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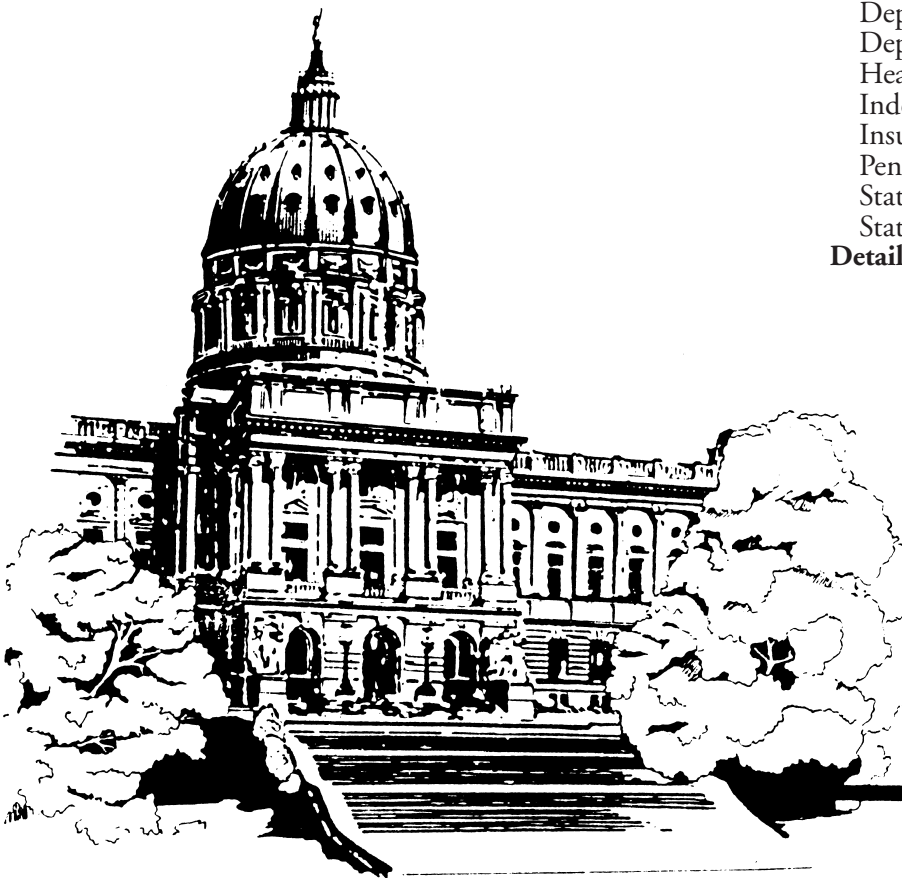
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Governor
The General Assembly
The Courts
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Revenue
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
State Conservation Commission
State Employees' Retirement Board

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No. 422, January 2010

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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 2010.

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THE GOVERNOR

Proclamation of Disaster Emergency

January 7, 2010

Whereas, a prolonged period of severe winter weather across the northeastern United States including Pennsylvania has resulted in serious logistical problems associated with the distribution and delivery of propane gas and heating fuels in the Commonwealth; and

Whereas, representatives from the propane and heating fuels industry indicate that relief from federal hour of service limitations for drivers of commercial motor vehicles is necessary to overcome these logistical problems; and

Whereas, investigations made on my behalf by the Department of Environmental Protection and the Pennsylvania Emergency Management Agency have determined that the Commonwealth is at this time in need of greater flexibility in the application of federal motor carrier regulations to drivers of commercial vehicles transporting propane gas and heating fuel within the state; and

Whereas, a duly declared emergency is necessary in order for the Pennsylvania Department of Transportation to waive federal motor carrier regulations related to hours of service for drivers of commercial motor vehicles transporting propane gas and heating fuels to avoid interruption of the delivery of supplies of propane gas and heating fuels in quantities essential to public welfare within the Commonwealth; and

Whereas, the serious impact of this continuing weather event on both the immediate and long-term economy of the Commonwealth represents a major hardship requiring a comprehensive federal, state, and local partnership for effective recovery.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. § 7101, et seq.), I do hereby proclaim the existence of a disaster emergency across the Commonwealth. In accordance with the State Emergency Operations Plans, I hereby direct the Pennsylvania Department of Transportation to waive any laws or regulations in the manner and to the extent necessary to permit the motor carrier operations necessary to provide supplies of propane gas and heating fuel adequate to preserve the public welfare in the Commonwealth. This proclamation shall terminate on January 21, 2010, unless extended by an amendment.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, on this seventh day of January in the year of our Lord two thousand ten, and of the Commonwealth the two hundred and thirty-fourth.



Governor

[Pa.B. Doc. No. 10-135. Filed for public inspection January 22, 2010, 9:00 a.m.]

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meeting Scheduled

The Commission on Sentencing (Commission) is giving notice that the following date has been selected for a public meeting in the year 2010:

Thursday	Policy Committee Meeting	(9:30 a.m.—12 p.m.)
February 11, 2010	Commission Meeting	(1 p.m.—4 p.m.)
408 Forum Building, Capitol Complex		
Harrisburg, PA 17120		

All meetings are open to the public. Direct any questions regarding Commission meetings to Mark H. Bergstrom, Executive Director at (814) 863-4368 or mhb105@psu.edu.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 10-136. Filed for public inspection January 22, 2010, 9:00 a.m.]

Meetings Scheduled

The Commission on Sentencing (Commission) is giving notice that the following dates have been selected for public meetings in the year 2010:

Thursday	Policy Committee Meeting	(9:30 a.m.—12 p.m.)
February 11, 2010	Commission Meeting	(1 p.m.—4 p.m.)
408 Forum Building, Capitol Complex		
Harrisburg, PA 17120		

Thursday	Policy Committee Meeting	(9:30 a.m.—12 p.m.)
May 13, 2010	Commission Meeting	(1 p.m.—4 p.m.)
408 Forum Building, Capitol Complex		
Harrisburg, PA 17120		

Thursday	Policy Committee Meeting	(9:30 a.m.—12 p.m.)
August 12, 2010	Commission Meeting	(1 p.m.—4 p.m.)
408 Forum Building, Capitol Complex		
Harrisburg, PA 17120		

Thursday	Policy Committee Meeting	(9:30 a.m.—12 p.m.)
December 9, 2010	Commission Meeting	(1 p.m.—4 p.m.)
408 Forum Building, Capitol Complex		
Harrisburg, PA 17120		

All meetings are open to the public. Direct any questions regarding Commission meetings to Mark H. Bergstrom, Executive Director at (814) 863-4368 or mhb105@psu.edu.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 10-137. Filed for public inspection January 22, 2010, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rule 205 of the Pennsylvania Rules of Disciplinary Enforcement; No. 85; Disciplinary Rules

Order

Per Curiam:

And Now, this 6th day of January, 2010, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 205 of the Pennsylvania Rules of Disciplinary Enforcement is amended as follows.

To the extent that prior distribution and publication of these amendments would otherwise be required, it has been determined that immediate promulgation of the amendment is required in the interests of justice and efficient administration, pursuant to Pa.R.J.A. No. 103(a)(3).

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

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

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

(a) The Supreme Court shall appoint a board to be known as "The Disciplinary Board of the Supreme Court of Pennsylvania" which shall be composed of [**twelve**] **eleven** members of the Bar of this Commonwealth and two non-lawyer electors. One of the members shall be designated by the Court as Chair and another as Vice-Chair.

(b) The regular terms of members of the Board shall be for three years, and no member shall serve for more than two consecutive three-year terms. Except when acting under paragraph (c)(5), (7), (8) and (9) of this rule, the Board shall act only with the concurrence of not less than the lesser of:

- (i) seven members, or
- (ii) a majority of the members in office who are not disqualified from participating in the matter or proceeding.

Seven members shall constitute a quorum. The presence of members who are disqualified from participating

in one or more matters to be considered at a meeting shall nonetheless be counted for purposes of determining the existence of a quorum for the consideration of all matters on the agenda.

* * * * *

[Pa.B. Doc. No. 10-138. Filed for public inspection January 22, 2010, 9:00 a.m.]

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

Public Access Policy of the Unified Judicial Sys- tem of Pennsylvania: Official Case Records of the Magisterial District Courts

In accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), the following policy has been approved by the Supreme Court and shall be effective July 1, 2010.

The policy and other related information can be found on the Unified Judicial System's public access web page located at <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>. Additionally, the forms pertaining to requests for official case records and confidential information that are referenced in the policy will be available on the public access web page and at the magisterial district courts no later than July 1, 2010.

Note that this policy supplants the existing *Public Access Policy of the Unified Judicial System of Pennsylvania: Magisterial District Courts*, found at 204 Pa. Code §§ 213.1 and 213.11.

Filed in the Administrative Office of Pennsylvania Courts on January 8, 2010.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania

Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts

Introduction

Article V, Section 10(c) of the Pennsylvania Constitution vests the Supreme Court with the authority to prescribe practices and procedures for public access to the records of the Unified Judicial System (UJS) including magisterial district courts. Guided by constitutional and common law principles, the policies governing access to UJS records begin with the presumption of openness.

This presumption in the Judiciary is long-standing, both in policy and practice. In 1994, the Supreme Court established standards and protocols for public access to court records, beginning with the policy on access to magisterial district court (formerly district justice) records, whether stored electronically or in hard copy. With the advancements in the Court's automation efforts, the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* (Electronic Record Policy) was adopted by the Court effective January 1, 2007. The Electronic Record Policy covers access to the case record information maintained in the UJS' three automated Statewide case management systems—the

Pennsylvania Appellate Court Management System (PACMS), the Common Pleas Criminal Court Case Management System (CPCMS), and the Magisterial District Judge System (MDJS). Specifically, the Electronic Record Policy addresses what electronic case record information is available to the public; how requests for access are handled; applicable fees; and other related issues. In addition to the Electronic Record Policy, the Supreme Court also promulgated Rule of Judicial Administration 509 in 2007, subsequently amended in 2008, which sets forth procedures for access to the financial records of the Unified Judicial System.

The promulgation of the aforementioned policies and rule affirms that the endeavor to ensure that UJS records are publicly accessible has been methodical and focused. The next logical step in such work was a review of the standards governing access to magisterial district court paper records that are maintained in the case files.

In the spring of 2007, the Court Administrator of Pennsylvania convened a working group to formulate a Statewide public access policy for official case records of magisterial district courts. The working group was comprised of magisterial district judges, district court administrators, representatives of the clerks of court and prothonotaries, counsel from the Supreme Court's rules committees, and staff of the Administrative Office of Pennsylvania Courts (AOPC). Its mission was to precisely define which official case records of the magisterial district courts are accessible and how requests should be facilitated in light of current UJS access policies, statutory provisions governing access to records (including the recently enacted Right-to-Know Law (RTKL), Act 3 of 2008, found at 65 P.S. §§ 67.101—67.3104) and other jurisdictions' access rules and policies related to limited jurisdiction courts. The working group was asked to specifically address release of sensitive information, such as social security numbers.

Court records, including those maintained in the magisterial district courts, often contain sensitive and private information, particularly related to litigants' personal identifiers (for example, social security numbers). Any objective to uniformly protect that information residing in existing and future court records would necessarily involve careful scrutiny of each case record and redaction of pertinent information in accord with applicable policy provisions prior to permitting access by the public.

Redaction of sensitive information was considered, but this approach was ultimately rejected for the following reasons. Depending on individual court resources, this approach could cause delays in fulfilling public access requests to official case records of the magisterial district courts, result in the inadvertent release of nonpublic information, and/or impede the business of the court. Hence, redaction and retroactive application of this policy is not viewed as a viable solution.

The procedures set forth in the policy are intended to further the UJS' open records principles, protect individual privacy and personal security, assure uniform response by UJS court staff, and eliminate any artificial barriers that may delay or complicate access by the public.

Lastly, it is important to note that AOPC in collaboration with its criminal justice partners has significantly advanced the development of the technological protocols necessary to allow electronic filing of criminal complaints and citations into the MDJS on a Statewide basis. Statewide electronic filing promises to ensure that sensi-

tive and personal information filed with a court is adequately protected without placing additional burdens upon litigants or court staff.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 213. COURT RECORDS POLICIES

Subchapter A. PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA: OFFICIAL CASE RECORDS OF THE MAGISTERIAL DISTRICT COURTS

- § 213.1. Definitions.
- § 213.2. Statement of General Policy.
- § 213.3. Requesting Access to Official Case Records of the Magisterial District Courts.
- § 213.4. Responding to Requests for Access to Official Case Records of the Magisterial District Courts.
- § 213.5. Fees.
- § 213.6. Official Case Records of the Magisterial District Courts Not Accessible by the Public.
- § 213.7. Confidential Information in Pleadings or Other Papers Filed with Magisterial District Courts.

§ 213.1. Definitions.

(a) "Access" means that the public may inspect and photocopy the official case records of the magisterial district courts, except as provided by law or set forth in this policy.

(b) "Financial information" means financial institution account numbers, credit card account numbers, debit card numbers, PINS or passwords to secure accounts.

(c) "Official case records of the magisterial district courts" means the records filed with the magisterial district courts and maintained in the paper case files pursuant to specific legal authority.

(d) "Public" means any person, business, non-profit entity, organization or association. "Public" does not include Unified Judicial System officials or employees, or any Federal, State, or local government agency, or employees or officials of such an agency if acting in their official capacity.

Commentary

This policy does not govern access to the official case records of the magisterial district courts by Unified Judicial System officials or employees, or any Federal, State, or local governmental agency, or employees or officials of such an agency if acting in their official capacity. The term "Unified Judicial System officials or employees" includes, but is not limited to, magisterial district judges and staff, clerks of court, prothonotaries, and any other office performing similar functions.

§ 213.2. Statement of General Policy.

(a) It is the policy of the Unified Judicial System to facilitate access by the public to the official case records of the magisterial district courts consistent with all relevant legal authority.

(b) This policy shall govern access by the public to the official case records of the magisterial district courts.

(c) Security, possession, custody and control of the official case records of the magisterial district courts are generally the responsibility of the magisterial district judge and his or her designated staff.

(d) Facilitating access by the public shall not substantially impede the orderly conduct of magisterial district court business.

Commentary

Subsection (a) recognizes that public access to the official case records of the magisterial district courts is grounded in constitutional and common law principles. The Pennsylvania Supreme Court summarized the interests protected in providing public access as:

“generally, to assure the public that justice is done even-handedly and fairly; to discourage perjury and the misconduct of participants; to prevent decisions based on secret bias or partiality; to prevent individuals from feeling that the law should be taken into the hands of private citizens; to satisfy the natural desire to see justice done; to provide for community catharsis; to promote public confidence in government and assurance that the system of judicial remedy does in fact work; to promote the stability of government by allowing access to its workings, thus assuring citizens that government and the courts are worthy of their continued loyalty and support; to promote an understanding of our system of government and courts.” *Commonwealth v. Fenstermaker*, 530 A.2d 414, 417 (1987).

Subsection (b) provides consistency and predictability across courts and furthers equal access to the official case records of the magisterial district courts. The intent of this provision is to preclude the adoption of different policies or local rules by judicial districts and/or courts that may be inconsistent with Unified Judicial System policy.

Subsection (c) acknowledges the responsibility of the magisterial district judges and their designated staff to maintain the integrity of the official case records. *See also* Rule 17 of the Rules Governing Standards of Conduct of Magisterial District Judges relating to supervision of magisterial district courts by president judges.

Subsection (d) recognizes that implementing the provisions of this policy should not unduly burden or impinge upon the courts’ business. Specifically, any requirements imposed upon courts to facilitate public access must not interfere with the courts’ ability to conduct their day-to-day operations, especially in light of the limited resources with which many courts have to function. Flexibility in implementing the provisions of this policy is necessary to accommodate the differences in resources and caseloads among the more than 500 magisterial district courts.

Requests for case record information that cannot be satisfied without substantially impeding the orderly conduct of court business in a magisterial district court may be referred to the AOPC, provided that the requestor is not requesting access to the official case records of the magisterial district court but is merely interested in obtaining electronic case record information that is maintained in the MDJS. Because the AOPC does not have access to the official case records of the magisterial district courts, any requests to inspect or copy the paper records should be handled by the appropriate magisterial district court. However, if the requestor is willing to accept access to the electronic case record information in lieu of the official case records, the request can be handled by the AOPC. Access to information maintained in the MDJS is governed by the Electronic Record Policy, which along with pertinent request forms can be found at <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

In addition, the AOPC publishes web docket sheets on the Internet for all magisterial district court cases that

are filed on the criminal, non-traffic and traffic dockets in the MDJS. Web docket sheets are intended to provide anyone who has access to the Internet with an electronic subset of the case information that resides in the court’s paper file. There is no charge to view or print web docket sheets. The web docket sheets contain a wide range of information including scheduling, charge disposition and sentencing information. Viewing the web docket sheets may be a preferable alternative to traveling to the court location to access the official case records. MDJS web docket sheets can be found at <http://ujportal.pacourts.us/docketsheets/mdj.aspx>.

§ 213.3. Requesting Access to Official Case Records of the Magisterial District Courts.

(a) A request for access by the public to official case records of the magisterial district courts shall be made to the court that maintains the record.

(b) The court may require a requestor to submit a completed request form if the information that is the subject of the request is complex or voluminous. If the requestor does not submit a completed request form when requested by the court, access may be delayed until the form is completed or a time when an individual designated by the court is available to monitor such access to ensure the integrity of the case records is maintained. The Administrative Office of Pennsylvania Courts shall design and publish the request form.

(c) A request shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor’s reason for requesting or intended use of the records.

Commentary

Most requests received by the courts are very straightforward and for a small number of records. Therefore, artificial administrative barriers should not be erected to inhibit the courts from fulfilling these requests in an efficient manner.

Nonetheless, subsection (b) provides a court with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. The AOPC has required requestors to complete a form for access to electronic case record information since 1994.

If a requestor is unable or unwilling to complete the form when requested by the court, access shall not be denied for that reason but may be delayed until an individual designated by the court is available to sit with the requestor and monitor the use of the file to ensure its integrity.

A court may wish to implement a practice whereby persons who regularly request information from the court do not need to complete a request form for each request, but may complete one form noting what information is generally requested.

Subsection (c) does not require a requestor to identify a case by party or case number in order to have access to the files. Nonetheless, the request must identify or describe the records being requested with sufficient specificity to enable the court staff to ascertain which cases are the subject of the request. Such a requirement is embodied in the recently enacted RTKL as well as its predecessor.

§ 213.4. Responding to Requests for Access to Official Case Records of the Magisterial District Courts.

(a) A court shall fulfill a request for access to the official case records of the magisterial district courts as promptly as possible under the circumstances existing at the time of the request.

(b) If a court cannot fulfill the request promptly or at all, the court shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.

(c) If a court denies a request for access, the denial shall be in writing on a form designed and published by the Administrative Office of Pennsylvania Courts. A denial may be appealed in writing to the president judge of the judicial district or president judge's designee within 15 business days of service of the written notification by the magisterial district court. Within 20 business days of receipt of the appeal, the president judge or designee shall make a determination and forward it in writing to the requestor. This remedy is not exclusive and need not be exhausted before other relief is sought.

Commentary

Requests for access shall be fulfilled as promptly as possible under the circumstances existing at the time of the request. Given that most requests received by the courts are very straightforward and for a small number of records, courts should process the same in an expeditious fashion. This has been and should continue to be the manner in which magisterial district courts respond to requests. There are a number of factors that can affect how quickly a court may respond to a request. For example, the court's response may be slowed if the request is vague, requires compilation of a large amount of information or information that is stored off-site. Ultimately, the goal is to have a prompt and timely response to a request for information. This standard is consistent with the RTKL.

In those unusual instances in which access to the case records cannot be granted in an expeditious fashion, the court shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied which may include:

- the request involves such voluminous amounts of information that the court is unable to fulfill the same without substantially impeding the orderly conduct of the court;
- records in closed cases are located at an off-site facility;
- a particular file is in use by the judge or court staff. If the judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to § 213.5 of this policy, associated with the request;
- the requested information is restricted from access pursuant to legal authority (for example, statute, court rule).

The protocols for addressing appeals set forth in subsection (c) are consistent with the appeal provision found in Rule 509(c)(5) of the Pennsylvania Rules of Judicial Administration concerning access to financial records.

§ 213.5. Fees.

(a) Reasonable fees incurred in providing public access to the official case records of the magisterial district courts may be charged. Such fees may include, but are not limited to, postage, copying onto electronic media, transmission by facsimile or other electronic means, and other means of duplication.

(b) Fees for photocopying shall not exceed \$.25 per page.

(c) The president judge of each judicial district shall establish a fee schedule by local rule pursuant to Pa.R.J.A. No. 103. The fee schedule shall be publicly posted.

Commentary

The objective of courts in responding to public access requests is to foster the values of open court records without unduly burdening court resources. Put simply, fees should not be financial barriers to accessing case record information. Fees assessed by courts in satisfying public access requests must be reasonable, fair and affordable.

The charging of fees in responding to public access requests is not novel. Subsection (a) is consistent with the fee provisions of Rule 509(d) of the Rules of Judicial Administration concerning access to financial records. Moreover, the RTKL provides that fees may be charged by agencies in fulfilling RTKL requests. In general, the fees must be reasonable and based on the prevailing fees for comparable services provided by local business entities, except for postage fees which must be the actual cost of postage.

A public access request may be for information that is not readily available. Costs incurred by magisterial district courts in fulfilling a request should be passed on to the requestor. Clearly, absent the request, the court would not incur these costs.

With regard to photocopying fees, the prior public access policy for magisterial district court records that was implemented in 1994 provided "[f]ee[s] for photocopying shall not exceed \$.50 per page." Given that the cost of producing a photocopy has decreased since 1994, it is appropriate to adjust the maximum fee that can be charged to \$.25 per page. One "page" is either a single-sided copy or one side of a double-sided copy. The Commonwealth's Office of Open Records similarly set the maximum fee for photocopying at the same rate.

Except for the establishment of a maximum fee for photocopying, the great regional diversities in the Commonwealth counseled against any attempt to set State-wide fees that should be charged in fulfilling requests. It is important to note that the RTKL also provides that "[f]ees for local agencies may reflect regional price differences." Thus, it is envisioned that access fees will be uniform, to every extent possible, across the judicial districts if only on a regional basis.

Subsection (c) requires the president judge of each judicial district to establish a fee schedule by local rule which would necessitate providing a copy of the same to the AOPC. See Pa.R.J.A. No. 103 regarding the procedure for adoption, filing and publishing a local rule.

§ 213.6. Official Case Records of the Magisterial District Courts Not Accessible by the Public.

(a) The following items or information residing in the official case records of the magisterial district courts are not accessible to the public:

1. Forms filed pursuant to § 213.7 of this policy;
2. Information sealed pursuant to a court order;
3. Information to which access is restricted by Federal law, State law, or State court rule; and
4. Notes, drafts, and work product of the magisterial district court.

(b) With the approval of the Chief Justice of Pennsylvania, the Court Administrator of Pennsylvania may determine that additional information in the official case records of the magisterial district courts is not accessible by the public because it presents a risk to personal security, personal privacy, or the orderly administration of the courts. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System's web site.

Commentary

Examples of information that may be sealed pursuant to a court order include arrest warrants, search warrants and accompanying affidavits of probable cause.

Examples of information for which access is restricted by specific legal authority include identities of child victims of sexual or physical abuse pursuant to 42 Pa.C.S. § 5988 and unexecuted search warrants as provided for in Pa.R.Crim.P. 212.

The provisions of subsection b are consistent with those contained in the Electronic Record Policy and Rule of Judicial Administration 509. The Judiciary's commitment to the principle of open and accessible case records is reflected in the inclusion of a publication requirement.

§ 213.7. Confidential Information in Pleadings or Other Papers Filed with Magisterial District Courts.

(a) Except as set forth in subsections (b) and (c), parties and their attorneys are directed to refrain from including social security numbers and financial information in all documents and exhibits filed with the court.

(b) If inclusion of the information set forth in subsection a is required by law or requested by the court, a party shall file the information on a separate form prescribed by the Administrative Office of Pennsylvania Courts. This form shall not be accessible to the public.

(c) If the identity of a financial institution account number, credit card account number or debit card number must be established, only the last four digits of the number may be included in the documents and exhibits filed with the court.

(d) The parties and their attorneys are solely responsible for complying with the provisions in subsection a. The court staff will not review any document for compliance with subsection (a). A party's or attorney's failure to comply with these provisions shall not affect access to official case records of the magisterial district courts that are otherwise accessible.

Commentary

The rise in the occurrence of the crime of identity theft and the availability of sensitive information in the official case records of the magisterial district court records has prompted significant concerns and questions. Should sensitive information be recorded in documents filed with the court? Should sensitive information be accessible to the public? Is this information necessary for the courts to function effectively?

In developing the list of identifiers in Subsection a that must be excluded from documents and exhibits filed with the court, consideration was given to including operator license numbers, dates of birth, and names of minor children. Nonetheless, these identifiers were not included because the benefits of continuing to include such identifiers in court documents in terms of adjudication and administration outweighs any additional privacy protections gained.

Restricting access to social security numbers on non-court documents has been the focus of recently enacted legislation in Pennsylvania. Act 60 of 2006 (codified at 74 P.S. § 201) prohibits *inter alia* the public posting or display of an individual's social security number. In addition, the RTKL exempts social security numbers, financial information and personal identification numbers maintained in government records from public access. 65 P.S. § 67.708(b)(6)(i)(a).

Most of the forms that are found within the official case records of the magisterial district courts are statewide forms that are generated from the MDJS. There are approximately 150 forms generated by the MDJS for use by litigants, the courts, and other governmental entities in Pennsylvania (for example, the Department of Transportation, State Police, Department of Public Welfare, and Department of Health). Approximately 15 MDJS forms and/or citations include fields for the entry of social security numbers, including the non-traffic citation, criminal complaint and those related to the suspension and/or revocation of a defendant's driver's license. In the civil, criminal and landlord-tenant context, some forms provide "narrative" sections where the affiant/litigant may include sensitive information, such as social security numbers.

The protection of social security numbers and financial information captured on current MDJS forms requires a multi-faceted approach that takes into account how each form that contains such information is used. For example, the AOPC has removed or suppressed the social security number field from 15 MDJS forms and citations because the information is extraneous to the court's adjudication of the case or the collection of the information is not otherwise required. Quite simply, if the information is not collected in the first place, concerns regarding personal privacy and security can be avoided.

For other forms, parties or their attorneys shall provide the information to the court on a separate form rather than inserting the same on the pleading(s) or exhibit(s) filed with the court. This separate form shall not be accessible to the public.

Subsection (d) provides that parties and their attorneys are responsible for removing all social security numbers and financial information from the documents before filing the same with the court. Court staff will not review or redact each pleading or other paper for compliance with this section.

Compliance by parties and their attorneys with these provisions is necessary and important. Other court jurisdictions have struggled with achieving compliance, including the Federal courts. Of the other State court systems that have implemented similar measures, there does not appear to be a consistent approach with regard to ensuring compliance, whether it be by sanction, corrective measure, and/or education. It is recommended that the Unified Judicial System take all possible steps to educate and communicate the requirements imposed by § 213.7, including amendment of instructions on pertinent MDJS forms, to court staff, attorneys and parties.

Although courts may incur some additional administrative responsibilities in handling the forms under subsection b, it is not believed the burden of processing the same will be substantial. Rather, the burden of removing the information from the document(s) filed with the court is appropriately placed on the parties and their attorneys, rather than court staff.

§ 213.11. [Reserved].

§ 213.12. [Reserved].

[Pa.B. Doc. No. 10-139. Filed for public inspection January 22, 2010, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Damages for Delay

CHAPTER 200. BUSINESS OF COURTS

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

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Addendum to Explanatory Comment (2010)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 4, 2010	3 1/4
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

Official Note: The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

By the Civil Procedural Rules Committee

STEWART L. KURTZ,
Chair

[Pa.B. Doc. No. 10-140. Filed for public inspection January 22, 2010, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1, 5 AND 11]

In Re: Amendment of Rules 121, 520 and 1121 of the Rules of Juvenile Court Procedure; No. 489; Supreme Court Rules

Order

Per Curiam:

And Now, this 11th day of January, 2010, upon the recommendation of the Juvenile Court Procedural Rules Committee; the recommendation having not been previously published as the proposed amendments are required in the interest of efficient administration, pursuant to Pa.R.J.A. No. 103(a)(3); 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 Rules 121, 520 and 1121 of the Rules of Juvenile Court Procedure are approved as follows.

It Is Further Ordered that all current local rules affecting Juvenile Court Procedure in delinquency or dependency matters shall be published on the Unified Judicial System Portal by June 1, 2010. If the current local rules are not published by this time, they shall be vacated.

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

PATRICIA NICOLA,

Chief Clerk

Supreme Court of Pennsylvania

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 121. Local Rules.

A. *Definition of Local Rule.* For the purpose of this rule, the term, "local rule" shall include every rule, administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern juvenile delinquency practice and procedure.

B. *Vacated Local Rules and Repromulgation.*

1) All local rules promulgated before October 1, 2005 were vacated at the time of the adoption of these Rules.

2) All local rules not published on the Unified Judicial System (UJS) Portal by June 1, 2010 shall be vacated.

3) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).

C. *Corresponding Numbers.* Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. *Submission to Committee.*

1) All proposed local delinquency rules and proposed amendments to local delinquency rules shall be submitted

in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.

2) The adopting court shall not proceed with the proposed local rule or **[amendments] amendment** until the adopting court receives written notification from the Committee that the proposed local rule or **[amendments are] amendment** is not inconsistent with any general rule of the Supreme Court.

E. *Vacating and Suspending Local Rules.* Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

F. *Publication of Local Rules.* All local rules shall be published **on the UJS Portal maintained by the Administrative Office of Pennsylvania Courts and in the Pennsylvania Bulletin** to be effective and enforceable.

1) **The adopting court shall publish every local rule on the UJS Portal.**

a) **Current Rules.** All current local rules promulgated before March 1, 2010 shall be published on the UJS Portal by June 1, 2010 to be effective and enforceable.

b) **New Rules.** All new local rules that have been submitted to the Committee pursuant to paragraph (D)(1) shall be published on the UJS Portal no later than ninety days after receiving written notification from the Committee under paragraph (D)(2).

c) **Vacating Rules.** If local rules are not published by these time requirements, they shall be vacated pursuant to paragraph (B)(2).

2) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

[2] 3) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

[3] 4) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule **on the UJS Portal and in the Pennsylvania Bulletin.**

G. *Filing with AOPC.* Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall:

1) file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts; **and**

2) **publish a copy of the local rule on the UJS Portal at <http://ujsportal.pacourts.us/localrules/ruleselection.aspx>.**

H. *Public Inspection.*

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

I. *Mandatory Acceptance of Filing.*

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

Comment

The purpose of this rule is to further the policy of the Supreme Court to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered. It is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption or other words used as a label or designation is not to determine whether something is or establishes a local rule; if the definition in paragraph (A) of this rule is satisfied, the matter is a local rule regardless of what it may be called. The provisions of this rule also are intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

Paragraph (B)(1) vacated all current local rules on October 1, 2005, the original effective date of this rule. **Paragraph (B)(2) vacated all local rules not published on the UJS Portal by June 1, 2010.** The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C) and meeting the appropriate filing requirements under paragraphs (F) and (G).

To simplify the use of local rules, local juvenile delinquency procedural rules are required to be given numbers that are keyed to the number of the general juvenile delinquency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile delinquency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local delinquency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

The 2008 amendments emphasize that the adopting authority is to comply with all the provisions of this rule

before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published **on the UJS Portal and** in the *Pennsylvania Bulletin* to be effective.

Pursuant to the 2010 amendments under paragraph (F)(1), all current local rules are to be published on the UJS Portal by June 1, 2010 to be effective and enforceable. If they are not published by this time, they are vacated and may be repromulgated if the procedures of this Rule are followed. All new local rules promulgated after March 1, 2010 are to be published on the UJS Portal no later than ninety days after receiving written notification from the Committee that the proposed rule or amendment is not inconsistent with any general rule of the Supreme Court of Pennsylvania.

Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

Pursuant to paragraph (F)(**[2]3**), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph (F)(**[3]4**) a local rule is not to be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph (I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, *also see* Rule 345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph (I), the court may impose a sanction for subsequent noncompliance either on the attorney or the juvenile if proceeding *pro se*, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 121 adopted April 1, 2005, effective October 1, 2005. Amended December 12, 2008, effective immediately. **Amended January 11, 2010, effective March 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 121 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 121 published with the Court's Order at 38 Pa.B. 7080, 7084 (December 27, 2008).

Final Report explaining the amendments to Rule 121 published with the Court's Order at 40 Pa.B. 518, 522 (January 23, 2010).

CHAPTER 5. DISPOSITIONAL HEARING

PART C. POST-DISPOSITIONAL MOTIONS

Rule 520. Post-Dispositional Motions.

* * * * *

Comment

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BRIEFS; TRANSCRIPTS; ARGUMENT

Under paragraph (C)(1), the judge should determine, on a case-by-case basis, whether briefs, memoranda of law, or arguments are required for a fair resolution of the post-dispositional motion. If they are not needed, or if a concise summary of the relevant law and facts is sufficient, the judge should so order. Any local rules requiring briefs or oral argument are inconsistent with this rule. *See* Rule 121(**[C]E**).

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Official Note: Rule 520 adopted May 17, 2007, effective August 20, 2007. Amended July 28, 2009, effective immediately. **Amended January 11, 2010, effective March 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 520 published with the Court's Order at 37 Pa.B. 2506, 2509 (June 2, 2007).

Final Report explaining the amendment to Rule 520 published with the Court's Order at 39 Pa.B. 4743, 4748 (August 8, 2009).

Subpart B. DELINQUENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1121. Local Rules.

A. *Definition of Local Rule.* For the purpose of this rule, the term, "local rule" shall include every rule, administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern juvenile dependency practice and procedure.

B. *Vacated Local Rules and Repromulgation.*

1) All local rules promulgated before February 1, 2007 were vacated at the time of the adoption of these Rules.

2) **All local rules not published on the Unified Judicial System (UJS) Portal by June 1, 2010 shall be vacated.**

3) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).

C. *Corresponding Numbers.* Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. *Submission to Committee.*

1) All proposed local dependency rules and proposed amendments to local dependency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.

2) The adopting court shall not proceed with the proposed local rule or [**amendments**] **amendment** until the adopting court receives written notification from the Committee that the proposed local rule or [**amendments are**] **amendment is** not inconsistent with any general rule of the Supreme Court.

E. *Vacating and Suspending Local Rules.* Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

F. *Publication of Local Rules.* All local rules shall be published **on the UJS Portal maintained by the Administrative Office of Pennsylvania Courts and in the *Pennsylvania Bulletin*** to be effective and enforceable.

1) The adopting court shall publish every local rule on the UJS Portal.

a) Prior Rules. All local rules promulgated before March 1, 2010 shall be published on the UJS Portal by June 1, 2010 to be effective and enforceable.

b) New Rules. All new local rules that have been submitted to the Committee pursuant to paragraph (D)(1) shall be published on the UJS Portal no later than ninety days after receiving written notification from the Committee under paragraph (D)(2).

c) Vacating Rules. If local rules are not published by these time requirements, they shall be vacated.

2) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

[2] 3) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

[3] 4) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule **on the UJS Portal and in the *Pennsylvania Bulletin*.**

G. *Filing with AOPC.* Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall:

1) file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts; and

2) **publish a copy of the local rule on the UJS Portal at <http://ujsportal.pacourts.us/localrules/ruleselection.aspx>.**

H. *Public Inspection.*

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

I. *Mandatory Acceptance of Filing.*

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

Comment

The purpose of this rule is to further the policy of the Supreme Court to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered. It is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption or other words used as a label or designation is not to determine whether something is or establishes a local rule; if the definition in paragraph (A) of this rule is satisfied, the matter is a local rule regardless of what it may be called. The provisions of this rule also are intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

Paragraph (B)(1) vacated all current local rules on February 1, 2007, the original effective date of this rule. **Paragraph (B)(2) vacated all local rules not published on the UJS Portal by June 1, 2010.** The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C) and meeting the appropriate filing requirements under paragraphs (F) and (G).

To simplify the use of local rules, local juvenile dependency procedural rules are required to be given numbers that are keyed to the number of the general juvenile dependency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile dependency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local dependency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

The 2008 amendments emphasize that the adopting authority is to comply with all the provisions of this rule before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published on the UJS Portal and in the *Pennsylvania Bulletin* to be effective.

Pursuant to the 2010 amendments under paragraph (F)(1), all current local rules are to be published on the UJS Portal by June 1, 2010 to be effective and enforceable. If they are not published by this time, they are vacated and may be repromulgated if the procedures of this Rule are followed. All new local rules promulgated after March 1, 2010 are to be published on the UJS Portal no later than ninety days after receiving written notification from the Committee that the proposed rule or amendment is not inconsistent with any general rule of the Supreme Court of Pennsylvania.

Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

Pursuant to paragraph (F)([2]3), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph (F)([3]4) a local rule is not to be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph (I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, *also see* Rule [345] 1345(A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph (I), the court may impose a sanction for subsequent noncompliance either on the attorney or the party if unrepresented, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 1121 adopted August 21, 2006, effective February 1, 2007. Amended December 12, 2008, effective immediately. **Amended January 11, 2010, effective March 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1121 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1121 published with the Court's Order at 38 Pa.B. 7080, 7084 (December 27, 2008).

Final Report explaining the amendments to Rule 1121 published with the Court's Order at 40 Pa.B. 518, 522 (January 23, 2010).

Introduction

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 121, 520, and 1121 with this Recommendation. The changes are effective March 1, 2010.

EXPLANATORY REPORT JANUARY 2010

It was envisioned that all local rules eventually would be placed onto the Unified Judicial System Portal (Portal) in order to provide one location for any practitioner to find any local rule. With this rule change, all local juvenile rules are now required to be placed on the Portal.

All current local rules are required to be placed on the Portal by June 1, 2010. When a future local rule is proposed, the judicial district must place the local rule on the Portal within 90 days from receiving the Committee's approval to proceed in adopting the proposed local rule.

If the time requirements of this Rule are not met, the local rule(s) shall be vacated. *See* Rule 121(B)(2), 1121(B)(2), 121(F)(1)(c), and 1121 (F)(1)(c).

[Pa.B. Doc. No. 10-141. Filed for public inspection January 22, 2010, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 500]

Recommendation to Revise Rule 507 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee (Committee) is planning to recommend that the Supreme Court of Pennsylvania revise Rule 507 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to eliminate the requirement that a magisterial district judge note on the complaint the date of mailing of the service copy of a complaint in a landlord tenant action, and to make other changes enhancing readability and consistency. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory *Report* highlights the Committee's considerations in formulating this proposal. The Committee's *Report* should not be confused with the Committee's Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory reports.

We request that interested persons submit written suggestions, comments or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635

fax: (717) 231-9546
e-mail: minorcourt.rules@pacourts.us

no later than February 23, 2010.

By the Minor Court Rules Committee

THOMAS A. PLACEY,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 507. [**Notation and**] Return of Service; Waiver of Service.

A. The [**magisterial district judge shall note on the complaint form the date on which he mailed a service copy of the complaint to the defendant, and the**] sheriff or constable serving a copy of the complaint shall, at or before the time of the hearing, make proof of service on the form provided, which shall show the manner of service and the day, hour and place thereof.

B. The appearance of a defendant in person or by representative or the filing by him of a claim in the case shall be deemed a waiver of any defect in service but not a waiver of a defect in venue.

Official Note: This rule parallels the provisions of Rule 314A and C [**of the trespass and assumpsit rules**].

Adopted October 15, 1969, effective January 1, 1970. Amended January 29, 1976, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; January 6, 2005, effective January 29, 2005; _____, effective _____.

REPORT

Proposed Amendments to the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for of Magisterial District Judges

ELIMINATING NOTATION OF MAILING DATE OF SERVICE COPY OF COMPLAINT IN LANDLORD TENANT ACTION

I. Background

The Minor Court Rules Committee ("the Committee") was contacted by a judicial automation attorney with the Administrative Office of Pennsylvania Courts and a judge of the court of common pleas inquiring about the requirement set forth in Pa.R.C.P.M.D.J. No. 507A ("Rule 507A"), which provides that a "magisterial district judge shall note on the complaint form the date on which he mailed a service copy of the complaint to the defendant." Both inquiries observed that, despite the requirement set forth in Rule 507A, the complaint form does not contain a field for such a notation. Moreover, the common pleas judge

inquired whether the failure of the magisterial district judge to note the mailing date on the complaint would constitute a failure in service due to the failure to comply with the rule. Because proceedings in magisterial district courts, much more so than in other courts, rely heavily on the use of preprinted standardized forms, the Committee agreed that there should be consistency between the Rule 507A and the complaint form.

II. Discussion

After reviewing the inquiries, the Committee examined if the notation requirement should be maintained in Rule 507A or, alternatively, if it should recommend modification of the complaint to provide a field for the magisterial district judge to note the date of mailing of the service copy of the complaint. In its discussion, the Committee noted that the magisterial district judge's handwritten notation is not the most effective means of determining the mailing date, and that better means of demonstrating mailing could be shown via the docketing of the complaint in the automated case management system, the postmark and/or the system generated date that appears on other system generated forms mailed with the service copy of the complaint. The Committee also noted that no other rules require a manual notation of forms mailed via first class mail, and that there should be a presumption of timely mailing of the service copy following case initiation. Finally, the Committee observed that requiring the magisterial district judge to make the manual notation could cause delays in the mailing of the complaint if the magisterial district judge was not immediately available.

Additionally, while reviewing Rule 507A, the Committee discussed the reference to the "trespass and assumpsit rules" in the Note. The Committee agreed that this reference is potentially confusing to litigants and inconsistent with most other internal cross-references in the Pennsylvania Rules of Conduct, Office Standards and Civil procedure for Magisterial District Judges.

III. Proposed Rule Changes

To address the issues discussed above, the Committee proposes deleting from Rule 507A the requirement that the magisterial district judge note on the complaint the mailing date of the service copy of the complaint. Additionally, the Committee proposes deleting the reference to the "trespass and assumpsit rules" from the Note to Rule 507A.

[Pa.B. Doc. No. 10-142. Filed for public inspection January 22, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

In Re: Administrative Order Designating the District Court Administrator Under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. AD-1-2010

Order

And Now, this 5th day of January, 2010, It Is Ordered That the Court Administrator of Lehigh County be and

hereby is named as the designee to receive reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 63316.1(b).

The District Court Administrator shall: (1) submit two certified copies of the Order along with one copy of the same on a computer diskette, CD-ROM, or an electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f), to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; (2) forward one copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that this Order is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure, to the Legislative Reference Bureau; and, (3) contemporaneously with the publishing of this Order in the *Pennsylvania Bulletin*, file one certified copy of the Order with the Administrative Office of Pennsylvania Courts.

This Order shall become effective 30 days after the date of publication in the *Pennsylvania Bulletin*. In the interim, the existing local procedure which provided for the filing and proper dissemination of these reports with the Court Administrator of Lehigh County shall remain in full force and effect.

By the Court

WILLIAM H. PLATT,
President Judge

[Pa.B. Doc. No. 10-143. Filed for public inspection January 22, 2010, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated December 1, 2009, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which they are assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 31, 2009, for Compliance Group 1 due April 30, 2009.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Abramson, Mark D.
Manahawkin, NJ

Allen, Deborah Bourne
Oak Brook, IL

Allen, Frank E.
Jamaica, NY

Barrera, Gary A.
Fairfield, CA

Budd, Kevin Michael
Morristown, NJ

Carroll, Andrew Michael
Blue Anchor, NJ

Cecil, Bonnie O'Brien
Annapolis, MD

Conroy, Kelly A.
Woodbury, NJ

Demetriou, James Peter
St. Augustine, FL

DiMola, Sandi
Chevy Chase, MD

Froelke, D. Richard
Washington, DC

Grabowski, Jeffrey A.
Voorhees, NJ

Gravatt, Stephen A.
Holmdel, NJ

Graves, Lisa Rachelle
Washington, DC

Gray, Regina E.
Wilmington, DE

Gregory, Paul Thomas
Newark, NJ

Halkowski, Thomas L.
Wilmington, DE

Hender, George S.
Lake Forest, IL

Kell, Kenneth
Cherry Hill, NJ

Kelton, C. Annette
New York, NY

Korb, Thomas F.
Gaithersburg, MD

Kovach, Thomas Henry
Wilmington, DE

Kwasnik, John Francis
Metuchen, NJ

Lambropoulos, David Michael
Voorhees, NJ

Leaman, Scott Alan
Florham Park, NJ

Leo III, John Joseph
Newton, NJ

Maxwell, Nicholas Leigh
Washington, DC

McKenzie Jr., Raymond Thomas
Gaithersburg, MD

McKinney, Shawn Michael
Cherry Hill, NJ

McMillan Jr., Waldo George
Upper Marlboro, MD

Minno, Elizabeth Connell
Palo Alto, CA

Moore, Sharon Denise
Voorhees, NJ

Morrison, Joyce L.
Glendora, CA

Murray, Kathleen Mary
Rehoboth Beach, DE

O'Leary, John M.
Columbus, NJ

Oakley, Annette Maria
Haddon Heights, NJ
Oliver, Yolanda R.
Bowie, MD
Perez, Juan C.
Berlin, NJ
Roessel, Jessica Rhiannon
Hamilton, NJ
Rosenfeld, Maura Ava
Israel
Ruiz, Anita Ahmed
Washington, DC
Santucci, Johanna C.
Sedalia, CO
Sevick, Patricia Jo Steffen
Cherry Hill, NJ
Small, Leonard Jason
Washington, DC
Stevenson, Eric Boardman
Mount Laurel, NJ
Walsh, Thomas More
Marlton, NJ
Waterhouse Jr., Richard Brian
Corpus Christi, TX
Wearing, Handsome L.
Trenton, NJ
Winters Jr., Guy Walt
Wilmington, DE
Zhu, Ning
China
Zuefle, Werner Herbert
Middletown, DE

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-144. Filed for public inspection January 22, 2010, 9:00 a.m.]

SUPREME COURT

Schedule of Holidays for Year 2011 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 340; Judicial Administration

Order

Per Curiam:

And Now, this 6th day of January, 2010 it is hereby ordered that the following paid holidays for calendar year 2011 will be observed on the dates specified by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

December 31, 2010	New Year's Day (Observed)
January 17, 2011	Martin Luther King, Jr. Day

February 21, 2011	Presidents' Day
April 22, 2011	Good Friday
May 30, 2011	Memorial Day
July 4, 2011	Independence Day
September 5, 2011	Labor Day
October 10, 2011	Columbus Day (Observed)
November 8, 2011	Election Day
November 11, 2011	Veterans Day
November 24, 2011	Thanksgiving Day
November 25, 2011	Day After Thanksgiving
December 26, 2011	Christmas Day (Observed)

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-145. Filed for public inspection January 22, 2010, 9:00 a.m.]

Sessions of the Supreme Court of Pennsylvania for the Year 2011; No. 201; Appellate Court Rules

Order

Per Curiam:

And Now, this 6th day of January, 2010 it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2011 as follows:

Philadelphia (Administrative Session)	February 3
Philadelphia	March 7—March 11
Harrisburg (Administrative Session)	March 24
Pittsburgh	April 11—April 15
Harrisburg	May 9—May 13
Pittsburgh (Administrative Session)	June 2
Philadelphia	September 12—September 16
Pittsburgh	October 17—October 21
Harrisburg	November 28—December 2

Additional argument/ administrative sessions may be scheduled as the Court deems necessary.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-146. Filed for public inspection January 22, 2010, 9:00 a.m.]

NOTICES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0063967 (Industrial Waste)	Dupont Terminals Corporation (Dupont East Petroleum Storage Terminal, Suscon Road) P. O. Box 2621 Harrisburg, PA 17105	Luzerne County Pittston Township	Collins Creek 5-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0228184 (Sewage) Non-Public	J & D Campground 973 Southern Drive Catawissa, PA 17820	Columbia County Franklin Township	Roaring Creek SWP 5E	Y
PA0228168	SFTF Serving Glantz Residence 802 Meeks Lane Port Matilda, PA 16870	Patton Township Centre County	Unnamed Tributary to Buffalo Run 9C	Y
PA0112771 (Sewage)	Port Matilda Borough Authority Port Matilda WWTP Municipal Building Port Matilda, PA 16870	Port Matilda Borough Centre County	Bald Eagle Creek TSF-MF	Y
PA0100161 (IW)	Triangle Suspensions Systems, Inc. 200 E. Maloney Road P. O. Box 425 DuBois, PA 15801	Sandy Township Clearfield County	Pentz Run CWF 17C	Y
PA0028100	Turbotville Borough WWTP P. O. Box 234 Turbotville, PA 17772-9999	Turbotville Borough Northumberland County	Unnamed Tributary to Warrior Run 10D	Y
PA0228192 (Sewage)	Wallaceton Boggs Municipal Authority Sewage Treatment Facility P. O. Box 97 West Decatur, PA 16878	Boggs Township Clearfield County	Laurel Run 8D	Y

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

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

PA0243949, Industrial Waste, SIC 3273, **Landis Block & Concrete Company, Inc.**, P. O. Box 64418, Souderton, PA 18964-0418. This proposed facility is located in Hilltown Township, **Bucks County**.

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

The receiving stream, Mill Creek, is in the State Water Plan watershed 3-E and is classified for: Trout Stocking, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 and 002 are based on an average storm event.

<i>Parameters</i>	<i>Effluent Concentration (mg/l)</i>			
	<i>Instantaneous Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids		50	100	
Oil and Grease		15	30	30
pH (STD)	6.0			9.0

In addition the permit contains the following major special conditions:

1. Discharge to Dry Swale.
2. Maintain Best management Practices.

You may make an appointment to review the Department of Environmental Protection's files on this case by the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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

Application No. PA 0020818, Sewage, **Glen Rock Sewer Authority**, 11714 N. Main Street Ext., Glen Rock, PA 17327. This facility is located in Shrewsbury Township, **York County**.

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

The receiving stream, South Branch Codorus Creek, is in Watershed 7-H, and classified for warm water fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for York Water Company is located on the Codorus Creek, approximately 15.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.600 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31) (11-1 to 4-30)	25	45	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31) (11-1 to 4-30)	8.0	XXX	16.0
Total Residual Chlorine	XXX	XXX	XXX
Total Phosphorus	2.0	XXX	4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average		

Chesapeake Bay Requirements

	<i>Concentration (mg/L)</i>	<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	10,959*
Net Total Phosphorus	XXX	Report	1,461*

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

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on 10/1/2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by 11/28/2013. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until 9/30/2012.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by 11/28/2010.

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

The EPA waiver is not in effect.

Application No. PA 0021245, Sewage, **Duncannon Borough Municipal Authority**, 428 North High Street, Duncannon, PA 17020. This facility is located in Duncannon Borough, **Perry County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-A, and classified for warm water fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 7.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.74 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average		

Chesapeake Bay Requirements

	<i>Concentration (mg/L)</i>	<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	13,516*
Net Total Phosphorus	XXX	Report	1,802*

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

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2013. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2010.

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

The EPA waiver is not in effect.

Application No. PA 0080586, Sewage, **Morton Buildings, Inc.**, 3370 York Road, Gettysburg, PA 17325-8258. This facility is located in Straban Township, **Adams County**.

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

The receiving stream, UNT of Swift Run, is in Watershed 7-F, and classified for warm water fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Company is located on the Susquehanna River, approximately 69.15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0030 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	25	40	50
(11-1 to 4-30)			
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	5.0	XXX	10.0
(11-1 to 4-30)	15.0	XXX	30.0
Total Residual Chlorine	0.2	XXX	0.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2000/100 ml as a geometric average	

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

Application No. PA PA0086312, Sewage, **James Dorwart (Quaker Station Apartments)**, 1375 Old Quaker Road, Etters, PA 17319. This facility is located in Fairview Township, **York County**.

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

The receiving stream, UNT of Bennett Run, is in Watershed 7-F, and classified for warm water fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Company is located on the Susquehanna River, approximately 30.44 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.025 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31) (11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31) (11-1 to 4-30)	1.0 3.0	XXX XXX	2.0 6.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2000/100 ml as a geometric average		

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

Application No. PA 0088021, Sewage, **Dennis Christman**, 183 Christman Road, Lenhartsville, PA 19534-9177. This facility is located in Windsor Township, **Berks County**.

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

The receiving stream, unnamed tributary to Maiden Creek, is in Watershed 3-B, and classified for trout stocking fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Reading Area Water Authority is located on the Maiden Creek, approximately 11 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0785 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31) (11-1 to 4-30)	4.9 14.7	9.8 29
Total Residual Chlorine	0.47	1.5
Total Phosphorus	Report	
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	

The proposed effluent limits for Outfall 001 for a design flow of 0.0785 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31) (11-1 to 4-30)	4.9 14.7	9.8 29
Total Residual Chlorine	0.32	1.05
Total Phosphorus	Report	
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	

Lake Ontelaunee TMDL Requirements

	<i>Mass (lbs)</i>	
	<i>Monthly</i>	<i>Annual</i>
Total Suspended Solids	Report	7,168
Total Phosphorus	Report	239

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

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

PA0036846, Amendment No. 1, Sewage 4952, **New Berlin Municipal Authority**, P. O. Box 473, New Berlin, PA 17855. This proposed facility is located in New Berlin Borough, **Union County**.

Description of Proposed Activity: amendment of a NPDES permit for a plant upgrade from 0.1315 to 0.23 MGD.

The receiving stream, Penns Creek, is in the State Water Plan watershed 6A and is classified for: warm water fishes. The nearest downstream public water supply intake for United Water Pennsylvania, Harrisburg System at Dauphin, PA is located on Susquehanna River and is approximately 55 miles below the point of discharge. The proposed effluent limits for Outfall 001 are based on a design flow of 0.23.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum mg/l</i>
CBOD ₅	25	40		50
TSS	30	45		60
TRC	1.0			2.3
UV % Transmissivity, may substitute UV Light Intensity			Monitor Daily Minimum	
Fecal Coliforms (5/1-9/30)		200/100 ml as a geometric mean		
(10/1-4/30)		2,000/100 ml as a geometric mean		
pH		6.0 to 9.0 standard units at all times		
<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum mg/l</i>
Ammonia-N	Report			
Kjeldahl-N	Report			
Nitrite/Nitrate-N	Report			
Total Nitrogen	Report			
Total Phosphorus	Report			

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

PA0253723-A1, Industrial Waste, SIC 4953, **Shallenberger Construction, Inc.**, 2611 Memorial Boulevard, Connelville, PA 15425. This application is for amendment of an NPDES permit to discharge treated process water from the Ronco Treatment Facility in Masontown Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply is Carmichaels Municipal Water Authority, located at Carmichaels, 4.5 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.5 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)				0.5	
Iron			3.5		7.0
Oil and Grease			15		30
Total Suspended Solids			30		60
Acidity			Monitor Only		
Alkalinity			Greater than Acidity		
Barium			14.4	28.0	
Chlorides			Monitor and Report		
Total Dissolved Solids			500	750	
Osmotic Pressure (mOs/kg)			1,632	2,546	
Sulfates				250	
BOD ₅			53		163
Copper			0.757	0.865	
Zinc			0.420	0.497	
Acetone			7.97	30.2	
Acetophenone			0.0562	0.114	
2-Butanone			1.85	4.81	
o-Cresol			0.561	1.92	
p-Cresol			0.205	0.698	
Phenol			1.08	3.65	
Pyridine			0.182	0.370	
2,4,6-Trichlorophenol			0.106	0.155	
Strontium			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 S.U.				

Other Conditions: Special conditions concerning priority pollutant sampling, residual/hazardous waste disposal, storm water, oil-bearing wastewaters, chemical additives, and residual waste receipt monitoring.

The EPA waiver is not in effect.

PA0096105, Sewage, **Aleppo Township Authority**, 100 North Drive, Suite 2, Sewickley, PA 15143. This application is for renewal of an NPDES permit to discharge treated sewage from Sewickley Heights Manor STP in Aleppo Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Ohio River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the Nova Chemicals, Beaver Valley Plant.

Outfall 001: existing discharge, design flow of 0.084 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
May 1 to Oct 31	1.9			3.8
Nov 1 to Apr 30	2.5			5.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.02			0.04
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204048, Sewage, **Conemaugh Township Municipal Water and Sewer Authority**, 16980 Rt. 286 Highway West, Saltsburg, PA 15681-8023. This application is for renewal of an NPDES permit to discharge treated sewage from Tunnelton Sewage Treatment Plant in Conemaugh Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Conemaugh River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority-Freeport.

Outfall 001: existing discharge, design flow of 0.0095 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 4009412, Sewerage, **Butler Township**, 415 West Butler Drive, Drums, PA 18222. This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Action/Activity: gravity sewer extension and two pump stations for proposed Butler Commons Project, also known as the Woodmont Properties Project. The project will connect to Butler Township's existing municipal sewer system and the sewage will be conveyed to the St. John's treatment plant.

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

WQM Permit No. 3609204, Industrial Waste, **George Hurst, Oregon Dairy Farm, LLC**, 2870 Oregon Pike, Lititz, PA 17543. This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a site expansion to include a new anaerobic digester, manure solids separator, and a double liner—HDPE and 12" clay—manure storage pond.

WQM Permit No. 2209401, Amendment 09-1, Sewerage, **Gratz Borough Municipal Authority**, 125 North Center Street, Gratz, PA 17030. This proposed facility is located in Gratz Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking approval for a permit amendment, changing SBR tank dimension.

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

WQM Permit No. 3292202-T2A1, Industrial Waste, **RRI Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This existing facility is located in West Wheatfield Township, **Indiana County**.

Description of Proposed Action/Activity: Application for permit amendment.

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

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024509014	Coleman Kennedy Partners, LP 803 Main Street Stroudsburg, PA 18360	Monroe	Middle Smithfield Township	Tributary to Bushkill Creek HQ-CWF, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032904001-R	Crystal Spring, LLC 5305 Kings Court Frederick, MD 21701	Fulton	Brush Creek Township	Brush Creek HQ-CWF
PAI035009001	Michael Wise Shermans Valley Mennonite Church 1997 Airport Road Loysville, PA 17047	Perry	Southwest Madison Township	Shermans Creek HQ-CWF

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

Butler County Conservation District: 122 McCune Drive, Butler, PA 16001-6501, 724-284-5270.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI06101001	Butler Area Sewer Authority 100 Litman Road Butler, PA 16001	Butler	Butler Township City of Butler	Connoquenessing Creek WWF Sullivan Run WWF

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

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

CAFO Notices of Intent Received

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

PAG124835, CAFO, SIC 213, 251, **Rowe Family Farm**, 216 Pawling Station Road, Selinsgrove, PA 17870. This proposed facility is located in the Township of Middle Creek, **Snyder County**.

Description of Size and Scope of Proposed Operation/Activity: The farm operates as a swine finishing operation that is also proposing to construct two broiler houses. There are 2,200 finishing hogs housed in one barn and the operator is proposing to add 54,000 broilers. The farm consists of 89.3 crop acres that are rented to D. Klinger. The swine produce 736,888 gallons of manure and the broilers are projected to produce 486 tons of manure. All manure is exported to farms under the control of D. Klinger and M. Bingaman.

The receiving stream, Middle Creek, is in watershed #6A, Penns Creek, and classified for: TSF—Trout Stocking.

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

STATE CONSERVATION COMMISSION

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Furnace Hill Farm Chris Wine 258 Albright Road Newmanstown, PA 17073	Lebanon	0	310.65	swine	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 1309501, Public Water Supply.

Applicant	Beaver Run Water Association
Township or Borough	Kidder Township Carbon County
Responsible Official	Henry George, Assn. Trustee Beaver Run Water Association Box 590 Albrightsville, PA 18210
Type of Facility	Community Water System
Consulting Engineer	Gerald L. Shell, P. E. Penn Environmental & Remediation, Inc. 2755 Bergey Road Hatfield, PA 19440 215-997-9000
Application Received Date	November 12, 2009
Description of Action	Application for corrosion control of the source water by means of passivation.

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

Application No. 4110501—Construction, Public Water Supply.

Applicant	Lycoming County Water and Sewer Authority
Township or Borough	Muncy Creek Township
County	Lycoming
Responsible Official	Christine Weigle, Executive Director Lycoming County Water and Sewer Authority P. O. Box 186 216 Old Cement Road Montoursville, PA 17754
Type of Facility	Public Water Supply—Construction
Consulting Engineer	David M. Swisher, P. E. Herbert, Rowland & Grubic, Inc. 474 Windmere Drive State College, PA 16801
Application Received	January 6, 2010
Description of Action	Construction of a water booster station and interconnection meter pit to convey and record flows from the Muncy Borough water system to the Lycoming County Water and Sewer Authority water system. Flows will be limited to 20,000 gpd. Additional water distribution piping will also be constructed to facilitate the conveyance of water.

MINOR AMENDMENT

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

Application No. 2520051.

Applicant	Twin Lakes Utilities, Inc.
Township or Borough	Shohola Township Pike County
Responsible Official	Richard M. Risoldi President of Operations Middlesex Water Company 1500 Ronson Road Iselin, NJ 08830 732-634-1500
Type of Facility	Community Water System
Consulting Engineer	NA
Application Received Date	November 30, 2009
Description of Action	Application for transfer Sagamore Estates public water supply permit No. 5278501 from Deabel, Inc. to Twin Lakes Utilities, Inc.

AIR QUALITY**PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS****NEW SOURCES AND MODIFICATIONS**

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

The Department has received applications for plan approvals and/or operating permits from the following facilities.

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

09-0213: DeNucci Excavating Corp. (2807 Old Rodgers Road, Bristol, PA 19007) for operation of a portable stone crusher and associated diesel engine at an existing facility in Bristol Township, **Bucks County**. This is a natural minor facility.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

49-00061A: IntelliWatt Renewable Energy, LLC (6653 Woodland Avenue, Philadelphia, PA 19142) for construction and operation of 12.5 megawatt wood biomass fired combustion turbine at a site in Mount Carmel Township, **Northumberland County**. The air contaminant emissions from the proposed combustion turbine shall be controlled by lime addition, steam injection, and an electrostatic precipitator (ESP). The facility is a State-only facility.

The Department of Environmental Protection's (Department) review of the information provided by IntelliWatt indicates that the sources at the facility will comply with all air quality requirements, including the requirements of 40 CFR Part 60, Subpart KKKK and the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department intends to issue a plan approval for the proposed construction, installation, and operation of the sources and control devices. Additionally, if the Department determines that the proposed sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into a State-only operating permit.

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

1. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of nitrogen oxides (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), total particulate matter (PM/PM₁₀), volatile organic compounds (VOCs), and total combined hazardous air pollutants (HAPs), from all sources at the facility shall not

exceed 19.6 tons, 98.3 tons, 1.0 ton, 11.1 tons, 39.2 tons, and 16.4 tons in any 12 consecutive month period respectively.

2. The permittee shall keep records of the supporting calculations on a monthly basis for NO_x, CO, SO_x, PM/PM₁₀, VOCs, and total combined HAPs from all sources at the facility to verify compliance with the NO_x, CO, SO_x, PM, VOCs, and total combined HAPs emission limitations of tons in any 12 consecutive month period.

3. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀, VOCs, and total combined HAPs emissions limitations for all sources at the facility in any 12 consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

4. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, an operable water truck or road vacuum sweeper shall be kept onsite at all times and shall be operated as required to comply with 25 Pa. Code §§ 123.1 and 123.2. In addition, all plant roads within the facility shall be paved and properly maintained.

5. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x from the turbine shall not exceed 44.9 parts per million (ppm) corrected to 15% oxygen, 4.66 pounds per hour, and 19.57 tons in any 12 consecutive month period. Compliance with the requirement specified in this streamlined condition assures compliance with the nitrogen oxides limitation of 74 ppm corrected to 15% oxygen as specified in 40 CFR 60.4320. The emission of CO from the turbine shall not exceed 23.41 pounds per hour and 98.34 tons in any 12 consecutive month period. The emission of SO_x, expressed as sulfur dioxide (SO₂), from the turbine shall not exceed 0.02 pound per megawatt-hour, 0.24 pound per hour, and 1.00 ton in any 12 consecutive month period. Compliance with the requirement specified in this streamlined condition assures compliance with the sulfur oxides limitation of 500 ppm, by volume, dry basis as specified in 25 Pa. Code § 123.21 and the sulfur oxides limitation of 0.90 lb/MWh as specified in 40 CFR 60.4330. The emission of particulate matter (PM) and particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM₁₀) from the exhaust of the ESP associated with the turbine shall not exceed 0.02 grain per dry standard cubic foot. The emission of particulate matter (PM) shall not exceed 2.32 pound per hour, and 9.74 tons in any 12 consecutive month period. The emission of particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM₁₀) shall not exceed 2.09 pound per hour, and 8.77 tons in any 12 consecutive month period. Compliance with the requirement specified in this streamlined condition assures compliance with the particulate matter limitation of 0.04 grain per dry standard cubic foot as specified in 25 Pa. Code § 123.13. The Department will evaluate the actual emission rates and may decrease the allowable emission rates based upon the PM and PM₁₀ stack test results. The opacity from the exhaust of the ESP associated with the turbine shall not equal or exceed 10% opacity at any time. Compliance with the requirement specified in this streamlined condition assures compliance with the opacity requirements as specified in 25 Pa. Code §§ 123.41 and 123.42. The emission of VOCs from the

turbine shall not exceed 9.33 pounds per hour and 39.19 tons in any 12 consecutive month period. The emission of total combined HAPs from the turbine shall not exceed 3.91 pounds per hour and 16.42 tons in any 12 consecutive month period. The emission of hydrogen chloride (HCl) from the turbine shall not exceed 1.91 pounds per hour and 8.01 tons in any 12 consecutive month period.

6. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, only wood shall be fired in the turbine. Propane can also be used for startup only. All wood fired in the turbine shall be mixed with lime at a rate of at least 0.1% of the wood feed rate.

7. Within 120 days of achieving maximum production, but no later than 180 days after initial startup, the permittee shall perform testing on the exhaust of the ESP associated with the turbine to verify compliance with the NO_x, CO, SO_x, PM, PM₁₀, VOCs, and HCl emission rates. In addition, particulate matter with an aerodynamic diameter less than or equal to 2.5 microns (PM_{2.5}) stack tests shall be performed to determine the emission rates. All testing shall be performed while the turbine is operating at its maximum rate of production, using test methods and procedures approved by the Department. The NO_x and SO_x testing shall be repeated on a yearly basis to satisfy the requirements of 40 CFR 60.4400 and 60.4415. Compliance with the requirement specified in this streamlined condition assures compliance with the testing requirements as specified in 40 CFR 60.4400 and 60.4415.

8. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install and maintain instrumentation to continuously and accurately measure the steam injection rate associated with the turbine and the actual steam injection rate shall be displayed on a continuous basis. The permittee shall install and maintain instrumentation to continuously and accurately measure the fuel consumption rate associated with the turbine and the actual fuel consumption rate shall be displayed on a continuous basis. Compliance with the requirement specified in this streamlined condition assures compliance with the testing requirements as specified in 40 CFR 60.4335.

9. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install and maintain instrumentation to continuously and accurately measure the secondary power to each stage of the ESP associated with the turbine and the actual secondary power shall be displayed on a continuous basis.

10. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install and maintain instrumentation to continuously and accurately measure the lime feed rate associated with the turbine and the lime feed rate shall be displayed on a continuous basis.

11. The permittee shall keep records of the supporting calculations on a monthly basis for the NO_x emissions from the turbine to verify compliance with the NO_x emissions limitations of ppm corrected to 15% oxygen, pounds per hour, and tons in any 12 consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for the SO_x emissions from the turbine to verify compliance with the SO_x emissions limitations of pounds per megawatt-hour, pounds per hour, and tons in any 12 consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for the total PM and PM₁₀ emissions from Source the exhaust of the ESP

associated with the turbine to verify compliance with the total PM and PM₁₀ emissions limitations of grains per dry standard cubic foot, pounds per hour, and tons in any 12 consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for the CO, VOC, total combined HAPs, and HCl emissions from the turbine to verify compliance with the CO, VOC, total combined HAPs, and HCl emissions limitations of pounds per hour and tons in any 12 consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

12. The permittee shall keep records of the steam injection rate associated with the turbine on a continuous basis, and shall record the corrective actions taken if the steam injection rate is outside the established range. The permittee shall keep records of the fuel consumption rate associated with the turbine on a continuous basis, and shall record the corrective actions taken if the fuel consumption rate is outside the established range. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request. Compliance with the requirement specified in this streamlined condition assures compliance with the testing requirements as specified in 40 CFR 60.4335.

13. The permittee shall keep records of the secondary power to each stage of the ESP associated with the turbine on a continuous basis.

14. The permittee shall keep records of the lime feed rate associated with the turbine on a continuous basis.

15. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the NO_x, CO, SO_x, PM, PM₁₀, VOC, HAPs, and HCl emissions limitations for the turbine in any 12 consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

16. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the turbine shall be controlled by lime addition, steam injection, and the ESP. The permittee shall not operate the turbine without the simultaneous operation of the lime addition, the steam injection, and the ESP.

17. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, as well as the requirements of 40 CFR 60.4355, based on initial source testing, the permittee shall establish indicator ranges for both fuel consumption and steam-to-fuel ratio associated with the turbine.

18. The turbine is an Aerospace Research Corporation model 12.5 MW combustion turbine, propane and wood fired, rated at 100.37 MMBtu/hr. The ESP is a PPC Industries model 29R-1328-3712S dry electrostatic precipitator, rated at 50,000 ACFM.

19. Under the requirements of 40 CFR 60.4300, the turbine is subject to the New Source Performance Standards, 40 CFR Part 60, Subpart KKKK and shall comply with all applicable requirements as specified in 40 CFR 60.4300—60.4420.

20. The emission of PM from the exhaust of the receiver fabric collector and the vent fabric collector associated with the ash silo shall not exceed 0.02 grain

per dry standard cubic foot. Compliance with the requirement specified in this streamlined condition assures compliance with the particulate matter limitation of 0.04 grain per dry standard cubic foot as specified in 25 Pa. Code § 123.13.

21. The air contaminant emissions from the ash silo shall be controlled by the receiver fabric collector and the vent fabric collector. The permittee shall not operate the ash silo without the simultaneous operation of the receiver fabric collector and the vent fabric collector.

22. The ash storage silo is a National Conveyors Company 16' diameter by 46' tall silo. The receiver fabric collector is a National Conveyors Company unit rated at 373 SCFM. The vent fabric collector is a National Conveyors Company unit rated at 822 SCFM.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

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

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

23-0014G: Kimberly-Clark of Pennsylvania, LLC (Front Street and Avenue of the States, Chester, PA 19013) for replacement of two (2) baghouses on the existing ST-1 Converting Area with two (2) air handling units that each have a venturi scrubber in the City of Chester, **Delaware County**. The proposed source has the potential to emit 0.46 ton per year particulate matter after controls.

09-0213: DeNucci Excavating Corp. (2807 Old Rodgers Road, Bristol, PA 19007) for operation of a portable crusher and associated diesel-fired engine in Bristol Township, **Bucks County**. The only pollutant of concern from the proposed operation is fugitive particulate matter. Emissions will be controlled by a water spray dust suppression system. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

49-00061A: IntelliWatt Renewable Energy, LLC (6653 Woodland Avenue, Philadelphia, PA 19142) for construction and operation of 12.5 megawatt wood biomass fired combustion turbine at a site in Mount Carmel Township, **Northumberland County**. The air contaminant emissions from the proposed combustion turbine shall be controlled by lime addition, steam injection, and an electrostatic precipitator (ESP). The facility is a State-only facility.

The Department of Environmental Protection's (Department) review of the information provided by IntelliWatt indicates that the sources at the facility will comply with all air quality requirements, including the requirements of 40 CFR Part 60, Subpart KKKK and the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department intends to issue a plan approval for the proposed construction, installation, and operation of the sources and control devices. Additionally, if the Department determines that the proposed sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into a State-only operating permit.

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

1. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of nitrogen oxides (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), total particulate matter (PM/PM₁₀), volatile organic compounds (VOCs), and total combined hazardous air pollutants (HAPs), from all sources at the facility shall not exceed 19.6 tons, 98.3 tons, 1.0 ton, 11.1 tons, 39.2 tons, and 16.4 tons in any 12 consecutive month period respectively.

2. The permittee shall keep records of the supporting calculations on a monthly basis for NO_x, CO, SO_x, PM/PM₁₀, VOCs, and total combined HAPs from all sources at the facility to verify compliance with the NO_x, CO, SO_x, PM, VOCs, and total combined HAPs emission limitations of tons in any 12 consecutive month period.

3. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀, VOCs, and total combined HAPs emissions limitations for all sources at the facility in any 12 consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

4. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, an operable water truck or road vacuum sweeper shall be kept onsite at all times and shall be operated as required to comply with 25 Pa. Code §§ 123.1 and 123.2. In addition, all plant roads within the facility shall be paved and properly maintained.

5. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x from the turbine shall not exceed 44.9 parts per million (ppm) corrected to 15% oxygen, 4.66 pounds per hour, and 19.57 tons in any 12 consecutive month period. Compliance with the requirement specified in this streamlined condition assures compliance with the nitrogen oxides limitation of 74 ppm corrected to 15% oxygen as specified in 40 CFR 60.4320. The emission of CO from the turbine shall not exceed 23.41 pounds per hour and 98.34 tons in any 12 consecutive month period. The emission of SO_x, expressed as sulfur dioxide (SO₂), from the turbine shall not exceed 0.02 pound per megawatt-hour, 0.24 pound per hour, and 1.00 ton in any 12 consecutive month period. Compliance with the requirement specified in this

streamlined condition assures compliance with the sulfur oxides limitation of 500 ppm, by volume, dry basis as specified in 25 Pa. Code § 123.21 and the sulfur oxides limitation of 0.90 lb/MWh as specified in 40 CFR 60.4330. The emission of particulate matter (PM) and particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM₁₀) from the exhaust of the ESP associated with the turbine shall not exceed 0.02 grain per dry standard cubic foot. The emission of particulate matter (PM) shall not exceed 2.32 pound per hour, and 9.74 tons in any 12 consecutive month period. The emission of particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM₁₀) shall not exceed 2.09 pound per hour, and 8.77 tons in any 12 consecutive month period. Compliance with the requirement specified in this streamlined condition assures compliance with the particulate matter limitation of 0.04 grain per dry standard cubic foot as specified in 25 Pa. Code § 123.13. The Department will evaluate the actual emission rates and may decrease the allowable emission rates based upon the PM and PM₁₀ stack test results. The opacity from the exhaust of the ESP associated with the turbine shall not equal or exceed 10% opacity at any time. Compliance with the requirement specified in this streamlined condition assures compliance with the opacity requirements as specified in 25 Pa. Code §§ 123.41 and 123.42. The emission of VOCs from the turbine shall not exceed 9.33 pounds per hour and 39.19 tons in any 12 consecutive month period. The emission of total combined HAPs from the turbine shall not exceed 3.91 pounds per hour and 16.42 tons in any 12 consecutive month period. The emission of hydrogen chloride (HCl) from the turbine shall not exceed 1.91 pounds per hour and 8.01 tons in any 12 consecutive month period.

6. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, only wood shall be fired in the turbine. Propane can also be used for startup only. All wood fired in the turbine shall be mixed with lime at a rate of at least 0.1% of the wood feed rate.

7. Within 120 days of achieving maximum production, but no later than 180 days after initial startup, the permittee shall perform testing on the exhaust of the ESP associated with the turbine to verify compliance with the NO_x, CO, SO_x, PM, PM₁₀, VOCs, and HCl emission rates. In addition, particulate matter with an aerodynamic diameter less than or equal to 2.5 microns (PM_{2.5}) stack tests shall be performed to determine the emission rates. All testing shall be performed while the turbine is operating at its maximum rate of production, using test methods and procedures approved by the Department. The NO_x and SO_x testing shall be repeated on a yearly basis to satisfy the requirements of 40 CFR 60.4400 and 60.4415. Compliance with the requirement specified in this streamlined condition assures compliance with the testing requirements as specified in 40 CFR 60.4400 and 60.4415.

8. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install and maintain instrumentation to continuously and accurately measure the steam injection rate associated with the turbine and the actual steam injection rate shall be displayed on a continuous basis. The permittee shall install and maintain instrumentation to continuously and accurately measure the fuel consumption rate associated with the turbine and the actual fuel consumption rate shall be displayed on a continuous basis. Compliance with the requirement specified in this streamlined condition assures compliance with the testing requirements as specified in 40 CFR 60.4335.

9. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install and maintain instrumentation to continuously and accurately measure the secondary power to each stage of the ESP associated with the turbine and the actual secondary power shall be displayed on a continuous basis.

10. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install and maintain instrumentation to continuously and accurately measure the lime feed rate associated with the turbine and the lime feed rate shall be displayed on a continuous basis.

11. The permittee shall keep records of the supporting calculations on a monthly basis for the NO_x emissions from the turbine to verify compliance with the NO_x emissions limitations of ppm corrected to 15% oxygen, pounds per hour, and tons in any 12 consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for the SO_x emissions from the turbine to verify compliance with the SO_x emissions limitations of pounds per megawatt-hour, pounds per hour, and tons in any 12 consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for the total PM and PM₁₀ emissions from Source the exhaust of the ESP associated with the turbine to verify compliance with the total PM and PM₁₀ emissions limitations of grains per dry standard cubic foot, pounds per hour, and tons in any 12 consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for the CO, VOC, total combined HAPs, and HCl emissions from the turbine to verify compliance with the CO, VOC, total combined HAPs, and HCl emissions limitations of pounds per hour and tons in any 12 consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

12. The permittee shall keep records of the steam injection rate associated with the turbine on a continuous basis, and shall record the corrective actions taken if the steam injection rate is outside the established range. The permittee shall keep records of the fuel consumption rate associated with the turbine on a continuous basis, and shall record the corrective actions taken if the fuel consumption rate is outside the established range. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request. Compliance with the requirement specified in this streamlined condition assures compliance with the testing requirements as specified in 40 CFR 60.4335.

13. The permittee shall keep records of the secondary power to each stage of the ESP associated with the turbine on a continuous basis.

14. The permittee shall keep records of the lime feed rate associated with the turbine on a continuous basis.

15. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the NO_x, CO, SO_x, PM, PM₁₀, VOC, HAPs, and HCl emissions limitations for the turbine in any 12 consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

16. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant

emissions from the turbine shall be controlled by lime addition, steam injection, and the ESP. The permittee shall not operate the turbine without the simultaneous operation of the lime addition, the steam injection, and the ESP.

17. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, as well as the requirements of 40 CFR 60.4355, based on initial source testing, the permittee shall establish indicator ranges for both fuel consumption and steam-to-fuel ratio associated with the turbine.

18. The turbine is an Aerospace Research Corporation model 12.5 MW combustion turbine, propane and wood fired, rated at 100.37 MMBtu/hr. The ESP is a PPC Industries model 29R-1328-3712S dry electrostatic precipitator, rated at 50,000 ACFM.

19. Pursuant to the requirements of 40 CFR 60.4300, the turbine is subject to the New Source Performance Standards, 40 CFR Part 60, Subpart KKKK and shall comply with all applicable requirements as specified in 40 CFR 60.4300—60.4420.

20. The emission of PM from the exhaust of the receiver fabric collector and the vent fabric collector associated with the ash silo shall not exceed 0.02 grain per dry standard cubic foot. Compliance with the requirement specified in this streamlined condition assures compliance with the particulate matter limitation of 0.04 grain per dry standard cubic foot as specified in 25 Pa. Code § 123.13.

21. The air contaminant emissions from the ash silo shall be controlled by the receiver fabric collector and the vent fabric collector. The permittee shall not operate the ash silo without the simultaneous operation of the receiver fabric collector and the vent fabric collector.

22. The ash storage silo is a National Conveyors Company 16' diameter by 46' tall silo. The receiver fabric collector is a National Conveyors Company unit rated at 373 SCFM. The vent fabric collector is a National Conveyors Company unit rated at 822 SCFM.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

30-00077C: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) for installation of the following: a third Solar Mars 100-150002S III turbine rated at 13,300 hp, a Waukesha emergency generator, rated at 400 hp and operating less than 100 hours per year, and two gas heaters rated respectively at 0.12 and 0.5 mmbtu/hr. Additionally, Texas Eastern will permanently disable one existing Rand KVS-412 internal combustion engine rated at 2,000 hp at the Holbrook Compressor Station located in Wind Ridge, Richhill Township, **Greene County, PA.**

In accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-30-00077C to authorize Texas Eastern to install the following: a third Solar Mars 100-150002S III turbine rated at 13,300 hp, a Waukesha emergency generator, rated at 400 hp and operating less than 100 hours per year, and two gas heaters rated respectively at 0.12 and 0.5 mmbtu/hr. Additionally, Texas Eastern will permanently disable one existing Rand KVS-412 internal combustion engine rated at 2,000 hp at the Holbrook Compressor Station located in Wind Ridge, Richhill Township, Greene County, PA. The project will result in a net decrease of 122.5 tons NO_x per year, and increases of 4.46 tons VOCs and 18.86 tons of CO per year. Best Available Technology for the sources being approved is the use of dry low NO_x combustors on the turbine, and operation in accordance with manufacturers' recommendations for the other sources. The facility currently has a Title V Operating Permit, TVOP-30-00077. Once compliance with all conditions of this Plan Approval has been demonstrated, TVOP-30-00077 will be administratively amended to incorporate the provisions of this plan approval in accordance with 25 Pa. Code § 127.450. This installation is subject to State and Federal regulations. Plan Approval has been conditioned to ensure compliance with all applicable rules.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

33-0055C: Glen-Gery Corp. (P. O. Box 68, Summerville, PA 15864) to modify CO and VOC emission limits in an existing Title V permit for their Hanley Plant in **Jefferson County**. The facility currently has a Title V permit #33-00055 which was issued 8/6/2008.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to Glen-Gery Corporation (P. O. Box 68, Summerville, PA 15864) for their Hanley Plant located in Jefferson County, to modify CO and VOC emission limits in existing Title V permit. The facility currently has a Title V permit #33-00055 which was issued 8/6/2008. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

There are no physical or operational changes associated with this plan approval. Preventative maintenance conditions will be modified and stack test requirements will be included in the Plan Approval. Production limits will not change. Emissions from the Ceric Tunnel Kiln are exhausted to a control device that currently operates as a spray tower with mist eliminators. On June 24 and 25, 2008, stack testing was conducted to determine the filterable particulate, HCL and HF, SO₂ and H₂SO₄, visible emissions, CO, VOC, and NO_x emissions from the Ceric Tunnel Kiln. As a result of this stack testing, Glen-Gery submitted an application to increase the CO and VOC emission limits. All other emission limits will remain unchanged.

As a general summary, the following modified or additional requirements are applicable to the kiln and the control device:

1. The permittee shall maintain a record of:
 - (a) a daily record of hours of tunnel kiln operation

- (b) daily production records of tons of brick fired
- (c) monthly natural gas usage in the tunnel kiln

2. The emission of air contaminants from the kiln during normal operations and bypass operations shall not exceed the following based on a consecutive 12-month period:

CO—168.2 tons per year

VOC—18.9 tons per year

3. The emission of air contaminants from the kiln and measured at the scrubber outlet shall not exceed the following limits expressed as pounds per ton of brick fired:

CO—2.40 lb/ton

VOC—0.27 lb/ton

4. A stack test will be conducted within 180 days of the Plan Approval issuance or 180 days of the restart of the kiln. Stack testing will be required every 5 years or at operating permit renewal.

5. The permittee shall maintain a log documenting dates and actions completed, to show compliance with the maintenance schedule provided by the manufacturer of the tunnel kiln. This log shall be kept for a period of five years and made available to the Department upon request.

This Plan Approval is subject to 25 Pa. Code Regulations and Conditions.

This change in emission limits does not subject the facility to Prevention of Significant Deterioration (PSD) or Non-attainment New Source Review (NNSR) requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at: Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice.

Each written comment must contain the following:

- (i) Name, address and telephone number of the person submitting the comments.
- (ii) Identification of the proposed Plan Approval No. 33-005C.
- (iii) A concise statement regarding the relevancy of the information or objections to the issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Carolyn Cooper, P. E., Air Quality Program, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Carolyn Cooper, P. E., or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

OPERATING PERMITS

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

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: Muhammad Zaman, Facilities Permitting Chief—Telephone: 570-327-0512.

18-00001: Columbia Gas Transmission, Corp. (1700 MacCorkle Avenue, SE, Charleston, WV 25314-1518) for renewal of the Title V Operating Permit for their Renovo Compressor Station facility in Chapman Township, **Clinton County**. The facility's sources include: two (2) boilers, four (4) catalytic heaters, one (1) line heater, five (5) space heaters, two (2) water heaters, five (5) reciprocating engines, associated pipeline flanges and valves, and ten (10) storage tanks. The facility has the potential to emit major quantities of Nitrogen Oxides (NO_x), and Carbon Monoxide (CO). The facility has the potential to emit Sulfur Oxides (SO_x), Volatile Organic Compounds (VOCs), Hazardous Air Pollutants (HAPs), Particulate Matter (PM₁₀) below the major thresholds. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions

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

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

33-00132: Matson Lumber Co.—Brookville Plant (132 Main Street, Brookville, PA 15825-1213) to issue a renewal State Only Operating Permit for their sawmill in Brookville Boro, **Jefferson County**. The facility is a Natural Minor. The primary sources at the facility include a 20.6 mmbtu/hr wood fired boiler controlled by a multiclone, two natural gas boilers for backup to the wood fired boiler, miscellaneous woodworking and wood silo controlled by a cyclone, ten wood drying kilns, and a parts washer. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00152: Wheatland Tube—Mill Street Plant (P. O. Box 608, Wheatland, PA 16161) to issue a modification of the Synthetic Minor State Only Operating Permit for their steel tube and pipe manufacturing facility at 134 Mill Street in Sharon City, **Mercer County**. This permit modification includes the Ferrocote Cold Draw Rust Inhibitor (Source 141). During the modification, the responsible official was changed, the mailing address was changed, and the number of cold cleaning degreasers was

decreased to reflect 10 units for Source 105. The facility has an existing facility-wide VOC limit of 49.9 TPY during any 12-month consecutive period. The permittee shall maintain monthly records of all VOC containing materials consumed at this facility. These records shall contain sufficient information to clearly demonstrate compliance with the VOC emission limit for this facility. The VOC content of the rust inhibitor is limited to 1.27 lb/gallon. The source contains restrictions on the amount of rust inhibitor used (4,000 gallons in any calendar month and 3,000 gallons as a 12-month rolling total). The permit also contains recordkeeping, reporting and work practice requirements to ensure compliance with the above limitations.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

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

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

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

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

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

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

30841317 and NPDES Permit # PA0213527, Consol PA Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to construct Phase 1 of an overland conveyor to transport coal from the proposed Oak Spring Slope to the Bailey Mine Complex Preparation Plant. Surface Acres Proposed 202.0. Receiving stream: Long Run, classified for the following use: TSF. Application received: August 28, 2009.

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

04090101 and NPDES Permit No. PA0251852. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Shippingport Borough, **Beaver County**, affecting 99.8 acres. Receiving streams: Peggs Run and unnamed tributaries to Peggs Run, classified for the following use: WWF. The potable water supplies that have intake within 10 miles downstream from the point of discharge: East Liverpool Water Department and Midland Borough Municipal Authority Application received: December 29, 2009.

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

61970102 and NPDES Permit No. PA0227595. Rusnak Coal Company (P. O. Box 44, Grove City, PA 16127) Renewal of an existing bituminous strip, auger and coal ash placement operation in Irwin Township, **Venango County** affecting 54.5 acres. Receiving

streams: Unnamed tributaries to Scrubgrass Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: January 5, 2010.

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

17990111 and NPDES No. PA0238341. Larry D. Baumgardner Coal Co., Inc. (P. O. Box 186, Lanse, PA 16849), renewal of an existing bituminous surface operation in Decatur Township, **Clearfield County** affecting 109.2 acres. Receiving stream(s): Laurel Run to Moshannon Creek to the West Branch Susquehanna River classified for the following uses: Cold Water Fishery, Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2009.

17814033 and NPDES No. PA0609051. Philip Reese Coal Co. (P. O. Box 67, Karthaus, PA 16845), renewal of an existing bituminous surface operation in Karthaus Township, **Clearfield County** affecting 412.8 acres. Receiving stream(s): two unnamed tributaries to an unnamed tributary of Salt Lick Run and Salt Lick Run's unnamed tributary of Salt Lick Run to Salt Lick Run; Salt Lick Run to the West Branch Susquehanna River to the Susquehanna River classified for the following uses: High Quality—Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 21, 2009.

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

54850101R5 and NPDES Permit No. PA0614424. Schuylkill Reclamation Corp., (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine operation in Mahanoy Township, **Schuylkill County** affecting 61.0 acres, receiving stream: Mahanoy Creek. Application received: January 8, 2010.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

58990813. Gary M. Thatcher, (2592 Lower Podunk Road, New Milford, PA 18834), Stages I and II bond release from a quarry operation in New Milford Township, **Susquehanna County** affecting 1.0 acre, on property owned by Anthony Conigliaro. Application received: December 29, 2009.

7973SM5C7 and NPDES Permit No. PA0223352. Eureka Stone Quarry, Inc. (P. O. Box 249, Telford, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: Neshaminy Creek, classified for the following uses: trout stock fishery and migratory fishes. Application received: December 31, 2009.

8074SM3C9 and NPDES Permit No. PA0118443. M & M Stone Co., (P. O. Box 189, Telford, PA 18969), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Salford Township, **Montgomery County**, receiving stream: East Branch Perkiomen Creek, classified for the following uses: trout stock fishery and migratory fishes. Application received: December 31, 2009.

6575SM1C7 and NPDES Permit No. PA0594415. Hanson Aggregates Pennsylvania, Inc. (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamilton Township, **Monroe County**, receiving streams: unnamed tributary to Lake Creek and unnamed tributary to Cherry Creek, classified for the following uses: high quality—cold water fishery and migratory fishes. Application received: January 7, 2010.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E21-413: PPL Electric Utilities Corporation, William Miller, 4810 Lycoming Mall Drive, Montoursville, PA 17754-8301, Silver Spring Township, **Cumberland County**, ACOE Baltimore District.

To construct a 760-foot long temporary access road through wetlands, temporarily impacting 0.24 acre and to remove three existing electric utility poles all located in Palustrine Emergent (PEM) wetlands adjacent to Conodoguinet Creek (WWF-MF) (Latitude: 40° 15' 28"; Longitude: -77° 03' 57"). Then to construct and maintain: (1) an aerial electric utility line across Conodoguinet Creek (WWF-MF) and adjacent Palustrine Forested (PFO) wetlands (Latitude: 40° 15' 25"; Longitude: -77° 03' 57"); (2) a 32-foot long access road through wetlands, temporarily impacting 0.01 acre and a concrete-anchored electric utility pole in wetlands permanently impacting 0.01 acre, all in PFO wetlands adjacent to Conodoguinet Creek (WWF-MF) (Latitude: 40° 15' 28"; Longitude: -77° 03' 57"); (3) an aerial electric utility line across an unnamed tributary to Conodoguinet Creek (WWF-MF) (Latitude: 40° 15' 38"; Longitude: -77° 02' 44"); (4) an aerial electric utility line across an unnamed tributary to Conodoguinet Creek (WWF-MF) (Latitude: 40° 15' 58"; Longitude: -77° 03' 12"); and (5) an aerial electric utility line across a PEM wetlands adjacent to an unnamed tributary to Conodoguinet Creek (WWF-MF) (Latitude: 40° 16' 06"; Longitude: -77° 02' 56"). The proposed impacts are for the purpose of reconductoring an electric utility line and removing abandoned electric utility line poles in Silver Spring Township, Cumberland County.

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

E26-356. Saltlick Township, P. O. Box 403, 147 Municipal Road, Melcroft, PA 15462. To construct a culvert in

Saltlick Township, **Fayette County**, Pittsburgh ACOE District (Donegal, PA Quadrangle N: 16.1 inches; W: 5.9 inches, Latitude: 40° 5' 21"; Longitude: 79° 25' 01"). The applicant proposes to remove the existing structure on Keslar School Road (T-818) Station 174+78.5 and to construct and maintain a 20-foot wide by 6.4 feet high box culvert with baffles across an unnamed tributary to Little Champion Creek (CWF).

E26-357. Saltlick Township, P. O. Box 403, 147 Municipal Road, Melcroft, PA 15462. To construct a culvert in Saltlick Township, **Fayette County**, Pittsburgh ACOE District (Donegal, PA Quadrangle N: 16.8 inches; W: 6.0 inches, Latitude: 40° 5' 33"; Longitude: 79° 25' 04"). The applicant proposes to remove the existing structure on Keslar School Road (T-818) Station 190+54.5 and to construct and maintain an 18-foot wide by 5-feet high box culvert with baffles across an unnamed tributary to Little Champion Creek (CWF).

E63-619. Department of Transportation District 12-0, 825 North Gallatin Avenue Ext, Uniontown, PA 15401. To remove bridge and construct and maintain a wider bridge in Chartiers Township, **Washington County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 0.1 inch; W: 13.3 inches, Latitude: 40° 15' 59"; Longitude: 80° 13' 14.6"). The applicant proposes to remove the existing 10.8' wide, 46' long Paxton Road bridge and to construct and maintain a new 26' wide bridge having a span of 52.1' and underclearance of 19.1' over Chartiers Run (WWF); to construct and maintain fill in the floodplain for the associated approach road changes; to construct and maintain associated outfalls; to construct temporary stream diversion and causeways. The work is associated with the proposed roadway improvements to the Paxton Road intersection with SR 519. The new bridge is located approximately 60' downstream of the existing bridge. To compensate for the stream impacts the applicant will restore the banks at the site of the existing bridge.

E63-620. Department of Transportation, District 12-0, 825 North Gallatin Avenue Ext, Uniontown, PA 15401. To construct and maintain culverts in Peters Township, **Washington County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 7.3 inches; W: 15.2 inches, Latitude: 40° 17' 13.5"; Longitude: 80° 6' 19.1"). The applicant proposes to construct and maintain

1. a 150 ft long, 36 ft wide by 11 ft high concrete open bottom culvert in an unnamed tributary to Brush Run (WWF)

2. 61 ft downstream of the above, a 84 ft long, 36 ft wide by 11 ft high concrete open bottom culvert in an unnamed tributary to Brush Run (WWF) with a drainage area of 2.7 square miles to replace the existing Valley Brook Road (SR 1010) bridge near the confluence with Brush Run

3. a 61 ft long 20 ft high retaining wall between the above box culverts

4. a replacement sewer line crossing conflicting with the above

5. a 229.3 ft long retaining wall along the adjoining section of Brush Run varying in height from 9.3 ft to 17.5 ft

In addition associated causeways, stream diversions, and stormwater outfalls for the purpose of improving the SR 19 and SR 1010 (Valley Brook Road) intersection and approach roads. Stream mitigation is intended to be provided at the site.

ENVIRONMENTAL ASSESSMENTS

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

EA11-004. Trout Run Watershed Association, 161 Hemlock Drive, Portage, PA 15946 To construct a limestone treatment system in Portage Township, **Cambria County**, Pittsburgh ACOE District (Beaverdale, PA Quadrangle N: 21.2 inches; W: 3.1 inches, Latitude: 40° 22' 5.2"; Longitude: 78° 38' 57.3"). The applicant proposes to construct a limestone treatment system to raise the alkalinity of acid water being discharged from the Puritan Discharge. The proposed system is located within the floodway (left descending bank) of Trout Run (CWF) and within the channel of an unnamed tributary of Trout Run (CWF—less than 100 acres drainage area) that was created by acid mine drainage. The applicant proposes to relocate and enclose 130 lf of the unnamed tributary; grade and place fill within 330 lf of the floodway of Trout Run and 270 lf of the channel of an unnamed tributary of Trout Run; and enclose 65 lf of the unnamed tributary to trout run at the downstream end of the system into the unnamed tributary of Trout Run. The project will affect 465 lf of the unnamed tributary to Trout Run and approximately 330 lf of the floodway of Trout Run.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

Emerald Coal Resources, LP, 158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370. Emerald Coal is proposing to construct three jurisdictional dams (containing one slurry impoundment and one sediment basin) within the Coal Refuse Disposal Area No. 3. The total disposal area will impact 0.457 acre of wetlands (PEM) and 15,428 lineal feet of stream, providing a minimum of 0.457 acre of replacement wetlands and appropriate stream compensation.

D30-070. Emerald No. 1 CRDA No. 3 East Dam. To construct, operate and maintain Emerald No. 1 CRDA No. 3 East Dam across a tributary to Smith Creek (WWF) for the purpose of disposal of coal refuse generated by Emerald Mine No. 1 (Waynesburg, PA Quadrangle N: 0.5 inch; W: 11.95 inches) Franklin Township, **Greene County**.

D30-071. Emerald No. 1 CRDA No. 3 West Dam. To construct, operate and maintain Emerald No. 1 CRDA No. 3 West Dam across a tributary to Smith Creek (WWF) for the purpose of disposal of coal refuse generated by Emerald Mine No. 1 (Waynesburg, PA Quadrangle N: 0.9 inch; W: 12.5 inches) Franklin Township, **Greene County**.

D30-072. Emerald No. 1 CRDA No. 3 Sediment Pond. To construct, operate and maintain Emerald No. 1 CRDA No. 3 Sediment Pond across a tributary to Smith Creek (WWF) for the purpose of providing sediment control for the disposal area (Waynesburg, PA Quadrangle N: 0.35 inch; W: 11.3 inches) Franklin Township, **Greene County**.

ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209155	Sandro Sorge Apartments Spruce Run Road Millville, PA 17846	Madison Township Columbia County	Spruce Run 5C	Y
PA0024104 (Sewerage)	Spring Township Municipal Authority WWTP 196 Ridge Road Beaver Springs, PA 17812	Spring Township Snyder County	Beaver Creek 6A	Y
PA0113476 IW	Koppers Industries, Inc. 436 Seventh Avenue Suite 1800 Pittsburgh, PA 15219-1800	Lycoming County Clinton Township	Unnamed Tributary To West Branch Susquehanna River 10C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113719 (Sewerage)	Perry Township Municipal Authority Sewage Treatment Plant Cluck Ridge Road Mt. Pleasant Mills, PA 17853	Perry Township Snyder County	North Branch of Mahantango Creek 6C	Y
PA0113301 (Sewage)	Mansfield Borough Municipal Authority 19 East Wellsboro Street Mansfield, PA 16933	Richmond Township Tioga County	Lambs Creek 4A	Y
PA0228648	Jackson Township Municipal Authority 30 Wisteria Way Millerton, PA 16936	Jackson Township Tioga County	Hammond Creek 4B	Y
PA0028606	Delaware Township Municipal Authority P. O. Box 80 Dewart, PA 17730-0080	Delaware Township Northumberland County	West Branch Susquehanna River	Y
PA0115291	Borough of Snyderstown 42 South Market Street Snyderstown, PA 17877	Snyderstown Borough Northumberland County	Shamokin Creek	Y
PA0208574	Nature Quest, Inc. 4755 Route 6 Wellsboro, PA 16901	Shippen Township Tioga County	Unnamed Tributary to Pine Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0096733 Sewage	Gayle M. DeGrano P. O. Box 372 Turtle Creek, PA 15145	Fayette County Saltlick Township	Indian Creek	Y
PA0093980 Sewage	Better Built Mobile Home 102 Kimberlin Drive Irwin, PA 15642	Westmoreland County Sewickley Township	UNT of Little Sewickley Creek	Y

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

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

WQM Permit No. 6409401, Sewerage, **Central Wayne Regional Authority**, 100 Fourth Street, Suite 8, Honesdale, PA 18431. This proposed facility is located in Honesdale Borough, **Wayne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for a sewer project to replace combined sewers in portions of Honesdale Borough with separate sanitary sewers and storm sewers.

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

PA0208558, Sewage, SIC 4952, **Shamokin Township**, P. O. Box 64, Paxinos, PA 17860. The existing facility is located in Shamokin Township, **Northumberland County**.

Description of Proposed Activity: Previously submitted DMRs and supplemental reports show that lab results are well below the current NPDES permitted limits. Current monitoring requirements will be changed from five (5) days per week for pH and TCR to two (2) days per week. Also, CBOD₅ and TSS monitoring requirements will be changed from two (2) times per month to once a month.

The receiving stream, Lick Creek, is in the State Water Plan watershed 6B and is classified for: Cold Water Fishes (CWF).

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

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

WQM Permit No. 5670413-T3 A1, Sewerage, **Stonebridge Gardens, Inc.**, 132 Saddlebrook Road, Freidens, PA 15541. This existing facility is located in Quemahoning Township, **Somerset County**.

Description of Proposed Action/Activity: Issuance of permit amendment.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909015	Lehigh County Authority 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106	Lehigh	Upper Macungie Township	Cedar Creek HQ-CWF, MF
PAI026409007	Central Wayne Regional Authority 100 Fourth Street Suite 8 Honesdale, PA 18431	Wayne	Honesdale Borough	West Branch of Lackawaxen River HQ-CWF, MF and HQ-TSF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032109001	Department of General Services Art Pfeiffer 18th and Herr Streets Harrisburg, PA 17120	Cumberland	Middlesex Township	LeTort Spring Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Butler Township Luzerne County	PAG2004009015	U.S. Department of Labor Employment and Training 200 Constitution Avenue Washington, D.C. 20210	Little Nescopeck Creek CWF, MF	Luzerne County Conservation District 570-674-7991
North Londonderry and South Londonderry Townships Lebanon County	PAG2003809014	Darcy Brenner-Smith Palmyra Area School District 1125 Park Drive Palmyra, PA 17078	Spring Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908, Ext. 4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Union Township Lebanon County	PAG2003809017	Clyde Patches Broke, LP 1501 East Cumberland Street Suite B Lebanon, PA 17042	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908, Ext. 4
Bethel Township Lebanon County	PAG2003809018	James Heisey Fredericksburg Sewer and Water Authority 113 East Main Street Fredericksburg, PA 17026	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908, Ext. 4
Derry Township Dauphin County	PAG2002209024	John Osmolinski Milton Hershey School P. O. Box 830 Hershey, PA 17033-0830	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Royalton Borough Dauphin County	PAG2002209043	K. Murphy & Co., Inc. 2048 Zeager Road Elizabethtown, PA 17022 and Keystone Custom Homes, Inc. 227 Granite Run Drive Lancaster, PA 17601	Swatara Creek— Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Holidaysburg Borough Blair County	PAG2000709010	Janet Eldred Holidaysburg Area Public Library 405 Clark Street Holidaysburg, PA 16648	Brush Run WWF	Blair County Conservation District 1407 Blair Street Holidaysburg, PA 16648
Hamburg Borough Berks County	PAG2000609032	Reading Railroad Heritage Museum P. O. Box 15143	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Bellefonte Borough Centre County	PAG2001409009	Cory Lovrak S & A Homes, Inc. 2121 Old Gatesburg Road State College, PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
South Centre and Mifflin Townships Columbia County	PAG2001909010	Department of Transportation 3-0 P. O. Box 218 715 Jordan Avenue Montoursville, PA 17754-0218	Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310 Ext. 102
Muncy Creek Township Lycoming County	PAG2004109012	Pocono Reo Trust, LLC 1300 Market Street Lemoyne, PA 17043	UNT to Muncy Creek CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Wellsboro Borough Tioga County	PAG2005909009	Steve Kramer Laurel Health System 32 Central Avenue Wellsboro, PA 16901	Morris Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Tioga Township Tioga County	PAG2005909010	Mary Worthington GROW, Inc. 114 Main Street Wellsboro, PA 16901	Crooked Creek WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Washington County Cambria Township	PAG2006310005	Department of Transportation District 12-0 825 N. Gallatin Avenue P. O. Box 459 Uniontown, PA 15401	Chartiers Creek, UNT to Chartiers Creek WWF	Washington County Conservation District 724-228-6774
Butler County Cranberry Township	PAG2001009017	Jason Kratsas Cranberry Township Northwest Connector Roadway Project 2525 Rochester Road Suite 400 Cranberry Township, PA 16066	UNT Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Lawrence County Shenango Township	PAG2003709003	New Castle Transit Authority Attn: Mr. Leonard Lastoria 311 Mahoning Avenue New Castle, PA 16102	UNT to Big Run WWF	Lawrence County Conservation District 727-652-4512

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Pottsville City Schuylkill County	PAR802222	United Parcel Service, Inc. 1821 S. 19th Street Harrisburg, PA 17104	Unnamed Tributary to Mill Creek CWF, MF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Scranton City Lackawanna County	PAR802223	United Parcel Service, Inc. 1821 S. 19th Street Harrisburg, PA 17104	Keyser Creek CWF, MF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Pittston Township Luzerne County	PAR802224	United Parcel Service, Inc. 1821 S. 19th Street Harrisburg, PA 17104	Mill Creek CWF, MF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Donegal Township Washington County	PAR606195	CDEG, Inc. P. O. Box 6692 Wheeling, WV 26003	UNT of Middle Wheeling Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Jefferson Township Fayette County	PAR606135	Metalico Pittsburgh, Inc. P. O. Box 76 Brownsville, PA 15417	Redstone Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*General Permit Type—PAG-5**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny Township Westmoreland County	PAG056243	Glassmere Fuel Service, Inc. P. O. Box 187 Curtisville, PA 15032	UNT of the Kiskiminetas River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Northumberland County Upper Mahanoy Township	PAG124828	Paul D. Snyder (P & M Snyder Farms CAFO) Line Mountain Road R. R. 1 Box 162 Dornsife, PA 17823-9607	Tributaries to Schwab Creek TSF (Trout Stocking)	DEP—NCRO 208 West Third Street Williamsport, PA 17701 570-327-3636

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3909508E1, Public Water Supply.

Applicant	Lehigh County Authority
Township or Borough	Upper Macungie Township Lehigh County
Responsible Official	Aurel M. Arndt General Manager Lehigh County Authority 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106-0348
Type of Facility	Community Water System
Permit Issuance Date	January 5, 2010
Description of Action	PWS permit issued for construction of an emergency pump station which will provide water from Allentown's Schantz Spring storage reservoir to LCA's distribution system.

Permit No. 3909507, Public Water Supply.

Applicant	Lehigh County Authority
Township or Borough	Upper Macungie Township Lehigh County
Responsible Official	Aurel M. Arndt General Manager Lehigh County Authority 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106-0348
Type of Facility	Community Water System
Permit Issuance Date	January 5, 2010
Description of Action	PWS permit issued for construction of additional conveyance line connecting the LCA new emergency pump station located, adjacent Allentown's Schantz Spring storage reservoir, to LCA's distribution system.

Permit No. 3909501, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
(Country Club Gardens)
50 E. Woodhaven Drive
White Haven, PA 18661

Borough or Township S. Whitehall Township

County **Lehigh County**

Type of Facility Public Water System

Consulting Engineer CET Engineering Services
1240 N. Mountain Road
Harrisburg, PA

Permit to Construct 9/8/09
Issued

Permit No. 3909503, Public Water Supply.

Applicant **Aqua Pennsylvania Inc.**
(Springhouse Farms)
50 E. Woodhaven Drive
White Haven, PA 18661

Borough or Township S. Whitehall Township

County **Lehigh County**

Type of Facility Public Water System

Consulting Engineer CET Engineering Services
1240 N. Mountain Road
Harrisburg, PA

Permit to Construct 9/8/09
Issued

Permit No. 3908504, Public Water Supply.

Applicant **Aqua Pennsylvania Inc.**
(Maple Hills)
50 E. Woodhaven Drive
White Haven, PA 18661

Borough or Township Lower Macungie Township

County **Lehigh County**

Type of Facility Public Water System

Consulting Engineer CET Engineering Services
1240 N. Mountain Road
Harrisburg, PA

Permit to Construct 7/16/09
Issued

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

Operations Permit issued to: **Ephrata Area Joint Authority, 7360045**, Ephrata Township, **Lancaster County** on 1/7/2010 for the operation of facilities approved under Construction Permit No. 3609521 MA.

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

Plan Location:

Borough or Township	Borough or Township Address	County
Berwick Area Joint Sewer Authority	1108 Freas Avenue Berwik, PA 18603	Columbia

Plan Description: The approved plan calls for separating the combined sewer system by constructing new sanitary sewers within the BIDA complex. This proposal is in accordance with the approved Long-Term Control Plan for BAJSA. Upon completing the new construction, the existing combined sewers will be utilized for storm water flow only.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION
UNDER ACT 2, 1995
PREAMBLE 2**

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Former Artex, Inc. Property, State Route 54 and Fairview Road, Rush Township, **Schuylkill County**. Andrew K. Markoski, P.G., Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19517 has submitted a Remedial Investigation Report/Final Report (on behalf of his client, Hazleton Oil and Environmental, Inc., 300 South Tamaqua Street, Hazleton, PA 18201),

concerning the remediation of soil and groundwater found to have been impacted by petroleum hydrocarbons due to a historical release from a former bulk petroleum storage and distribution facility. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Times News* on October 9, 2009.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of 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 provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Bethlehem Commerce Center (Entire Site), 1805 East 4th Street, Bethlehem City, **Northampton County**. William K. Ahlert, HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a combined Remedial Investigation Report/Final Report (on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of groundwater found to have been impacted by benzene, naphthalene, and TCE constituents as a result of historical operations at the former Bethlehem Steel Plant. The combined report documented attainment of the Site-Specific Standard for Groundwater and was approved by Central Office on December 17, 2009.

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

Pennzoil Rouseville Refinery (Former Rouseville Refinery—Plant 2), Cornplanter Township, **Venango County**. URS Corporation, 501 Holiday Drive, Building #4, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 and Honeywell, Inc., has submitted a Risk Assessment/Remedial Investigation Report concerning the remediation of site soil contaminated with separate phase petroleum liquids and petroleum refining related constituents including, but not limited to, Benzene, Toluene, Ethyl Benzene, Xylenes, Cumene, Methyl tert-Butyl Ether, Naphthalene, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Fluorene, Anthracene, Phenanthrene, Pyrene, Benzo(a)anthracene, Chrysene, Benzo(a)pyrene, Benzo(g,h,i)perylene, Dibenzofuran, 1,2,3 Trichloropropane, 1,1,2,2-Tetrachloroethane, Arsenic, Iron, Thallium, Lead and site groundwater contaminated with separate phase petroleum liquids and petroleum refining related constituents including, but not limited to, Benzene, Toluene, Ethyl Benzene, Xylenes, Cumene, Methyl tert-Butyl Ether, Naphthalene, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Fluorene, Anthracene, Phenanthrene, Pyrene, Benzo(a)anthracene, Chrysene, Benzo(a)pyrene, Benzo(g,h,i)perylene, Arsenic, Iron, Lead. The Risk Assessment/Remedial Investigation Report was approved by the Department of Environmental Protection on December 30, 2009.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Application No. WMGR081D021. E-Waste Experts, Inc., 416 Green Lane, Unit 5, Bristol, PA 19007-4001.

The general permit WMGR081D021 is for the processing (for example, sizing, shaping, separating, and volume reduction only) of e-waste (for example, damaged, obsolete, and/or reusable electronic devices) prior to reuse or recycling. The processing operation will be conducted at the Green Lane facility, located in Bristol Borough, **Bucks County**. Central Office approved the determination of applicability on January 6, 2010.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 300852. Amcast Industrial Corporation, 1020 West High Street, Stowe, PA 19464. Borough of Pottstown and West Pottsgrove Township, **Montgomery County**. The permit governing closure and post closure operations at a closed residual waste landfill has been suspended and the associated bond has been declared forfeit. The permit was suspended and the bond declared forfeit by the Southeast Regional Office on January 6, 2010.

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.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

GP9-65-01001A: Bullskin Stone & Lime Co., LLC, (P. O. Box 528, Latrobe, PA 15650) on December 31, 2009, to operate one Caterpillar 3056E-DITA diesel fuel fired engine and one Caterpillar C9 diesel fuel fired engine at their New Stanton Distribution Park facility on Hunker Waltz Mill Road, Hempfield Township, **Westmoreland County**.

GP3-65-01001A: Bullskin Stone & Lime Co., LLC (P. O. Box 528, Latrobe, PA 15650) on December 31, 2009, to operate one Metso/Nordberg stone crusher model LT-105 GSI and one Nordberg vibratory screen Model ST620 at their New Stanton Distribution Park facility on Hunker Waltz Mill Road, Hempfield Township, **Westmoreland County**.

GP14-65-00985A: Eternal Life Cremation Services (555 E. Valley Kitchen Drive, Mt. Pleasant, PA 15666) on January 6, 2010, to install and operate one Crematory

Manufacturing & Service, Inc., Model No. Millennium III human crematory rated at 150 lbs. per hour at their facility in East Huntingdon Township, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

GP5-10-359B: Keystone Midstream Services, LLC—Sarsen Gas Processing Plant (736 Prospect Road, Evans City, PA 16033) for operation of a natural gas fired compressor engine (BAQ-GPA/GP-5) in Forward Township, **Butler County**.

GP5-43-300A: Laurel Mountain Midstream, LLC—Hurt Center Compressor Station (57 Drake Road, Mercer, PA 16137) for operation of a natural gas fired compressor engine (BAQ-GPA/GP-5) in Jackson Township, **Mercer County**.

GP5-43-301A: Laurel Mountain Midstream, LLC—Jackson Center Compressor Station (103 Hosack Road, Jackson Center, PA 16133) for operation of a natural gas fired compressor engine (BAQ-GPA/GP-5) in Jackson Township, **Mercer County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

06-05096C: Reading Hospital and Medical Center (P. O. Box 16052, Reading, PA 19612) on January 6, 2010, for installation and operation of a cogeneration plant to provide both electrical generation and heat for their existing facility in West Reading Borough, **Berks County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

65-00966A: Greensburg Thermal, LLC—SCI Greensburg (755 Opossum Lake Road, Carlisle, PA 17015) on January 6, 2010, for requested additional time to complete stack testing requirements including the submission and review of stack test reports for the SCI Greensburg Steam Plant facility located in Hempfield Township, **Westmoreland County**. This is a Plan Approval Extension.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

45-00019: Haines and Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on January 6, 2010, to re-issue a State-Only (Natural Minor) Operating Permit for operation of a rock crushing operation and associated air cleaning devices at their Locust Ridge Quarry in Tobyhanna Township, **Monroe County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

06-05095: Unicast Co. (241 North Washington Street, Boyertown, PA 19512) on January 4, 2010, to their gray iron foundry in Boyertown Borough, **Berks County**. This is a renewal of the State-only operating permit.

22-03021: A.P. Green Refractories, Inc. (105 North Wood Street, Middletown, PA 17057-1237) on January 4, 2010, for their refractory products facility in Middletown Borough, **Dauphin County**. This is a renewal of the State-only operating permit.

36-03002: High Concrete Structures, Inc. (125 Denver Road, Denver, PA 17517-9314) on January 4, 2010, for their concrete form manufacturing facility in East Cocalico Township, **Lancaster County**. This is a renewal of the State-only operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

33-00156: National Fuel Gas Supply Corp. (144 Wayne Road, Reynoldsville, PA 15851) on January 5, 2010, to re-issue a Natural Minor Permit to operate a natural gas transmission facility in Winslow Township, **Jefferson County**. Emissions sources associated with this facility include 150 HP Compressor Unit with catalytic converter and natural gas dehydration unit. This facility is natural minor because the emissions of pollutants are less than Title V threshold. The facility is not subject to 40 CFR Part 63, Subpart ZZZZ for compressor unit because the engine rated less than 500 brake horsepower.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

25-00999: Riley Power (1420 Cascade Street, Erie, PA, 16502) on January 5, 2010, for revocation of their State-only Operating Permit for the operation of the fabricated plate work (boiler shop) facility in Erie City, **Erie County**. This operating permit was revoked because of a permanent shutdown of operations at the facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act

(52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

11031301 and NPDES Permit No. PA0235539, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Madison Mine in Croyle and Jackson Townships, **Cambria County** to expand the subsidence control plan area. Subsidence Control Plan Acres Proposed 381.8. The first downstream potable water supply intake from the point of discharge is the Greater Johnstown Water Authority—Saltlick Reservoir and intake Saltlick Run. Application received: April 27, 2009. Permit issued: January 7, 2010.

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

63080104 and NPDES Permit No. PA0251551. Oxford Mining Co., LLC (544 Chestnut Street, P. O. Box 427, Coshocton, OH 43812-0427). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mining site located in Jefferson Township, **Washington County**, affecting 187.9 acres. Receiving streams: unnamed tributaries to Scott Run. Application received: December 29, 2008. Permit issued: January 7, 2010.

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

61040102 and NPDES Permit No. PA0242560. Bedrock Mines, LP (111 Freeport Road, Aspinwall, PA 15215) Transfer of an existing bituminous strip operation from Ben Hal Mining Company in Irwin Township, **Venango County** affecting 58.0 acres. Receiving streams: Unnamed tributaries to Scrubgrass Creek. Application received: June 12, 2009. Permit Issued: January 4, 2010.

61980103 and NPDES Permit No. PA0227846. Bedrock Mines, LP (111 Freeport Road, Aspinwall, PA 15215) Transfer of an existing bituminous strip operation from Ben Hal Mining Company in Irwin Township, **Venango County** affecting 111.0 acres. Receiving streams: Unnamed tributaries to Scrubgrass Creek. Application received: June 12, 2009. Permit Issued: January 4, 2010.

16040101 and NPDES Permit No. PA0242489. Ben Hal Mining Company (390 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Limestone Township, **Clarion County** affecting 29.5 acres. Receiving streams: Piney Creek. This renewal is issued for reclamation only. Application received: November 18, 2009. Permit Issued: January 6, 2010.

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

17030103. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650), permit renewal issued for

reclamation only of a bituminous surface mining operation in Lawrence Township, **Clearfield County** affecting 80.2 acres. Receiving stream(s): Hogback Run classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 15, 2009. Permit issued: December 10, 2009.

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

35090101. Maco Associates, Inc., (400 Mill Street, Dunmore, PA 18512), commencement, operation and restoration of an anthracite surface mine and coal refuse reprocessing operation in Fell Township, **Lackawanna County** affecting 1,700.0 acres, receiving stream: none. Application received: May 22, 2009. Permit issued: January 5, 2010.

Noncoal Permits Actions

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

01092801. Gettysburg Granite, LLC, 31 Center Mills Road, Aspers, PA 17304, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Mt. Joy Township, **Adams County**, affecting 6 acres, receiving stream(s): unnamed tributary to Rock Creek. Application received: June 2, 2009. Permit issued: January 6, 2010.

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

10040301. Raducz Stone Corporation, (284 Rockdale Road, Butler, PA 16001) Renewal of NPDES Permit No. PA0242471 in Penn Township, **Butler County**. Receiving streams: Unnamed tributary to Thorn Creek. Application received: November 18, 2009. Permit Issued: January 6, 2010.

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

08082806. Timothy D. Leonard (R. R. 3, Box 163B, Columbia Cross Roads, PA 16914), Correction to the permit number (Not 09082806), commencement, operation and restoration of a gravel operation in Ridgebury Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Buck Creek, Bently Creek. Application received: March 18, 2009. Permit issued: November 5, 2009.

08080809. Brian K. Roberts (R. R. 2, Box 47, Wyalusing, PA 18853), commencement, operation and restoration of a small noncoal (bluestone) operation in Terry Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): unnamed tributary to the West Branch Susquehanna River. Application received: August 29, 2008. Permit issued: December 17, 2009.

41090801. Mark Orwig (2260 Grimesville Road, Williamsport, PA 17701), commencement, operation and restoration of a small noncoal (sandstone) operation in Susquehanna Township, **Lycoming County** affecting 5.0 acres. Receiving stream(s): Big Run, Susquehanna River. Application received: April 28, 2009. Permit issued: December 17, 2009.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated

by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

13094002. Moran Industries, (P. O. Box 295, Watsonstown, PA 17777) and **Orica USA, Inc.**, (971 Mountain Road, Bloomsburg, PA 17815), construction blasting for Mountain Laurel Golf Club Foundation and Utility Trench in East Side Borough and Kidder Township, **Carbon County** with an expiration date of April 1, 2010. Permit issued: January 5, 2010.

40094002. Digg-It Corporation, (946 Springbrook Avenue, Moosic, PA 18507) and **Orica USA, Inc.**, (971 Mountain Road, Bloomsburg, PA 17815), construction blasting for the Wilkes-Barre/Scranton Airport Air Traffic Control Tower Project in Avoca Borough, **Luzerne County** with an expiration date of December 31, 2010. Permit issued: January 7, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E06-630: Ralph Weaver/Weaver Property, 2030 Old Lancaster Pike, Sinking Spring, PA 19608, Spring Township, **Berks County**, ACOE Baltimore District.

To stabilize 450.0-feet of an unnamed tributary to Little Muddy Creek (TSF) by constructing a low flow channel and a vegetated floodplain bench, and creating a stilling basin at the outlet of an existing 42.0-inch RCP culvert pipe and (Sinking Spring, PA Quadrangle N: 2.5 inches; W: 4.8 inches, Latitude: 40° 15' 51"; Longitude: 76° 2' 1") in Spring Township, Berks County.

E01-285: Knouse Foods Cooperative, Inc., 800 Peach Glen-Idaville Road, Peach Glen, PA 17375, Tyrone Township, **Adams County**, ACOE Baltimore District. Watershed 7F.

The applicant proposes to install and maintain: (1) a 13,750-square-foot constructed wetland treatment system in the floodway of an unnamed tributary to Bermudian Creek (WWF); (2) a concrete weir box structure to divert flow into the constructed wetland in an unnamed tributary to Bermudian Creek (WWF); (3) a 326-square-foot rip rap apron for an outfall structure between wetland cell #1 and wetland cell #2 in the floodway of an unnamed tributary to Bermudian Creek (WWF); (4) a 52-square-foot rip rap apron for an outfall structure for wetland cell #2 in an unnamed tributary to Bermudian Creek; and (5) 66 feet of stream bank stabilization on the stream bank of an unnamed tributary to Bermudian Creek (WWF) (York, PA Quadrangle N: 3.0 inches; W: 15 inches, Latitude: 40° 01' 08"; Longitude: 77° 13' 50"). The project involves the removal of soil in the floodway to construct two wetlands and associated structures to treat effluent containing elevated levels of dissolved iron, and to provide stream bank stabilization along the project site.

E67-873: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Springettsbury and Spring Garden Townships, **York County**, ACOE Baltimore District.

To: (1) raze the existing SR 1033 (Sherman Street) steel I-beam bridge having four spans, a width of 37.3 feet, a total span of 263.7 feet, and an underclearance of 22.5 feet over Mill Creek (WWF) and Interstate 83 (York, PA Quadrangle N: 18.9 inches; W: 11.9 inches, Latitude: 39° 58' 45"; Longitude: 76° 42' 35"); (2) construct and maintain a two span composite steel plate girder bridge approximately 18 feet west of the existing bridge having a width of 55.3 feet, a total span of 265.0 feet, and an underclearance of 24.5 feet carrying SR 1033 (Sherman Street) over Mill Creek (WWF) and Interstate 83 (York, PA Quadrangle N: 18.9 inches; W: 11.9 inches, Latitude: 39° 58' 45"; Longitude: 76° 42' 35") in Springettsbury and Spring Garden Townships, York County, for the purpose of

providing a structurally sound bridge that will maintain safe and adequate movement of motorized vehicles.

E67-872: Snyder's of Hanover, Inc., 1350 York Road, Hanover, PA 17331-0917, Snyder's of Hanover Glatco Lodge Road Quarry, Heidelberg Township, **York County**, ACOE Baltimore District.

To fill and maintain a 1.93 acre, abandoned open water quarry pit with clean fill. The project is located west of Glatco Lodge Road, north of its intersection with Moulstown Road (Hanover, PA Quadrangle N: 15.9 inches; W: 10.2 inches, Latitude: 39° 50' 19"; Longitude: 76° 56' 46.5") in Heidelberg Township, York County. The purpose of the project is to reclaim the mine area and to eliminate potential safety hazards to the community.

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

E02-1613. Adventure Development, LLC, 102 W. Anderson Street, Selma, NC 27576-5561. To construct a stream enclosure culvert and fill wetlands in McCandless Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 12.0 inches; W: 3.7 inches, Latitude: 40° 33' 58"; Longitude: 80° 01' 36"). To place and maintain fill in 0.07 acre of wetlands; to construct and maintain an approximately 500 foot long stream enclosure consisting of a 42 inch diameter culvert in an unnamed tributary to Little Pine Creek (UNT 2) (Depressed 6 inches below the natural stream bed elevation) (TSF, Drainage Area less than 100 acres); to construct and maintain an approximately 300 foot long stream enclosure consisting of a 36 inch diameter culvert in an unnamed tributary to Little Pine Creek (UNT 3) (depressed 6 inches below the natural stream bed elevation) (TSF, Drainage Area less than 100 acres); to relocate and maintain approximately 285 linear feet of an unnamed tributary to Little Pine Creek, resulting in a stream loss of 110 linear feet (UNT 4) (TSF, Drainage Area less than 100 acres); to place and maintain fill within the floodway for 77 linear feet of an unnamed tributary to Little Pine Creek (UNT 3) (Drainage Area less than 100 acres), 410 linear feet of an unnamed tributary to Little Pine Creek (UNT 1) (TSF, Drainage Area less than 100 acres), and 225 linear feet of an unnamed tributary to Little Pine Creek (UNT 5) (TSF, Drainage Area less than 100 acres); to place and maintain fill in the channel of 105 linear feet of an unnamed tributary to Little Pine Creek (UNT 6) (TSF, Drainage Area less than 100 acres) and 138 linear feet of an unnamed tributary to Little Pine Creek (UNT 5A) (TSF, Drainage Area less than 100 acres); to place and maintain riprap in the channel of 22 linear feet of an unnamed tributary to Little Pine Creek (UNT 2) (TSF, Drainage Area less than 100 acres) and 22 linear feet of an unnamed tributary to Little Pine Creek (UNT 3) (TSF, Drainage Area less than 100 acres); to construct and maintain a temporary road crossing; for the purpose of constructing a retail and office building development known as McCandless Crossing (McCandless Town Center) and extending Duncan Avenue. As mitigation for the two stream enclosures and the relocated channel, the applicant will plant riparian vegetation along 810 linear feet of two unnamed tributaries of Little Pine Creek (UNT 1 and UNT2) (TSF) onsite and along 1475 linear feet of an unnamed tributary of Pine Creek (CWF) offsite. Within the onsite mitigation reaches, 7 rock cross vanes will be constructed. As mitigation for the wetland impacts, the applicant will construct a 0.10 acre replacement wetland onsite. The project is located on the west

side of McKnight Road Extension, just southwest from the intersection of McKnight Extension and Cumberland Roads and will impact 2,194 linear feet of stream channel and 0.07 acre of wetlands.

E02-1619. Eastman Chemical Resins, Inc., State Highway 837, P. O. Box 567, West Elizabeth, PA 15088-0567. To repair an existing barge loading facility in Jefferson Hills Borough, **Allegheny County**, Pittsburgh ACOE District (Glassport, PA Quadrangle N: 3.0 inches; W: 3.5 inches, Latitude: 40° 15' 57.8"; Longitude: 79° 54' 1.7"). To operate and maintain the existing barge loading / unloading facility (originally constructed under Permit No. 10717) in the channel and along the left bank of the Monongahela River (WWF) located at River Mile 23.7, just downstream from Lock and Dam No. 3.

E26-354. Jacobs Creek Watershed Association, P. O. Box 1071, Mt. Pleasant, PA 15666. To maintain shoreline stabilization in Bullsken Township, **Fayette County**, Pittsburgh ACOE District (Connellsville, PA Quadrangle N: 20.3 inches; W: 2.9 inches, Latitude: 40° 6' 39"; Longitude: 79° 31' 13"). To construct and maintain fish habitat structures and shoreline stabilization with rocks and vegetation for a length of 325 feet, along the south shore of Green Lick Lake on Green Lick Run (WWF). The project includes placement of 5-7 feet wide fill in the eroded areas and construction of R-7, R-5 and R-4 riprap, and two new docks.

E65-927. Pucketa & Chartiers Watershed Association, P. O. Box 2801, Lower Burrell, PA 15068. A total stream impact of 1,920' is proposed, all within Chartiers Creek (TSF) and its floodplain. The project is located in "Wolfpak Park" in the City of Lower Burrell, **Westmoreland County**, Pittsburgh ACOE District (New Kensington East, PA Quadrangle North 17.55"; West 12.8", Latitude: 40° 35' 48"; Longitude: 79° 43' 02").

1. Construct and maintain a pedestrian footbridge with a span of approximately 50' and underclearance of approximately 12'.

2. Construct and maintain stream improvements consisting of 7 cross veins and 3 j-hook veins of either rock or log construction.

3. Re-grade and maintain approximately 400' of stream channel.

4. Stabilize the area by planting vegetation in the riparian zone.

5. Construct and maintain an asphalt walking trail along 540lf of floodplain.

6. Operate and maintain two baseball fields within 450lf of floodplain.

7. Operate and maintain asphalt 8—10' wide walking trails along 1320lf of floodplain.

8. Operate and maintain a 25' x 25' picnic shelter within the floodplain.

9. Operate and maintain a 60' x 20' batting cage within the floodplain.

10. Operate and maintain 60lf of riprap stream stabilization within the channel.

11. Operate and maintain a gravel parking area along 240 lf of stream floodplain.

12. Operate and maintain two bocce ball courts, totaling 30' x 80' within the floodplain.

13. Operate and maintain two horseshoe pits, totaling 20' x 45' within the floodplain.

14. Operate and maintain two soccer fields along 370lf of floodplain.

15. Operate and maintain a 28' x 70' concrete block building within the floodplain.

16. Operate and maintain an 18" plastic outfall within the channel.

17. Operate and maintain three 15" stormwater outfalls within the channel.

18. Operate and maintain two 12" stormwater outfalls within the channel.

19. Operate and maintain a 6" stormwater outfall within the channel.

20. Operate and maintain a 36" stormwater outfall within the channel.

Cambria District: Environmental Program Manager, 286 Industrial Pike Road, Ebensburg, PA 15931-4119.

E3709-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in New Beaver Borough, **Lawrence County**, Pittsburgh ACOE District. Receiving Streams/Watershed: Unnamed tributary to Wampum Run (WWF) to Beaver River (Ohio Basin/The Ohio Sub-basin 20B/Beaver River Watershed).

The applicant proposes to reclaim/backfill an abandoned surface mine, eliminating 1,200 linear feet of dangerous highwall. The project involves the encroachment and elimination of all but 0.4 acre of a 3.5 acre open-water body as part of the reclamation work. The project will also directly impact < 0.05 acre of wetland, which is considered de minimis. Impacts to the water body and wetland are unavoidable in order to address the public safety hazards at this site. However, a deep and shallow fringe area of the existing water body will remain intact and an additional shallow retention pond will be constructed to alleviate the aquatic resource impacts of the project. Total proposed area for these aquatic features is 0.6 acre. The proposed work includes clearing and grubbing, grading to backfill the highwalls (including water body) with associated spoil material, construction of a shallow retention pond, temporary and permanent erosion control measures and revegetating the entire project area with grasses and legumes (New Galilee and Beaver Falls, PA Quadrangles Latitude: 40° 52' 18"; Longitude: 80° 22' 29", N 22 inches; W 17 inches-Beaver Falls Quad).

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute

provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

ESCGP-1 #	ESX09-081-0020
Applicant Name	XTO Energy
Contact Person	Bernhardt Kissel
Address	395 Airport Road
City, State, Zip	Indiana, PA 15701
County	Lycoming
Township(s)	Shrewsbury Township
Receiving Stream(s) and Classification(s)	Big Run (HQ-CWF) and Fox Run (CWF)
ESCGP-1 #	ESX09-081-0021
Applicant Name	XTO Energy
Contact Person	Mike Hahn
Address	395 Airport Road
City, State, Zip	Indiana, PA 15701
County	Lycoming
Township(s)	Penn Township
Receiving Stream(s) and Classification(s)	Sugar Run (CWF)
ESCGP-1 #	ESX09-081-0019
Applicant Name	XTO Energy
Contact Person	Bernhardt Kissel
Address	395 Airport Road
City, State, Zip	Indiana, PA 15701
County	Lycoming
Township(s)	Jordan Township
Receiving Stream(s) and Classification(s)	Little Muncy Creek—CWF, MF
ESCGP-1 #	ESX09-069-0008
Applicant Name	EXCO—North Coast Energy
Contact Person	Mr. Joel Heiser
Address	3000 Ericsson Drive, Suite 200
City, State, Zip	Warrendale, PA 15086
County	Lackawanna
Township(s)	North Abington Township
Receiving Stream(s) and Classification(s)	Kennedy Creek/South Branch Tunkhannock Creek Watershed
ESCGP-1 #	ESX09-115-0024
Applicant Name	ALTA Operating Company
Contact Person	Mr. Joseph Greenberg
Address	500 Dallas, Suite 2930
City, State, Zip	Houston, TX 77002
County	Susquehanna
Township(s)	Middletown Township
Receiving Stream(s) and Classification(s)	UNT to Middle Branch Wyalusing Creek

ESCGP-1 #	ESX09-081-0022
Applicant Name	Seneca Resources Corp.
Contact Person	Doug Kepler
Address	51 Zents Boulevard
City, State, Zip	Brookville, PA 15825
County	Lycoming
Township(s)	Lewis Township
Receiving Stream(s) and Classification(s)	Grays Run, Lycoming Creek, Bartoff Hollow, Darr Hollow

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335.

ESCGP-1 #	ESG09-053-0004
Applicant	Sheffield Land & Timber
Contact	Richard Cochran
Address	P. O. Box 54
Sheffield PA	16347
County	Forest Township(s) Howe
Receiving Stream(s) and Classification(s)	West Branch Blue Jay Creek (HQ); Blue Jay Creek (HQ)

SPECIAL NOTICES

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

Notice is hereby given that the Department of Environmental Protection (**Greensburg District Mining Office**, 8205 Route 819, Greensburg, PA, 15601-0982; Phone: 724-925-5500) will hold a Public Hearing and Informal Conference for all interested persons wishing to make oral comments or to submit written comments on Amerikohl Mining, Inc.'s (202 Sunset Drive, Butler, PA 16001) request for a surface mining permit, (Application No. 26080106) and associated NPDES permit application 0251763 located in Dunbar Township, **Fayette County**. Amerikohl has proposed to discharge treated wastewater and implement best management practices in the course of their proposed surface mining activity. The receiving streams for the proposed mining area are unnamed tributaries listed as Cold Water Fisheries in Chapter 93.4c(b)(1). They flow to the High Quality Youghiogheny River. Other activities are proposed in the High Quality waters of Morgan Run and Johnson Run. The public notice for the application was published in the *Herald-Standard* newspaper on October 5, 12, 19 and 26, 2009 and in the *Pennsylvania Bulletin* on October 5, 2009.

On March 2, 2010, a Public Hearing will be held at 1 p.m., at the Morrell Volunteer Fire Department, located on Morrell Road, Dunbar, PA 15432. Morrell Road is approximately 1 1/2 miles south of Connellsville, PA just off of Route 119. Specifically, the Morrell Volunteer Firehall is located just across Morrell Road from the entrance to the Comet Drive In.

The issues raised by the persons requesting the hearing include NPDES Discharge and recreational concerns.

The meeting will be divided into three sessions. The first will be a Department of Environmental Protection (Department) presentation of the permit application review process which will include site specific information on the proposed application. The second session will be an open house session where anyone will be able to discuss their concerns with the individual reviewers. And the third session will be a formal Public Hearing.

The rules of the public hearing session follow:

1) Be prepared to sign in if you intend to speak in the hearing phase of the meeting.

2) The speakers will be called to speak in chronologic order of the list.

3) Each speaker will have 5 minutes to speak.

4) Each speaker will approach a podium or similar accommodation where they will speak in front of the audience.

5) The Department will not answer questions at the public hearing portion of the meeting.

6) Only one speaker may speak at a time.

7) A stenographer will be provided to record the speaker's comments for the record.

Further information can be obtained by contacting the Greensburg District Mining Office. Written comments will be received during the 7 day comment period after the hearing.

Individuals with a disability wishing to attend this meeting and require an auxiliary aid, service or other accommodation to participate, call (724) 925-5500 and ask for Cathy Hillman, ADA Coordinator to discuss how their needs may be best accommodated. Individuals may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users) and request that your call be relayed to Cathy Hillman at (724) 925-5500.

The application, plans and other data concerning the permit are available at the Department of Environmental Protection, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Uniontown, PA 15401, and the Department of Environmental Protection, Greensburg District Office, Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601. For an appointment at the Greensburg District Office, call (724) 925-5500.

[Pa.B. Doc. No. 10-147. Filed for public inspection January 22, 2010, 9:00 a.m.]

Advanced Notice of Final Rulemaking for the Administration of the Water and Wastewater Systems Operators' Certification Program

The Department of Environmental Protection (Department) is soliciting comments on changes it recommends be made to Chapter 302, The Administration of the Water and Wastewater Systems Operator Certification Program proposed rulemaking published in the *Pennsylvania Bulletin* at 39 Pa.B. 3591 (July 11, 2009). Public comments were accepted from July 11, 2009 through September 9, 2009. The Department received 154 comments from 77 commentators.

The draft final-form rulemaking describes the policies and procedures the State Board for Certification of Water and Wastewater Systems Operators (Certification Board) and the Department will follow to implement its responsibilities and duties under the Drinking Water and Wastewater Systems Operators' Certification Act (Certification Act) (63 P.S. §§ 1001—1015.1). This includes the procedures to be followed by applicants to become certified for the first time, to renew their certification, and to apply for reciprocity based on certification received from another state. The regulations also describe the procedure the Certification Board will follow for the review of all

applications for certification, including the review of criminal history records. The regulations also define requirements for the suspension or revocation of an operator's certificate, upon petition by the Department and for the review of Department decisions related to operator training programs and courses. The draft final-form rulemaking also establishes the standards and requirements for operators of water and wastewater systems to become certified and maintain their certification. It also establishes the duties and responsibilities of operators and owners related to the operation of a community or nontransient, noncommunity water system, water distribution system, wastewater treatment system treating more than 2,000 gallons per day and a satellite wastewater collection system with a pump station. Finally, proposed fees to cover the costs of program administration are established.

This rulemaking ensures that Pennsylvania's Operator Certification Program continues to meet the Federal requirements established in the 1996 Amendments to the Federal Safe Drinking Water Act (SDWA) and State requirements as established by the Certification Act. This proposed rulemaking is more stringent than the Federal guidelines in one area. The Certification Act requires that the Federal requirements for drinking water system operators also apply to wastewater system operators.

A. Summary of the Advance Notice of Final-Form Rulemaking Changes

In response to comments received during the official public comment period on the proposed rulemaking for Chapter 302, The Administration of the Water and Wastewater Systems Operator Certification Program, the Department has prepared a draft final-form rulemaking for public comment. The draft final-form rulemaking contains significant changes in several areas. These changes include:

- **Definitions**—As suggested by the commentators a number of definitions were revised. In addition, the definitions for conventional filtration, membrane filtration and ground water were revised to ensure continued consistency with Department regulations for the Safe Drinking Water Program.

- **Operator Liability**—A new section 1209 (Assessment of Fines and Penalties) has replaced the previous Section 1209 (Satellite Collection Systems). Section 1209 was added to require the Department's assessment of a penalty be based on a person's failure to comply with an order. This has always been the intention of the Department and the way the program has been implemented since 2002.

- **Laboratory Supervisor Subclassification**—Sections referring to this subclassification were revised to insure consistency between Chapter 302 and provisions of Chapter 252, Laboratory Accreditation.

- **Duties of Operators**—The duties of operators were revised to parallel statutory language. Additional language to further clarify the statutory requirement for a report from the operator to an owner regarding violations and potential violations was deleted.

- **Process Control Decisions**—Language pertaining to Department staff making process control decisions under specific situations was deleted.

- *Process Control Plans*—Language was added to clarify when the Department would ask for the development of these plans and who would be responsible for their development.

- *Collection Systems*—The Section distinguishing the requirement for a certified operator based on ownership was deleted. The definitions for single entity and satellite collection systems were revised to parallel statutory language.

- *Fees*—While the actual fee structure did not change, further clarification as to how the fees would be applied was added.

While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for final-form rulemaking, the Department believes further discussion would serve the public interest in this instance.

B. Contact Persons

For further information or to request a copy of the draft final-form rulemaking contact Veronica Kasi, the Division of Technical and Financial Assistance, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 787-0122, ra-opcert@state.pa.us. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This draft final-form rulemaking is available electronically through the Department's web site at www.depweb.state.pa.us. (Select: Public Participation Center, then Select: Proposals Currently Open for Comment)

Electronic or written comments should be sent to Veronica Kasi at the previously listed address. Comments must be received by February 26, 2010. A subject heading of the rulemaking and a return name and address must be included in each letter or transmission. Comments will not be accepted by facsimile or voice mail.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-148. Filed for public inspection January 22, 2010, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "eLibrary"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2010.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 362-4000-002. Title: Field Order Instruction Manual for Water Quality Operations. Description: This technical guidance has been revised to update and establish uniform instructions and procedures for Water Quality Field Operations staff, by authority of the PA Clean Streams Law, for the issuance of Field Orders for violations occurring at permitted and unpermitted facilities. By this notice, the Department is also rescinding the 1998 version of this guidance, *Field Manual for Compliance Orders* (Document # 362-4000-002). Unlike the 1998 version, this guidance includes substantial revisions that consist of updated regulations and new scenarios that field staff may encounter that warrant the issuance of a Field Order when voluntary compliance cannot be attained by other established methods. The Department published notice of the draft technical guidance for a 30-day public comment period in the *Pennsylvania Bulletin* at 39 Pa.B. 6520 (November 7, 2009). The Department did not receive any comments on this guidance and no changes have been made to the final guidance document. Contact: Questions regarding the final guidance document should be directed to Robert Kachonik at (717) 783-4018 or rkachonik@state.pa.us.

Effective date: January 23, 2010.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-149. Filed for public inspection January 22, 2010, 9:00 a.m.]

Bid Opportunity

BOGM 09-11, cleaning out and plugging 15 abandoned oil wells, (Thomas Sutton Property), Foster Township, McKean County. The principal items of work include cleaning out and plugging 15 abandoned oil wells, estimated to be 1,200 feet in depth, to the Department of Environmental Protection's specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on January 22, 2010, and bids will be opened on February 25, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-150. Filed for public inspection January 22, 2010, 9:00 a.m.]

Request for Comments on the National Environmental Policy Act; Environmental Assessment for a Wind Energy Project

The Department of Environmental Protection (Department) is soliciting comments on the Environmental Assessment (EA) required by the Federal Department of Energy (DOE) to achieve National Environmental Policy Act (NEPA) compliance for the Frey Farm Landfill Wind Energy Project. The proposed project is a 3.2 mega watt (MW), two turbine wind energy project on Frey Landfill property in Manor Township, Lancaster County. The proposed project will receive a portion of its funding from the American Reinvestment and Recovery Act dollars allocated to the Commonwealth for the State Energy Program.

Legal Authority: NEPA regulations at 40 CFR Parts 1500—1508, and DOE's NEPA regulations at 10 CFR Part 1021.

Contact Persons

For further information or to request a copy of the EA contact Kelly Heffner, Director Policy Office, P. O. Box 2063, Rachel Carson State Office Building, Harrisburg, PA 17105-2063, (717) 783-8727. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This EA is available electronically through the Department's web site at www.depweb.state.pa.us. (Select: Public Participation Center, then Select: ARRA)

Electronic or written comments should be sent to Kelly Heffner at the previously listed address. Comments must be received by February 8, 2010. A subject heading of the rulemaking and a return name and address must be included in each letter or transmission. Comments will not be accepted by facsimile or voice mail.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-151. Filed for public inspection January 22, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Berwick Hospital Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berwick Hospital Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1.3.2 (relating to space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-152. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of Carlisle Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-5.2.1.1 (relating to corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-153. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of DuBois Regional Medical Center Ridgeway for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center Ridgeway

has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-5.2.1.1 (relating to corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-154. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of DuBois Regional Medical Center St. Mary's for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center St. Mary's has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-2.1.1.1.1(1) (relating to minimum floor area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-155. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of The Ellwood City Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Ellwood City Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-156. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of Memorial Hospital, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Hospital, Inc. has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-157. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of The Monongahela Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Monongahela Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(b) (relating to oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-158. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of The PMA Gastroenterology Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The PMA Gastroenterology Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-159. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Chestnut Hill Hospital
The Reading Hospital and Medical Center
Thomas Jefferson University Hospitals, Inc.
Wilkes-Barre General Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-160. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 551.21 (d)(1)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery).

Apple Hill Surgical Center
Clinical Nephrology Associates
Metropolitan Nephrology Associates, PC
The NeuroSpine Center, LP

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-161. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions):

Blue Bell Surgery Center
Dermatology and Cosmetic Surgery Center, PC
Physicians Surgery Center, Lancaster General, LLC

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-162. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of UPMC Mercy for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Mercy has requested an exception to

the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-1.63 (relating to unrelated traffic in outpatient facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-163. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of UPMC St. Margaret for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret has requested an exception to the requirements of 28 Pa. Code § 555.32(a) (relating to administration of anesthesia).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-164. Filed for public inspection January 22, 2010, 9:00 a.m.]

Application of WellSpan Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that WellSpan Specialty Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1.5.9(3) (relating to special bathing facilities), A3.1.5.4 (family lounge), 5.12.3 (body-holding room), 5.5.8 (support areas for imaging suite), 5.1 (emergency service).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-165. Filed for public inspection January 22, 2010, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and windowsills).

Washington County Health Center
36 Old Hickory Ridge Road
Washington, PA 15301

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction).

Sherwood Oaks
100 Norman Drive
Cranberry Township, PA 16066

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 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 require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-166. Filed for public inspection January 22, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these persons and firms, or any firms, corporations or partnerships in which such persons and firms have an interest, shall be awarded no contract for 3 years after the date listed.

Contractor	Address	Date of Debarment
Morris Johnson & Sons, Inc. and Albert Johnson, Sr., Individually	925 Davisville Road Willow Grove, PA 19090	1/13/2009
D.E.W. Steel Contractors, Inc. and Dale E. Weissner, Individually	244 Old Hershbeger Road Hollsopple, PA 15935	4/7/2009
Brick Fronts, LLC and Peter Jach, Individually	6 Corbin Lane Morrisville, PA 19067	4/16/2009
Barlow Projects, Inc. and James Barlow, Individually	2000 Vermont Drive Fort Collins, CO 80525	7/29/2009
G.F. Insulations, Inc. and Gregory C. Fernberg, Individually	1520 Columbiana Lisbon Road Columbiana, OH 44408	9/23/2009

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Richard F. Bondurant, LLC and Richard F. Bondurant, Individually	228 Brook Street Media, PA 19063-3621	9/28/2009
Comunale Automatic Sprinkler, Inc. and Mark J. Comunale, Individually	1180 Sand Run Road Akron, OH 44313-8014	12/11/2009
NAVTECH, Inc. Brenda C. Watson, Individually Roger Watson, Individually	P. O. Box 756 New Bloomfield, PA 17068	12/30/2009

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-167. Filed for public inspection January 22, 2010, 9:00 a.m.]

Table Specified for Determination of Rate and Amount of Benefits

The purpose of this notice is to effect the automatic extension of Table Specified for Determination of Rate and Amount of Benefits. Each year the maximum weekly benefit rate is calculated at 66 2/3% of the average weekly wage in covered employment for the preceding fiscal year. The maximum weekly benefit rate for unemployment compensation purposes in this Commonwealth during calendar year 2010 will be \$564.

Under the authority contained in sections 201 and 404(e)(2) of the Unemployment Compensation Law (Law) (43 P. S. §§ 761 and 804(e)(2)) and 34 Pa. Code § 65.111 (relating to benefit table), the table for 2010 is being adopted by this notice and will be codified in 34 Pa. Code Chapter 65, Appendix A. See 14 Pa.B. 4688 (December 29, 1984).

Under section 404(e)(2) of the Law, this table is effective for claimants whose benefit year begins on or after January 1, 2010.

Questions concerning this notice should be directed to Patrick T. Beaty, Deputy Secretary for Unemployment Compensation Programs, 651 Boas Street, Room 1700, Harrisburg, PA 17121.

APPENDIX A

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
\$800-812	\$35	\$1320	\$910	\$560
813-837	36	1360	936	576
838-862	37	1400	962	592
863-887	38	1440	988	608
888-912	39	1480	1014	624
913-937	40	1520	1040	640
938-962	41	1560	1066	656
963-987	42	1600	1092	672
988-1012	43	1640	1118	688
1013-1037	44	1680	1144	704
1038-1062	45	1720	1170	720
1063-1087	46	1760	1196	736
1088-1112	47	1800	1222	752
1113-1162	48	1840	1248	768
1163-1187	49	1880	1274	784
1188-1212	50	1920	1300	800
1213-1237	51	1960	1326	816
1238-1262	52	2000	1352	832
1263-1287	53	2040	1378	848

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
2513-2537	103	4040	2678	1648	4138-4162	168	6640	4368	2688
2538-2562	104	4080	2704	1664	4163-4187	169	6680	4394	2704
2563-2587	105	4120	2730	1680	4188-4212	170	6720	4420	2720
2588-2612	106	4160	2756	1696	4213-4237	171	6760	4446	2736
2613-2637	107	4200	2782	1712	4238-4262	172	6800	4472	2752
2638-2662	108	4240	2808	1728	4263-4287	173	6840	4498	2768
2663-2687	109	4280	2834	1744	4288-4312	174	6880	4524	2784
2688-2712	110	4320	2860	1760	4313-4337	175	6920	4550	2800
2713-2737	111	4360	2886	1776	4338-4362	176	6960	4576	2816
2738-2762	112	4400	2912	1792	4363-4387	177	7000	4602	2832
2763-2787	113	4440	2938	1808	4388-4412	178	7040	4628	2848
2788-2812	114	4480	2964	1824	4413-4437	179	7080	4654	2864
2813-2837	115	4520	2990	1840	4438-4462	180	7120	4680	2880
2838-2862	116	4560	3016	1856	4463-4487	181	7160	4706	2896
2863-2887	117	4600	3042	1872	4488-4512	182	7200	4732	2912
2888-2912	118	4640	3068	1888	4513-4537	183	7240	4758	2928
2913-2937	119	4680	3094	1904	4538-4562	184	7280	4784	2944
2938-2962	120	4720	3120	1920	4563-4587	185	7320	4810	2960
2963-2987	121	4760	3146	1936	4588-4612	186	7360	4836	2976
2988-3012	122	4800	3172	1952	4613-4637	187	7400	4862	2992
3013-3037	123	4840	3198	1968	4638-4662	188	7440	4888	3008
3038-3062	124	4880	3224	1984	4663-4687	189	7480	4914	3024
3063-3087	125	4920	3250	2000	4688-4712	190	7520	4940	3040
3088-3112	126	4960	3276	2016	4713-4737	191	7560	4966	3056
3113-3137	127	5000	3302	2032	4738-4762	192	7600	4992	3072
3138-3162	128	5040	3328	2048	4763-4787	193	7640	5018	3088
3163-3187	129	5080	3354	2064	4788-4812	194	7680	5044	3104
3188-3212	130	5120	3380	2080	4813-4837	195	7720	5070	3120
3213-3237	131	5160	3406	2096	4838-4862	196	7760	5096	3136
3238-3262	132	5200	3432	2112	4863-4887	197	7800	5122	3152
3263-3287	133	5240	3458	2128	4888-4912	198	7840	5148	3168
3288-3312	134	5280	3484	2144	4913-4937	199	7880	5174	3184
3313-3337	135	5320	3510	2160	4938-4962	200	7920	5200	3200
3338-3362	136	5360	3536	2176	4963-4987	201	7960	5226	3216
3363-3387	137	5400	3562	2192	4988-5012	202	8000	5252	3232
3388-3412	138	5440	3588	2208	5013-5037	203	8040	5278	3248
3413-3437	139	5480	3614	2224	5038-5062	204	8080	5304	3264
3438-3462	140	5520	3640	2240	5063-5087	205	8120	5330	3280
3463-3487	141	5560	3666	2256	5088-5112	206	8160	5356	3296
3488-3512	142	5600	3692	2272	5113-5137	207	8200	5382	3312
3513-3537	143	5640	3718	2288	5138-5162	208	8240	5408	3328
3538-3562	144	5680	3744	2304	5163-5187	209	8280	5434	3344
3563-3587	145	5720	3770	2320	5188-5212	210	8320	5460	3360
3588-3612	146	5760	3796	2336	5213-5237	211	8360	5486	3376
3613-3637	147	5800	3822	2352	5238-5262	212	8400	5512	3392
3638-3662	148	5840	3848	2368	5263-5287	213	8440	5538	3408
3663-3687	149	5880	3874	2384	5288-5312	214	8480	5564	3424
3688-3712	150	5920	3900	2400	5313-5337	215	8520	5590	3440
3713-3737	151	5960	3926	2416	5338-5362	216	8560	5616	3456
3738-3762	152	6000	3952	2432	5363-5387	217	8600	5642	3472
3763-3787	153	6040	3978	2448	5388-5412	218	8640	5668	3488
3788-3812	154	6080	4004	2464	5413-5437	219	8680	5694	3504
3813-3837	155	6120	4030	2480	5438-5462	220	8720	5720	3520
3838-3862	156	6160	4056	2496	5463-5487	221	8760	5746	3536
3863-3887	157	6200	4082	2512	5488-5512	222	8800	5772	3552
3888-3912	158	6240	4108	2528	5513-5537	223	8840	5798	3568
3913-3937	159	6280	4134	2544	5538-5562	224	8880	5824	3584
3938-3962	160	6320	4160	2560	5563-5587	225	8920	5850	3600
3963-3987	161	6360	4186	2576	5588-5612	226	8960	5876	3616
3988-4012	162	6400	4212	2592	5613-5637	227	9000	5902	3632
4013-4037	163	6440	4238	2608	5638-5662	228	9040	5928	3648
4038-4062	164	6480	4264	2624	5663-5687	229	9080	5954	3664
4063-4087	165	6520	4290	2640	5688-5712	230	9120	5980	3680
4088-4112	166	6560	4316	2656	5713-5737	231	9160	6006	3696
4113-4137	167	6600	4342	2672	5738-5762	232	9200	6032	3712

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
5763-5787	233	9240	6058	3728	7388-7412	298	11840	7748	4768
5788-5812	234	9280	6084	3744	7413-7437	299	11880	7774	4784
5813-5837	235	9320	6110	3760	7438-7462	300	11920	7800	4800
5838-5862	236	9360	6136	3776	7463-7487	301	11960	7826	4816
5863-5887	237	9400	6162	3792	7488-7512	302	12000	7852	4832
5888-5912	238	9440	6188	3808	7513-7537	303	12040	7878	4848
5913-5937	239	9480	6214	3824	7538-7562	304	12080	7904	4864
5938-5962	240	9520	6240	3840	7563-7587	305	12120	7930	4880
5963-5987	241	9560	6266	3856	7588-7612	306	12160	7956	4896
5988-6012	242	9600	6292	3872	7613-7637	307	12200	7982	4912
6013-6037	243	9640	6318	3888	7638-7662	308	12240	8008	4928
6038-6062	244	9680	6344	3904	7663-7687	309	12280	8034	4944
6063-6087	245	9720	6370	3920	7688-7712	310	12320	8060	4960
6088-6112	246	9760	6396	3936	7713-7737	311	12360	8086	4976
6113-6137	247	9800	6422	3952	7738-7762	312	12400	8112	4992
6138-6162	248	9840	6448	3968	7763-7787	313	12440	8138	5008
6163-6187	249	9880	6474	3984	7788-7812	314	12480	8164	5024
6188-6212	250	9920	6500	4000	7813-7837	315	12520	8190	5040
6213-6237	251	9960	6526	4016	7838-7862	316	12560	8216	5056
6238-6262	252	10000	6552	4032	7863-7887	317	12600	8242	5072
6263-6287	253	10040	6578	4048	7888-7912	318	12640	8268	5088
6288-6312	254	10080	6604	4064	7913-7937	319	12680	8294	5104
6313-6337	255	10120	6630	4080	7938-7962	320	12720	8320	5120
6338-6362	256	10160	6656	4096	7963-7987	321	12760	8346	5136
6363-6387	257	10200	6682	4112	7988-8012	322	12800	8372	5152
6388-6412	258	10240	6708	4128	8013-8037	323	12840	8398	5168
6413-6437	259	10280	6734	4144	8038-8062	324	12880	8424	5184
6438-6462	260	10320	6760	4160	8063-8087	325	12920	8450	5200
6463-6487	261	10360	6786	4176	8088-8112	326	12960	8476	5216
6488-6512	262	10400	6812	4192	8113-8137	327	13000	8502	5232
6513-6537	263	10440	6838	4208	8138-8162	328	13040	8528	5248
6538-6562	264	10480	6864	4224	8163-8187	329	13080	8554	5264
6563-6587	265	10520	6890	4240	8188-8212	330	13120	8580	5280
6588-6612	266	10560	6916	4256	8213-8237	331	13160	8606	5296
6613-6637	267	10600	6942	4272	8238-8262	332	13200	8632	5312
6638-6662	268	10640	6968	4288	8263-8287	333	13240	8658	5328
6663-6687	269	10680	6994	4304	8288-8312	334	13280	8684	5344
6688-6712	270	10720	7020	4320	8313-8337	335	13320	8710	5360
6713-6737	271	10760	7046	4336	8338-8362	336	13360	8736	5376
6738-6762	272	10800	7072	4352	8363-8387	337	13400	8762	5392
6763-6787	273	10840	7098	4368	8388-8412	338	13440	8788	5408
6788-6812	274	10880	7124	4384	8413-8437	339	13480	8814	5424
6813-6837	275	10920	7150	4400	8438-8462	340	13520	8840	5440
6838-6862	276	10960	7176	4416	8463-8487	341	13560	8866	5456
6863-6887	277	11000	7202	4432	8488-8512	342	13600	8892	5472
6888-6912	278	11040	7228	4448	8513-8537	343	13640	8918	5488
6913-6937	279	11080	7254	4464	8538-8562	344	13680	8944	5504
6938-6962	280	11120	7280	4480	8563-8587	345	13720	8970	5520
6963-6987	281	11160	7306	4496	8588-8612	346	13760	8996	5536
6988-7012	282	11200	7332	4512	8613-8637	347	13800	9022	5552
7013-7037	283	11240	7358	4528	8638-8662	348	13840	9048	5568
7038-7062	284	11280	7384	4544	8663-8687	349	13880	9074	5584
7063-7087	285	11320	7410	4560	8688-8712	350	13920	9100	5600
7088-7112	286	11360	7436	4576	8713-8737	351	13960	9126	5616
7113-7137	287	11400	7462	4592	8738-8762	352	14000	9152	5632
7138-7162	288	11440	7488	4608	8763-8787	353	14040	9178	5648
7163-7187	289	11480	7514	4624	8788-8812	354	14080	9204	5664
7188-7212	290	11520	7540	4640	8813-8837	355	14120	9230	5680
7213-7237	291	11560	7566	4656	8838-8862	356	14160	9256	5696
7238-7262	292	11600	7592	4672	8863-8887	357	14200	9282	5712
7263-7287	293	11640	7618	4688	8888-8912	358	14240	9308	5728
7288-7312	294	11680	7644	4704	8913-8937	359	14280	9334	5744
7313-7337	295	11720	7670	4720	8938-8962	360	14320	9360	5760
7338-7362	296	11760	7696	4736	8963-8987	361	14360	9386	5776
7363-7387	297	11800	7722	4752	8988-9012	362	14400	9412	5792

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
9013-9037	363	14440	9438	5808	10638-10662	428	17040	11128	6848
9038-9062	364	14480	9464	5824	10663-10687	429	17080	11154	6864
9063-9087	365	14520	9490	5840	10688-10712	430	17120	11180	6880
9088-9112	366	14560	9516	5856	10713-10737	431	17160	11206	6896
9113-9137	367	14600	9542	5872	10738-10762	432	17200	11232	6912
9138-9162	368	14640	9568	5888	10763-10787	433	17240	11258	6928
9163-9187	369	14680	9594	5904	10788-10812	434	17280	11284	6944
9188-9212	370	14720	9620	5920	10813-10837	435	17320	11310	6960
9213-9237	371	14760	9646	5936	10838-10862	436	17360	11336	6976
9238-9262	372	14800	9672	5952	10863-10887	437	17400	11362	6992
9263-9287	373	14840	9698	5968	10888-10912	438	17440	11388	7008
9288-9312	374	14880	9724	5984	10913-10937	439	17480	11414	7024
9313-9337	375	14920	9750	6000	10938-10962	440	17520	11440	7040
9338-9362	376	14960	9776	6016	10963-10987	441	17560	11466	7056
9363-9387	377	15000	9802	6032	10988-11012	442	17600	11492	7072
9388-9412	378	15040	9828	6048	11013-11037	443	17640	11518	7088
9413-9437	379	15080	9854	6064	11038-11062	444	17680	11544	7104
9438-9462	380	15120	9880	6080	11063-11087	445	17720	11570	7120
9463-9487	381	15160	9906	6096	11088-11112	446	17760	11596	7136
9488-9512	382	15200	9932	6112	11113-11137	447	17800	11622	7152
9513-9537	383	15240	9958	6128	11138-11162	448	17840	11648	7168
9538-9562	384	15280	9984	6144	11163-11187	449	17880	11674	7184
9563-9587	385	15320	10010	6160	11188-11212	450	17920	11700	7200
9588-9612	386	15360	10036	6176	11213-11237	451	17960	11726	7216
9613-9637	387	15400	10062	6192	11238-11262	452	18000	11752	7232
9638-9662	388	15440	10088	6208	11263-11287	453	18040	11778	7248
9663-9687	389	15480	10114	6224	11288-11312	454	18080	11804	7264
9688-9712	390	15520	10140	6240	11313-11337	455	18120	11830	7280
9713-9737	391	15560	10166	6256	11338-11362	456	18160	11856	7296
9738-9762	392	15600	10192	6272	11363-11387	457	18200	11882	7312
9763-9787	393	15640	10218	6288	11388-11412	458	18240	11908	7328
9788-9812	394	15680	10244	6304	11413-11437	459	18280	11934	7344
9813-9837	395	15720	10270	6320	11438-11462	460	18320	11960	7360
9838-9862	396	15760	10296	6336	11463-11487	461	18360	11986	7376
9863-9887	397	15800	10322	6352	11488-11512	462	18400	12012	7392
9888-9912	398	15840	10348	6368	11513-11537	463	18440	12038	7408
9913-9937	399	15880	10374	6384	11538-11562	464	18480	12064	7424
9938-9962	400	15920	10400	6400	11563-11587	465	18520	12090	7440
9963-9987	401	15960	10426	6416	11588-11612	466	18560	12116	7456
9988-10012	402	16000	10452	6432	11613-11637	467	18600	12142	7472
10013-10037	403	16040	10478	6448	11638-11662	468	18640	12168	7488
10038-10062	404	16080	10504	6464	11663-11687	469	18680	12194	7504
10063-10087	405	16120	10530	6480	11688-11712	470	18720	12220	7520
10088-10112	406	16160	10556	6496	11713-11737	471	18760	12246	7536
10113-10137	407	16200	10582	6512	11738-11762	472	18800	12272	7552
10138-10162	408	16240	10608	6528	11763-11787	473	18840	12298	7568
10163-10187	409	16280	10634	6544	11788-11812	474	18880	12324	7584
10188-10212	410	16320	10660	6560	11813-11837	475	18920	12350	7600
10213-10237	411	16360	10686	6576	11838-11862	476	18960	12376	7616
10238-10262	412	16400	10712	6592	11863-11887	477	19000	12402	7632
10263-10287	413	16440	10738	6608	11888-11912	478	19040	12428	7648
10288-10312	414	16480	10764	6624	11913-11937	479	19080	12454	7664
10313-10337	415	16520	10790	6640	11938-11962	480	19120	12480	7680
10338-10362	416	16560	10816	6656	11963-11987	481	19160	12506	7696
10363-10387	417	16600	10842	6672	11988-12012	482	19200	12532	7712
10388-10412	418	16640	10868	6688	12013-12037	483	19240	12558	7728
10413-10437	419	16680	10894	6704	12038-12062	484	19280	12584	7744
10438-10462	420	16720	10920	6720	12063-12087	485	19320	12610	7760
10463-10487	421	16760	10946	6736	12088-12112	486	19360	12636	7776
10488-10512	422	16800	10972	6752	12113-12137	487	19400	12662	7792
10513-10537	423	16840	10998	6768	12138-12162	488	19440	12688	7808
10538-10562	424	16880	11024	6784	12163-12187	489	19480	12714	7824
10563-10587	425	16920	11050	6800	12188-12212	490	19520	12740	7840
10588-10612	426	16960	11076	6816	12213-12237	491	19560	12766	7856
10613-10637	427	17000	11102	6832	12238-12262	492	19600	12792	7872

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
12263-12287	493	19640	12818	7888
12288-12312	494	19680	12844	7904
12313-12337	495	19720	12870	7920
12338-12362	496	19760	12896	7936
12363-12387	497	19800	12922	7952
12388-12412	498	19840	12948	7968
12413-12437	499	19880	12974	7984
12438-12462	500	19920	13000	8000
12463-12487	501	19960	13026	8016
12488-12512	502	20000	13052	8032
12513-12537	503	20040	13078	8048
12538-12562	504	20080	13104	8064
12563-12587	505	20120	13130	8080
12588-12612	506	20160	13156	8096
12613-12637	507	20200	13182	8112
12638-12662	508	20240	13208	8128
12663-12687	509	20280	13234	8144
12688-12712	510	20320	13260	8160
12713-12737	511	20360	13286	8176
12738-12762	512	20400	13312	8192
12763-12787	513	20440	13338	8208
12788-12812	514	20480	13364	8224
12813-12837	515	20520	13390	8240
12838-12862	516	20560	13416	8256
12863-12887	517	20600	13442	8272
12888-12912	518	20640	13468	8288
12913-12937	519	20680	13494	8304
12938-12962	520	20320	13260	8160
12963-12987	521	20760	13546	8336
12988-13012	522	20800	13572	8352
13013-13037	523	20840	13598	8368
13038-13062	524	20880	13624	8384
13063-13087	525	20920	13650	8400
13088-13112	526	20960	13676	8416
13113-13137	527	21000	13702	8432
13138-13162	528	21040	13728	8448
13163-13187	529	21080	13754	8464
13188-13212	530	21120	13780	8480
13213-13237	531	21160	13806	8496
13238-13262	532	21200	13832	8512
13263-13287	533	21240	13858	8528
13288-13312	534	21280	13884	8544
13313-13337	535	21320	13910	8560
13338-13362	536	21360	13936	8576
13363-13387	537	21400	13962	8592
13388-13412	538	21440	13988	8608
13413-13437	539	21480	14014	8624
13438-13462	540	21520	14040	8640
13463-13487	541	21560	14066	8656
13488-13512	542	21600	14092	8672
13513-13537	543	21640	14118	8688
13538-13562	544	21680	14144	8704
13563-13587	545	21720	14170	8720
13588-13612	546	21760	14196	8736
13613-13637	547	21800	14222	8752
13638-13662	548	21840	14248	8768
13663-13687	549	21880	14274	8784
13688-13712	550	21920	14300	8800
13713-13737	551	21960	14326	8816
13738-13762	552	22000	14352	8832
13763-13787	553	22040	14378	8848
13788-13812	554	22080	14404	8864
13813-13837	555	22120	14430	8880
13838-13862	556	22160	14456	8896
13863-13887	557	22200	14482	8912

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
13888-	558	[*]22240	14508	8928
[or more] 13912				
13913-13937	559	22280	14534	8944
13938-13962	560	22320	14560	8960
13963-13987	561	22360	14586	8976
13988-14012	562	22400	14612	8992
14013-14037	563	22440	14638	9008
14038-or more	564	*22480	14664	9024

* The claimant will be ineligible for benefits unless 20% of the qualifying wage [**\$22,240**] **\$22,480** was paid in a quarter or quarters of the base year other than the high quarter.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-168. Filed for public inspection January 22, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Shimmering Silver 7s 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 Shimmering Silver 7s.

2. *Price:* The price of a Pennsylvania Shimmering Silver 7s instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Shimmering Silver 7s instant lottery game ticket will contain one play area featuring a "SHIMMERING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "SHIMMERING NUMBERS" 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 (TWYTWO), 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), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). 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), 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 (TWYTWO), 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), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), 7 symbol (SEVEN), 7X symbol (7TIMES) and a Bar symbol (BAR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$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, \$15, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000, \$20,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Shimmering Silver 7s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING 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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING 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.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7X symbol (7TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 7X symbol (7TIMES), on a single ticket, shall be entitled to a prize of \$700.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bar symbol (BAR), and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the "prize" areas, and a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING 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.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bar symbol (BAR), and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the "prize" areas, and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7X symbol (7TIMES), and a prize symbol of \$50⁰⁰ (FIFTY) appears under the 7X symbol (7TIMES), on a single ticket, shall be entitled to a prize of \$350.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (SEVEN), and a prize symbol of \$100 (ONE HUN) appears under the 7 symbol (SEVEN), on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING 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.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (SEVEN), and a prize symbol of \$50⁰⁰ (FIFTY) appears under the 7 symbol (SEVEN), on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bar symbol (BAR), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (SEVEN), and a prize symbol of \$40⁰⁰ (FORTY) appears under the 7 symbol (SEVEN), on a single ticket, shall be entitled to a prize of \$80.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7X symbol (7TIMES), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the 7X symbol (7TIMES), on a single ticket, shall be entitled to a prize of \$70.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (SEVEN), and a prize symbol of \$20⁰⁰ (TWENTY) appears under the 7 symbol (SEVEN), on a single ticket, shall be entitled to a prize of \$40.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7X symbol (7TIMES), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the 7X symbol (7TIMES), on a single ticket, shall be entitled to a prize of \$35.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (SEVEN), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the 7 symbol (SEVEN), on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"SHIMMERING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (SEVEN), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the 7 symbol (SEVEN), on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SHIMMERING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play 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:

*When Any Of Your Numbers Match
Any Of The Shimmering Numbers,
Win Prize Under That Number. Win
With Prize(s) Of:*

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,000,000 Tickets:
\$5 × 2	\$10	15	400,000
\$10	\$10	13.95	430,000
\$5 × 3	\$15	60	100,000
(\$5 w/7 SYMBOL) + \$5	\$15	60	100,000
\$15	\$15	50	120,000
\$5 × 4	\$20	80	75,000
\$10 w/7 SYMBOL	\$20	80	75,000
\$20	\$20	60	100,000
\$5 × 8	\$40	400	15,000
\$10 × 4	\$40	400	15,000
\$20 w/7 SYMBOL	\$40	400	15,000
\$40	\$40	400	15,000
\$5 × 10	\$50	600	10,000
(\$5 w/7X) + \$15	\$50	600	10,000
\$10 × 5	\$50	600	10,000
(\$20 w/7 SYMBOL) + (\$5 × 2)	\$50	600	10,000
\$50	\$50	300	20,000
BAR w/(\$5 × 10) + (\$10 × 5)	\$100	600	10,000
\$10 × 10	\$100	600	10,000
(\$10 w/7X) + (\$15 × 2)	\$100	600	10,000
(\$40 w/7 SYMBOL) + (\$10 × 2)	\$100	600	10,000
\$50 w/7 SYMBOL	\$100	600	10,000
\$100	\$100	120	50,000
BAR w/(\$20 × 10) + (\$40 × 5)	\$400	8,000	750
\$40 × 10	\$400	8,000	750
(\$50 w/7X) + (\$10 × 5)	\$400	8,000	750
\$50 × 8	\$400	8,000	750
(\$50 w/7 SYMBOL) + (\$50 × 6)	\$400	8,000	750
\$100 × 4	\$400	8,000	750
\$400	\$400	8,000	750
BAR w/(\$20 × 10) + (\$50 × 4) + \$100	\$500	15,000	400
\$50 × 10	\$500	15,000	400
(\$50 w/7X) + (\$50 × 3)	\$500	15,000	400
(\$100 w/7 SYMBOL) + (\$100 × 3)	\$500	15,000	400
\$500	\$500	15,000	400
(\$50 × 10) + (\$100 × 5)	\$1,000	17,143	350
\$100 × 10	\$1,000	17,143	350
\$100 w/7 SYMBOL + (\$100 × 8)	\$1,000	17,143	350
(\$100 w/7X) + (\$100 × 3)	\$1,000	17,143	350
\$500 × 2	\$1,000	17,143	350
\$1,000	\$1,000	17,143	350
\$1,000 × 10	\$10,000	120,000	50
\$10,000	\$10,000	120,000	50

*When Any Of Your Numbers Match
Any Of The Shimmering Numbers,
Win Prize Under That Number. Win
With Prize(s) Of:*

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,000,000 Tickets:
\$20,000	\$20,000	120,000	50
\$250,000	\$250,000	600,000	10
Get a "7" (SEVEN) symbol, win double the prize under that symbol.			
Get a "7X" (7TIMES) symbol, win 7 times the prize under that symbol.			
Get a "BAR" (BAR) symbol, win all 15 prizes shown.			

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 Shimmering Silver 7s 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 Shimmering Silver 7s, prize money from winning Pennsylvania Shimmering Silver 7s 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 Shimmering Silver 7s 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 Shimmering Silver 7s or through normal communications methods.

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-169. Filed for public inspection January 22, 2010, 9:00 a.m.]

Taxable and Exempt Property

An error occurred in Category (5) and an omission in Category (24) of the document which appeared at 39 Pa.B. 7256, 7259, 7266 (December 26, 2009) giving notice to the public, in accordance with 61 Pa. Code §§ 52.1 and 58.1 (relating to purchases of medicines, medical supplies, medical equipment and prosthetic or therapeutic devices; and publication of list of taxable and exempt tangible personal property) of additions, deletions and revisions to the list of taxable and exempt property under the sales and use tax provisions of the Tax Reform Code of 1971 published at 36 Pa.B. 5746 (September 9, 2006).

The error in Category (5) relates to the incorrect notation for "Refrigeration or cooling equipment used to store farm products." The omission in Category (24) relates to the addition of "little cigars" after "Cigarettes." The correct versions of Category (5) and Category (24) are

as follows with ellipses referring to the existing text as it appeared at 39 Pa.B. 7258, 7259 and 7266:

* * * *

Listing of Taxable and Exempt Property

T—TAXABLE

NT—NONTAXABLE

*—INDICATES CHANGE OR CLARIFICATION

**—INDICATES NEW ITEM

* * * *

(5) *Farming Supplies and Equipment*

The tax is not imposed upon the sale of property to a farmer to be used or consumed directly in the business of producing agricultural products. Home gardening is not considered farming. See REV-1729, Farming Information, for additional information.

* * * *

T—Property used to transport or convey the farm product after the final farming operation

*NT—Refrigeration or cooling equipment used to store farm products

NT—Replacement parts such as tires, motors, belts, cutting edges, air filters, gears, and similar replacement parts installed on exempt equipment. Motor fuels, lubricants, compressed air, distilled water, abrasives, and similar supplies when used in operating exempt machinery are not taxable. Tools and equipment to apply parts and supplies are taxable.

* * * *

(24) *Tobacco Products*

T—Chewing tobacco, snuff

*T—Cigarettes, little cigars

T—Smoking accessories

T—Tobacco, cigars

* * * *

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-170. Filed for public inspection January 22, 2010, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The following meetings of the Health Care Cost Containment Council (Council) have been scheduled: Health Care Cost Containment Act Review Committee at 10 a.m. on February 23, 2010, Payment Data Advisory Group at

10 a.m. on Tuesday, January 26, 2010, and the Technical Advisory Group on February 25, 2010, at 10 a.m. Additional Council meetings are set for March 3 and 4, 2010. All meetings will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability and wish to attend the meetings should contact Renee Greenawalt at (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 10-171. Filed for public inspection January 22, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, January 7, 2010, and announced the following:

Regulations Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective January 6, 2010:

State Employees' Retirement Board #31-10: Termination of Annuities (deletes 4 Pa. Code § 247.6(a))

State Employees' Retirement Board #31-8: Definitions (amends 4 Pa. Code § 241.1)

Action Taken—Regulation Approved:

Pennsylvania Gaming Control Board #125-100: Vendor Revisions (amends 58 Pa. Code Chapters 435a and 437a)

Approval Order

Public Meeting held
January 7, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson, by Phone; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*Pennsylvania Gaming Control Board—
Vendor Revisions;
Regulation No. 125-100 (#2780)*

On July 30, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 435a (relating to temporary credentials for vendors and vendor employee temporary access credentials) and 437a (relating to vendor certification and registration). The proposed regulation was published in the August 15, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 18, 2009.

This regulation improves the clarity of the Board's existing Chapters 435a and 437a, and also reduces unnecessary filing requirements.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § (b)(30)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-172. Filed for public inspection January 22, 2010, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-4816	State Board of Funeral Directors Preneed Activities of Unlicensed Employee	1/7/10	2/25/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-173. Filed for public inspection January 22, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Steven John Kelly; Hearing

Steven John Kelly; Alleged Violation of Insurance Laws; Doc. No. SC10-01-002

This notice is given of the Order to Show Cause issued on January 7, 2010, by the Deputy Insurance Commissioner of the Commonwealth in the previously-referenced matter. Violation of the following is alleged: Sections 611-A(14), (20) and 678-A(b) of the Insurance Department Act of 1921, Act of May 17, 1921, P. L. 789, No. 285, as amended (40 P. S. §§ 310.11 and 310.78).

Respondent was ordered to file a written answer to the Order to Show Cause within 20 days. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 101 et. seq. (relating to the Administrative Agency Law), 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure), and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 Fleischauer, Disability Services Coordinator at (717) 787-4298.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-174. Filed for public inspection January 22, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 8, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2009-2140243. Mountain High Transportation Group, Inc. (227 South Line Street, Suite 2, Lansdale, Montgomery County, PA 19446)—in paratransit service, from points in Montgomery County and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2009-2140505. Z Derr, LLC (98 Rhodomoyer Road, Millville, Columbia County, PA 17846)—a limited liability corporation of the Commonwealth—in paratransit service, between points in the Counties of Columbia, Luzerne, Lycoming, Montour, Northumberland, Schuylkill, Sullivan and Union.

A-2010-2151285. Mark Freeman (1491 Louser Road, Annville, Lebanon County, PA 17003)—persons, in limousine service, from points in the County of Lebanon, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2010-2151426. Milton and Myrtle Romig, Husband and Wife (2624 Ulsh Gap Road, McClure, Snyder County, PA 17841)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Snyder and Mifflin, to points in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2010-2151209. Daryl Moyer, t/a Moyers Moving Men (1105 West Main Street, Mount Joy, Lancaster County, PA 17552)—household goods in use, between points in the Counties of Lancaster, Dauphin, York and Lebanon.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods as described under the application.*

A-2010-2151305. Allegheny Valley Transfer Company (1512 Lebanon Church Road, Pittsburgh, Allegheny County, PA 15236), a corporation of the Commonwealth, for an amendment to its common carrier certificate, which grants the right to transport, as a common carrier, by motor vehicle: (1) household goods and office furniture in use, from points in the County of Allegheny to points in Pennsylvania, and vice versa; (2) carrier painters' ladders between points in the City of Pittsburgh, Allegheny County, and from points in said city to other points in the County of Allegheny, and vice versa; *subject to the following condition:* that no right, power, or privilege is granted to make package deliveries from stores: **SO AS TO PERMIT** the transportation of household goods in use from points in the Counties of Washington and Butler. *Attorney:* James Wirtz, Esquire, Three Gateway Center, Suite 1831, Pittsburgh, PA 15236.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-175. Filed for public inspection January 22, 2010, 9:00 a.m.]

Telecommunications Services

A-2010-2152170. IDT America, Corp. Application of IDT America, Corp. for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in the service territory of Windstream Buffalo Valley, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). The 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 8, 2010. 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: IDT America, Corp.

Through and By Counsel: Carl Billek, Senior Regulatory Counsel, IDT America, Corp., 520 Broad Street, Newark, NJ 07102-3111, (973) 438-4854 (Telephone), (973) 438-1455 (Fax)

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-176. Filed for public inspection January 22, 2010, 9:00 a.m.]

Telecommunications Services

A-2010-2152174. IntelPeer, Inc. Application of IntelPeer, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in the service territory of The United Telephone Company of Pennsylvania, LLC, 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, on or before February 8, 2010. 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: IntelPeer, Inc.

Through and By Counsel: Ron Del Sesto, Jr., Nguyen T. Vu, Bingham McCutchen, LLP, 2020 K Street NW, Washington, DC 20006, (202) 373-6254 (Tel), (202) 373-6001 (Fax), r.delsesto@bingham.com, nguyen.vu@bingham.com

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-177. Filed for public inspection January 22, 2010, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Access to Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission's (SCC) Facility Odor Management Program web page, or alternatively to the SCC's office to obtain information relating to Odor Management Plans submitted for SCC action under the act of July 6, 2005, 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

The SCC's Odor Management Program web page, accessed through the SCC's general web site at www.agriculture.state.pa.us (click on "Bureaus, Commissions, Councils", then select "State Conservation Commission"), provides the public with the name, address, animal equivalent units, animal type, Odor Site Index score and submission type for the various Odor Management Plans

(OMP) under review by the SCC. This listing of plans under review can also be accessed by contacting the SCC's Odor Management Program office in Tunkhannock at (570) 836-2181. The SCC will not take an action on a submitted OMP until it has been noticed on this list for a minimum of 21 days.

All SCC actions on submitted OMPs will be published in the *Pennsylvania Bulletin*.

Persons wishing to view or obtain a copy of submitted OMPs are directed to submit a formal Right-To-Know request to the Department of Agriculture (Department) to arrange access to the plans currently under review.

Persons wishing to comment on an OMP under review by the SCC are invited to submit a written statement outlining their comments on the plan to the SCC's Odor Management Program within 21 days from the plan notice date provided on the SCC's listing of plans under review. Persons with a question relating to the submission of comments on a plan under review may contact the SCC Odor Management Program office by phone to discuss the process for the submission of comments. Comments should include the name, address and telephone number of the writer, and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

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

The address for the SCC's Odor Management Program office is the Pennsylvania Agriculture Building, Route 92 South, P. O. Box C, Tunkhannock, PA 18657-0318. The phone number for the SCC's Odor Management Program Coordinator, Karl Dymond is (570) 836-2181.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-178. Filed for public inspection January 22, 2010, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

February 10, 2010	Fred D. Capuzzi (Deceased) Repayment of Survivor Annuity Payments	1 p.m.
February 18, 2010	Michael J. Schmieg Multiple Service Membership	1 p.m.
March 3, 2010	Lynda L. Moon (Deceased) Contested Death Benefit	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,
Secretary

[Pa.B. Doc. No. 10-179. Filed for public inspection January 22, 2010, 9:00 a.m.]
