Lycoming County  
Township(s) Mill Creek Township  
Receiving Stream(s) and Classification(s) UNT to Mill Creek (East) (HQ-TSF);  
Secondary: Loyalsock Creek
- ESCGP-1 # ESX11-115-0160  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) Jackson Township  
Receiving Stream(s) and Classification(s) Tunkhannock Creek;  
Secondary: Susquehanna River (WWF)
- ESCGP-1 # ESX11-081-0164  
Applicant Name Atlas Resources, LLC  
Contact Person Joel Heiser  
Address 1000 Commerce Drive  
City, State, Zip Pittsburgh, PA 15275  
County Lycoming County  
Township(s) Gamble Township  
Receiving Stream(s) and Classification(s) Mill Creek (EV);  
Secondary: Loyalsock Creek
- ESCGP-1 # ESX11-115-0168  
Applicant Name Laser Northeast Gathering Company, LLC  
Contact Person Kevin Marion  
Address 1212 South Abington Road  
City, State, Zip Clark Summit, PA 18411  
County Susquehanna County  
Township(s) Jessup Township  
Receiving Stream(s) and Classification(s) East Branch Wyalusing Creek (CWF)
- ESCGP-1 # ESX11-015-0326  
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) Wilmot Township  
Receiving Stream(s) and Classification(s) UNT to North Branch Mehoopany Creek (CWF);  
Secondary: Mehoopany Creek (CWF)
- ESCGP-1 # ESX11-081-0167  
Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Rane Wilson  
Address 33 W. Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cummings Township  
Receiving Stream(s) and Classification(s) Little Pine Creek, McKees Run, Naval Run, UNT English Run, English Run (All EV);  
Secondary: Pine Creek (HQ-TSF), Little Pine Creek, Little Pine Creek, English Run, Little Pine Creek (All EV)
- ESCGP-1 # ESX11-117-0139  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Tioga County  
Township(s) Union Township  
Receiving Stream(s) and Classification(s) UNT to South Creek, South Creek (Both EV/MF);  
Secondary: Tioga River (CWF/MF)
- ESCGP-1 # ESX11-015-0307  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Orwell and Warren Townships  
Receiving Stream(s) and Classification(s) Trout Stream (CWF, MF), Pendleton Creek (CWF, MF) Wappasening Creek (CWF, MF) and their tributaries;  
Secondary: Susquehanna River
- ESCGP-1 # ESX11-015-0309  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Orwell and Windham Townships  
Receiving Stream(s) and Classification(s) Trib. to Wysox Creek (CWF, MF);  
Secondary: Wysox Creek
- ESCGP-1 # ESX11-015-0324  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Towanda Township  
Receiving Stream(s) and Classification(s) UNT to Towanda Creek (CWF, MF), Susquehanna River Watershed
- ESCGP-1 # ESX11-081-0161  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Mary Patton  
Address 100 Throckmorton Street  
City, State, Zip F. Worth, TX 76102  
County Lycoming County  
Township(s) Cummings Township

Receiving Stream(s) and Classification(s) First Fork Larry's Creek/Antes-Lycoming Creeks Watershed,  
Secondary: Larry's Creek

ESCGP-1 # ESX11-117-0068 (01)

Applicant Name SWEPI LP  
Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County

Township(s) Rutland Township  
Receiving Stream(s) and Classification(s) Mill Creek, UNT's to Mill Creek, UNT to Seeley Creek (All TSF, MF)

ESCGP-1 # ESX11-117-0017 (01)

Applicant Name SWEPI LP  
Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County

Township(s) Rutland and Jackson Township  
Receiving Stream(s) and Classification(s) Painter Run (TSF-MF), Mutton Lane Creek (WWF-MF), Alder Run (CWF, MF)

ESCGP-1 # ESX11-081-0168

Applicant Name Chief Gathering, LLC  
Contact Person Ted Wurfel  
Address 6051 Wallace Road  
City, State, Zip Wexford, PA 15090  
County Lycoming County

Township(s) Penn Township  
Receiving Stream(s) and Classification(s) UNT Big Run & UNT Beaver Run (CWF/MF)

ESCGP-1 # ESX11-115-0182

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) Jessup Township  
Receiving Stream(s) and Classification(s) UNT to Roe Creek, Roe Creek (CWF)

ESCGP-1 # ESX10-081-0083 (01)

Applicant Name Range Resources—Appalachia, LLC  
Contact Person Mary Patton  
Address 100 Throckmorton Street  
City, State, Zip Ft. Worth, TX 76102  
County Lycoming County

Township(s) Lewis and Cogan House Townships  
Receiving Stream(s) and Classification(s) Trout Run, UNT to Trout Run, Wolf Run, UNT to Wolf Run/Antes-Lycoming Creeks Watershed

ESCGP-1 # ESX11-117-0001 (02)

Applicant Name SWEPI LP  
Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga and Lycoming Counties

Township(s) Union, Liberty, Jackson & McIntyre Townships

Receiving Stream(s) and Classification(s) Sugar Works Run, Mill Creek, West Mill Creek (All HQ-CWF, MF) French Lick Run, Salt Spring Run, Roaring Branch (All EV, MF) Tributaries to Sugar Works Run, Mill Creek, West Mill Creek (All HQ-CWF, MF), French Lick Run, Salt Spring Run, Brion Creek (All EV, MF), Red Run (HQ-CWF, MF)

ESCGP-1 # ESX11-117-0141

Applicant Name SWEPI LP

Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County

Township(s) Richmond Township  
Receiving Stream(s) and Classification(s) Northern portion—UNT to Mad Run, Southern portion—Mad Run/Susquehanna River Basin in PA (List H) (TSF);  
Secondary: Mill Creek to Tioga River

ESCGP-1 # ESX12-081-0002

Applicant Name Anadarko E&P Company LP  
Contact Person Nathan S. Bennett  
Address 33 W. 3rd Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County

Township(s) Cummings Township  
Receiving Stream(s) and Classification(s) First Fork Larry's Creek, UNT English Run (Both EV, MF);  
Secondary: Larry's Creek and English Run (Both EV, MF)

ESCGP-1 # ESX12-131-0001

Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road, Ext., Suite 210  
City, State, Zip Wexford, PA 15090  
County Wyoming County

Township(s) Lemon Township  
Receiving Stream(s) and Classification(s) Meshoppen Creek (CWF);  
Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX10-113-0022 (01)

Applicant Name EXCO Resources (PA) LLC  
Contact Person Larry Sanders  
Address 3000 Ericsson Drive, Suite 200  
City, State, Zip Warrendale, PA 15086  
County Sullivan County

Township(s) Shrewsbury Township  
Receiving Stream(s) and Classification(s) Rock Run (EV);  
Secondary: Muncy Creek (TSF)

ESCGP-1 # ESX10-081-0079 (02)

Applicant Name PVR Marcellus Gas Gathering, LLC  
Contact Person Kevin Roberts  
Address 100 Penn Tower Suite 201-202  
City, State, Zip Williamsport, PA 17701  
County Lycoming County

Township(s) Cummings and Watson Townships  
Receiving Stream(s) and Classification(s) Ritter Run, Tarklin Run (HQ-EV)

ESCGP-1 # ESX11-115-0179

Applicant Name Southwestern Energy Production Company

Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County

Township(s) New Milford Township  
Receiving Stream(s) and Classification(s) UNT to Nine Partners Creek (CWF)—West, UNT to Butlers Creek (CWF)—East;  
Secondary: Nine Partners Creek (CWF) & Butlers Creek (CWF)

ESCGP-1 # ESX11-015-0317

Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford County

Township(s) Orwell Township  
 Receiving Stream(s) and Classification(s) UNT to Trout Stream (CWF, MF);  
 Secondary: Wysox Creek  
 ESCGP-1 # ESX12-081-0003  
 Applicant Name Anadarko E&P Company LP  
 Contact Person Nathan S. Bennett  
 Address 33 W. 3rd Street, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings Township  
 Receiving Stream(s) and Classification(s) First Fork Larry's Creek (EV, MF), UNT English Run (EV, MF);  
 Secondary: Larry's Creek (EV, MF), English Run (EV, MF)

ESCGP-1 # ESX11-015-0226 (01)  
 Applicant Name Chief Oil & Gas, LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road, Ext., Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Wilmot Township  
 Township(s) Bradford County  
 Receiving Stream(s) and Classification(s) UNT to Sugar Run Creek (CWF), Sugar Run Creek (CWF);  
 Secondary: Susquehanna River (CWF)

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

<i>ESCGP -1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
1011802	Keystone Midstream Services, LCC Mike Brinkmeyer 11400 Westmoor Circle Ste 325 Westminster Co 80021	Butler	Lancaster Township & Jackson Township	Unt Little Connoquenessing Creek CWF; Connoquenessing Creek WWF

ESCGP-1 #ESX11-065-0034 H & B Pad 4  
 Applicant EXCO Resources (PA), LLC  
 Contact Mr. Larry Sanders  
 Address 3000 Ericsson Drive, Suite 200  
 City Warrendale State PA Zip Code 15086  
 County Jefferson Township(s) Warsaw(s)  
 Receiving Stream(s) and Classification(s) Pekin Run (HQ-CWF)  
 ESCGP-1 #ESX11-047-0031—Kane 2A  
 Applicant ARG Resources Inc  
 Contact Timothy Ridley  
 Address 1562 Route 66/948  
 City Kane State PA Zip Code 16735  
 County Elk Township(s) Highland(s)  
 Receiving Stream(s) and Classification(s) UNT & East Branch Spring Creek & UNT's & Coon Run (HQ)  
 ESCGP-1 #ESX12-083-0061—2012 KNEF/WLR IN-FILL PROJECT  
 Applicant Minard Run Oil Company  
 Contact James MacFarlane  
 Address 609 South Avenue  
 City Bradford State PA Zip Code 16701  
 County McKean Township(s) Lafayette(s)  
 Receiving Stream(s) and Classification(s) Lewis Run Creek and Bear Run  
 ESCGP-1 #ESX11-019-0090—Breakneck Beagle Club A Well Pad & Impoundment  
 Applicant Rex Energy Operating Corporation  
 Contact Russell Macaw  
 Address 476 Rolling Ridge Drive, Suite 300  
 City State College State PA Zip Code 16801  
 County Butler Township(s) Jackson(s)  
 Receiving Stream(s) and Classification(s) UNTs to Likens Run (WWF)  
 ESCGP-1 #ESX11-083-0060—Tipperrary  
 Applicant Howard Drilling, Inc  
 Contact Mr. Wally Howard  
 Address 11 Bridge Street, Building 4  
 City Mt Jewett State PA Zip Code 16740  
 County McKean Township(s) Wetmore(s)  
 Receiving Stream(s) and Classification(s) South Branch Kinzua Creek and Mudlick Run

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

09/06/11  
 ESCGP-1 No: ESX11-051-0033  
 Applicant Name: Laurel Mountain Midstream LLC  
 Contact Person Clayton Roesler  
 Address: 1605 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Fayette Township: Springhill  
 Receiving Stream (s) And Classifications: UNT to Grassy Run WWF Lower Youghiogheny River Watershed Other

12/09/2011  
 ESCGP-1 No.: ESX11-059-0046 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: Greebe Township(s): Cumberland  
 Receiving Stream(s) and Classifications: UNT to South Branch Muddy Creek, South Branch Muddy Creek/ Muddy Creek WWF, Other

12/02/2011  
 ESCGP-1 No.: ESX11-129-0043  
 Applicant Name: RW Gathering LLC/Williams Production Appalachia LLC  
 Contact Person: David Freudenrich  
 Address: 1000 Town Center Suite 130  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Derry  
 Receiving Stream(s) and Classifications: T43419 & T43418 to Union Run/Ohio River Watershed, Other WWF

12/23/2011  
 ESCGP-1 No.: ESX10-059-0002 2nd Major Revision  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street  
 City: Athens State: PA Zip Code: 18810  
 County: Greene Township(s): Aleppo  
 Receiving Stream(s) and Classifications: UNT to Harts Run WWF, Other



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**SPECIAL NOTICES**


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**DRAFT HAZARDOUS PERMIT****Public Hearing Notice and Notice of Intent to Issue a Hazardous Waste Permit**

The Commonwealth of Pennsylvania, Department of Environmental Protection (DEP) intends to issue to World Resources Company, Inc. (WRC) a Solid Waste Management Act Permit. This permit is a renewal of the permit to operate a Hazardous Waste storage and treatment facility. The Norwegian Township World Resources Company facility, located in Schuylkill County, Pennsylvania, is a treatment and storage facility for the production of non-ferrous and precious metal concentrate products from the recycling of residual and hazardous electroplating wastewater treatment sludges F006 and F019 residuals and solutions, D002, D004-D010, F007-F009. Concentrates are sold internationally to the smelting and refining industry as direct substitute for conventional metal ore concentrates.

The public will be given forty-five (45) days to comment on the draft permit, issued January 27, 2012 and prepared under the Solid Waste Management Act. The comment period will begin on January 30, 2012 and will end on March 14, 2012. Any person interested in commenting on the application or draft permit must do so within this comment period. An information repository has been established at the WRC facility. To schedule an appointment to view the draft permit and related information contact Raymond Koch at 570-622-4747. In addition, copies of the application, draft permit and fact sheet for the Hazardous Waste Facility may be reviewed at the Pennsylvania Department of Environmental Protection, Northeast Regional Office at 2 Public Square, Wilkes-Barre, PA 18701-1915. Please contact Tracey L. McGurk at 570-826-2511 for further information. A copy of the draft permit will be provided to Schuylkill County and Norwegian Townships who may also make the draft permit available for review.

All persons wishing to comment on any of the permit conditions or permit application should submit the comments in writing to the Department of Environmental Protection (DEP), Waste Management Program, 2 Public Square, and Wilkes-Barre, PA 18701-1915; Attention William Tomayko, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

A public hearing is scheduled for February 28, 2012 from 6:00—8:00 PM. The hearing will be held at the Schuylkill Intermediate Unit School located at 17 Maple Ave., Mar Lin, 17951 for the purpose of accepting public written or oral statement or data regarding this draft permit. The public hearing will be held on the Department of Environmental Protection's draft permit for Hazardous Waste storage and treatment.

When making a determination regarding the issuance of a hazardous waste permit to World Resources Company, Inc., the Department of Environmental Protection will consider all written comments received during the comment period, and oral or written statements received during the public hearing, the requirements of the hazardous waste regulations of 25 Pa. Code Chapter 260—270 and the Department of Environmental Protection's permitting policies.

**Notice of Public Hearing for the NPDES Permit Application for Stormwater Discharges Associated with Construction Activities Submitted by Mr. Lewis Martin in Cumberland County**

*Southcentral Region: Watershed Management Program, 909 Elmerton Ave., Harrisburg, PA 17110*

The Department of Environmental Protection (DEP) will hold a public hearing to accept comments on a National Pollutant Discharge Elimination System (NPDES) permit application for the discharge of stormwater associated with construction activities submitted by Mr. Lewis Martin. Mr. Martin is proposing to disturb 8.24 acres for the purpose of constructing two poultry houses at his property located in West Pennsboro Township, Cumberland County. The proposed facility is located within the Big Spring Creek watershed.

The hearing will be held on Tuesday, March 6, 2012, from 7 to 9 p.m. at the Cumberland County Conservation District office, 310 Allen Road, Carlisle, PA 17013.

During the public hearing, individuals will have an opportunity to present up to five minutes of oral testimony regarding the proposal. Written comment will also be accepted and can be mailed to Valerie Marx at DEP's South-central Regional Office, 909 Elmerton Ave., Harrisburg, PA 17110 through the close of business March 21, 2012. DEP will provide a written response to all significant testimony or written comment provided during the public hearing and public comment period. The Department will consider all comments in review of the application.

Those who wish to present oral testimony can register by calling Tim Fuller at (717) 705-4706 or individuals may register prior to the hearing that evening. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act should call the above number or the Pennsylvania AT&T Relay Service at 1-800-654-5984.

Materials and supporting documents relating to the Lewis Martin NPDES permit application may be inspected during regular business hours by contacting the file room at the DEP's South-central Regional Office at (717) 705-4732.

**Abandoned Mine Land Construction Contract**

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

**RES Coal LLC**, GFCC No. 14-10-01, Hale #2 Operation, Rush Township, **Centre County** (Moshannon Creek—Upper West Branch Watershed): A no-cost construction contract has been awarded to RES Coal, LLC that will result in the reclamation of approximately 9.4 acres of abandoned mine land, the reclamation of 900-feet of abandoned highwall, the daylighting and reclamation of 2.7 acres of abandoned underground mines and the recovery of approximately 20,575 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the mining area. A total of at least 6,500 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is \$175,700 which will be done at no cost to the Commonwealth. The site is located approximately 1/2 mile northeast of Hale on lands formerly mined and subsequently abandoned by Elliot Coal Mining Company,

Inc., in the late 1960's. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site.

[Pa.B. Doc. No. 12-193. Filed for public inspection February 3, 2012, 9:00 a.m.]

### Agricultural Advisory Board Meeting Cancellation

The Agricultural Advisory Board meeting scheduled for February 15, 2012, has been cancelled. The next meeting is scheduled to occur on April 18, 2012, at 10 a.m. in Susquehanna Room A of the Department of Environmental Protection Southcentral Regional Office Building.

Questions concerning the February 15, 2012, meeting or the April 18, 2012, meeting should be directed to Frank X. Schneider, Bureau of Conservation and Restoration, (717) 772-5972, fschneider@pa.gov. The agenda and materials for the April 18, 2012, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (select "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-7019 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-194. Filed for public inspection February 3, 2012, 9:00 a.m.]

### Air Quality Technical Advisory Committee Change of Meeting Date

The Air Quality Technical Advisory Committee meeting scheduled for Thursday, February 9, 2012, has been rescheduled. The meeting will now take place on Wednesday, March 14, 2012, in Room 105, Rachel Carson State Office Building at 9:15 a.m.

For information, contact Arleen Shulman at (717) 772-9495 or [ashulman@state.pa.us](mailto:ashulman@state.pa.us). The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keyword: "Air Quality Technical Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Connie Hartlaub at (717) 787-9495 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-195. Filed for public inspection February 3, 2012, 9:00 a.m.]

### Nutrient Credit Trading Program; Notice of Certification Request

The Department of Environmental Protection (Department) provides notice of the following certification request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient credit trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to a submitted certification request received on January 18, 2012.

#### *Background*

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

#### *Certification Request*

The following request is being reviewed by the Department. The Department will accept written comments on this proposed pollutant reduction activity for 30 days.

*Applicant*

Lennon, Smith, Souleret Engineering, Inc. on behalf of Martinsburg Municipal Authority (Blair County) (NPDES Permit No. PA0028347)

*Pollution Reduction Activity Description*

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of Martinsburg Municipal Authority's installed treatment process.

*Written Comments*

Interested persons may submit written comments on this proposed pollutant reduction activity by March 5, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Karen Price, Interstate Waters Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, kprice@pa.gov.

For further information about this certification request or the Trading Program contact Karen Price, at the previously listed address or phone number, or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-196. Filed for public inspection February 3, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Millcreek Manor  
5515 Peach Street  
Erie, PA 16509-2603  
FAC ID 131102

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for

speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-197. Filed for public inspection February 3, 2012, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on March 1, 2012, from 10 a.m. to 3 p.m. The meeting will be held at the Giant Community Center, 2nd Floor, Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-198. Filed for public inspection February 3, 2012, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Annual Inflation Adjustment; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Secretary of Revenue announces that, for the year commencing January 1, 2012, the Annual Inflation Adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution) is 2.8%.

Section 1403(c) of 4 Pa.C.S. requires the Department to utilize the most recent Consumer Price Index effective immediately prior to the date the adjustment is due to take effect. This adjustment was published by the United States Department of Labor, Bureau of Labor Statistics on January 19, 2012. Therefore, the Department is publishing notice of the Annual Inflation Adjustment.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 12-199. Filed for public inspection February 3, 2012, 9:00 a.m.]

### Pennsylvania \$100 Cash Frenzy Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$100 Cash Frenzy.

2. *Price:* The price of a Pennsylvania \$100 Cash Frenzy instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania \$100 Cash Frenzy instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV) and a FRENZY (WIN100) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “Prize” areas are: FREE (TICKET), \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$4<sup>.00</sup> (FOR DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$15<sup>.00</sup> (FIFTN), \$20<sup>.00</sup> (TWENTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, Free \$2 ticket, \$2, \$4, \$5, \$10, \$15, \$20, \$100, \$400, \$1,000 and \$10,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 11,040,000 tickets will be printed for the Pennsylvania \$100 Cash Frenzy instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a FRENZY (WIN100) symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$15<sup>.00</sup> (FIFTN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of FREE (TICKET) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania \$100 Cash Frenzy instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match Either Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With:

Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 11,040,000 Tickets
FREE	FREE \$2 TICKET	8.33	1,324,800
\$1 x 4	\$4	50	220,800
\$2 x 2	\$4	50	220,800
\$4	\$4	50	220,800
\$1 x 5	\$5	300	36,800
\$5	\$5	300	36,800
\$1 x 10	\$10	750	14,720
\$2 x 5	\$10	750	14,720
\$5 x 2	\$10	750	14,720
\$10	\$10	375	29,440
\$5 x 3	\$15	1,500	7,360
\$15	\$15	1,500	7,360
\$2 x 10	\$20	1,091	10,120
\$4 x 5	\$20	1,091	10,120
\$5 x 4	\$20	1,091	10,120
\$10 x 2	\$20	1,091	10,120
\$20	\$20	1,091	10,120
\$10 x 10	\$100	1,200	9,200
\$20 x 5	\$100	1,200	9,200
\$100 w/FRENZY	\$100	400	27,600
\$100	\$100	400	27,600
(\$100 w/FRENZY) + (\$100 x 3)	\$400	60,000	184
\$400	\$400	60,000	184
(\$100 w/FRENZY) x 10	\$1,000	120,000	92
\$1,000	\$1,000	120,000	92
\$10,000	\$10,000	552,000	20

Reveal a "FRENZY" (WIN100) symbol, win \$100 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$100 Cash Frenzy instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$100 Cash Frenzy, prize money from winning Pennsylvania \$100 Cash Frenzy instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$100 Cash Frenzy instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania \$100 Cash Frenzy or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 12-200. Filed for public inspection February 3, 2012, 9:00 a.m.]

**Pennsylvania Royal Riches '12 Instant Lottery Game**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Royal Riches '12.

2. *Price:* The price of a Pennsylvania Royal Riches '12 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Royal Riches '12 instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The play symbols and their captions, located in the play area are: an Apple (APPLE) symbol, Gold Bar (BAR) symbol, Bell (BELL) symbol, Strawberries (BERRY) symbol, Bow Tie (BOW) symbol, Chest (CHEST) symbol, Four Leaf Clover (CLOVER) symbol, Coat (COAT) symbol, Coins (COINS)

symbol, Diamond (DMND) symbol, Gift (GIFT) symbol, Grapes (GRAPES) symbol, House (HOUSE) symbol, Key (KEY) symbol, Lemon (LEMON) symbol, Melon (MELON) symbol, Money (MONEY) symbol, Necklace (NKLACE) symbol, Pineapple (PINAPLE) symbol, Pot of Gold (POT) symbol, Rainbow (RAINBW) symbol, Ring (RING) symbol, Safe (SAFE) symbol, Horseshoe (SHOE) symbol, Star (STAR) symbol, 7 (SVN) symbol, Wallet (WALLET) symbol and a Crown (CROWN) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: Free (TICKET), \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$3<sup>.00</sup> (THR DOL), \$4<sup>.00</sup> (FOR DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$50, \$100, \$500 and \$5,000. The player can win up to 4 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 19,200,000 tickets will be printed for the Pennsylvania Royal Riches '12 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three Crown (CROWN) symbols in the same "GAME," and a prize symbol of \$5,000 (FIV THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$20<sup>.00</sup>

(TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$3<sup>.00</sup> (THR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(j) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(l) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of FREE (TICKET) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Royal Riches '12 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*Match 3 Like Symbols Across The Same Game, Win Prize Shown To The Right Of That Game. Win With:*

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 19,200,000 Tickets
FREE	FREE \$1 TICKET	9.52	2,016,000
\$1 x 2	\$2	42.86	448,000
\$2	\$2	37.5	512,000
\$1 x 3	\$3	100	192,000
\$1 + \$2	\$3	100	192,000
\$3	\$3	100	192,000
(\$2 x 2) + \$1	\$5	136.36	140,800
\$5	\$5	130.43	147,200
(\$2 x 2) + (\$3 x 2)	\$10	1,000	19,200
(\$4 x 2) + \$2	\$10	1,000	19,200
(\$2 x 3) + \$4	\$10	750	25,600
\$5 x 2	\$10	1,500	12,800
\$10	\$10	300	64,000
\$5 x 4	\$20	1,000	19,200
\$10 x 2	\$20	1,000	19,200

Match 3 Like Symbols Across  
The Same Game, Win Prize  
Shown To The Right Of That  
Game. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 19,200,000 Tickets
(\$5 × 2) + \$10	\$20	1,500	12,800
\$20	\$20	1,500	12,800
(\$20 × 2) + (\$5 × 2)	\$50	3,000	6,400
(\$10 × 3) + \$20	\$50	3,000	6,400
(\$20 × 2) + \$10	\$50	3,000	6,400
\$50	\$50	3,000	6,400
(\$20 × 2) + \$50 + \$10	\$100	12,000	1,600
\$50 × 2	\$100	12,000	1,600
\$100	\$100	12,000	1,600
\$500	\$500	15,000	1,280
\$5,000 w/ 3 CROWNS	\$5,000	480,000	40

Reveal 3 "CROWN" (CROWN) symbols in the same game, win \$5,000.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Royal Riches '12 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Royal Riches '12, prize money from winning Pennsylvania Royal Riches '12 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Royal Riches '12 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Royal Riches '12 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-201. Filed for public inspection February 3, 2012, 9:00 a.m.]

### Pennsylvania Sizzlin 777 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sizzlin 777.

2. *Price:* The price of a Pennsylvania Sizzlin 777 instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Sizzlin 777 instant lottery game ticket will contain one play area. The play symbols and their captions printed in black ink and located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), Flame (FLAME) symbol and a 7 (BLK7) symbol. The play symbols and their captions printed in red ink and located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX) and a 777 (SZL777) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$777 (SNHNSVYSN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$20,000 (TWY THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$500, \$777, \$1,000, \$10,000, \$20,000 and \$250,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Sizzlin 777 instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$250,000 (TWHNFYTH) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$20,000 (TWY THO) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$10,000 (TEN THO) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets with a 7 (BLK7) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of that 7 (BLK7) symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(e) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a 777 (SZL777) symbol in the play area, with the symbol and caption printed in red ink, and a prize symbol of \$777 (SNHNSVYSN) appears in the "Prize" area to the right of that 777 (SZL777) symbol, on a single ticket, shall be entitled to a prize of \$777.

(g) Holders of tickets with a 7 (BLK7) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that 7 (BLK7) symbol, on a single ticket, shall be entitled to a prize of \$700.

(h) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with a 7 (BLK7) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of that 7 (BLK7) symbol, on a single ticket, shall be entitled to a prize of \$350.

(j) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$200 (TWO HUN) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets with a 7 (BLK7) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that 7 (BLK7) symbol, on a single ticket, shall be entitled to a prize of \$140.

(l) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets with a 7 (BLK7) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that 7 (BLK7) symbol, on a single ticket, shall be entitled to a prize of \$70.

(n) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$40<sup>00</sup> (FORTY) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets with a 7 (BLK7) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that 7 (BLK7) symbol, on a single ticket, shall be entitled to a prize of \$35.

(q) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets with a Flame (FLAME) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Prize" area to the right of that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal A "FLAME" (FLAME) Symbol, Win Prize Shown To The Right Of It. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$5 × 2	\$10	12	1,000,000
\$10	\$10	12	1,000,000
\$5 × 4	\$20	60	200,000
\$10 × 2	\$20	40	300,000
(\$5 × 2) + \$10	\$20	60	200,000
\$20	\$20	60	200,000
\$10 × 4	\$40	600	20,000
(\$5 w/7 SYMBOL) + \$5	\$40	300	40,000
\$20 × 2	\$40	600	20,000
\$40	\$40	600	20,000



Reveal A "FLAME" (FLAME)  
Symbol, Win Prize Shown To The  
Right Of It. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets:
\$5 × 10	\$50	600	20,000
\$10 × 5	\$50	600	20,000
(\$5 w/7 SYMBOL) + (\$5 × 3)	\$50	200	60,000
\$50	\$50	600	20,000
\$20 × 5	\$100	600	20,000
\$50 × 2	\$100	600	20,000
(\$5 × 10) + (\$10 × 5)	\$100	200	60,000
(\$10 w/7 SYMBOL) + (\$10 × 3)	\$100	150	80,000
\$100	\$100	600	20,000
\$40 × 5	\$200	12,000	1,000
\$50 × 4	\$200	12,000	1,000
\$100 × 2	\$200	12,000	1,000
(\$10 × 10) + (\$20 × 5)	\$200	4,000	3,000
(\$20 w/7 SYMBOL) + (\$20 × 3)	\$200	1,714	7,000
\$200	\$200	12,000	1,000
\$50 × 10	\$500	12,000	1,000
\$100 × 5	\$500	12,000	1,000
(\$20 × 5) + (\$40 × 10)	\$500	3,429	3,500
(\$50 w/7 SYMBOL) + (\$50 × 3)	\$500	2,182	5,500
\$500	\$500	12,000	1,000
\$777 w/777 SYMBOL	\$777	3,429	3,500
\$200 × 5	\$1,000	60,000	200
\$500 × 2	\$1,000	24,000	500
(\$50 × 10) + (\$100 × 5)	\$1,000	24,000	500
(\$100 × 2) + (\$200 × 4)	\$1,000	60,000	200
(\$100 w/7 SYMBOL) + (\$100 × 3)	\$1,000	24,000	500
\$1,000	\$1,000	24,000	500
(\$1,000 w/7 SYMBOL) + (\$1,000 × 3)	\$10,000	400,000	30
\$10,000	\$10,000	400,000	30
\$20,000	\$20,000	400,000	30
\$250,000	\$250,000	800,000	15

Reveal a "7" (BLK7) symbol, win 7 times the prize shown to the right of it.  
Reveal a "777" (SZL777) symbol, win \$777 instantly.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sizzlin 777 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sizzlin 777, prize money from winning Pennsylvania Sizzlin 777 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sizzlin 777 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Sizzlin 777 or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 12-202. Filed for public inspection February 3, 2012, 9:00 a.m.]

## DEPARTMENT OF STATE

### Institute for Cultural Partnerships; Cease and Desist Order

Institute for Cultural Partnerships is ordered to cease and desist from soliciting charitable contributions in this Commonwealth until such time as Institute for Cultural Partnerships responds to the Bureau of Charitable Organizations' requests for information and duly registers or provides information that the organization is excluded or exempt from registration under the Solicitation of Funds for Charitable Purposes Act (10 P.S. §§ 162.1—162.22).

Individuals may obtain a copy of order by writing to Andrew McCole, Investigator, Department of State, Bureau of Charitable Organizations, 212 North Office Building, Harrisburg, PA 17120.

CAROL AICHELE,  
*Secretary*

[Pa.B. Doc. No. 12-203. Filed for public inspection February 3, 2012, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Mr. Rons Realty, 401 South Schuylkill Avenue, Norristown, PA 19403.

Mr. Rons Realty is seeking to lease highway right-of-way located at SR 0202-404: 0422-404, Montgomery County, Upper Merion Township, 0.2692 acre ± of land, adjacent to SR 0202; 0422, Section 404, for purposes of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objection regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, PennDot, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Mary C. Lambright.

Questions regarding this application or the proposed use may be directed to Mary C. Lambright, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 12-204. Filed for public inspection February 3, 2012, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions to List

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on April 11 and 12, 2012, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

County	Stream Name	Tributary To	Section Limits
Clarion	UNT to Clarion River (Gravel Lick)	Clarion River	Headwaters to mouth
Clearfield	Left Branch Moose Creek	Moose Creek	Headwaters to mouth
Clearfield	Montgomery Run	Dubois Reservoir	Headwaters to mouth
Clearfield	Right Branch Moose Creek	Moose Creek	Headwaters to mouth
Clearfield	UNT to Anderson Creek (I80)	Anderson Creek	Headwaters to mouth
Clearfield	UNT to Anderson Creek (Rockton)	Anderson Creek	Headwaters to mouth
Clearfield	UNT to Dubois Reservoir	Dubois Reservoir	Headwaters to Dubois Reservoir
Clearfield	UNT to Morgan Run (Alberts Run)	Morgan Run	Headwaters to mouth
Clearfield	UNT to Morgan Run (Crooked Sewer Run)	Morgan Run	Headwaters to mouth
Clinton	Green Run	West Branch Susquehanna River	Headwaters to mouth
Elk	McClellan Run	Spring Creek	Headwaters to mouth
Huntingdon	Tatman Run	Raystown Lake	Headwaters to mouth
Jefferson	Pine Run	Clarion River	Headwaters to mouth
Lehigh	UNT to Trout Creek (Slatedale)	Trout Creek	Headwaters to mouth
Luzerne	Barnes Run	Black Creek	Headwaters to mouth

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 12-205. Filed for public inspection February 3, 2012, 9:00 a.m.]

**Proposed Changes to List of Class A Wild Trout Waters**

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission’s policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth’s naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented as follows the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on April 11 and 12, 2012.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Centre	Spring Creek	06	High Street Bridge downstream to mouth	—	255	2.50	2010
Clinton	Long Run	01	Confluence with Pepper and Washburn Run to split channel near junction of RT 477 and T 364	37.58 29.15	40.49 45.22	3.24	2010 2011
Clinton	Rauchtown Creek	02	SR 880 Bridge 100 meters (109 yards) upstream of Gotshall Run to Groupe Road (SR 2010) Bridge	13.84 10.85	58.11 50.52	1.86	2011 2010

With respect to Spring Creek, Centre County, the Commission recently approved opening a 350-meter section of the stream in Bellefonte to public angling that had previously been closed to fishing as an exhibition area. Currently, Section 06 of Spring Creek extends from Lamb Street Bridge downstream to the mouth. This is immediately downstream of the area previously closed to fishing. Section 06 is managed under 58 Pa. Code § 65.15 (relating to catch and release all-tackle areas), and it is also a Class A stream section. Consistent with the change in the area open to public fishing, the Commission proposes extending the upstream limit of Section 06, 350 meters from the Lamb Street Bridge to the High Street Bridge. A 2010 fishery survey in Section 06 at a site located 0.5 mile downstream of the proposed extension contained an estimated wild brown trout biomass of 255 kg/ha, which is far above the Class A biomass criteria for wild brown trout as previously defined.

The Commission historically has stocked Long Run and Rauchtown Creek with adult trout. However, as a result of the surveys documenting Class A populations, the Commission recently removed them from its list of ap-

proved trout waters consistent with the policy in 58 Pa. Code § 57.8a of managing these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 12-206. Filed for public inspection February 3, 2012, 9:00 a.m.]

# GOVERNOR'S ADVISORY COUNCIL ON PRIVATIZATION AND INNOVATION

## Meetings Scheduled

The Governor's Advisory Council on Privatization and Innovation will be meeting Wednesday, February 15, 2012, and Tuesday, March 13, 2012. The meetings will begin at 1:30 p.m. in the Rachel Carson State Office Building, Room 105. Persons with any questions should contact Christopher Gray at (717) 772-3820 or chrgray@pa.gov.

JOHN A. BARBOUR,  
*Chairperson*

[Pa.B. Doc. No. 12-207. Filed for public inspection February 3, 2012, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-283	Pennsylvania Public Utility Commission Marketing and Sales Practices for the Retail Residential Energy Market 41 Pa.B. 5624 (October 22, 2011)	12/21/11	1/20/12

### **Pennsylvania Public Utility Commission Regulation #57-283 (IRRC #2915)**

#### **Marketing and Sales Practices for the Retail Residential Energy Market**

**January 20, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the October 22, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

#### **1. Implementation procedures.**

This proposed rulemaking establishes standards and practices for marketing and sales activities of electric generation suppliers (EGSs) and natural gas suppliers (NGSs) (collectively referred to as "suppliers") to ensure the fairness and integrity of the competitive residential energy market. According to the PUC, it is needed to address complaints about the marketing and sales practices used by suppliers and their agents. The PUC has cited numerous sections of the Public Utility Code as its statutory authority for the rulemaking.

Pennsylvania's Office of Attorney General administers two statutes that regulate subject matter covered by certain sections of this rulemaking: telemarketing and door-to-door sales. The statutes are the Pennsylvania Telemarketer Registration Act (73 P. S. §§ 2241—2249) and the Pennsylvania Unfair Trade Practices and Consumer Protection Law (73 P. S. §§ 201-1—201-9.2). In the Preamble to the final-form regulation, we ask the PUC to

explain how it will administer and enforce this rulemaking when it identifies or becomes aware of activities that violate the rulemaking and the statutes noted above.

#### **2. Section 111.2. Definitions.—Consistency with statute; Clarity.**

*Terms that should be defined*

There are several terms or phrases used throughout the regulation that are not defined. We believe that the clarity of the regulation would be improved if definitions were provided for the following terms and phrases: marketing; public event; transaction; transaction document; verification; and verification process.

*Agent*

Paragraph (1) of this definition states the following: "A person who conducts marketing or sales activities, or both, on behalf of a single licensed supplier. The term includes an employee, a representative, an independent contractor or a vendor." The Preamble notes that agents that provide marketing and/or sales services to more than one supplier would fall under this definition. Commentators are concerned that the stated intent of the PUC in the Preamble is not reflected in the definition of this term. We believe that clarity could be improved by amending the definition to more accurately reflect the PUC's intent.

In addition, the PUC should review this definition to make sure it covers all persons who could act as agents, such as subcontractors and the potential for an agent to hire employees or delegate activities to employees.

*Disclosure statement*

This definition requires a written disclosure between a customer and a supplier to satisfy the conditions set forth

in the definition of “consumer contract” in Section 3 of the Plain Language Consumer Contract Act (73 P. S. § 2203). Section 4(b)(7) of the Plain Language Consumer Contract Act (73 P. S. § 2204(b)(7)) provides an exclusion for “contracts subject to examination or other supervision by the Pennsylvania Public Utility Commission or by the Federal Energy Regulatory Commission.” Are contracts between suppliers and a customer subject to examination or other supervision by the PUC? If so, we question whether the reference to “consumer contract” is appropriate.

#### *Door-to-door sales*

This term is defined as “A solicitation or sales method whereby an agent proceeds randomly or selectively from residence to residence without prior specific appointment.” We are concerned that the inclusion of the phrase “without prior specific appointment” could negate all of the protections afforded customers by this regulation. If an agent has an appointment with a resident, would that agent have to abide by this regulation? We ask the PUC to clarify this definition to ensure that all customers benefit from the safeguards this regulation is intended to provide.

### **3. Section 111.3. Supplier liability for its agent.—Implementation procedures; Clarity.**

#### *State and Federal laws and regulations*

Subsection (a) requires compliance with “Federal, State and municipal laws.” Similar phrases are used elsewhere in the regulation. The regulation does not specify which state laws, federal laws or federal regulations apply. We have a question and a suggestion. First, is this rulemaking consistent with all of these laws, regulations and ordinances?

Second, to encourage compliance, we recommend that the rulemaking include specific references to local ordinances, state laws, federal laws or federal regulations in Subsections 111.3(a), 111.3(c), 111.9(b) and 111.10(a).

#### *Clarity of implementation procedures*

We have three concerns with this section. First, under Subsection (b), suppliers are “. . . responsible for fraudulent, deceptive or other unlawful marketing or billing acts performed by its agent.” (Emphasis added.) However, this regulation pertains to sales and marketing activities of agents. Why does this section include a reference to billing activities performed by an agent? What kind of billing activities would an agent perform?

Second, a commentator has questioned how alleged acts of misconduct will be investigated and determined to be factual before a supplier is held responsible. We believe that including the procedures or a cross-reference to the procedures used to investigate the alleged misconduct would improve the clarity and assist with the implementation of the regulation.

Finally, Subsection (c)(2) allows the PUC to impose fines “for fraudulent acts, violation of Commission regulations and orders.” Are the suppliers the only parties that could be subject to fines, or could agents also be fined? Could fines also be imposed for “deceptive or other unlawful marketing” acts referenced in Subsection (b)?

### **4. Section 111.4. Agent qualifications and standards; criminal background investigations.—Protection of the public health, safety and welfare; Implementation procedures; Need; Clarity.**

#### *Exercise good judgment*

Subsection (a) requires a supplier to “exercise good judgment” in developing standards and qualifications for

individuals it chooses to hire as its agents. This phrase is vague and does not establish a binding norm. It should either be deleted or amended to state what the PUC considers to be “good judgment.”

#### *Criminal background checks*

Subsection (b) pertains to background checks and requires a supplier to conduct criminal background investigations to “determine if the individual presents a probable threat to the health and safety of the public.” We have four concerns. First, commentators have expressed concern with the clarity of this phrase and have noted that the standard established by this phrase and the inclusion of the word “probable” differs from the standard found in the PUC’s Interim Guidelines that uses the word “possible.” We are also concerned with the clarity of this phrase and question why the standard was changed. We recommend that the final-form regulation be amended to clarify what is meant by the phrase noted above. We also request an explanation of why the PUC believes the regulatory standard of “probable” compared to “possible” is adequate to protect the public health, safety and welfare.

Second, once this proposed rulemaking is published as final regulation, will suppliers have to perform a second background investigation on agents that have already been hired? In the Preamble to the final-form regulation, we ask the PUC to explain how it will transition from administering interim guidelines to administering the regulation.

Although background checks are required before an individual is hired to perform door-to-door sales, the regulation is silent on whether agents must report any pending criminal charges or criminal convictions after they are hired. To protect the public, health safety and welfare, we ask the PUC to consider adding a provision that requires agents to report this type of information.

Third, a commentator has suggested that the regulation be amended to clarify that other parties can conduct the required background checks on behalf of the supplier. If that is the intent of the PUC, then we recommend the final-form regulation be amended accordingly.

Finally, a commentator states a typical background check may not be adequate because it will not provide information such as protection from abuse orders. The PUC should explain how the evaluation of a potential agent’s background in the final-form regulation adequately protects the public health, safety and welfare.

#### *Supplier contracts with an independent contractor or vendor*

Under Subsection (c), suppliers must confirm that their independent contractors and vendors have performed criminal background checks on their “employees and agents.” Why was the term “employees” included in this subsection? Is it the PUC’s intent to require criminal background checks for all of an independent contractor or vendor’s employees? If so, what purpose does this serve? We have a similar concern with the use of the word “employee” in § 111.5(d), related to agent training.

### **5. Section 111.5. Agent training.—Protection of the public health, safety and welfare; Implementation procedures; Clarity.**

#### *Telemarketer Registration Act*

While Paragraph (a)(1) requires training in state and federal laws, should this provision also reference Pennsyl-

vania's Telemarketer Registration Act since it directly relates to agents and Section 111.10?

#### *Responsible and ethical sales practices*

Paragraph (a)(2) requires training in "responsible and ethical sales practices." This phrase could be interpreted in different ways. We are unable to evaluate this provision because the specific practices are not in the regulation. The PUC should either include in the regulation the specific training required relating to responsible and ethical sales practices, or add a citation to the practices the training must include.

In addition, the regulation is not clear regarding the bounds of actions an agent may take when doing door-to-door sales. For example, is it appropriate for the agent to ask to enter the dwelling, or should the agent only enter the dwelling upon the invitation of the customer? We ask the PUC to consider this question not only in the context of agent training, but also whether specific "responsible and ethical sales practices" for agents are needed directly in the regulation.

#### *Terms and definitions*

Paragraph (a)(10) requires training in terms and definitions. This provision is broad. We suggest adding a cross-reference to the minimum terms and definitions the training must include.

#### *Record keeping*

Subsection (b) requires a supplier to document the training of an agent and to maintain a record of the training. How long must the record of training be kept? A time-frame associated with this record-keeping requirement should be included in the final-form regulation.

#### *Monitoring*

Subsection (e) requires a supplier to monitor a "representative sample" of telephonic and door-to-door marketing and sales calls. We have two concerns. First, the term "representative sample" is vague. A more precise standard should be included in the final regulation.

Second, we question how monitoring of door-to-door sales calls can be accomplished in a manner that ensures the agent is meeting the requirements of this regulation. A telephonic marketing and sales call could be monitored by the supplier without the knowledge of the agent. This would allow the supplier to make an accurate evaluation of the call. However, we are concerned that the sales presentation made by a door-to-door sales agent could differ when that agent is accompanied by another employee of the supplier. In the Preamble to the final-form regulation, we ask the PUC to explain how a supplier is expected to monitor door-to-door sales and how that monitoring will adequately protect the public health, safety and welfare.

#### **6. Section 111.6. Agent compensation; discipline.—Implementation procedures; Need; Clarity.**

##### *Compensation*

Commentators are concerned with Subsection (a) because they believe it may interfere with their business decisions. They contend that compensation structures should be left to their discretion. The PUC should explain the need for this subsection.

##### *Internal agent discipline practices and procedures*

Subsection (b) states the following:

In developing internal agent discipline practices and procedures, a supplier shall incorporate the Commis-

sion's long-standing zero-tolerance policy regarding the unauthorized transfer of customer accounts and the violation of other consumer protections. A supplier shall consider the legal consequences faced by a supplier that fails to properly train and supervise its agents.

We have three concerns. First, would this provision apply to independent contractors and vendors of suppliers, or would those entities have to develop their own internal discipline practices and procedures? Second, we recommend that this subsection include a cross-reference to the PUC's policies regarding unauthorized transfers. Third, the phrase "long-standing zero-tolerance" and the last sentence of the subsection are both non-regulatory in nature and should be deleted.

#### **7. Section 111.7. Customer authorization to transfer account; transaction; verification; documentation.—Implementation procedures; Clarity.**

##### *Authorization*

Subsection (a) requires a supplier to establish a transaction process to authorize the transfer of a customer's account to the supplier. We have three concerns. First, Subsection (a)(1) states that the process "may" include three specific actions. The use of the word "may" implies that a supplier has the option to use one of the three actions to authorize the transfer. If it is the PUC's intent to require suppliers to use one of the three actions in Paragraphs (i), (ii) and (iii) of Subsection (a)(1), then "may include" should be replaced with "shall include one of." If the PUC intends to allow suppliers to use other processes, the regulation should be amended to clarify this intent.

Second, Subsections (a)(1)(ii) and (iii) include a reference to a "program." What does this term mean?

Third, Subsection (a)(2) requires the document used to complete the transaction to identify the agent who completed the transaction. However, the documents referenced in Subsection (a)(2)(iii) and (iv) could be completed without the assistance of an agent. It is unclear how the requirements of these provisions will be implemented. We recommend these provisions be clarified in the final-form regulation.

##### *Verification*

Subsection (b) requires a supplier to establish a process to verify transactions that involve an agent. Subsection (b)(3) requires the supplier to inform the customer of the three-business-day right of rescission at the end of the verification process. Section 201-7 of Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 73 P. S. § 201-7, provides specific standards for cancellation notices for door-to-door sales in Pennsylvania. We note that Section 111.10 (a) of this rulemaking requires agent compliance with "consumer protection" laws for telemarketing practices, but Section 111.7 does not contain a similar requirement or specifically direct suppliers to provide the form of cancellation notice required by the Unfair Trade Practices and Consumer Protection Law. We believe the regulated community would benefit if a specific reference to 73 P. S. § 201-7 was included in the final regulation.

#### **8. Section 111.8. Agent identification; misrepresentation.—Protection of the public health, safety and welfare; Implementation procedures; Clarity.**

##### *Display of identification badge*

Subsection (a)(3) requires the agent's identification number to be displayed on the identification badge in a

“reasonably sized font.” We have three concerns. First, must a supplier assign an identification number to each of its agents? If so, where can that requirement be found? The same concerns apply to business cards in Subsection 111.9(d)(2).

Second, what is considered a “reasonably sized font?” How will suppliers and agents know if they are meeting this standard? We recommend that a more precise standard be included in the final-form regulation.

Finally, Subsection (a)(4) requires the identification badge to “be visible at all times.” We question how an agent can satisfy this requirement. Would requiring the identification badge to be “prominently displayed” be an acceptable standard that could be met by the agent while still protecting the public health, safety and welfare? The same concern applies to Subsection 111.9(c).

#### *Similarity to local distribution company*

Subsection (c) prohibits an agent from wearing apparel or accessories and carrying equipment that contains branding elements “deceptively similar to that of the local Pennsylvania distribution company.” We have two concerns. First, the word “deceptively” is unclear and should be deleted from the final-form regulation. Second, the PUC should consider replacing the phrase “Pennsylvania distribution company” with the phrase “any EDC or NGDC.” We believe using the suggested phrase would provide greater clarity and would be more consistent with other PUC statutes and regulations. If the PUC adopts this suggestion, a similar change should be made to Subsection (d) and the phrase “distribution company.”

### **9. Section 111.9. Door-to-door sales.—Consistency with statute; Protection of the public health safety and welfare; Implementation procedure; Need; Reasonableness.**

#### *Informed choices*

Under 66 Pa.C.S.A. § 2206(c), relating to natural gas competition, the PUC has the statutory directive to:

... by order or regulation, establish requirements that *each natural gas distribution company and natural gas supplier provide adequate, accurate customer information to enable retail gas customers to make informed choices* regarding the purchase of *all natural gas services* offered by that provider. Information shall be provided to retail gas customers in an *understandable format* that enables retail gas customers to compare prices and services on a uniform basis. (Emphasis added.)

Similar requirements relating to the electric industry are specified in 66 Pa. C.S.A. § 2807(d)(2). Some commentators questioned whether door-to-door sales will provide the customer with the information needed to make an informed choice. The commentators state that there is good information on the internet that can be verified. They also state that information provided by mailings can be reviewed and telemarketing can be monitored. Commentators question how door-to-door sales can be adequately monitored.

We believe the commentators make valid points. How does the PUC ensure that a door-to-door agent provided the customer with the information required by statute for the customer to make an informed choice? The PUC should explain how the final-form regulation will ensure that customers, when solicited by door-to-door agents, will receive “adequate, reliable customer information,” “in an understandable format” to enable customers to make informed choices, consistent with the statute.

#### *Safety concerns*

The regulation establishes requirements that include compliance with local ordinances, notification of local officials, identification badges, immediate identification of the agent, and a requirement that an agent must immediately leave when requested to do so. However, some commentators believe door-to-door sales present a threat to customer safety, particularly if the agent asks to be invited into the customer’s home. We ask the PUC to thoroughly explain its consideration and resolution of these comments that raise safety concerns with door-to-door sales. The PUC should explain how the final-form regulation will adequately protect the public health, safety and welfare.

#### *Hours*

Paragraph (a)(1) limits the hours that door-to-door marketing or sales activities can occur. Some commentators argue for fewer hours, whereas others argue for more hours. The PUC should explain how it chose the hours specified in the final-form regulation and why those hours represent the most reasonable hours for both the customer and the agents.

#### *Notification in advance*

Paragraph (a)(2) requires a supplier to notify local municipal officials “in advance of its schedule.” We have two concerns. First, notification “in advance” does not impose a specific time requirement. Second, the provision does not require notice if the schedule changes. We recommend amending Paragraph (a)(2) to specify a timeframe for the advance notice and also notification if the schedule changes.

#### *Language skills*

Subsection (e) states:

When a customer’s English language skills are insufficient to allow the customer to understand and respond to the information being conveyed by the agent, or when the customer or a third party informs the agent of this circumstance, the agent shall find another agent who is fluent in the customer’s language to continue the sales or marketing activity. If the agent cannot find another agent to help with translation, the agent shall terminate contact with the customer. The agent shall use translation services, electronic language translation devices and language identification cards only to identify the language spoken by the potential customer.

We see an overall need to address the circumstance where the agent and customer cannot communicate because 66 Pa.C.S.A. §§ 2206(c) and 2807(d)(2) require information to be in an understandable format. However, after it is established the agent and customer cannot communicate, we question the need, reasonableness and effectiveness of continued contact. For example, how can the agent, who already does not speak the customer’s language, sufficiently identify that language to the point of finding another agent who does? Also, while the regulation restricts the use of “translation services, electronic language translation devices and language identification cards,” we question the need, reasonableness and effectiveness of the agent continuing contact to identify the customer’s language in this manner. These actions appear to be excessive and impractical, particularly when there are other methods for a customer to be aware of and participate in customer choice. Therefore, we recommend that, once it is established the agent and customer cannot communicate effectively enough to present infor-

mation in an understandable format, the regulation should require the agent to terminate contact. Alternatively, the PUC should justify the need for and reasonableness of these continued measures.

We have two further concerns with this provision as proposed. First, the regulation restricts the initial conversation to English and addresses the “customer’s English language skills.” We question whether a supplier, who is familiar with a demographic area, should be allowed to initiate conversations in a language other than English that is prevalent in that area. We recommend deleting the word “English” so there is flexibility in what language is used first.

Second, as the regulation is written, if the customer’s English language skills are insufficient, “the agent shall find another agent who is fluent in the customer’s language to continue the sales or marketing activity.” Emphasis added. We question why the word “shall” is used, thus requiring the agent to find another agent fluent in the customer’s language.

*“Rescind”*

To be consistent with Section 111.11, we suggest replacing the word “cancel” with the word “rescind” in Paragraph (f)(4).

*Immediately leave a residence*

Under Subsection (g), “An agent shall immediately leave a residence when requested to do so by a customer or the owner or an occupant of the premises.” We support this provision but question whether it is too narrow. For example, if a customer says they are not interested, under the regulation, the agent would not have to leave the premises. We suggest the provision be broadened to require the agent to leave the premises if requested to do so by the customer or if the customer expresses no interest in the product being sold.

*Annotate its existing marketing or sales database*

Subsection (h) requires a supplier to annotate its existing databases but does not specify when. We recommend adding language to state within what time frame this action must occur.

**10. Section 111.10. Telemarketing.—Statutory authority; Consistency with statute; Reasonableness; Clarity.**

*Telemarketer Registration Act*

A commentator observes that the Telemarketer Registration Act is within the jurisdiction of the Attorney General and subject to interpretation and change by the Attorney General. Paragraphs (a)(1), (2) and (4) place in PUC regulation requirements under the Telemarketer Registration Act. Has the PUC established a Memorandum of Understanding with the Attorney General? The PUC should explain how it will enforce or consider a violation of Paragraphs (a)(1), (2) and (4), and include in the regulation what enforcement actions it may take pursuant to these provisions.

*Timing of agent identification*

A commentator observes that Paragraph 111.9(d)(1) requires door-to-door agents to identify themselves immediately after greeting the customer, but Section 111.10(b) relating to telemarketing does not state when the identification must take place. We recommend adding to Subsection (b) the same or similar requirement for agent identification as Paragraph 111.9(d)(1). In addition, Paragraph 111.9(d)(1) requires the door-to-door salesperson to “state he is not working for and is independent of the

local distribution company or another supplier.” Why isn’t this included in Subsection (b)?

**11. Section 111.11. Receipt of disclosure statement and right to rescind transaction.—Reasonableness.**

Subsection 111.12(c) cross-references 52 Pa. Code §§ 54.5(d) and 62.75(d) which address disclosure statements. Why weren’t these cross-references included in Section 111.11? Subsection (c) addresses receipt of a disclosure statement by mail. Should the regulation provide similar requirements for electronic delivery of disclosure statements?

**12. Section 111.12. Consumer protection.—Protection of the public welfare.**

A commentator suggests adding “Interim Guideline M(2)” to this section and provides a quotation of the guideline which shows protections against suppliers engaging activities including misleading conduct, false representations, etc. Why did the PUC not include these protections in this section?

**13. Section 111.14. Notification regarding marketing or sales activity.—Clarity.**

Subsection (a) requires a supplier conducting marketing or sales activities “that the supplier anticipates may generate phone calls and inquiries to the Commission [PUC]” to notify the PUC’s Bureau of Consumer Services. We find this requirement to be unclear and subjective and question how it could be enforced. How could a supplier demonstrate that it did or did not “anticipate” certain activities? The PUC should review this provision and clarify its intent.

[Pa.B. Doc. No. 12-208. Filed for public inspection February 3, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Blaho’s Texaco Service; Prehearing

**Appeal of Blaho’s Texaco Service under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2011-0103(S); Doc. No. UT12-01-011**

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 provisions of law.

A prehearing telephone conference shall be held on March 21, 2012, at 9:30 a.m. A hearing will occur on April 5, 2012, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street Harrisburg, PA 17102. 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 previously listed address on or before March 7, 2012. Answers to petitions to intervene, if any, shall be filed on or before March 20, 2012.

On or before March 7, 2012, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names



and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

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. 12-209. Filed for public inspection February 3, 2012, 9:00 a.m.]

### **Geisinger Health Plan; HMO Conversion Rate Filing**

Geisinger Health Plan requests approval to increase the Conversion Plan rates. The average requested rate increase is 5.2%. The proposed rate increase would affect approximately 1,201 subscribers and would produce additional revenue of about \$288,000 annually. The requested effective date of the change is April 1, 2012.

Unless formal administrative action is taken prior to April 19, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-210. Filed for public inspection February 3, 2012, 9:00 a.m.]

### **Insurance Services Office, Inc.; Homeowners; Alternative Rating Plan; Rate Filing**

On January 19, 2012, the Insurance Department (Department) received from Insurance Services Office, Inc. (ISO) a filing for an alternative rating plan to the standard ISO Homeowners Manual rating system.

The model underlying the proposed Risk Analyzer Homeowners Environmental Module Rating Plan generates by-peril expected losses based on a variety of geographic characteristics affecting the risk of loss, including weather, elevation, commercial and geographic features. This alternate rating plan is not being filed on behalf of insurers and will not be incorporated into ISO's Homeowners Manual. ISO participating insurers that would elect to adopt this alternative rating plan would need to file with the Department to do so and establish their own effective date for their introduction of the plan. The filing provides information to enable the adoption of the plan on a revenue neutral basis with, at most, a +/- 25% deviation from the current territorial rates for an individual consumer.

Unless formal administrative action is taken prior to February 18, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Insurance Product Regulation and Administration, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@pa.gov](mailto:mmckenney@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-211. Filed for public inspection February 3, 2012, 9:00 a.m.]

### **Office Closing; Notice 2012-01**

The Medical Care Availability and Reduction of Error Fund's Rosemont Office of the Insurance Department will be closed effective February 3, 2012.

Notices and communications should be referred, as soon as possible, to the Insurance Department, MCARE, Bureau of Claims Administration, P. O. Box 12030, Harrisburg, PA 17108-2030 or 30 North 3rd Street, 8th Floor, Harrisburg, PA 17101, (717) 783-3770 fax (717) 787-0651.

Questions or comments regarding this notice may be directed to Dee McHugh, Special Advisor, 30 North 3rd Street, Harrisburg, PA 17101, (717) 783-3770, Ext. 258, fax (717) 705-7341.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-212. Filed for public inspection February 3, 2012, 9:00 a.m.]

### **Surplus Lines Agents and Interested Parties; Export List of Insurance Coverages**

In May 2011, the Insurance Commissioner (Commissioner) determined that certain insurance coverages were generally unavailable in the authorized market and declared those coverages as exportable. A list of exportable coverages was published at 41 Pa.B. 2400 (May 7, 2011). Accordingly, for those insurance coverages that are included on the export list, a diligent search among insur-

ers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

The Commissioner declared that the export list would remain in effect until revised or superseded by a subsequent list.

At this time, the Commissioner is soliciting comments regarding the current export list. Persons may request in writing that a coverage be added or removed from the list.

Persons wishing to comment on the Commissioner's current export list are invited to submit a written statement within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA, 17120, fax (717) 787-8557, cbybee@pa.gov. After consideration of all comments received, the Commissioner will publish a notice in the *Pennsylvania Bulletin* providing a 15-day opportunity to comment on any proposed changes before formal publication of the revised list.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-213. Filed for public inspection February 3, 2012, 9:00 a.m.]

### Workers' Compensation Security Fund Assessment; Notice 2012-02

The Insurance Department (Department) has determined that no contributions will be required for the Workers' Compensation Security Fund (Fund).

Section 9(1) of the Workers' Compensation Security Fund Act (act) (77 P. S. § 1059(1)) states. "If, due to the payment of liabilities or claims, the balance of the fund is reduced below \$500,000,000, the department shall require contributions to maintain the actuarial soundness of the fund and to restore, in a timely manner, the balance of the fund to a level at or above \$500,000,000." As of the evaluation of December 31, 2011, the balance of the Fund exceeded \$500,000,000.

Therefore, insurers writing workers' compensation insurance in this Commonwealth will not be required to submit any contributions for the Fund in 2012.

The act may be viewed at [www.ncigf.org](http://www.ncigf.org), under Resources and Publications; and 31 Pa. Code Chapter 165 (relating to Workers' Compensation Security Fund) may be viewed at [www.pacode.com](http://www.pacode.com). Additional information regarding the fund is located on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov).

No acknowledgement of this notice is required.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-214. Filed for public inspection February 3, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-2012-2284831. UGI Penn Natural Gas, Inc.** Application of UGI Penn Natural Gas, Inc. for approval to offer, render, furnish or supply gas utility service to the public in additional territories of Bridgewater, Forest Lake, Great Bend, Harmony, New Milford and Oakland Townships and Great Bend, Hallstead, Lanesboro, Montrose, New Milford, Oakland and Susquehanna Depot Boroughs, Susquehanna County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 21, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* UGI Penn Natural Gas, Inc.

*Through and By Counsel:* Mark C. Morrow, Esquire, Chief Regulatory Counsel, UGI Corporation, 460 North Gulph Road, King of Prussia, PA 19406

Michael W. Hassell, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

David B. MacGregor, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-215. Filed for public inspection February 3, 2012, 9:00 a.m.]

### Petition for Finding

**P-2012-2284623. PPL Electric Utilities Corporation.** Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the West Trexlertown 69—12 kV substation to be constructed in Upper Macungie Township, Lehigh 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 February 21, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

David B. MacGregor, Esquire, Post & Schell, P.C., Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

John H. Isom, Esquire, Christopher T. Wright, Esquire, Post & Schell, P.C., 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-216. Filed for public inspection February 3, 2012, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 21, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2011-2269265. Andre Entertainment, LLC, t/a Late Nite Loop** (28 Devonshire Drive, Wyomissing, PA 19610), for the right to begin to transport as a common carrier, by motor vehicle, persons in experimental service, limited to persons who frequent businesses licensed to serve alcoholic beverages, for the prevention of driving while intoxicated, point to point in Berks County.

**A-2011-2279350. Providence Township Ambulance Association, Inc., t/a South End EMS** (14 Pennsy Road, New Providence, Lancaster County, PA 17560)—in paratransit service, using wheelchair and stretcher vans, as well as the transportation of persons who are unable to drive because of age, infirmity and/or due to personal convictions which prevent them from owning or operating motor vehicles, or those who require transportation for medically relevant purposes, from points in New Providence, Lancaster County, and within an airline distance of 60 statutory miles of the municipality, to points in Pennsylvania, and return.

*Subject to the following condition:*

Except for transporting persons whose personal convictions prevent them from owning or operating motor vehicles, applicant has no right, power or privilege to originate service in the following communities in Lancaster County: East Lampeter Township, the City of Lancaster, Lancaster and Manor Townships, Millersville and Strasburg Boroughs, Strasburg Township, Adams-town and Akron Boroughs, Brecknock and Caernarvon Townships, Terre Hill and Denver Boroughs, East Cocalico Township, Ephrata Brorough, Ephrata, Clay, West Cocalico, West Earl, Earl and East Earl Townships,

Lititz Borough, Manheim Township, New Holland Borough, Warwick Township, Elizabethtown Borough, West Donegal Township (not including the Village of Rheems), Mount Joy Township (not including southeast of Ridge Road) and East Donegal Township (not including the portion of the Township north of Donegal Spring Road). *Attorney:* Christina M. Mellott, Esq., 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050

**A-2011-2277802. Ultra Transportation, Inc.** (73A Unit A Tracey Road, Huntingdon Valley, Montgomery County, PA 19006)—persons in paratransit service, from points in the Counties of Montgomery, Bucks, Delaware and Chester to, points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2011-2277901. Comfort Ride Transit, Inc.** (2200 Michener Street, Suite 18, Philadelphia, PA 19115)—persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2011-2278221. Empire Ambulance, Inc.** (651 Hoyt Road, Huntingdon Valley, Montgomery County, PA 19006)—in paratransit service, limited to transportation between medical facilities, from points in the Counties of Bucks, Montgomery and Delaware, and the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2011-2278509. Community Integrations, LLC** (172 Grouse Lane, Moshannon, Center County, PA 16859)—in paratransit service, from points in Centre and Clinton Counties, to points in Pennsylvania, and return.

**A-2011-2279350. We Care Wheelchair Transportation, LLC** (P. O. Box 10381, Pittsburgh, PA 15234)—in paratransit service, restricted to service for persons who are wheelchair bound, from points in Butler and Washington Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Port Authority of Allegheny County.

#### **Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2011-2272803. Dennis A. Boyko** (113 East Mt. Vernon Street, Oxford, Chester County, PA 19363), for the discontinuance of service and cancellation of his Certificate of Public Convenience as a common carrier by motor vehicle issued October 2, 2006, at A-00122599, to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster and that portion of Chester County west of Route 10, to points in Pennsylvania, and return.

**A-2011-2273333. Central Penn Travell, LLC** (233 Bunny Lane, Palmyra, Dauphin County, PA 17078), a limited liability corporation of the Commonwealth of Pennsylvania, for discontinuance of service and cancellation of its Certificate as a common carrier, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Dauphin, Perry, Lebanon and Schuylkill, to

points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-217. Filed for public inspection February 3, 2012, 9:00 a.m.]

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### Telecommunications Services

**A-2012-2285058. Liberty-Bell Telecom, LLC, d/b/a DISH Network Phone & Internet.** Application of Liberty-Bell Telecom, LLC, d/b/a DISH Network Phone & Internet for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of United Telephone Company of Pennsylvania, d/b/a CenturyLink.

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. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Liberty-Bell Telecom, LLC, d/b/a DISH Network Phone & Internet

*Through and By Counsel:* William P. Hunt, III, Esq., Director, Regulatory, Liberty-Bell Telecom, LLC, d/b/a DISH Network Phone & Internet, 9601 South Meridian Boulevard, Englewood, CO 80112, [williamp.hunt@dishnetwork.com](mailto:williamp.hunt@dishnetwork.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-218. Filed for public inspection February 3, 2012, 9:00 a.m.]

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### Transfer of Indirect Control

**A-2012-2284857. NextG Networks of NY, Inc., NextG Networks, Inc. and Crown Castle Solutions Corporation.** Joint application of NextG Networks of NY, Inc., NextG Networks, Inc. and Crown Castle Solutions Corporation for approval of a transfer of indirect control of NextG Networks of NY, Inc. to Crown Castle Solutions Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 21, 2012. The documents

filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* NextG Networks of New York, Inc.

*Through and By Counsel:* Jean L. Kiddoo, Esquire, Brett P. Ferencak, Esquire, Bingham McCutchen, LLP, 2020 K Street, NW, Washington, DC 20006

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-219. Filed for public inspection February 3, 2012, 9:00 a.m.]

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## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action 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.

## Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Brandon S. Keller 1714 Mummasburg Road Gettysburg, PA 17325	Adams County/ Cumberland Township	240	Layers	New	Approved
Levi Hershberger 790 Rimer Road Luthersburg, PA 15848	Clearfield County/ Brady Township	57	Veal	Amended	Approved
Junbro Farm, LLC James and John Junkin 14492 Path Valley Road Willow Hill, PA 17271	Franklin County/ Metal Township	341.1	Swine	New	Approved
Creek Bottom Farms Michael Snook 1510 White Church Road Middleburg, PA 17842	Snyder County/ Franklin Township	90	Cattle	New	Approved

GEORGE D. GREIG,  
*Chairperson*

[Pa.B. Doc. No. 12-220. Filed for public inspection February 3, 2012, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects during October 1, 2011, through December 31, 2011.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net; or regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

#### Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Citrus Energy Corp., Pad ID: Reimiller 1, ABR-201110001, Meshoppen Township, Wyoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: October 6, 2011.
2. Citrus Energy Corp., Pad ID: Mattocks 1, ABR-201110002, Washington Township, Wyoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: October 6, 2011.
3. Citrus Energy Corp., Pad ID: McConnell 1, ABR-201110003, Tunkhannock Township, Wyoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: October 6, 2011.
4. Chesapeake Appalachia, LLC, Pad ID: Laurel, ABR-201110004, Overton Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 11, 2011.

5. Chesapeake Appalachia, LLC, Pad ID: Brule, ABR-201110005, Elkland Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 11, 2011.

6. Seneca Resources Corporation, Pad ID: DCNR 100 Pad A, ABR-201110006, McIntyre Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 11, 2011.

7. Chief Oil & Gas, LLC, Pad ID: Squier B Drilling Pad No. 1, ABR-201110007, Springville Township, Susquehanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: October 11, 2011.

8. Chief Oil & Gas, LLC, Pad ID: Bouse Drilling Pad No. 1, ABR-201110008, Monroe Township, Bradford County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: October 11, 2011.

9. SWEPI, LP, Pad ID: Chappell 855, ABR-201110009, Middlebury Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 13, 2011.

10. EQT Production Company, Pad ID: COP 63 Hogback, ABR-201110010, Pine and Huston Townships, Clearfield County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: October 13, 2011.

11. Chesapeake Appalachia, LLC, Pad ID: Falconero, ABR-201110011, Forkston Township, Wyoming County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 20, 2011.

12. Seneca Resources Corporation, Pad ID: DCNR 007 Pad H, ABR-201110012, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 20, 2011.

13. Seneca Resources Corporation, Pad ID: Gamble Pad A, ABR-201110013, Gamble Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 20, 2011.

14. Cabot Oil & Gas Corporation, Pad ID: Lippincott F P1, ABR-201110014, Brooklyn Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: October 20, 2011.

15. Cabot Oil & Gas Corporation, Pad ID: EllsworthA P1, ABR-201110015, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: October 20, 2011.

16. Chesapeake Appalachia, LLC, Pad ID: Donovan, ABR-201110016, Ulster Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 24, 2011.

17. Carrizo Marcellus, LLC, Pad ID: Henninger Pad, ABR-201110017, Jessup Township, Susquehanna County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: October 24, 2011.

18. Cabot Oil & Gas Corporation, Pad ID: WilliamsD P1, ABR-201110018, Brooklyn Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: October 25, 2011.

19. Energy Corporation of America, Pad ID: Coldstream Affiliates B, ABR-201110019, Goshen Township, Clearfield County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: October 25, 2011.

20. Chesapeake Appalachia, LLC, Pad ID: Gardner, ABR-201110020, Albany Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 27, 2011.

21. Chesapeake Appalachia, LLC, Pad ID: Alkan, ABR-201110021, Wilmot Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 31, 2011.

22. Chesapeake Appalachia, LLC, Pad ID: Nicholson, ABR-201110022, Nicholson Township, Wyoming County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 31, 2011.

23. Talisman Energy USA, Inc., Pad ID: 02 155 Mountain Run Hunting Club, ABR-20111023, Union Township, Tioga County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: October 31, 2011.

24. Talisman Energy USA, Inc., Pad ID: 03 125 Stiles D, ABR-20111024, Columbia Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: October 31, 2011.

25. Talisman Energy USA, Inc., Pad ID: 03 126 Stiles D, ABR-20111025, Columbia Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: October 31, 2011.

26. Enerplus Resources (USA) Corporation, Pad ID: Winner 6 Well Pad, ABR-201110026, East Keating Township, Clinton County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 31, 2011.

27. EOG Resources, Inc., Pad ID: PHC Pad AA, ABR-201110027, Goshen Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: October 31, 2011.

28. EOG Resources, Inc., Pad ID: KINGSLEY 5HA/6HA Pad, ABR-201110028, Springfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: October 31, 2011.

29. EOG Resources, Inc., Pad ID: GHFC Pad B, ABR-201110029, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: October 31, 2011.

30. EOG Resources, Inc., Pad ID: GHFC Pad A, ABR-201110030, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: October 31, 2011.

31. EOG Resources, Inc., Pad ID: ASHBY Pad, ABR-201110031, Athens Borough, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: October 31, 2011.

32. EOG Resources, Inc., Pad ID: WALLACE Pad, ABR-201110032, Smithfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: October 31, 2011.

33. EOG Resources, Inc., Pad ID: WOLFE Pad, ABR-201110033, Smithfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: October 31, 2011.

34. EOG Resources, Inc., Pad ID: PRUYNE 1H Pad, ABR-201110034, Smithfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: October 31, 2011.

35. Chesapeake Appalachia, LLC, Pad ID: Cook, ABR-20111001, Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: November 4, 2011.

36. Chesapeake Appalachia, LLC, Pad ID: Gestewitz, ABR-201111002, North Towanda Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: November 8, 2011.

37. Chesapeake Appalachia, LLC, Pad ID: Knapp, ABR-201111003, Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: November 8, 2011.

38. Range Resources—Appalachia, LLC, Pad ID: Bobst Unit Nos. 34H-37H, ABR-201111004, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: November 10, 2011.

39. Range Resources—Appalachia, LLC, Pad ID: Sechrist, Mark-Nos. 1H-3H, ABR-201111005, Anthony Township, Lycoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: November 10, 2011.

40. Range Resources—Appalachia, LLC, Pad ID: Red Bend B Unit Nos. 1H-8H, ABR-201111006, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: November 10, 2011.

41. Range Resources—Appalachia, LLC, Pad ID: Red Bend C Unit Nos. 1H-5H, ABR-201111007, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: November 10, 2011.

42. Tenaska Resources, LLC, Pad ID: Traub Pad A, ABR-201111008, Abbott Township, Potter County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: November 10, 2011.

43. Chesapeake Appalachia, LLC, Pad ID: Coyle, ABR-201111009, Albany Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: November 14, 2011.

44. Chesapeake Appalachia, LLC, Pad ID: Richard, ABR-201111010, Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: November 14, 2011.

45. Chesapeake Appalachia, LLC, Pad ID: Rossi, ABR-201111011, Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: November 14, 2011.

46. Chesapeake Appalachia, LLC, Pad ID: Bartholomew, ABR-201111012, Franklin Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: November 14, 2011.

47. Pennsylvania General Energy Co., LLC, Pad ID: COP Tract 293 Pad H, ABR-201111013, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.500 mgd; Approval Date: November 14, 2011.
48. Pennsylvania General Energy Co., LLC, Pad ID: COP Tract 293 Pad I, ABR-201111014, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.500 mgd; Approval Date: November 14, 2011.
49. Pennsylvania General Energy Co., LLC, Pad ID: COP Tract 729 Pad B, ABR-201111015, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.500 mgd; Approval Date: November 14, 2011.
50. Chief Oil & Gas, LLC, Pad ID: Madigan Farms A Drilling Pad No. 1, ABR-201111016, Burlington Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: November 14, 2011.
51. Chesapeake Appalachia, LLC, Pad ID: Lines, ABR-201111017, Monroe Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 14, 2011.
52. Chesapeake Appalachia, LLC, Pad ID: Robbins, ABR-201111018, Ulster Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 14, 2011.
53. Chesapeake Appalachia, LLC, Pad ID: Williamson, ABR-201111019, Smithfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 14, 2011.
54. Chesapeake Appalachia, LLC, Pad ID: Dulcey, ABR-201111020, Wilmot Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 14, 2011.
55. Chesapeake Appalachia, LLC, Pad ID: Eagle Rock, ABR-201111021, Cherry Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 15, 2011.
56. Chesapeake Appalachia, LLC, Pad ID: Krise, ABR-201111022, Leroy Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 15, 2011.
57. Cabot Oil & Gas Corporation, Pad ID: WellsP P1, ABR-201111023, Bridgewater Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: November 15, 2011.
58. Chief Oil & Gas, LLC, Pad ID: Beirne Green Hills Farms A Drilling Pad No. 1, ABR-201111024, Asylum Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: November 18, 2011.
59. Chesapeake Appalachia, LLC, Pad ID: Gregerson, ABR-201111025, Auburn Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 21, 2011.
60. Chesapeake Appalachia, LLC, Pad ID: North40, ABR-201111026, Litchfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 21, 2011.
61. Chesapeake Appalachia, LLC, Pad ID: LW, ABR-201111027, Cherry Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 21, 2011.
62. Chesapeake Appalachia, LLC, Pad ID: Bodolus, ABR-201111028, Litchfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 23, 2011.
63. Williams Production Appalachia, LLC, Pad ID: Hartle Pad Site, ABR-201111029, Cooper Township, Clearfield County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 23, 2011.
64. Seneca Resources Corporation, Pad ID: DCNR 007 Pad K 49V, ABR-201111030, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 23, 2011.
65. Chief Oil & Gas, LLC, Pad ID: Nelson Drilling Pad No. 1, ABR-201111031, Forks Township, Sullivan County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: November 28, 2011.
66. Southwestern Energy Production Company, Pad ID: INNES, ABR-201111032, New Milford Borough, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: November 28, 2011.
67. Southwestern Energy Production Company, Pad ID: WHENGREEN, ABR-201111033, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: November 28, 2011.
68. Cabot Oil & Gas Corporation, Pad ID: HessR P1, ABR-201111034, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: November 30, 2011.
69. Inflection Energy, LLC, Pad ID: Nature Boy No. 1V, ABR-201111035, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: November 30, 2011.
70. Inflection Energy, LLC, Pad ID: Ultimate Warrior No. 2H, ABR-201111036, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: November 30, 2011.
71. Inflection Energy, LLC, Pad ID: Stunner No. 1V, ABR-201111037, Gamble and Eldred Townships, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: November 30, 2011.
72. EXCO Resources (PA), LLC, Pad ID: Farnsworth Unit 1H Pad, ABR-201111038, Franklin Township, Lycoming County, PA; Consumptive Use of Up to 8.000 mgd; Approval Date: November 30, 2011.
73. Williams Production Appalachia, LLC, Pad ID: HDK Pad, ABR-201112001, Franklin Township, Susquehanna County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 6, 2011.
74. Cabot Oil & Gas Corporation, Pad ID: KielarD P1, ABR-201112002, Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: December 6, 2011.
75. Cabot Oil & Gas Corporation, Pad ID: Jeffers Farms P1, ABR-201112003, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: December 6, 2011.
76. Cabot Oil & Gas Corporation, Pad ID: ZuppK P1, ABR-201112004, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: December 6, 2011.
77. Southwestern Energy Production Company, Pad ID: SKELLY, ABR-201112005, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: December 6, 2011.

78. Southwestern Energy Production Company, Pad ID: TNT 1 LIMITED PARTNERSHIP, ABR-201112006, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: December 6, 2011.

79. Enerplus Resources (USA) Corporation, Pad ID: Dutch Run Camp 1 Well Pad, ABR-201112007, West Keating Township, Clinton County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 6, 2011.

80. Anadarko E&P Company, LP, Pad ID: Stephen M Sleboda Pad A, ABR-201112008, Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 6, 2011.

81. Chief Oil & Gas, LLC, Pad ID: Kingsley B Drilling Pad No. 1, ABR-201112009, Monroe Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: December 7, 2011.

82. Chief Oil & Gas, LLC, Pad ID: Lucarino Drilling Pad No. 1, ABR-201112010, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: December 7, 2011.

83. Energy Corporation of America, Pad ID: COP 325 A, ABR-201112011, Girard Township, Clearfield County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: December 8, 2011.

84. Carrizo (Marcellus), LLC, Pad ID: Karthaus CK-19, ABR-201112012, Covington Township, Clearfield County, PA; Consumptive Use of Up to 2.100 mgd; Approval Date: December 9, 2011.

85. Carrizo (Marcellus), LLC, Pad ID: CK-21, ABR-201112013, Karthaus Township, Clearfield County, PA; Consumptive Use of Up to 2.100 mgd; Approval Date: December 9, 2011.

86. Talisman Energy USA, Inc., Pad ID: 01 097 Terrel L, ABR-201112014, Troy Township, Bradford County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: December 12, 2011.

87. Talisman Energy USA, Inc., Pad ID: 01 095 Terrel L, ABR-201112015, Troy Township, Bradford County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: December 12, 2011.

88. Talisman Energy USA, Inc., Pad ID: 01 091 Hoherchak J, ABR-201112016, Armenia Township, Bradford County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: December 12, 2011.

89. Talisman Energy USA, Inc., Pad ID: 01 088 McClellan, ABR-201112017, Canton Township, Bradford County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: December 13, 2011.

90. Seneca Resources Corporation, Pad ID: DCNR 007 Pad K, ABR-201112018, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 13, 2011.

91. Chesapeake Appalachia, LLC, Pad ID: Bucks Hill, ABR-201112019, LeRaysville Borough, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: December 13, 2011.

92. Chesapeake Appalachia, LLC, Pad ID: Edger, ABR-201112020, Smithfield and Ulster Townships, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: December 13, 2011.

93. Chesapeake Appalachia, LLC, Pad ID: RGB, ABR-201112021, Smithfield Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: December 13, 2011.

94. Chesapeake Appalachia, LLC, Pad ID: Yost, ABR-201112022, Franklin Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: December 14, 2011.

95. Cabot Oil & Gas Corporation, Pad ID: CareyR P1, ABR-201112023, Harford Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: December 14, 2011.

96. Southwestern Energy Production Company, Pad ID: RANSOM (HH PAD), ABR-201112024, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: December 14, 2011.

97. Southwestern Energy Production Company, Pad ID: KILMER, ABR-201112025, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: December 16, 2011.

98. Chesapeake Appalachia, LLC, Pad ID: Wildonger, ABR-201112026, Wyalusing Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: December 16, 2011.

99. Chesapeake Appalachia, LLC, Pad ID: Sharidan, ABR-201112027, Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: December 16, 2011.

100. Enerplus Resources (USA) Corporation, Pad ID: Winner 1 Well Pad, ABR-201112028, East Keating Township, Clinton County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 20, 2011.

101. Anadarko E&P Company, LP, Pad ID: COP Tract 356 Pad E, ABR-201112029, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 20, 2011.

102. Anadarko E&P Company, LP, Pad ID: Larrys Creek F&G Pad E, ABR-201112030, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 20, 2011.

103. Southwestern Energy Production Company, Pad ID: LOCH, ABR-201112031, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: December 21, 2011.

104. Southwestern Energy Production Company, Pad ID: HOWLAND-LENT, ABR-201112032, Herrick Township, Bradford County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: December 21, 2011.

105. Southwestern Energy Production Company, Pad ID: FRIES PAD, ABR-201112033, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: December 21, 2011.

106. Seneca Resources Corporation, Pad ID: DCNR 007 Pad D, ABR-201112034, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 22, 2011.

107. Seneca Resources Corporation, Pad ID: DCNR 001 Pad C, ABR-201112035, Ulysses Township, Potter County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 22, 2011.

108. Seneca Resources Corporation, Pad ID: DCNR 007 Pad R, ABR-201112036, Delmar and Shippen Townships, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 22, 2011.

109. Seneca Resources Corporation, Pad ID: DCNR 001 Pad E, ABR-201112037, Ulysses Township, Potter County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 23, 2011.



110. SWEPI, LP, Pad ID: Hoffman 1201, ABR-201112038, Brookfield Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 23, 2011.

111. SWEPI LP, Pad ID: Scheible 898, ABR-201112039, Deerfield Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: December 23, 2011.

112. Range Resources—Appalachia, LLC, Pad ID: Cornwall Mountain, ABR-201112040, Lewis Township, Lycoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: December 28, 2011.

113. Range Resources—Appalachia, LLC, Pad ID: Hess Unit No. 1H, ABR-201112041, Morris Township, Clearfield County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: December 28, 2011.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: January 20, 2012.

PAUL O. SWARTZ,  
*Executive Director*

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