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# PENNSYLVANIA BULLETIN

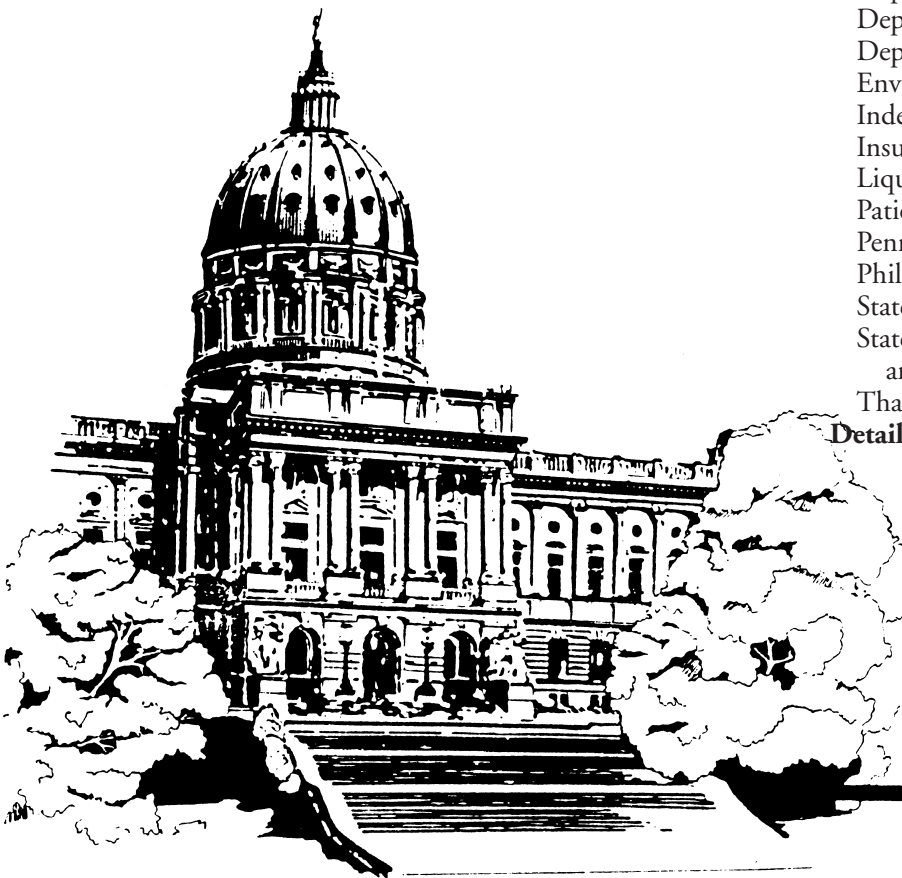
Volume 43  
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See Part II page 5915  
for the Subject Index for  
January—September 2013

## Part I

### Agencies in this issue

The Courts  
Board of Coal Mine Safety  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Patient Safety Authority  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Certified Real Estate Appraisers  
State Board of Examiners in Speech-Language  
and Hearing  
Thaddeus Stevens College of Technology  
**Detailed list of contents appears inside.**



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

**No. 467, October 2013**

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# CONTENTS

## THE COURTS

<b>DISCIPLINARY BOARD OF THE SUPREME COURT</b>	
Notice of administrative suspension . . . . .	5815
<b>LOCAL COURT RULES</b>	
<b>Bucks County</b>	
Juvenile probation and parole supervisors on-call pay; administrative order no. 70 . . . . .	5797
<b>Carbon County</b>	
Adoption of local rule of civil procedure 205.3.1 filing pleadings and other legal papers with the prothonotary originals and copies; no. 13-1830 . . . . .	5797
Amendment of local rule of orphans court procedure 3.1 conformity to equity practice in general; no. 13-9317 . . . . .	5798
Amendment of local rules of civil procedure 1915.3 commencement of action—complaint—order, 1915.4 prompt disposition of custody cases—disposition by hearing officer and 1915.7 consent order; no. 13-1829 . . . . .	5799
<b>Dauphin County</b>	
Probation services (adult division) drug test fees; no. 0010-15-MA-2013; AO no. AO-16-2013 . . . . .	5804
<b>Washington County</b>	
Local rules; no. 2013-1 . . . . .	5804

## EXECUTIVE AGENCIES

<b>BOARD OF COAL MINE SAFETY</b>	
<b>Proposed Rulemaking</b>	
Requirements for high-voltage continuous mining machines . . . . .	5819
<b>Notices</b>	
Subcommittee meeting . . . . .	5832
<b>DEPARTMENT OF BANKING AND SECURITIES</b>	
<b>Notices</b>	
Actions on applications . . . . .	5832
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>	
<b>Notices</b>	
Air Quality Technical Advisory Committee meeting cancellation . . . . .	5895
Applications, actions and special notices . . . . .	5833
Bid opportunity . . . . .	5895
Radiation Protection Advisory Committee meeting cancellation . . . . .	5895
<b>DEPARTMENT OF HEALTH</b>	
<b>Notices</b>	
Head Injury Program; withdrawal of accreditation waiver for providers of home and community based rehabilitation services . . . . .	5895
Long-term care nursing facilities; request for exception . . . . .	5896
Reporting requirements for nursing homes under Chapter 4 of the Medical Care Availability and Reduction of Error (MCARE) Act . . . . .	5906

Special Pharmaceutical Benefits Program Advisory Council public meetings . . . . .	5896
<b>DEPARTMENT OF PUBLIC WELFARE</b>	
<b>Proposed Rulemaking</b>	
Rate setting for county nursing facilities that change ownership . . . . .	5822
<b>DEPARTMENT OF REVENUE</b>	
<b>Notices</b>	
Mega Millions® terminal-based lottery game . . . . .	5896
<b>DEPARTMENT OF TRANSPORTATION</b>	
<b>Notices</b>	
Bureau of Maintenance and Operations; access route approval . . . . .	5902
Contemplated sale of land no longer needed for transportation purposes . . . . .	5902
Meetings scheduled . . . . .	5903
<b>ENVIRONMENTAL QUALITY BOARD</b>	
<b>Notices</b>	
Meeting cancellation . . . . .	5903
<b>INDEPENDENT REGULATORY REVIEW COMMISSION</b>	
<b>Notices</b>	
Action taken by the Commission . . . . .	5903
Notice of filing of final rulemakings . . . . .	5904
<b>INSURANCE DEPARTMENT</b>	
<b>Notices</b>	
Application for merger of Coventry Health Care of the Carolinas, Inc. with and into Aetna Health, Inc. . . . .	5904
Application for merger of Coventry Health Care of Delaware, Inc. with and into Aetna Health, Inc. . . . .	5904
Application for merger of Coventry Health Care of Illinois, Inc. with and into Aetna Health, Inc. . . . .	5905
Application for merger of Coventry Health Care of Missouri, Inc. with and into Aetna Health, Inc. . . . .	5905
Application for merger of Coventry Health Care of Pennsylvania, Inc. with and into Aetna Health, Inc. . . . .	5905
Application for merger of Coventry Health Care of Virginia, Inc. with and into Aetna Health, Inc. . . . .	5905
Application for merger of HealthAmerica Pennsylvania, Inc. with and into Aetna Health, Inc. . . . .	5906
Application for merger of WellPath of South Carolina, Inc. with and into Aetna Health, Inc. . . . .	5906
<b>LIQUOR CONTROL BOARD</b>	
<b>Rules and Regulations</b>	
Municipal noise ordinances . . . . .	5817
<b>Proposed Rulemaking</b>	
Conversion of suspension to fine . . . . .	5825
Sale by limited winery licensees . . . . .	5826

---

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**PATIENT SAFETY AUTHORITY**

**Notices**

Reporting requirements for nursing homes under Chapter 4 of the Medical Care Availability and Reduction of Error (MCARE) Act ..... 5906

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Eligible telecommunications carriers; Federal universal service low income support..... 5910  
Service of notice of motor carrier applications..... 5910

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for bids (2 documents) ..... 5911

**STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

**Proposed Rulemaking**

Biennial license fee for licensed appraiser trainees.. 5827

**STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING**

**Proposed Rulemaking**

Continuing education ..... 5828

**THADDEUS STEVENS COLLEGE OF TECHNOLOGY**

**Notices**

Request for bids ..... 5911

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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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 2013.

## 4 Pa. Code (Administration)

### Proposed Rules

405 ..... 1850

### Statements of Policy

9 ..... 220, 875, 1084, 1283, 1863, 2610, 3113,  
3510, 4101, 4601, 5599  
58 ..... 1731  
67a ..... 877

## 7 Pa. Code (Agriculture)

### Adopted Rules

143 ..... 216  
144 ..... 216

### Proposed Rules

137b ..... 4344

## 10 Pa. Code (Banking and Securities)

### Proposed Rules

5 ..... 5455

## 12 Pa. Code (Commerce, Trade and Local Government)

### Proposed Rules

149 ..... 3110

## 17 Pa. Code (Conservation and Natural Resources)

### Adopted Rules

45 ..... 4077

### Proposed Rules

45 ..... 1419

## 22 Pa. Code (Education)

### Adopted Rules

4 ..... 4079  
19 ..... 3337  
31 ..... 2436

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

78 ..... 526  
93 ..... 4080  
105 ..... 967  
121 ..... 806  
123 ..... 806, 2140  
139 ..... 806  
901 ..... 830

### Proposed Rules

78 ..... 5457  
127 ..... 677  
208 ..... 2587, 5819  
271 ..... 4858  
272 ..... 4858  
273 ..... 4858  
284 ..... 4858  
285 ..... 4858  
287 ..... 4858  
288 ..... 4858  
299 ..... 4858  
806 ..... 872  
901 ..... 4740  
1021 ..... 2591

## Statements of Policy

16 ..... 4103

## 31 Pa. Code (Insurance)

### Adopted Rules

161 ..... 2816  
163 ..... 2819

### Proposed Rules

124 ..... 1269

## 34 Pa. Code (Labor and Industry)

### Adopted Rules

63 ..... 2438  
65 ..... 4730

## 37 Pa. Code (Law)

### Proposed Rules

79 ..... 2589

## 40 Pa. Code (Liquor)

### Adopted Rules

5 ..... 3946, 5817  
15 ..... 12

### Proposed Rules

7 ..... 5825  
11 ..... 2040, 5826

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

5 ..... 4850  
13 ..... 2033  
16 ..... 2142, 3347, 4329  
18 ..... 2142, 2145, 4329  
25 ..... 2147, 4336  
36 ..... 3098  
42 ..... 2991, 3350

### Proposed Rules

1 ..... 1279  
3 ..... 1854  
6 ..... 2041  
7 ..... 1855  
13 ..... 2044  
15 ..... 1859  
27 ..... 2439  
33 ..... 1857  
36 ..... 5827  
45 ..... 2042, 5828  
47 ..... 1281

## Statements of Policy

13 ..... 1422

## 51 Pa. Code (Public Officers)

### Proposed Rules

53 ..... 3009

## 52 Pa. Code (Public Utilities)

### Adopted Rules

1 ..... 5593  
5 ..... 5593  
33 ..... 2820  
59 ..... 4586, 5705  
62 ..... 1413



111 .....	3473
1005 .....	2992

**Proposed Rules**

1 .....	1273, 2602
3 .....	2602
5 .....	1273, 2602
23 .....	2602
29 .....	2602
32 .....	2602
53 .....	2602
54 .....	2602
57 .....	2602
59 .....	2602
62 .....	2602
65 .....	870
1011 .....	1725
1015 .....	1725
1017 .....	1720, 1725
1021 .....	1725
1027 .....	1725
1051 .....	1725
1053 .....	1725
1055 .....	1720
1057 .....	1725
1059 .....	1725

**Statements of Policy**

41 .....	2852
----------	------

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

52 .....	833
5230 .....	2572

**Proposed Rules**

1187 .....	4599, 4855, 5822
1189 .....	4855, 5822

**Statements of Policy**

51 .....	878
5200 .....	4355
5210 .....	4355
5320 .....	4355
6000 .....	1732
6400 .....	222

**58 Pa. Code (Recreation)**

**Adopted Rules**

29 .....	2714
51 .....	4214
65 .....	3232, 5451, 5452
69 .....	4214
75 .....	5453
93 .....	4214
113 .....	4214
139 .....	2999, 3006
141 .....	3006
143 .....	3007
147 .....	2311
401a .....	660, 4096
403a .....	660
405a .....	660
407a .....	660
437a .....	4096
441a .....	4096
461a .....	660
471a .....	660
491a .....	660
493a .....	660
494a .....	660
495a .....	660

497a .....	660
499a .....	660
501a .....	660
511a .....	660
581 .....	3495
583 .....	3495
585 .....	3495
587 .....	4971

**Proposed Rules**

51 .....	5462
53 .....	3238
61 .....	3237
63 .....	3235, 5466
65 .....	2034, 2035
69 .....	5467
75 .....	15, 3233
93 .....	5463
101 .....	3238
105 .....	3238
137 .....	2039
139 .....	1712, 1718, 2037
141 .....	1710
143 .....	2037, 4741
421a .....	2152
421b .....	2152
439a .....	2152
461a .....	834
465a .....	834, 2152, 2827
481a .....	2152
501a .....	2152
503a .....	2152
503b .....	2152
513a .....	2152
525 .....	834
575 .....	834
577 .....	834
579 .....	834
603a .....	834, 2152
605a .....	2312
609a .....	834
623a .....	834
627a .....	834
629a .....	834
631a .....	834
633a .....	834, 2152
635a .....	834
637a .....	834
639a .....	2312, 2827
641a .....	2312, 2827
643a .....	2312, 2827
645a .....	2827
647a .....	2312, 2827
649a .....	834, 2827
653a .....	2312, 2827
655a .....	2312, 2827
657a .....	2312, 2827
659a .....	834
661a .....	834
663a .....	834
665a .....	834

**Statements of Policy**

57 .....	5469
439b .....	1733
461b .....	4744

**61 Pa. Code (Revenue)**

**Adopted Rules**  
 7 ..... 532  
 117 ..... 535  
 119 ..... 535  
 121 ..... 535  
 901 ..... 532

**67 Pa. Code (Transportation)**

**Proposed Rules**  
 231 ..... 3010

**101 Pa. Code (General Assembly)**

**Statements of Policy**  
 31 ..... 17  
 303 ..... 878

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**  
 1 ..... 2988  
 7 ..... 3327  
 19 ..... 3223

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**  
 71 ..... 2559  
 81 ..... 1173  
 83 ..... 1173  
 303 ..... 3655

**Proposed Rules**

71 ..... 1699  
 81 ..... 1997  
 83 ..... 4967  
 303 ..... 431

**207 Pa. Code (Judicial Conduct)**

**Proposed Rules**  
 51 ..... 2269

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**  
 1 ..... 2007  
 2 ..... 2007  
 3 ..... 2423, 3327  
 5 ..... 2423  
 9 ..... 3327  
 11 ..... 3223  
 15 ..... 3327  
 17 ..... 2271, 3223  
 19 ..... 2810  
 21 ..... 2007, 2704, 5589  
 25 ..... 964, 2007  
 31 ..... 5394  
 33 ..... 3223, 3470  
 37 ..... 3225  
 63 ..... 514, 3227  
 65 ..... 298

**Proposed Rules**

3 ..... 3082  
 9 ..... 3082  
 11 ..... 3082  
 19 ..... 1700, 3084, 5393  
 21 ..... 3082  
 25 ..... 5393  
 40 ..... 1700

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**  
 Article I ..... 620  
 Article II ..... 620  
 Article III ..... 620  
 Article IV ..... 620

Article V ..... 620  
 Article VI ..... 620  
 Article VII ..... 620  
 Article VIII ..... 620  
 Article IX ..... 620  
 Article X ..... 620

**Proposed Rules**

Article VIII ..... 210

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**  
 200 ..... 525  
 1000 ..... 1835  
 1300 ..... 2135  
 1900 ..... 3932  
 1910 ..... 801, 2272, 5701  
 1915 ..... 2559, 3936, 3937, 4702  
 1930 ..... 3329  
 3000 ..... 2136  
 Part II ..... 1836

**Proposed Rules**

1900 ..... 5448  
 1910 ..... 3932, 5449  
 Part II ..... 2010

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**  
 1 ..... 652  
 2 ..... 652  
 4 ..... 654, 4323  
 5 ..... 2560, 2704, 3330, 4062, 4715  
 6 ..... 2704, 3330  
 7 ..... 1702  
 8 ..... 4715  
 10 ..... 2560, 2704, 4062

**Proposed Rules**

5 ..... 210, 4210  
 6 ..... 2304  
 8 ..... 801

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**  
 1 ..... 3938, 3941  
 2 ..... 3938  
 6 ..... 1551, 3938  
 11 ..... 3941

**Proposed Rules**

1 ..... 2306  
 11 ..... 2306

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**  
 200 ..... 4967, 5589  
 400 ..... 4967  
 1000 ..... 4969

**Proposed Rules**

200 ..... 8, 2136  
 300 ..... 3470, 5701  
 400 ..... 8  
 500 ..... 3085, 3470  
 1000 ..... 3085

**5796**

**249 Pa. Code (Philadelphia Rules)**

Unclassified . . . . . 657, 658, 1078, 2138, 4064, 4212

**252 Pa. Code (Allegheny County Rules)**

Unclassified . . . . . 2711, 3229, 5702

**255 Pa. Code (Local Court Rules)**

Unclassified . . . . . 9, 11, 212, 214, 299, 658, 964, 1173,  
1175, 1176, 1408, 1410, 1551, 1842, 2139, 2308, 2309,  
2424, 2435, 2563, 2989, 3088, 3230, 3332, 3942, 3943,  
4065, 4067, 4070, 4071, 4213, 4326, 4327, 4723, 4724,  
4726, 4839, 4845, 4848, 4970, 5395, 5450, 5590, 5703,  
5797, 5798, 5799, 5804

# THE COURTS

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY

#### Juvenile Probation and Parole Supervisors On-Call Pay; Administrative Order No. 70

##### Order

And Now, this 18th day of September, 2013, in order to permit the execution of the On-Call pay for Supervisors in the Juvenile Probation and Parole Department, it is hereby *Ordered* and *Decreed* that:

Supervisors on night and weekend standby duty will be paid a flat rate of four hundred and sixty (\$460.00) dollars for every seven-day on-call rotation.

Night and weekend standby duty will consist of Monday through Thursday from 5:00 p.m. to 8:00 a.m. and from 5:00 p.m. on Friday through 8 a.m. on Monday, including holidays.

This Order shall take effect on October 1, 2013.

By the Court

SUSAN DEVLIN SCOTT,  
*President Judge*

[Pa.B. Doc. No. 13-1842. Filed for public inspection October 4, 2013, 9:00 a.m.]

### CARBON COUNTY

#### Adoption of Local Rule of Civil Procedure 205.3.1 Filing Pleadings and Other Legal Papers with the Prothonotary Originals and Copies; No. 13-1830

##### Administrative Order No. 14-2013

And Now, this 13th day of September, 2013, it is hereby

*Ordered* and *Decreed* that, effective November 1, 2013, Carbon County Rule of Civil Procedure CARB.R.C.P.

205.3.1 governing Filing Pleadings and Other Legal Papers with the Prothonotary, Originals and Copies be and is hereby *Adopted* as follows.

1. The Carbon County District Court Administrator is *Ordered* and *Directed* to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) CD with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Civil Court Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Local Rules in the Prothonotary's Office.

By the Court

ROGER N. NANOVIC,  
*President Judge*

#### Rule 205.3.1. Filing Pleadings and Other Legal Papers with the Prothonotary. Originals and Copies.

1. A party representing himself or herself shall enter a written appearance which shall state an address, which need not be his or her home address, where the party agrees that pleadings and other legal papers may be served, and a telephone number through which the party may be contacted, as attached hereto. The entry of appearance may include a facsimile number as provided by Pa.R.C.P. No. 440(d).

2. A self-represented party is under a continuing obligation to provide current contact information to the Court, to other self-represented parties, and to attorneys of record.

3. The self-represented party shall provide a copy of the entry of appearance to all self-represented parties and attorneys of record.

4. The assertion of self-representation shall not delay any stage of the proceeding.

### IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL DIVISION

#### ENTRY OF APPEARANCE

In accordance with Carbon County Rule of Civil Procedure CARB.R.C.P. 205.3.1 governing a Self-Represented Party:

I \_\_\_\_\_, Plaintiff or Defendant (circle one)

choose to represent myself and provide the following address where pleadings and other legal papers can be served and a telephone number through which I can be contacted. This Entry of Appearance shall remain in full force and effect unless superseded with an Entry of Appearance by an attorney.

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Facsimile Number

\_\_\_\_\_  
(Governed by PA Rule of Civil Procedure 440(d))

In accordance with Carbon County Rule of Civil Procedure 205.3.1, a self-represented party is under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

Signature

Date

[Pa.B. Doc. No. 13-1843. Filed for public inspection October 4, 2013, 9:00 a.m.]

**CARBON COUNTY**

**Amendment of Local Rule of Orphans Court Procedure 3.1 Conformity to Equity Practice in General; No. 13-9317**

**Administrative Order No. 15-2013**

And Now, this 13th day of September, 2013, it is hereby

Ordered and Decreed that, effective November 1, 2013, Carbon County Rule of Orphans Court Procedure CARB.Co.O.C.R. 3.1 governing Conformity to Equity Practice in General be and is hereby Amended as follows.

1. The Carbon County District Court Administrator is Ordered and Directed to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) CD with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

3. File one (1) certified copy with the Orphans Court Procedural Rules Committee.

4. Forward one (1) copy for publication in the Carbon County Law Journal.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Local Rules in the Orphan's Court Office.

By the Court

ROGER N. NANOVIC,  
President Judge

**3.1. Conformity to Equity Practice in General.**

1 Motions and petitions shall be governed by the provisions of Carbon County Civil L206.1. A completed Petition/Motion cover sheet shall be attached in the form as Exhibit "A."

2 A copy of every pleading, including exceptions, shall be promptly served upon counsel of record for all parties in interest, and upon any party who is not represented.

3 A party representing himself or herself shall enter a written appearance which shall state an address, which need not be his or her home address, where the party agrees that pleadings and other legal papers may be served, and a telephone number through which the party may be contacted, as attached hereto and marked Exhibit "B." The entry of appearance may include a facsimile number as provided by Pa.R.C.P. No. 440(d).

4 A self-represented party is under a continuing obligation to provide current contact information to the Court, to other self-represented parties, and to attorneys of record.

5 The self-represented party shall provide a copy of the entry of appearance to all self-represented parties and attorneys of record.

6 The assertion of self-representation shall not delay any stage of the proceeding.

**Exhibit "A"**

**CARBON COURT OF COMMON PLEAS  
ORPHANS' COURT DIVISION  
PETITION/MOTION COURT COVER SHEET**

NO. \_\_\_\_\_

\_\_\_\_\_  
vs.  
\_\_\_\_\_

\_\_\_\_\_  
Assigned Judge  
\_\_\_\_\_  
Court Action Taken  
\_\_\_\_\_  
Returned to Attorney for Deficiencies  
\_\_\_\_\_  
Action Deferred by Court  
*For Court Use Only*

FILING OF: Petitioner ( ) Respondent ( )

TYPE OF FILING (check one):

- ( ) 1. Application for Continuance (128)
- ( ) 2. Petition for Adoption (134)
- ( ) 3. Petition for Voluntary Termination (132)
- ( ) 4. Petition for Involuntary Termination (155)
- ( ) 5. Petition to Remove Fiduciary (053)
- ( ) 6. Petition for Guardian of Minor (050)
- ( ) 7. Petition to Sell Real Estate (052)

- ( ) 8. Petition to Distribute Minor's Estate (057)
- ( ) 9. Incapacity Petition (058)
- ( ) 10. Petition to Withdraw as Counsel (127)
- ( ) 11. Petition to Revoke Letters (064)
- ( ) 12. Petition to Challenge Election (229)
- ( ) 13. Petition to Excuse Additional Bond (055)
- ( ) 14. Petition for Compensation (151)
- ( ) 15. Other Motion or Petition (specify):

( ) 16. Response to:

OTHER ATTORNEY:

Attorney's Name (Typed)

Attorney for:

( ) Petitioner ( ) Respondent

N.B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when marking your Motion or Petition. When filing Motion or Petition, provide Clerk with sufficient copies for opposing Counsel and filing Counsel.

THIS FORM IS AVAILABLE IN THE ORPHANS' COURT OFFICE

Exhibit "B"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
ORPHANS COURT DIVISION

ENTRY OF APPEARANCE

In accordance with Carbon County Rule of Orphans Court Procedure CARB.Co.O.C.R. No. 3.1 governing a Self-Represented Party:

I \_\_\_\_\_, Plaintiff or Defendant (circle one)

choose to represent myself and provide the following address where pleadings and other legal papers can be served and a telephone number through which I can be contacted. This Entry of Appearance shall remain in full force and effect unless superseded with an Entry of Appearance by an attorney.

Street Address

Telephone Number

City, State, Zip Code

Facsimile Number

(Governed by PA Rule of Civil Procedure 440 (d))

In accordance with Carbon County Rule of Orphans Court Procedure 3.1, a self-represented party is under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

Signature

Date

[Pa.B. Doc. No. 13-1844. Filed for public inspection October 4, 2013, 9:00 a.m.]

CARBON COUNTY

Amendment of Local Rules of Civil Procedure  
1915.3 Commencement of Action—Complaint—  
Order, 1915.4 Prompt Disposition of Custody  
Cases—Disposition by Hearing Officer and  
1915.7 Consent Order; No. 13-1829

Administrative Order No. 13-2013

And Now, this 13th day of September, 2013, it is hereby

Ordered and Decreed that, effective immediately, Carbon County Rules of Civil Procedure CARB.R.C.P. 1915.3 governing Commencement of Action, Complaint and Order, CARB.R.C.P. 1915.4 governing Prompt Disposition of

Custody Cases and Disposition by Hearing Officer and CARB.R.C.P. 1915.7 governing a Consent Order be and are hereby Amended as follows.

1. The Carbon County District Court Administrator is Ordered and Directed to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) CD with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

3. File one (1) certified copy with the Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the Carbon County Law Journal.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Local Rules in the Prothonotary's Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 1915.3. Commencement of Action. Complaint. Order.

The person to be designated in the notice to defend as the person from whom legal referral can be obtained shall be the same as provided for in CARB.R.C.P.1018.1.

A proposed order substantially in the same form as Form "A" following this rule shall be attached to the complaint or petition.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL ACTION—LAW

Plaintiff vs. Defendant
Counsel for Plaintiff
Counsel for Defendant

ORDER OF COURT

AND NOW this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, it is hereby

ORDERED and DECREED as follows:

1. This Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party.

5. Primary physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody/supervised physical custody in accordance with the following schedule:

- (a) During the week:
(b) Weekends:
(c) Major Holidays:
(d) Minor Holidays:
(e) Mother's Day and Mother's Birthday shall be with the Mother;
(f) Father's Day and Father's Birthday shall be with the Father.
(g) Child(ren)'s Birthday(s):
(h) Vacation/Summers:
(i) Other times:

7. All other periods of partial physical custody/supervised physical custody shall be by mutual agreement of both parties after reasonable request, and such agreement shall not be unreasonable withheld.

8. The retrieving party shall provide transportation unless otherwise agreed to by the parties as follows:

9. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

10. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

11. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

J.

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy".

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Any period of custody shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child(en) shall be consulted as to the child(ren) schedule.

B. Custodial rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare the child(ren) both physically and mentally for the custody with the other party and have the child(ren) available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled period of custody and wish to adjust such period, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for their partial physical custody/supervised physical custody under the influence of alcohol or drugs, the period of partial physical custody/supervised physical custody may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

**Rule 1915.4. Prompt Disposition of Custody Cases. Disposition by Hearing Officer.**

1 Upon the filing of any claim or modification petition for custody the moving party shall deposit with the Prothonotary in addition to the filing fee the sum of \$150.00 unless excused by the Court. If the Hearing Officer determines at the pre-hearing conference that the custody issues are complex and that additional sums should be deposited to cover the payment of the Hearing Officer's fees, the Hearing Officer shall prepare an order for the Court directing the deposit of additional sums of money and allocating who shall be responsible for deposit of additional funds.

2 A pre-hearing conference shall be scheduled before a hearing officer no sooner than thirty (30) days but no longer than forty-five (45) days after the filing of the complaint or petition to modify. This conference will focus on issues for resolution by the Court, any agreements of the parties and negotiated settlement of the case.

3 If the parties agree on a custodial arrangement, a consent order shall be entered pursuant to CARB.R.C.P. 1915.7.

4 If the parties are unable to agree, the Hearing Officer shall prepare and forward to the Court within 10 days a recommended Interim Custody Order established in the best interest of the child(ren). This order shall list the date and time of the custody trial before the Court and, if requested by one of the parties or ordered sua sponte by the Court, the date and time of the pretrial conference before a Judge. If a pretrial conference is scheduled before a Judge, the pretrial procedures and requirements of the pretrial statement shall comply with Pa.R.C.P. 1915.4-4. If a custody trial is scheduled before a Judge, the Interim Custody Order shall direct the parties to file a Pretrial statement at least seven (7) days prior to the trial, which shall contain:

- a. A clear concise statement of the issues to be resolved by the Court;
- b. Unresolved discovery matters;
- c. Name and address of each expert whom the party intends to call at trial as a witness;
- d. Name and address of each witness the party intends to call at trial, the relationship of that witness to the party and a statement by the party or the party's counsel that he or she has communicated with each listed witness;
- e. Issues relating to expert witnesses;
- f. List of evidentiary disputes;
- g. List of exhibits;
- h. Any agreements of the parties;
- i. Proposed Findings of Fact; and



j. Proposed Custody Order setting forth the custody schedule requested by the party.

5. If the hearing is to be held before the Hearing Officer, the moving party shall be responsible to secure the services and attendance of an outside court reporter for said hearing and shall be responsible for payment of same unless the Court places the payment responsibility on the other party.

**Rule 1915.7. Consent Order.**

A proposed consent order substantially in the same form as Form "A" following this Rule shall be attached to the stipulation or agreement.

**"FORM A"**

**IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL ACTION—LAW**

_____ ,	:	
Plaintiff	:	
	:	
vs.	:	NO.
	:	
_____ ,	:	
Defendant	:	
	:	
_____ -	:	Counsel for Plaintiff
_____ -	:	Counsel for Defendant

**ORDER OF COURT**

AND NOW this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , upon review of the attached Agreement between the parties regarding custody of the child(ren), it is hereby

ORDERED and DECREED that said Agreement is approved and shall be incorporated into this Order of Court as if more fully set forth herein.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

\_\_\_\_\_  
J.

**IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL ACTION—LAW**

_____ ,	:	
Plaintiff	:	
	:	
vs.	:	NO.
	:	
_____ ,	:	
Defendant	:	
	:	
_____ -	:	Counsel for Plaintiff
_____ -	:	Counsel for Defendant

**AGREEMENT FOR ENTRY OF CONSENT CUSTODY ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , the following agreement is entered into upon stipulation of the parties:

1. This Agreement and ensuing Order of Court shall govern the custodial situation of the following children:

\_\_\_\_\_

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody/supervised physical custody in accordance with the following schedule:

- (a) During the week: \_\_\_\_\_
- (b) Weekends: \_\_\_\_\_ ;
- (c) Major Holidays: \_\_\_\_\_ ;
- (d) Minor Holidays: \_\_\_\_\_ ;
- (e) Mother's Day and Mother's Birthday shall be with the Mother;
- (f) Father's Day and Father's Birthday shall be with the Father.
- (g) Child(ren)'s Birthday(s): \_\_\_\_\_ ;
- (h) Vacation/Summers: \_\_\_\_\_ ;
- (i) Other times: \_\_\_\_\_ .

7. All other periods of partial physical custody/supervised physical custody shall be by mutual agreement of both parties after reasonable request, and such agreement shall not be unreasonably withheld.

8. The retrieving party shall provide transportation unless otherwise agreed to by the parties as follows:\_\_\_\_\_

\_\_\_\_\_

9. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

10. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

11. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

12. It is the intention of the parties that this agreement will be adopted into an Order of Court.

13. The filing fee for the stipulated order shall be paid by the \_\_\_\_\_ (Indicate Plaintiff or Defendant) to the Prothonotary of Carbon County simultaneous with the filing of the stipulated order.

14. No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

_____ WITNESS AS TO PLAINTIFF	_____ PLAINTIFF
_____ WITNESS AS TO DEFENDANT	_____ DEFENDANT

**APPENDIX TO ORDER**

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child’s mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of “spy”.

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the

other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)’s best interests, and act accordingly. It is in a child(ren)’s best interests to understand that he or she is trying desperately to cope with the fact of his parents’ separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Any period of custody shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child(ren) shall be consulted as to the child(ren) schedule.

B. Custodial rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare the child(ren) both physically and mentally for the custody with the other party and have the child(ren) available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled period of custody and wish to adjust such period, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for their partial physical custody/supervised physical custody under the influence of alcohol or drugs, the period of partial physical custody/supervised physical custody may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)’s life, such as education, religious training, medical treatment, and so forth.

[Pa.B. Doc. No. 13-1845. Filed for public inspection October 4, 2013, 9:00 a.m.]

**DAUPHIN COUNTY**

**Probation Services (Adult Division) Drug Test Fees; No. 0010-15-MA-2013; AO No. AO-16-2013**

**Administrative Order of Court**

*And Now*, this 12th day of September, 2013, *Effective* thirty (30) days following publication in the *Pennsylvania Bulletin*, the Probation Services (Adult Division) Department will impose a \$75.00 annual fee for those ordered by the courts to undergo one or more Drug Tests.

The Clerk of Courts shall collect this fee as part of Court fees levied on defendants and the Dauphin County Treasurer shall establish and administer a separate Dauphin County Probation (Adult Division) Services Drug Test Fund, consisting of those funds received from this Drug Test Fee.

It is further *Ordered* that, in accordance with Pa.R.C.P. 239, this District Court Administrator of Dauphin County, Pennsylvania, shall:

(a) File seven (7) certified copies hereof with the Administrative Office of Pennsylvania Courts;

(b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for Publication on the *Pennsylvania Bulletin*;

(c) File one (1) certified copy hereof with the Criminal Rules Committee;

(d) Cause a copy hereof to be published one (1) time in the *Dauphin County Reporter* at the expense of the County of Dauphin; and

(e) Supervise and distribute hereof to all Judges of this Court.

It is further *Ordered* that copies of this Order are directed to: the Court of Common Pleas; the District Court Administrator; the Dauphin County District Attorney's Office; the Dauphin County Public Defender's Office; the Dauphin County Clerk of Courts Office; the Dauphin County Probation Services (Adult Division) Department and the Dauphin County Treasurer's Office.

*By the Court*

TODD A. HOOVER,  
*President Judge*

[Pa.B. Doc. No. 13-1846. Filed for public inspection October 4, 2013, 9:00 a.m.]

**WASHINGTON COUNTY  
Local Rules; No. 2013-1**

1915.1—Scope; 1915.2—Reserved; 1915.3—Commencement of Action, Complaint, Order; Appendix C; Appendix E; 1915.4—Parenting Program; 1915.5—Motions; 1915.6—1915.7—Reserved; 1915.8—Physical and Mental Examination of Persons; 1915.9—1915.11—Reserved; 1915.12—Contempt; 1915.13—Special Relief; 1915.14—1915.25—Reserved; 1915.26—Child Custody Conference Officer; 1915.27—Process; 1915.28—Continuances; 1915.29—Pre-Custody Conciliation Meeting Procedure; 1915.30—Pre-Custody Conciliation Meeting; Appendix F; 1915.31—Custody Conciliation Conference; 1915.32—Interim Orders; 1915.33—Request for Custody Trial De Novo and Pretrial Conference; Appendix G/Custody; 1915.34—Pre-Trial Child Custody Conference Before the

Court; 1915.35—Uncontested Motions Verification Form; Appendix H/Custody; 1935.36—Consent Agreements

**Order**

*And Now*, this 17th day of September, 2013; *It Is Hereby Ordered* that the previously-listed Washington County Local Custody Rules be restated as follows.

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

*By the Court*

DEBBIE O'DELL SENECA,  
*President Judge*

**ACTIONS FOR CUSTODY, PARTIAL CUSTODY,  
AND VISITATION OF MINOR CHILDREN**

**L-1915.1. Scope.**

(a) These Rules shall apply to actions for custody, partial custody, and visitation of minor children and to modification of existing orders relating thereto as governed by the Pa.R.C.P. 1915.1—1915.25 and by reference, 1920.32.

(b) A copy of these rules shall be maintained by the Court Administrator's Office and a copy shall be provided to the Prothonotary and County Law Library and be made generally available pursuant to Pa R.C.P. 239(c)(5).

**L-1915.2. Reserved.**

**L-1915.3. Commencement of Action, Complaint, Order.**

(a) All actions raising custody, partial custody, visitation or modification of existing orders for minor children shall be commenced by the filing of a verified complaint or, in the case of a custody count in a divorce complaint, a petition and a separate scheduling order as set forth in Appendix E. The scheduling order located in Appendix E must also be filed and processed in accordance with this rule when any Divorce Complaint with a Custody Count is filed or when any Custody Count is filed separately.

(b) The moving party shall proceed to the Civil Division of the Court Administrator's Office with an original and two (2) copies of the complaint or petition and the separate scheduling order for an assignment of a date and a time for the Pre-Custody Conciliation Meeting. The Pre-Custody Conciliation Meeting shall be scheduled for a date and a time not later than forty-five (45) days after the filing of the complaint or petition. The Civil Division of the Court Administrator's Office will present the complaint or petition to the Family Court Judge to whom the case is assigned for signature and return the signed complaint or petition to the moving party. The moving party will file the complaint or petition with the Prothonotary's Office. The Civil Division of the Court Administrator's Office will not file complaints or petitions on behalf of parties. A copy of the scheduling order will then be delivered by the moving party to the Civil Division of the Court Administrator's Office. The Civil Division of the Court Administrator's Office will give parenting program information as well as the Parent Plan form to the moving party. The moving party shall attach copies of each to the filed, time-stamped copies of the complaint or petition and serve the defendant(s) with the complaint or petition, the parenting program information and a copy of the Parent Plan form.

(c) The moving party shall file proof of service of the complaint or petition with the Washington County Prothonotary and provide a copy of the proof of service of the complaint or petition, the parenting program information,

and a copy of the Parent Plan form to the Civil Division of the Court Administrator's Office prior to the Pre-Custody Conciliation Meeting.

(d) The presentation of the pleadings referred to in subdivision (a) shall be the responsibility of the moving party and if necessary, may be ex parte. The moving party shall be responsible for filing and serving the pleadings in accordance with Pa.R.C.P. 1915.3 and 1915.4. The moving party shall insure that a minimum of seven (7) days notice of the meeting or conference or any other appropriate proceeding is afforded to any interested parties. In the event seven (7) days' notice cannot be afforded to any interested parties, the moving party shall notify the Civil Division of the Court Administrator's Office forthwith.

(e) All appropriate costs and fees shall be paid at the time of filing.

(f) A duplicate copy of other pleadings and other documents shall be filed with the Prothonotary who shall forward it to the Civil Division of the Court Administrator's Office, specifically including petitions and orders to bifurcate proceedings.

(g) Petition for Confirmation of Custody.

(1) Any party may seek confirmation of his or her existing (de facto) legal and/or physical custody of any child by presenting a Petition for Confirmation of Custody to the Family Court Judge in Motions' Court.

(2) The Petition shall be substantially in the form of Pa.R.C.P. 1915.15 and a copy of the most recent custody order relating to the child or children must be attached if any exist.

(3) All persons having or claiming any right to custody of the child or children must either consent in writing to the Petition, or be given seven (7) days written notice of the presentation of the Petition.

(4) Notice of presentation of the Petition must be given in accordance with Pa.R.C.P. 1930.4 regarding service of original process in domestic relations matters. Proof of service must be attached to the Petition.

(5) If none of the person(s) who were given notice appear to oppose the Petition, the Court may grant the relief requested and confirm custody in the person who brought the Petition.

(6) The order attached to the Petition Confirming Custody shall be as set forth in Appendix C.

APPENDIX E

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

Plaintiff
-vs-
Defendant
No.

NOTICE AND ORDER TO APPEAR

You, \_\_\_\_\_ have been sued in Court to obtain custody of \_\_\_\_\_ .

You are ORDERED to appear in person at the Family Court Center, 29 W. Cherry Avenue, Washington, Pennsylvania 15301, on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., for a Pre-Custody Conciliation Conference Meeting before, \_\_\_\_\_, Esquire, Child Custody Conference Officer.

If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

Pursuant to Local Rule 1915.4, all parties to the action are ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Meeting. Failure of a party to attend the parenting program will result in sanctions against the party up to and including being prohibited from proffering evidence in the Meeting or Conference, or being held in contempt by the Court.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

If you can not afford an attorney:
SOUTHWESTERN PA LEGAL SERVICES
10 WEST CHERRY AVENUE
WASHINGTON, PA 15301
724-225-6170

If you can afford an attorney:
LAWYER REFERRAL SERVICE
119 SOUTH COLLEGE STREET
WASHINGTON, PA 15301
724-225-6710

Date: \_\_\_\_\_, J.

THE COURTS

APPENDIX C

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

\_\_\_\_\_, )  
 )  
 Plaintiff )  
 )  
 -vs- ) No. \_\_\_\_\_  
 )  
 \_\_\_\_\_, )  
 )  
 Defendant )

INTERIM ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, after notice and presentation of the Petition for Confirmation, it is hereby ORDERED that:

1. Confirmation of Custody is denied.
2. A pre-custody conciliation meeting shall be scheduled pursuant to L-1915.3 and the case shall proceed pursuant to the Washington County Local Rules.
3. Pending further Order, custody of the child(ren) is (are) awarded on an interim basis to \_\_\_\_\_ with partial custody granted to \_\_\_\_\_ as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. The foregoing Complaint states a claim upon which relief may be granted.
5. Petitioner is responsible for the Prothonotary filing fee for this Petition.

BY THE COURT:

\_\_\_\_\_ J.

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

\_\_\_\_\_, )  
 )  
 Plaintiff )  
 )  
 -vs- ) No. \_\_\_\_\_  
 )  
 \_\_\_\_\_, )  
 )  
 Defendant )

ORDER OF COURT FOR CONFIRMATION OF CUSTODY

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, after notice and presentation of the Petition for Confirmation, it is hereby ORDERED that:

1. Confirmation of primary physical custody of the child(ren) (insert names and date of birth):  
 \_\_\_\_\_ is granted to Petitioner \_\_\_\_\_ who resides at the address set forth in the Petition.
2. The Respondent's right to modify this order is preserved.
3. The TransParenting Program is waived.
4. Petitioner is responsible for the Prothonotary's filing fee for this Petition. No pre-custody conciliation meeting will be scheduled.
5. The foregoing Complaint states a claim upon which relief may be granted.

BY THE COURT:

\_\_\_\_\_ J.

**L-1915.4. Parenting Program.**

As a prerequisite to court involvement in a custody matter, all parties to the action are ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Meeting. Failure of a party to attend the parenting program will result in sanctions against the party up to and including being prohibited from proffering evidence in the Meeting or Conference, or being held in contempt by the Court. See Administrative Regulation 2002-1.

**L-1915.5. Motions.**

(a) Objections to jurisdiction or venue, motions concerning discovery, joinder of parties, psychological or psychiatric examinations, and appointment of counsel for minors shall be presented to the Family Court Judge to whom the case is assigned.

(b) If the issue of paternity is raised, the parties shall immediately apply for appropriate relief to the Family Court Judge to whom the case is assigned, with all Custody proceedings to be stayed pending resolution of the paternity issue.

**L-1915.6—1915.7. Reserved.****L-1915.8. Physical and Mental Examination of Persons.**

Issues concerning physical and mental examinations of persons will be addressed directly to the Family Court Judge to whom the case is assigned who will follow the procedures set forth in Pa R.C.P. 1915.8.

**L-1915.9-L—1915.11. Reserved.****L-1915.12. Contempt.**

All petitions for contempt for failure to comply with an Order related to custody shall be presented to the Family Court Judge to whom the case is assigned. The Family Court Judge to whom the case is assigned may refer the Petition, at his/her discretion, to the Child Custody Conference Officer for conference and review. If a resolution of the matter cannot be made promptly, the Child Custody Conference Officer will refer the contempt proceeding to the Family Court Judge to whom the case is assigned, and a date for a hearing will be set by the Court. The petition for contempt shall begin with a notice and order conforming with Pa.R.C.P. 1915.12.

**L-1915.13. Special Relief.**

Motions for special relief should be for matters of an emergency nature and shall be presented to the Family Court Judge to whom the case is assigned. A Complaint for Custody or petition must be prepared if one has not already been filed, a Child Custody Conference Officer appointed and a Pre-Custody Conciliation Meeting date set, which then is presented to the Judge with the motion for special relief. After presentation of the motion for special relief, the moving party shall file the complaint and scheduling order and shall effect service forthwith. Other matters of a non-emergency nature, as set forth in Local Rule 1915.32, shall be disposed of in accordance with that Rule. Special Relief may be denied without a hearing.

**L-1915.14-L—1915.25. Reserved.****L-1915.26. Child Custody Conference Officer.**

The position of Child Custody Conference Officer is hereby established. The Child Custody Conference Officer shall be appointed by the Court and shall be a member in good standing of the Pennsylvania Bar. The Child Custody

Conference Office may act as a Hearing Officer when hearing matters pursuant to Pa.R.C.P. 1915.4-2.

**L-1915.27. Process.**

(a) Where a claim for custody, partial custody, or visitation is joined with an action of divorce, having been raised by complaint, counterclaim, or a subsequent petition, this claim will not be heard by the Court unless the matter is placed at issue by either of the parties filing a Complaint or Petition for Custody in accordance with Local Rule 1915.3.

(b) A petition to modify a custody order will be assigned to the Child Custody Conference Officer who handled the original custody complaint when possible.

**L-1915.28. Continuances.**

(a) Motions for continuances of proceedings before the Child Custody Conference Officers will be presented by the moving party to the Family Court Judge to whom the case is assigned in Motions Court prior to the scheduled proceeding. The order granting or denying the continuance will be filed in the Prothonotary's Office. A copy of an order granting a continuance will be delivered by the moving party to the Civil Division of the Court Administrator's Office.

(b) A \$25.00 fee will be charged for continuances. Except in the case of an emergency, when a party seeks and receives a continuance on the day of a scheduled meeting or conference the party will be charged a \$75.00 fee. The fee will be paid by the moving party to the Prothonotary's Office when the Motion and Continuance Order are filed. The fee shall be paid in the form of a check or money order payable to the Washington County Prothonotary.

(c) Motions for continuances shall be set forth in writing containing the following information:

1. A clear, concise, and certain reason for the motion.
2. A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance, if applicable.
3. A statement of the number of prior continuances, if any.
4. If another court appearance is the reason for the request, a copy of the notice or Order of the conflicting hearing shall be attached.

(d) The Notice of Presentation of the Continuance Motion shall include the date of service of the motion upon the opposing counsel or the opposing party, if unrepresented.

**L-1915.29. Pre-Custody Conciliation Meeting Procedure.**

(a) The parties shall make a good faith effort to resolve the custody and/or visitation issues prior to the meeting. If resolution occurs prior to or at the time of the meeting, a proposed order may be drafted in accordance with Pa.R.C.P. No. 1915.7 and submitted to the Court for approval through the Child Custody Conference Officer, or the parties may follow L-1915.30(b).

(b) The Civil Division of the Court Administrator's Office will give counsel of record at least ten (10) days notice before any proceeding is conducted.

(c) The Civil Division of the Court Administrator's Office will give a party who is not represented by counsel at least ten (10) days notice before any proceeding is conducted.

**L-1915.30. Pre-Custody Conciliation Meeting.**

(a) Each parent shall file a Washington County Parent Plan form with the Civil Division of the Court Administrator's Office no later than thirty (30) days from the filing of the Custody Complaint or Modification Petition. The Parent Plan form may be found at Appendix F. The finder of fact may draw a negative inference against the party who fails to comply with this requirement.

(b) The parties may also at any time present a Consent Custody Order to the Family Court Judge to whom the case is assigned. If a Pre-Custody Conciliation Meeting or Custody Conciliation Conference has been previously scheduled at the time a party presents the Consent Custody Order to the Family Court Judge, the party shall provide a copy of the signed Consent Custody Order to the Civil Division of the Court Administrator's Office to ensure the Pre-Custody Conciliation Meeting or Custody Conciliation Conference is cancelled.

(c) If no Consent Custody Order pursuant to subsection (b) is presented to the Family Court Judge to whom the case is assigned, the Pre-Custody Conciliation Meeting shall proceed as originally scheduled.

(1) All parties shall be present at the Pre-Custody Conciliation Meeting unless otherwise ordered by the Court.

(2) The Child Custody Conference Officer will attempt to mediate the differences between the parties using

mediation skills to come to an amicable settlement of those differences.

(3) The Child Custody Conference Officer will insure that the parties have submitted the completed Parent Plan form. The finder of fact may draw a negative inference against the party who fails to comply with this requirement. The Child Custody Conference Officer shall also insure that the mandated parenting program has been completed by the parties and certification presented.

(4) If the issue of custody cannot be resolved at the pre-custody conciliation meeting or continued meeting, the Child Custody Conference Officer shall schedule a custody conciliation conference if he/she determines that the issue concerns primary physical custody.

(5) If the issue of custody cannot be resolved at the pre-custody conciliation meeting or continued meeting, the Child Custody Conference Officer shall then determine whether the issue to be addressed concerns less than primary physical custody. If the issue is less than primary physical custody and both parties consent, the Child Custody Conference Officer shall schedule a hearing. The hearing shall be on the record pursuant to Pa.R.C.P. 1915.4-2(b). The Child Custody Conference Officer/ Hearing Officer shall receive evidence and hear argument, as well as issue a recommendation to the Court in accordance with PA.R.C.P 1915.4-2(b)(2) & (3). If any party disagrees with the recommendation, exceptions shall be filed as provided by Pa.R.C.P. 1915.4-2(b)(4).

**APPENDIX F**

**IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

_____	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	No. _____
	)	
_____	)	
	)	
Defendant.	)	

**WASHINGTON COUNTY PARENT PLAN**

DATE COMPLETED: \_\_\_\_\_

THE FOLLOWING INFORMATION SHALL BE COMPLETED AND RETURNED TO: COURT ADMINISTRATOR—CIVIL DIVISION, 1 SOUTH MAIN STREET, SUITE G006, WASHINGTON, PA 15301 NO LATER THAN THIRTY (30) DAYS FROM THE FILING OF THE CUSTODY COMPLAINT OR MODIFICATION PETITION.

The finder of fact may draw a negative inference against the party who fails to comply with this requirement. Failure of the Petitioner to comply with this requirement prior to the one hour meeting may subject them to being canceled.

**INFORMATION**

- 1) YOUR NAME: \_\_\_\_\_
- ADDRESS: \_\_\_\_\_
- \_\_\_\_\_
- TELEPHONE (HOME): \_\_\_\_\_ (CELL): \_\_\_\_\_
- DATE OF BIRTH: \_\_\_\_\_
- MARITAL STATUS: \_\_\_\_\_
- EDUCATION: \_\_\_\_\_

2) CURRENT OCCUPATION: \_\_\_\_\_

PLACE OF EMPLOYMENT: \_\_\_\_\_

WORK SCHEDULE: \_\_\_\_\_

3) IF SEPARATED, DATE OF SEPARATION: \_\_\_\_\_

4) NAME OF CURRENT PARTNER; IF APPLICABLE \_\_\_\_\_

5) MEMBERS OF PRESENT HOUSEHOLD; AND RELATIONSHIP TO CHILD/CHILDREN:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) CURRENT CUSTODY SCHEDULE:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7) ISSUES/PROBLEMS/CONCERNS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8) CHILD SUPPORT ORDER DATE, AMOUNT AND ARREARAGES, IF ANY:  
\_\_\_\_\_

YOUR PARENTING PLAN

This parenting plan involves the following child/children:

	Child's Name	Date of Birth	Where does this child live?
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

If you have children not addressed by this parenting plan, name here:

	Child's Name	Age	Where does this child live?
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

Legal Custody (who makes decisions about certain things):

	Circle one
DIET	Both parties decide together/ Plaintiff / Defendant
RELIGION	Both parties decide together/ Plaintiff / Defendant
MEDICAL CARE	Both parties decide together/ Plaintiff / Defendant
MENTAL HEALTH CARE	Both parties decide together/ Plaintiff / Defendant
DISCIPLINE	Both parties decide together/ Plaintiff / Defendant
CHOICE OF SCHOOL	Both parties decide together/ Plaintiff / Defendant
CHOICE OF STUDY	Both parties decide together/ Plaintiff / Defendant
SCHOOL ACTIVITIES	Both parties decide together/ Plaintiff / Defendant
SPORTS ACTIVITIES	Both parties decide together/ Plaintiff / Defendant
ADDITIONAL ITEMS	Both parties decide together/ Plaintiff / Defendant



Explain what process you will use to make decisions? (For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline).

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

Physical Custody (where the child/children) will live): \_\_\_\_\_

The child's/children's residence is currently with \_\_\_\_\_

Describe which days and which times the child/children will be with each person:

Sunday: \_\_\_\_\_

Monday: \_\_\_\_\_

Tuesday: \_\_\_\_\_

Wednesday: \_\_\_\_\_

Thursday: \_\_\_\_\_

Friday: \_\_\_\_\_

Saturday: \_\_\_\_\_

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

Drop-Off

Where: \_\_\_\_\_

When: \_\_\_\_\_

Pick-Up

Where: \_\_\_\_\_

When: \_\_\_\_\_

If one of you doesn't show up, how long will the other wait? \_\_\_\_\_

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs? \_\_\_\_\_

HOLIDAYS

Where will the child/children stay?

Table with 4 columns: HOLIDAY, EVEN YEARS, ODD YEARS, EVERY YEAR. Rows include Martin Luther King Day, President's Day, Easter, Memorial Day, Independence Day, Labor Day, Yom Kippur, Rosh Hashanah, Thanksgiving, Vacation after Thanksgiving, Christmas Vacation, Kwanzaa, New Year's Eve/Day, Spring Vacation, Easter Sunday, Child's Birthday, Mother's Day.

HOLIDAY	EVEN YEARS	ODD YEARS	EVERY YEAR
Father's Day	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____

Summer Vacation Plans: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Special Activities or School Activities: \_\_\_\_\_

Child's Name	Activity	Will both of you attend? If not, which of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____

TEMPORARY CHANGES TO THIS PARENTING SCHEDULE

From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision. The parent asking for the change will ask \_\_\_\_\_ in person \_\_\_\_\_ by letter/mail \_\_\_\_\_ by phone

No later than \_\_\_\_\_ 12 hours \_\_\_\_\_ 24 hours \_\_\_\_\_ 1 week \_\_\_\_\_ 1 month

The parent being asked for a change will reply \_\_\_\_\_ in person \_\_\_\_\_ by letter/mail \_\_\_\_\_ by phone

No later than \_\_\_\_\_ 12 hours \_\_\_\_\_ 24 hours \_\_\_\_\_ 1 week \_\_\_\_\_ 1 month.

May parents contact one another? \_\_\_\_\_

When the child/children is/are with one of you, how may they contact the other parent? \_\_\_\_\_

When and how may \_\_\_\_\_ contact the child? \_\_\_\_\_

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.):

The following matter or matters as specified by the court: \_\_\_\_\_

Other (anything else you want to agree on): \_\_\_\_\_

I VERIFY THAT THE STATEMENTS MADE IN THIS PARENT PLAN ARE TRUE AND CORRECT. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 Pa.C.S. § 4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

AFFIDAVIT OF MY HOUSEHOLD

I, \_\_\_\_\_, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4909 relating to unsworn falsification to authorities that:

1. The following adults live in my household:

FULL NAME	DATE OF BIRTH
1. _____ (self)	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

(Please use additional lines if necessary)

2. I and/or another adult living in my household have or have not been charged, convicted, pled guilty or no contest to the following crimes in Pennsylvania or any other jurisdiction, as follows:

NO	YES	Me	Adult in my Household	Date
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Contempt for violation of a Protection from Abuse order or agreement;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Driving under the influence of alcohol or a controlled substance or drug;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Possession, sale, delivery, manufacturing or offering for sale any controlled substance or other drug or device;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Criminal homicide; Murder;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Aggravated Assault;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Terroristic threats;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Stalking;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Kidnapping;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Unlawful restraint;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Luring a child into a motor vehicle or structure;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, sexual abuse of children, sexual exploitation of children, sexual intercourse with an animal or incest;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Arson and related offenses;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Concealing death of a child;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Endangering the welfare of children;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Prostitution and related offenses;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Obscene and other sexual materials;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Corruption of minors or unlawful contact with a minor;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Trading, bartering, buying, selling or dealing in infant children; and			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Sex offender non-compliance with registration requirements, statute, court order, probation or parole, or other requirements under 18 Pa.C.S.A. § 3130 and 42 Pa.C.S. § 9795.2.			

3. I and/or another adult living in my household have present and/or past history or violent or abusive conduct including the following:

NO	YES	Me	Adult in my Household	Date
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in Another jurisdiction;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction;			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Other:			

## 4. Children &amp; Youth Services Involvement

The adults and/or child/children involved in this matter are not nor have they ever been involved in a Juvenile Court proceeding or with Children & Youth Services (CYS).

The adults and/or child/children involved in this matter are CURRENTLY INVOLVED in a Juvenile court proceedings at No. \_\_\_\_\_ or with Children & Youth Services (CYS). EXPLAIN INVOLVEMENT BELOW.

The Caseworker is: \_\_\_\_\_ whose phone number is: \_\_\_\_\_ .

The adults and/or child/children involved in this matter have PREVIOUSLY been involved in a Juvenile Court proceeding at No. \_\_\_\_\_ or with Children & Youth Services (CYS). EXPLAIN INVOLVEMENT BELOW.

The Caseworker was: \_\_\_\_\_ whose phone number is: \_\_\_\_\_ .

The case was closed on: \_\_\_\_\_ .

The involvement in the case is or was: \_\_\_\_\_

I CERTIFY THE ABOVE INFORMATION IS TRUE AS OF THE LAST THIRTY (30) DAYS.

Signature \_\_\_\_\_

**L-1915.31. Custody Conciliation Conference.**

(a) All parties and any child for whom primary physical custody is sought shall be present at the Custody Conciliation Conference, unless otherwise ordered by the Court. Failure of a party to appear at the Custody Conciliation Conference may result in the entry of a custody or visitation order by the Court on the recommendation of the Child Custody Officer in the absence of that party. The absent party may also be subject to contempt proceedings, if appropriate.

(b) The Child Custody Conference Officer will conduct informal proceedings and allow the parties and their witnesses to participate. The Child Custody Conference Officer shall control the presentation of evidence and will determine the amount of time allotted to each party for presentation of his/her case. Counsel, or the party himself/herself if unrepresented, may summarize his/her case to the Child Custody Conference Officer. The Child Custody Conference Officer may take testimony from the parties and any witnesses by swearing in said parties and having said parties offer testimony under oath. The proceeding will not be transcribed. At the discretion of the Child Custody Conference Officer, a witness(es) may be permitted to participate via telephone pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony and subject to subsection (e) below. The conference will last no longer than one-half (1/2) day unless the Child Custody Conference Officer deems one or more issues complex in which event additional proceedings may be scheduled. If an agreement is reached, the agreement shall be prepared and signed in the form of a Custody Consent Order. If no agreement can be reached, the Child Custody Conference Officer will prepare a Summary Report and Recommended Order and forward same to the Court for the Court's consideration.

(1) The Summary Report and Recommended Order will be prepared and presented to the court within ten days of the date of the proceeding. The Summary Report will include the following:

a. The results of mental and physical evaluations and home studies, if any.

b. Findings of fact on jurisdiction or venue issues, if in question.

c. Recommendations for custody/visitation.

(c) The Recommended Order will normally be signed by the Family Court Judge to whom the case is assigned.

(1) The Recommended Order will become a final order unless a Request for Custody Trial De Novo and Pretrial Conference is filed within twenty (20) days after the Recommended Order is mailed or received by the parties, whichever occurs first. A copy of the order shall be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236 with a copy to the Civil Division of the Court Administrator's Office.

(2) If a party makes a timely request for a Trial De Novo and Pretrial Conference, the Recommended Order will remain in effect pending further order of the Court.

(d) After the Family Court Judge to whom the case is assigned signs the Recommended Order, the attorneys representing the parties, or the parties if acting pro se, may review the Summary Report in the Court Administrator's Office—Civil Division within the twenty (20) day time period specified in paragraph (c)(1) above. The Summary Report will not be filed in the Prothonotary's Office. It will not be released from the Court Administrator's Office—Civil Division, nor may parties or attorneys make copies of the Summary Report.

(e) A party requesting to participate by telephone shall submit written consent from the opposing party(parties) to the Civil Division of the Court Administrator's Office. If represented by counsel, counsel shall provide written consent to the Civil Division of the Court Administrator's Office at least ten (10) days prior to the conference. If no consent is given by the opposing party to the requesting party (parties), relief must be obtained from the Custody Conference Officer or Hearing Officer pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony. The requesting party shall contact the Civil Division of the Court Administrator's Office to seek such relief.

**L-1915.32. Interim Orders.**

(a) At the time of the initial custody meeting where issues regarding the temporary rights of the parties to custody or visitation of a non-emergency nature, as well as the arrangements for psychiatric or psychological examinations, home evaluations, and/or drug testing, are presented to the Child Custody Conference Officer, the Officer may submit to the Family Court Judge to whom the case is assigned a proposed interim order which will be reviewed by the Court and signed, if the Court deems

the order appropriate. A copy of this signed order will be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236 with a copy to the Civil Division of the Court Administrator's Office.

(b) Any person not satisfied with the interim order may pursue an application for special relief in accordance with Local Rule 1915.13.

**L-1915.33. Request for Custody Trial De Novo and Pretrial Conference.**

(a) A party may file a Request for Custody Trial De Novo and Pretrial Conference in the Washington County Prothonotary's Office within twenty (20) days after the Recommended Order issued following the Custody Conciliation Conference is mailed or received by the parties, whichever occurs first. The request must be presented to the Family Court Judge to whom the case is assigned for

the scheduling of the Pretrial Conference. Form of Order may be found at Appendix G / Custody.

(b) A copy of the filed request with the scheduled Pretrial Conference date and time must be served on the other counsel, or if the party is a pro se litigant, the request must be served on the party. A copy must be delivered to the Civil Division of the Court Administrator's Office.

(c) A Trial De Novo will be scheduled, barring extenuating circumstances, within ninety (90) days of the request. The Pretrial Conference shall be held during the period between the request for Custody Trial De Novo and the scheduled hearing. Any psychological reports ordered should be obtained during the same period and presented to the Family Court Judge to whom the case is assigned, along with the parties' Pretrial Statements, at least forty-eight (48) hours in advance of the Pretrial Conference.

**APPENDIX G / CUSTODY**

**IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA CIVIL DIVISION**

_____	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	No. _____
	)	
_____	)	
	)	
Defendant.	)	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon the request of \_\_\_\_\_ for Trial De Novo, a Pretrial Conference in the above-referenced matter is scheduled for the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ .m. All parties are to be present and Pretrial Statements are due at least forty-eight (48) hours before the conference date.

The Court further directs all parties to immediately contact Southwestern Pennsylvania Human Services at the C.A.R.E. Center, Inc., 75 East Maiden Street, Suite 100, Washington, PA 15301, phone number (724) 229-3430 or (724) 229-4620. The parties are to enroll in and successfully complete the programs on Parenting, Improved Communication Skills and Conflict Resolution, as well as Individual and Family Counseling. Each party must contact the C.A.R.E. Center and schedule an appointment with that organization before Trial De Novo. In the event that any of the parties fail to schedule an appointment and/or actively participate in the counseling sessions directed by the Court, the offending party may be subject to sanctions upon proper Motion.

BY THE COURT:

\_\_\_\_\_ J.

**L-1915.34. Pretrial Child Custody Conference Before the Court.**

(a) All parties and any child for whom custody or visitation is sought shall be present at the judicial pretrial custody conference unless said required attendance is waived by way of Court Order. Failure of a party to appear at the judicial pretrial custody conference may result in the entry of a custody/visitation order by the court.

(b) The court will attempt to obtain a consent agreement on any pending custody issues. Any agreement shall be reduced to writing and entered as an order of court. Upon request, the Family Court Judge to whom the case is assigned will meet privately with the parties' counsel in an attempt to better define the issues and settle the custody dispute.

**L-1915.35. Uncontested Motions Verification Form.**

In an effort to comply with the local rules, any party may utilize the Family Court Judge's Uncontested Motions Verification Form, which shall be in the format contained in Appendix H / Custody.

APPENDIX H / CUSTODY
IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

Plaintiff,
- vs -
Defendant.
No. \_\_\_\_\_

UNCONTESTED MOTIONS VERIFICATION FORM

I, \_\_\_\_\_, Esquire, hereby represent to the Court, as indicated by the signature of opposing counsel or litigant(s) below (facsimile accepted), as the case may be, that the attached motion has been served on opposing counsel/litigant(s). I further acknowledge and agree to be responsible for retrieving the instant motion after it is signed by the Judge, filing of said motion and order, and service of a copy of the order on all opposing counsel/litigant(s), all in a timely fashion.\* I understand that failure of myself or my client to appear for scheduled hearings may result in imposition of penalties and/or sanctions in the form of fines or attorney's fees upon myself, and/or my client.

Opposing Counsel/Litigant(s) Presenting Attorney

Date Date

Phone Number Phone Number

\*In cases where a hearing date is to be scheduled, please advise the Judge's secretary of any special scheduling requests, such as vacations, conflict dates, etc.; otherwise a date will be assigned.

L-1935.36. Consent Agreements.

(a) When parties have reached a consent agreement concerning custody of their minor child(ren) and the appointment of a Child Custody Conference Officer is unnecessary, the party(parties) may seek to have the consent agreement approved by the Court and may submit a Court Order by using the following procedure:

(1) A Custody Complaint in substantial compliance with Pa.R.C.P. 1915.15(a) shall be prepared for filing with the Prothonotary's Office,

(2) The parties shall prepare and sign a Custody Consent Agreement with the appropriate order attached,

(3) The Custody Complaint and the Custody Consent Agreement with proposed Order attached shall be presented to the Family Court Judge to whom the case is assigned in Motions Court for Court Approval,

(4) The Custody Complaint and the Custody Consent Agreement with signed Order attached shall be filed with the Prothonotary's Office after paying the appropriate filing fees and costs, and

(5) A conformed, stamped copy of the filed Custody Complaint and the Custody Consent Agreement with Order attached shall be provided to the Family Court Judge to whom the case is assigned for purposes of the Judge's record keeping.

(b) If the custody issue arises from a count in a divorce complaint or counterclaim, there is no need to draft and file a custody complaint as outlined in (a) above or L-1930.27(a). Rather, the party(parties) should include

the divorce case number on the proposed Order attached to the Custody Consent Agreement before presenting it to the Family Court Judge to whom the case is assigned.

(c) When using these procedures, there is no condition precedent that the parties attend the Parenting Program set forth in L-1915.4.

[Pa.B. Doc. No. 13-1847. Filed for public inspection October 4, 2013, 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 August 21, 2013, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective September 20, 2013, for Compliance Group 3.

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.

Alpha, Jennifer J.  
Washington, DC

Anderson, Corbett  
Reston, VA

Bertorelli, Jr., D. Andrew  
Haddonfield, NJ

Campbell, Roxanna Sophia  
Princeton, NJ

Carmine, Ferrell D.  
Wilmington, DE

Carpenter, Megan Margaret  
Fort Worth, TX

Chalker, James Matthew  
Lambertville, NJ

Cohen, Philice Krevolin  
Skillman, NJ

Connor, Noelle Anne  
Mullica Hill, NJ

Cuneo, Daniel Henry  
Saint Louis, MO

Daly, Elizabeth Anne  
Mendham, NJ

Dorchinsky, Brian Michael  
Ewing, NJ

Fawcett, Daniel M.  
Beverly Hills, CA

Henriquez, Leslie Haywood  
Toledo, OH

Jerome, David Michael  
Naples, FL

Keddie, Christina Sim  
Princeton, NJ

Keene, Stephen James  
Imperial, CA

Knight, Courrine Michelle  
Alexandria, VA

Lee, James Ephraim  
New Castle, DE

Mancosh, Michael Joseph  
Herndon, VA

Manning, Margaret M.  
Wilmington, DE

McConvery, Sharon  
Randolph, NJ

Model, Alan Ira  
Newark, NJ

Patel, Leena R.  
Basking Ridge, NJ

Piccione, Louis Alfred  
Dalton, MA

Reed, Vincent Bradley  
Mount Ephraim, NJ

Rogers, Lisa Neal  
Nashville, NC

Ross, Barbara Tocker  
Englewood, CO

Sarlson, Mark Louis  
Beachwood, OH

Stokes, Sean Atlin  
Washington, DC

Stone, Eric Bradley  
Stafford, VA

Van Shura, Mairin Kathleen  
Washington, DC

Varrasse, Victoria Elizabeth  
Cherry Hill, NJ

Williams-Harris, Theresa C.  
Des Moines, WA

Yoldas, Danielle Trezza  
Fort Lauderdale, FL

Zitron, Jordan Craig  
Scottsdale, AZ

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

[Pa.B. Doc. No. 13-1848. Filed for public inspection October 4, 2013, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 40—LIQUOR

### LIQUOR CONTROL BOARD

#### [ 40 PA. CODE CH. 5 ]

#### Municipal Noise Ordinances

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), amends § 5.36 (relating to municipal noise ordinances).

#### Summary

Section 5.36 is amended by replacing references to § 5.32 (relating to restrictions/exceptions) with references to section 493(34) of the Liquor Code (47 P. S. § 4-493(34)), consistent with the act of December 22, 2011 (P. L. 530, No. 113) (Act 113) and the act of July 5, 2012 (P. L. 1007, No. 116).

Act 113 added section 493(34) of the Liquor Code, regarding noise as an unlawful act. A licensee may not use, or permit to be used, inside or outside of the licensed premises, a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, can be heard beyond the licensee's property line. As made clear in section 493(34) of the Liquor Code, this paragraph supersedes § 5.32(a), creating a need to delete references in § 5.36 to the Board's noise regulation.

Consistent with section 493(34) of the Liquor Code and section 1204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), this amendment may be submitted in final-omitted form because the amendment is necessary as a result of a self-executed statute.

#### Affected Parties

Retail and other licensees who must comply with the Liquor Code and the Board's regulations will be affected by this final-omitted rulemaking. Enforcement is the province of the Pennsylvania State Police, Bureau of Liquor Control Enforcement. As the statutory amendment to section 493(34) of the Liquor Code supersedes § 5.32, the regulatory change simply affirms the statutory change.

#### Paperwork Requirements

The Board does not anticipate that this final-omitted rulemaking will affect the amount of paperwork or administrative costs of the regulated community.

#### Fiscal Impact

This final-omitted rulemaking is not expected to have fiscal impact as the amendment affirms section 493(34) of the Liquor Code, which explicitly supersedes the Board's noise regulation.

#### Effective Date

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

#### Contact Person

Further information is available by contacting Alan Kennedy-Shaffer, Assistant Counsel, or Rodrigo Diaz, Executive Deputy Chief Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

#### Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on August 9, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and the Senate Law and Justice Committee. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on September 18, 2013, the final-omitted rulemaking was (deemed) approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 19, 2013, and approved the final-omitted rulemaking.

#### Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 5, are amended by amending § 5.36 to read as set forth in Annex A.

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

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

JOSEPH E. BRION,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 5903 (October 5, 2013).)*

**Fiscal Note:** Fiscal Note 54-75 remains valid for the final adoption of the subject regulation.

#### Annex A

#### TITLE 40. LIQUOR

#### PART I. LIQUOR CONTROL BOARD

#### CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

#### Subchapter C. AMUSEMENT AND ENTERTAINMENT

#### § 5.36. Municipal noise ordinances.

(a) A municipality that desires exemption from section 493(34) of the Liquor Code (47 P. S. § 4-493(34)), shall, under section 493.1(b) of the Liquor Code (47 P. S. § 4-493.1(b)), file a petition with the Board, requesting approval. With its petition, the municipality shall file the following:

(1) A copy of the municipality's noise ordinance currently in effect.

(2) The municipality's resolution that:

(i) Confirms the municipality's support of the petition to substitute the municipal noise ordinance for section 493(34) of the Liquor Code.

(ii) Cites the municipal noise ordinance.

(iii) States the municipality's intention to enforce the ordinance in place of section 493(34) of the Liquor Code.



(3) A complete written description of the boundary lines for the proposed exempted noise area.

(4) One copy of a geographical map, the minimum size of which is 36" x 36", including the designated boundary lines of the proposed exempted noise area within the municipality.

(5) Three copies of the geographical map required by paragraph (4), the size of which will be 8 1/2" x 11 1/2".

(6) Identification of a proposed location, within the proposed exempted noise area, to be used by the Board to hold the required public hearing within the proposed exempted area.

(7) Identification of a local print publication of general circulation that would satisfy 65 Pa.C.S. Chapter 7 (relating to Sunshine Act) notice requirement for announcement of the required public hearing.

(b) A date for a public hearing shall be set and public notice given in advance of the hearing: The hearing must comply with all notice, recording and public participation requirements of 65 Pa.C.S. Chapter 7.

(c) Within 60 days after receipt of the petition, the Board will disapprove the petition for an exemption in its entirety or may approve an area more limited for which

the petition will be granted if the Board finds that granting the petition will have an adverse effect on the welfare, health, peace and morals of the residents living in the vicinity of the identified area; otherwise the Board will approve the petition.

(d) The Board may place additional conditions on the petition's approval such as limiting the duration of the approval and any other condition the Board deems appropriate.

(e) There shall be a right to appeal to the court of common pleas in the same manner provided by this act for appeals from refusals to grant licenses.

(f) A municipality may rescind any existing exemption from section 493(34) of the Liquor Code by notifying the Board of its intention to do so in writing, 15 days prior to the rescission date. The notice must be accompanied by an ordinance or resolution authorizing the rescission.

(g) A rescission of an existing exemption which does not rescind the entire exempted area shall be treated as a new petition for exemption with the Board and shall follow the procedures in this section.

[Pa.B. Doc. No. 13-1849. Filed for public inspection October 4, 2013, 9:00 a.m.]

# PROPOSED RULEMAKING

## BOARD OF COAL MINE SAFETY

[ 25 PA. CODE CH. 208 ]

### Requirements for High-Voltage Continuous Mining Machines

The Board of Coal Mine Safety (Board) is proposing to add §§ 208.81—208.93 (relating to high-voltage continuous mining machine standards for underground coal mines) to read as set forth in Annex A. The proposed rulemaking, with one exception, conforms Commonwealth regulations to Federal regulations, thereby establishing standards for the use of high-voltage continuous mining machines of up to 2,400 volts in underground bituminous coal mines.

Sections 106 and 106.1 of the Bituminous Coal Mine Safety Act (BCMSA) (52 P. S. §§ 690-106 and 690-106.1) authorize the adoption of regulations implementing the BCMSA, including additional safety standards. The Board is authorized to promulgate regulations that are necessary or appropriate to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

This proposed rulemaking is given under Board order at its meeting of June 26, 2013.

#### A. *Effective Date*

This proposed rulemaking will be effective upon final form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information, contact Joe Sbaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown PA 15401, (724) 439-7469, jsbaffoni@pa.gov; or Susana Cortina de Cárdenas, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, Rachel Carson State Office Building, 9th Floor, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060, scortina@pa.gov.

#### C. *Statutory Authority*

The proposed rulemaking is authorized under sections 106 and 106.1 of the BCMSA, which grant the Board the authority to adopt regulations implementing the BCMSA, including additional safety standards. The Board is authorized to promulgate regulations that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

#### D. *Background and Purpose*

This proposed rulemaking would establish electrical safety standards for the installation, use and maintenance of high-voltage continuous mining machines in underground bituminous coal mines. On April 6, 2010, the Federal Mine Safety and Health Administration (MSHA) issued a final rulemaking addressing electrical safety standards for the installation, use and maintenance of high-voltage continuous mining machines in underground coal mines. See 75 FR 17529 (April 6, 2010). Previously, the MSHA's standards did not specifically address high-voltage continuous mining machines because those machines were not available when the Federal standards were developed. To use high-voltage equipment

in underground mines, the MSHA required mine operators to submit a Petition for Modification (PFM), as provided for under section 101(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C.A. § 811(c)). Since 1997, the MSHA has granted 52 PFMs to allow mine operators to use high-voltage continuous mining machines. The final rulemaking issued by the MSHA includes most of the requirements that were granted in the PFMs and new requirements to enhance safety associated with the operation of continuous mining machines, including provisions to protect against fires, explosions and shock hazards. The final rulemaking became effective on June 7, 2010, and superseded all PFMs issued prior to the effective date of the final rulemaking.

In developing the final rulemaking, the MSHA considered the experience of mine operators who had been using high-voltage continuous mining machines in underground coal mines. The MSHA also considered the comments, hearing testimony and its previous experience in reviewing and issuing PFMs in its development of the final rulemaking. The final Federal rulemaking is codified in 30 CFR 75.823—75.834 and 75.1002 and establishes mandatory electrical safety standards for the installation of high-voltage continuous mining machines, electrical and mechanical protection of the equipment, handling of trailing cables and procedures for performing electrical work. In promulgating the final rulemaking, the MSHA attested that the regulatory requirements are technologically and economically feasible and will reduce the potential for electrical-related accidents, thereby offering greater protection for underground coal miners against electrical shock, cable overheating, fire hazards, unsafe work and repair practices, and back injuries and other sprains caused by handling trailing cables.

On July 7, 2008, the General Assembly enacted the BCMSA. The BCMSA is the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)). One of the significant changes made by the BCMSA is the authority to promulgate regulations for mine safety. The General Assembly established the Board to promulgate the regulations. Under section 106 of the BCMSA, this seven-member board consists of the Secretary of the Department of Environmental Protection (Department) as Chairperson, three members representing the viewpoint of mine workers and three members representing the viewpoint of underground bituminous coal mine operators. Section 106.1(a) of the BCMSA contains broad rulemaking authority to adopt regulations that are necessary or appropriate to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines. Moreover, the Board may promulgate regulations consistent with Federal standards under section 106.1(c) of the BCMSA.

After learning of the revised MSHA standards concerning high-voltage continuous mining machines in underground coal mines, the Board determined it should promulgate an identical requirement with the exception of provisions concerning the mandatory distance between a spliced high voltage trailing cable and a continuous mining machine. Under section 316(d)(6) of the BCMSA (52 P. S. § 690-316(d)(6)), spliced trailing cables are prohibited within 50 feet of a continuous mining machine. In contrast, 30 CFR 75.830(b)(1) (relating to splicing and repair of trailing cables) prohibits the splicing of high-

voltage trailing cables within 35 feet of a continuous mining machine. Because Commonwealth law provides a more protective standard that enhances miner safety, the more stringent State requirement is proposed for inclusion in this proposed rulemaking. The Board developed the proposed rulemaking to, among other things, obtain independent authority necessary to implement the Federal regulations.

Revising electrical safety standards for the use, installation and maintenance of high-voltage continuous mining machines plays an important role in enhancing safety protection against fires, explosions and shock hazards in underground bituminous coal mines. In addition, it facilitates the use of advanced equipment designs. By proposing to adopt the Federal MSHA regulations, with certain exceptions, the Board believes it will enhance the Department's ability to ensure the safety of miners by reducing the potential or severity of fires, explosions and shock hazards in bituminous coal mines, and allow the Department to have independent authority to enforce the Federal requirements.

#### E. *Summary of Proposed Regulatory Requirements*

The rulemaking proposes to add §§ 208.81—208.93 to establish requirements for the use, installation and maintenance of high-voltage continuous mining machines in underground bituminous coal mines.

Proposed § 208.81 (relating to scope) incorporates by reference 30 CFR 75.823 (relating to scope), which provides that the standard addresses requirements for the use of high-voltage continuous mining machines of up to 2,400 volts in underground coal mines.

Proposed § 208.82 (relating to electrical protection) incorporates by reference 30 CFR 75.824 (relating to electrical protection), which establishes the electrical protection requirements for high-voltage continuous mining machines including requirements associated with the use of an adequate circuit-interrupting device capable of providing short-circuit, overload, ground-fault and under-voltage protection.

Proposed § 208.83 (relating to power centers) incorporates by reference 30 CFR 75.825 (relating to power centers). The Federal provisions set forth the requirements for power centers that supply high-voltage continuous mining machines, including provisions for the disconnecting switches and devices, barriers and covers, interlocks, emergency stop switches, grounding sticks and caution labels.

Proposed § 208.84 (relating to high-voltage trailing cables) incorporates by reference 30 CFR 75.826 (relating to high-voltage trailing cables). The Federal regulation defines the requirements that high-voltage trailing cables must meet, including compliance with existing design requirements in 30 CFR 18.35 (relating to portable (trailing) cables and cords) and the approval requirements of high-voltage continuous mining machines.

Proposed § 208.85 (relating to guarding of trailing cables) incorporates by reference 30 CFR 75.827 (relating to guarding of trailing cables). Section 75.827 of 30 CFR establishes the requirements for guarding trailing cables, including the location where the cables must be guarded, the materials (nonconductive flame-resistant material or grounded metal) the guarding must be constructed from and the requirements when equipment must cross any portion of the cables.

Proposed § 208.86 (relating to trailing cable pulling) incorporates by reference 30 CFR 75.828 (relating to

trailing cable pulling). Section 75.828 of 30 CFR establishes the requirements to be followed when the trailing cables are to be pulled by any equipment other than the continuous mining machine.

Proposed § 208.87 (relating to tramming continuous mining machines in and out of the mine and from section to section) incorporates by reference 30 CFR 75.829 (relating to tramming continuous mining machines in and out of the mine and from section to section). Section 75.829 of 30 CFR includes requirements associated with tramming continuous mining machines in and out of the mine or from one section to another and testing required prior to tramming.

Proposed § 208.88 (relating to splicing and repair of trailing cables) incorporates by reference 30 CFR 75.830 with the exception of requirements in 30 CFR 75.830(b)(1). Section 75.830 of 30 CFR establishes the requirements for performing splices and repairs of trailing cables and the manner in which the trailing cable shall be spliced or repaired to ensure that miners are not exposed to shock and burn hazards. Concerning 30 CFR 75.830(b)(1), which requires a mandatory distance of 35 feet between a spliced high voltage trailing cable and a continuous mining machine, the Board determined that the Federal requirement was not as protective as requirements established under the BCMSA. Therefore, § 208.88(b)(1) is consistent with the BCMSA and establishes that splicing of high-voltage trailing cables within 50 feet of a continuous mining machine is prohibited.

Proposed § 208.89 (relating to electrical work; troubleshooting and testing) incorporates by reference 30 CFR 75.831 (relating to electrical work; troubleshooting and testing).

Proposed § 208.90 (relating to frequency of examinations; recordkeeping) incorporates by reference 30 CFR 75.832 (relating to frequency of examinations; recordkeeping). Section 75.832 of 30 CFR specifies the frequency of testing certain equipment and circuits and the requirements for creating and maintaining adequate records.

Proposed § 208.91 (relating to handling high-voltage trailing cables) incorporates by reference 30 CFR 75.833 (relating to handling high-voltage trailing cables). Section 75.833 of 30 CFR sets forth the requirements for handling energized trailing cables including provisions that prohibit handling energized trailing cables unless high-voltage insulating gloves or insulating cable handling tools are used.

Proposed § 208.92 (relating to training) incorporates by reference 30 CFR 75.834 (relating to training). Section 75.834 of 30 CFR requires that miners who perform maintenance on high-voltage continuous mining machines be trained in high-voltage safety, testing and repair, and maintenance procedures. Training provisions are also included for miners who work in the vicinity of high-voltage continuous mining machines or who move the high-voltage equipment or cables.

Proposed § 208.93 (relating to installation of electric equipment and conductors; permissibility) incorporates by reference 30 CFR 75.1002 (relating to installation of electric equipment and conductors; permissibility). Section 75.1002 of 30 CFR addresses requirements for conductors and cables used in or in by the last open crosscut, as well as electrical equipment, conductors and cables used within 150 feet of pillar workings and allows the use of shielded, high-voltage cables that supply power to permissible continuous mining machines in underground coal mines.

F. *Benefits and Costs*

*Benefits*

The proposed rulemaking will reduce the potential for electrical-related fatalities and injuries or loss of property when using high-voltage continuous mining machines in underground bituminous coal mine operations in this Commonwealth. The design and work practice requirements included in this proposed rulemaking will result in greater protections for underground bituminous coal mine operators, including measures to reduce electrical shock, cable overheating, fire hazards, unsafe work and repair practices, and back injuries and other sprains caused by handling trailing cables. In addition, the proposed rulemaking facilitates the use of more advanced equipment designs. The proposed rulemaking incorporates with certain exceptions the provisions of Federal regulations into the Commonwealth's regulations, thus enhancing the Commonwealth's mine safety program and its reputation for excellence.

*Compliance Costs*

The proposed rulemaking will not add any compliance costs to those already existing, as Federal regulations are already in place in this regard. This proposed rulemaking imposes standards that the MSHA has already imposed and upon which underground bituminous coal mines in this Commonwealth shall comply.

*Compliance Assistance Plan*

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

*Paperwork Requirements*

The proposed regulations will not increase the paperwork that is already generated because of the existing Federal regulations that are already in place.

G. *Sunset Review*

The proposed regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether it effectively fulfills the goals for which it was intended.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 25, 2013, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

I. *Public Comments*

*Written comments*—Interested persons are invited to submit comments, suggestions or objections regarding this proposed rulemaking to the Board of Coal Mine

Safety, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board on or before November 4, 2013. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board on or before November 4, 2013. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic comments*—Comments may be submitted electronically to the Board at RegComments@pa.gov and must also be received by the Board on or before November 4, 2013. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

E. CHRISTOPHER ABRUZZO,  
*Acting Chairperson*

**Fiscal Note:** 7-482. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY**

**CHAPTER 208. UNDERGROUND COAL MINE SAFETY**

**HIGH-VOLTAGE CONTINUOUS MINING MACHINE STANDARDS FOR UNDERGROUND COAL MINES**

**§ 208.81. Scope.**

The provisions of 30 CFR 75.823 (relating to scope) are incorporated by reference.

**§ 208.82. Electrical protection.**

The provisions of 30 CFR 75.824 (relating to electrical protection) are incorporated by reference.

**§ 208.83. Power centers.**

The provisions of 30 CFR 75.825 (relating to power centers) are incorporated by reference.

**§ 208.84. High-voltage trailing cables.**

The provisions of 30 CFR 75.826 (relating to high-voltage trailing cables) are incorporated by reference.

**§ 208.85. Guarding of trailing cables.**

The provisions of 30 CFR 75.827 (relating to guarding of trailing cables) are incorporated by reference.

**§ 208.86. Trailing cable pulling.**

The provisions of 30 CFR 75.828 (relating to trailing cable pulling) are incorporated by reference.

**§ 208.87. Tramming continuous mining machines in and out of the mine and from section to section.**

The provisions of 30 CFR 75.829 (relating to tramming continuous mining machines in and out of the mine and from section to section) are incorporated by reference.

**§ 208.88. Splicing and repair of trailing cables.**

(a) *Incorporation by reference.* The provisions of 30 CFR 75.830(a) (relating to splicing and repair of trailing cables) are incorporated by reference.

(b) *Splicing limitations.*

(1) Splicing of the high-voltage trailing cable within 50 feet of the continuous mining machine is prohibited.

(2) The provisions of 30 CFR 75.830(b)(2) are incorporated by reference.

**§ 208.89. Electrical work; troubleshooting and testing.**

The provisions of 30 CFR 75.831 (relating to electrical work; troubleshooting and testing) are incorporated by reference.

**§ 208.90. Frequency of examinations; recordkeeping.**

The provisions of 30 CFR 75.832 (relating to frequency of examinations; recordkeeping) are incorporated by reference.

**§ 208.91. Handling high-voltage trailing cables.**

The provisions of 30 CFR 75.833 (relating to handling high-voltage trailing cables) are incorporated by reference.

**§ 208.92. Training.**

The provisions of 30 CFR 75.834 (relating to training) are incorporated by reference.

**§ 208.93. Installation of electric equipment and conductors; permissibility.**

The provisions of 30 CFR 75.1002 (relating to installation of electric equipment and conductors; permissibility) are incorporated by reference.

[Pa.B. Doc. No. 13-1850. Filed for public inspection October 4, 2013, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CHS. 1187 AND 1189 ]

### Rate Setting for County Nursing Facilities that Change Ownership

The Department of Public Welfare (Department), under the authority of sections 201(2), 206(2), 403(b) and 443.1 of the Public Welfare Code (62 P.S. §§ 201(2), 206(2), 403(b) and 443.1), proposes to amend Chapters 1187 and 1189 (relating to nursing facility services; and county nursing facility services) to read as set forth in Annex A.

#### *Purpose of Proposed Rulemaking*

The purpose of this proposed rulemaking is to amend § 1187.97 (relating to rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities) to codify the rate setting methodology used when a county nursing facility has a change of ownership from county ownership to a nonpublic nursing facility provider. The Department is also proposing to amend the terminology used in certain definitions in §§ 1187.2 and 1189.2 (relating to definitions).

The proposed rulemaking is needed to codify the methodology for setting rates for county nursing facilities that change ownership to a nonpublic nursing facility provider. Since county nursing facilities have been phased-out of the rate-setting process under Chapter 1187, updated cost data audited to verify compliance with Chapter 1187 is no longer available to establish a per diem rate for a former county nursing facility.

#### *Background*

Beginning July 1, 2006, the Department established a new payment methodology for county nursing facility providers, as described in Chapter 1189. From July 1, 2006, through June 30, 2012, when a county nursing facility changed ownership, the per diem rate for the nursing facility was computed in accordance with § 1187.96 (relating to price- and rate-setting computations), using the cost data contained in the Nursing Information System (NIS) database. Since county nursing facilities have been fully phased-out of the rate-setting process for nonpublic nursing facilities under § 1187.98 (relating to phase-out median determination), their cost data is no longer audited to verify compliance under Chapter 1187; hence, county nursing facility cost data is not updated in the NIS database. In addition, per diem rates for county nursing facilities calculated in accordance with § 1189.91 (relating to per diem rates for county nursing facilities) do not contain identifiable net operating or capital rates which would otherwise be assigned to a new provider when a nursing facility changes ownership as referenced in § 1187.97(2)(i). Therefore, the Department proposes to codify the use of peer group prices to determine the net operating portion of the per diem rate until audited cost report data from the new provider is available for use in the rebasing process. In addition, the Department proposes to codify the use of the fixed property component, when applicable, to determine the capital portion of the per diem rate until audited cost report data from the new provider is available for use in the rebasing process.

A public notice was published at 42 Pa.B. 6839 (October 27, 2012) in which the Department announced it was amending its methods and standards for payment of Medical Assistance (MA) nursing facility services to a county nursing facility that changes ownership to a nonpublic nursing facility provider. Also, State Plan Amendment 12-031 was submitted by the Department on December 21, 2012. It was approved by the Centers for Medicare and Medicaid Services on February 25, 2013.

#### *Requirements*

This rulemaking proposes to amend § 1187.97 to codify the rate setting methodology for changes of ownership when a county nursing facility has a change in ownership to a nonpublic nursing facility provider.

For county nursing facilities that change ownership, the Department is proposing to determine the per diem rate using the peer group price for resident care, other resident related and administrative costs from the appropriate peer group until the nursing facility's cost report submitted by the new provider is audited for use in the rebasing process. The resident assessment data from the former county nursing facility will be used to establish the MA Case-Mix Index (CMI) to calculate the resident care rate. The fixed property component will be the only component of the capital portion of the case-mix rate, if the nursing facility's beds are eligible, until the nursing facility's cost report submitted by the new provider is audited for use in the rebasing process. Under

§ 1187.97(2), the Department is also proposing to add “or county nursing facility” after each reference of “old nursing facility provider” in subparagraphs (ii) and (iii) (proposed subparagraphs (iii) and (iv)).

In addition, under § 1187.97(1)(i), references to a former county nursing facility are proposed to be deleted because the proposed amendments to § 1187.97(2) specifically address county nursing facilities that change ownership. Clause (B) is proposed to be deleted and the following clause is proposed to be renumbered.

The Department also added clarifying language to the definitions of “county nursing facility” in § 1187.2 and “new county nursing facility” in § 1189.2 to define the word “controlled” for purposes of these definitions. The Department proposes to replace the outdated language “mentally retarded” with “intellectual disability.”

*Affected Individuals and Organizations*

This proposed rulemaking will affect a county nursing facility that changes ownership from county ownership to a nonpublic nursing facility provider and remains in the MA Program.

*Accomplishments and Benefits*

This proposed rulemaking will codify the rate setting methodology for county nursing facilities that change ownership to a nonpublic nursing facility provider and remain in the MA Program.

*Fiscal Impact*

Cost to the Commonwealth, local government, nursing facility providers or MA recipients is not anticipated as a result of this proposed rulemaking.

*Paperwork Requirements*

There are no new or additional paperwork requirements.

*Effective Date*

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

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025 within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-536 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

*Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 20, 2013, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Human Services and the Senate Committee on Public Health and Welfare. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the

close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-536. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART III. MEDICAL ASSISTANCE MANUAL**

**CHAPTER 1187. NURSING FACILITY SERVICES**

**Subchapter A. GENERAL PROVISIONS**

**§ 1187.2. Definitions.**

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

\* \* \* \* \*

*County nursing facility*—

(i) A long-term care nursing facility that is:

(A) Licensed by the Department of Health.

(B) Enrolled in the MA program as a provider of nursing facility services.

(C) Controlled by the county institution district or by county government if no county institution district exists.

(ii) **For the purposes of this definition, “controlled” in clause (C) means the power to direct or cause to direct the management and policies of the nursing facility, whether through equitable ownership of voting securities or otherwise.**

(iii) The term does not include intermediate care facilities for [ **the mentally retarded** ] **persons with an intellectual disability** controlled or totally funded by a county institution district or county government.

\* \* \* \* \*

*Nursing facility*—

\* \* \* \* \*

(ii) The term does not include intermediate care facilities for [ **the mentally retarded** ] **persons with an intellectual disability**, Federal or State-owned long-term care nursing facilities, Veteran’s homes or county nursing facilities.

\* \* \* \* \*

*Target applicant or resident*—An individual with a serious mental illness, [ **mental retardation** ] **intellectual disability** or other related condition seeking admission to or residing in a nursing facility.

\* \* \* \* \*

**Subchapter G. RATE SETTING**

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

The Department will establish rates for new nursing facilities, nursing facilities with a change of ownership,

reorganized nursing facilities and former prospective pay- ment nursing facilities as follows:

(1) *New nursing facilities.*

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

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

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

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

\* \* \* \* \*

(2) *Nursing facilities with a change of ownership and reorganized nursing facilities.*

(i) *New provider.* The new nursing facility provider will be paid exactly as the old nursing facility provider, except that, if a county nursing facility becomes a nursing facility between July 1, 2006, and June 30, 2012, the per diem rate for the nursing facility will be computed in accordance with § 1187.96, using the data contained in the NIS database. Net operating and capital rates for the old nursing facility provider will be assigned to the new nursing facility provider.

(ii) **If a county nursing facility has a change of ownership from county ownership to a nonpublic nursing facility provider, the nursing facility will be assigned to the appropriate peer group in accordance with § 1187.94 (relating to peer grouping for price setting) and the per diem rate for the nursing facility will be calculated as follows:**

(A) **The net operating portion of the case-mix rate is determined in accordance with § 1187.96 using the peer group price for resident care, other resident related and administrative costs until a nursing facility's cost report submitted by the new nursing facility provider is audited for use in the rebasing process.**

(B) **The capital portion is determined using only the fixed property component to the extent the facility is eligible for the capital portion of the case mix rate, in accordance with § 1187.96(d)(1), until a**

**nursing facility's cost report submitted by the new nursing facility provider is audited for use in the rebasing process.**

(iii) *Transfer of data.* Resident assessment data will be transferred from the old nursing facility **or the county nursing facility** provider number to the new nursing facility provider number. The old nursing facility's **or county nursing facility's** MA CMI will be transferred to the new nursing facility provider.

[ (iii) ] (iv) *Movable property cost policies.*

(A) The acquisition costs of items acquired by the old nursing facility provider **or county nursing facility** on or before the date of sale are costs of the old nursing facility provider **or county nursing facility**, and not the new nursing facility provider.

(B) Regardless of the provisions of any contract of sale, the amount paid by the new nursing facility provider to acquire or obtain any rights to items in the possession of the old nursing facility provider **or county nursing facility** is not an allowable cost.

(C) If the new nursing facility provider purchases an item from the old nursing facility provider **or county nursing facility**, the cost of that item is not an allowable cost for cost reporting or rate setting purposes.

(D) If the new nursing facility provider rents or leases an item from the old nursing facility provider **or county nursing facility**, the cost of renting or leasing that item is not an allowable cost for cost reporting or rate setting purposes.

\* \* \* \* \*

**CHAPTER 1189. COUNTY NURSING FACILITY SERVICES**

**Subchapter A. GENERAL PROVISIONS**

**§ 1189.2. Definitions.**

\* \* \* \* \*

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

\* \* \* \* \*

*New county nursing facility—*

(i) One of the following:

[ (i) ] (A) A newly constructed, licensed and certified county nursing facility.

[ (ii) ] (B) An existing nursing facility that through a change of ownership, is controlled by the county institution district or by county government if no county institution district exists.

(ii) **For the purposes of this definition, "controlled" in clause (B) means the power to direct or cause to direct the management and policies of the nursing facility, whether through equitable ownership of voting securities or otherwise.**

\* \* \* \* \*

[Pa.B. Doc. No. 13-1851. Filed for public inspection October 4, 2013, 9:00 a.m.]

# LIQUOR CONTROL BOARD

[ 40 PA. CODE CH. 7 ]

## Conversion of Suspension to Fine

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), proposes to amend § 7.10 (relating to conversion of suspension to fine).

### Summary

The proposed rulemaking will amend § 7.10 by increasing the minimum amount of fines acceptable to the Board when the Board converts an unserved suspension to a fine.

Section 468(a)(4) of the Liquor Code (47 P. S. § 4-468(a)(4)) authorizes the Board to convert pending unserved suspensions in citation cases into monetary fines at the request of a transferee, and to make the payment of a fine a condition for the transfer of the license, if the current licensee is unable to serve the suspension. Under § 7.10, the Board adopted a methodology whereby it would base the fine on 1/2 of the average daily gross receipts of the transferor in its last year of operation. Currently, a minimum fine of \$100 per each day of unserved suspension is imposed unless the citation is one in which the minimum fine would have been \$1,000; in those situations, the minimum fine acceptable is \$1,000 per each day of unserved suspension.

The minimum fine is imposed when a licensee does not possess or fails to provide tax returns to demonstrate the gross revenue for the last calendar year of operation or when the formula results in an amount that is lower than the previously-referenced minimum. Fines received by the Board instead of the suspension may not cover the cost, in work hours, of processing the conversion. Further, converting a suspension into a fine of \$100 diminishes the deterrent effect that was intended by the initial suspension order. If the minimum fines were increased to \$1,000 a day for nonenhanced penalty citations and \$3,000 a day for enhanced penalty citations, these concerns would be alleviated.

### Affected Parties

Retail and other licensees who must comply with the Liquor Code and the Board's regulations will be affected by this proposed rulemaking. Enforcement is the province of the Pennsylvania State Police, Bureau of Liquor Control Enforcement. Increasing the minimum fines in conversion of suspension to fine actions would only affect those licensees which would have incurred a lesser fine amount under the current regulation. In 2012, the Board converted suspensions to fines in six cases, five of which would have been affected by the proposed amendment. As of May 31, 2013, the Board has converted suspensions to fines in two cases, both of which would have been affected by the proposed amendment.

### Paperwork Requirements

The Board does not anticipate that this proposed rulemaking will affect the amount of paperwork or administrative costs of the regulated community.

### Fiscal Impact

This proposed rulemaking is not expected to have a substantial adverse fiscal impact on the regulated community since the proposed amendment only affects licensees that would have been subject to the lower fine amount that is in the current statute. In 2012, the Board

converted suspensions to fines in six cases, five of which would have been affected by the proposed amendment. As of May 31, 2013, the Board has converted suspensions to fines in two cases, both of which would have been affected by the proposed amendment.

This proposed rulemaking is not expected to have adverse fiscal impact on State and local governments. In fact, this proposed rulemaking will have a small, positive fiscal impact on Board revenues, nominally increasing the amount the Board remits to the Commonwealth.

### Effective Date

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

### Public Comment/Contact Person

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be addressed to Alan Kennedy-Shaffer, Assistant Counsel, or Rodrigo Diaz, Executive Deputy Chief Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 24, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and the Senate Law and Justice Committee. A copy of this material is available to the public upon request.

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

JOSEPH E. BRION,  
*Chairperson*

**Fiscal Note:** 54-74. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 40. LIQUOR

#### PART I. LIQUOR CONTROL BOARD

#### CHAPTER 7. TRANSFER, EXTENSION, SURRENDER, EXCHANGE AND SUSPENSION OF LICENSES

#### Subchapter A. TRANSFER OF LICENSES

#### § 7.10. Conversion of suspension to fine.

\* \* \* \* \*

(d) The fine will be calculated by application of the following formula: [ **Gross earnings of the transferor divided by 365 (or the number of days in operation in the transferor's last year of operation) multiplied by .50. The resulting figure is the amount of the fine per day of suspension, subject to the following exceptions:** ]



(1) [ If the amount is less than \$100 per day, a fine of \$100 per day will be set. ] If the suspension was issued for a citation for which the minimum fine, if a fine had been imposed, is \$100, a minimum fine of \$1,000 per day will be set.

(2) [ If the suspension was issued for a citation that required a minimum fine amount of \$1,000 per day, a minimum fine of \$1,000 per day will be set. ] If the suspension was issued for a citation for which the minimum fine, if a fine had been imposed, is \$1,000, a minimum fine of \$3,000 per day will be set.

\* \* \* \* \*

[Pa.B. Doc. No. 13-1852. Filed for public inspection October 4, 2013, 9:00 a.m.]

[ 40 PA. CODE CH. 11 ]  
**Sale by Limited Winery Licensees**

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to amend § 11.111 (relating to sale by limited winery licensees).

*Summary*

The proposed rulemaking will amend § 11.111 by deleting the prohibition on limited wineries selling a specific code of wine listed for sale by the Board as a stock item at a price lower than that charged by the Board.

The act of July 31, 1968 (P.L. 902, No. 272) first authorized the Board to issue licenses to limited wineries. License holders could produce no more than 50,000 gallons of wine per year and could sell their wines directly to the Board, licensees and the general public. In 1982, the Board amended § 11.111(a)(10) to prohibit a limited winery from selling a specific code of wine which is listed for sale as a stock item by the Board at a price which is lower than that charged by the Board. The proposed rulemaking would delete § 11.111(a)(10) to allow licensed limited wineries to sell a specific code of wine at a price which is lower than the Board's price for the same code. This proposed amendment will benefit licensed limited wineries, who may be able to sell their wines at lower prices than the Board, as they are not subject to the same mark-up and taxes.

*Affected Parties*

Approximately 254 limited wineries currently licensed by the Board, of which 210 are currently active, will be affected by this proposed rulemaking. The limited wineries will have increased pricing flexibility as a result of the proposed rulemaking. However, a licensee will not be required to take action due to this proposed rulemaking.

*Paperwork Requirements*

The Board does not anticipate that this proposed rulemaking will affect the amount of paperwork or administrative costs of the regulated community.

*Fiscal Impact*

The Board does not anticipate that this proposed rulemaking will have any adverse fiscal impact on the regulated community, since licensed limited wineries will have increased pricing flexibility. A licensee will not be required to take any action due to this change.

This proposed rulemaking is not expected to have a substantial adverse fiscal impact on State and local governments, although there may be a nominal fiscal impact on Board revenues if increased licensed limited winery sales lead to reduced sales by the Board.

*Effective Date*

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

*Public Comment/Contact Person*

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be addressed to Alan Kennedy-Shaffer, Assistant Counsel, or Rodrigo Diaz, Executive Deputy Chief Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 24, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and the Senate Law and Justice Committee. A copy of this material is available to the public upon request.

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

JOSEPH E. BRION,  
*Chairperson*

**Fiscal Note:** 54-76. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 40. LIQUOR**  
**PART I. LIQUOR CONTROL BOARD**  
**CHAPTER 11. PURCHASES AND SALES**  
**Subchapter C. WINES**  
**LIMITED WINERIES**

**§ 11.111. Sale by limited winery licensees.**

(a) A limited winery licensee, licensed under § 3.62 (relating to creation), may sell wines produced on the licensed premises in accordance with the Liquor Code and this part, under the conditions in this subsection.

\* \* \* \* \*

(10) [ **A specific code of wine which is listed for sale as a stock item by the Board in State Liquor Stores may not be offered for sale at a licensed winery location at a price which is lower than that charged by the Board.**

(11) ] Mail or telephone orders may be accepted. Delivery of products shall be accomplished through the use of vehicles properly registered by the limited winery licensees or through properly licensed transporters. It is the

responsibility of the limited winery licensee to insure that wine is not delivered to minors and that proper invoices are maintained under § 5.103 (relating to limited wineries).

\* \* \* \* \*

[Pa.B. Doc. No. 13-1853. Filed for public inspection October 4, 2013, 9:00 a.m.]

# STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

[ 49 PA. CODE CH. 36 ]

## Biennial License Fee for Licensed Appraiser Trainees

The State Board of Certified Real Estate Appraisers (Board) proposes to amend § 36.6 (relating to fees) to read as set forth in Annex A.

### Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. It is anticipated that the biennial renewal fees for licensed appraiser trainees will be implemented with the June 30, 2015, biennial renewal.

### Statutory Authority

Section 5(6) of the Real Estate Appraisers Certification Act (act) (63 P.S. § 457.5(6)) authorizes the Board to establish fees for the operation of the Board, including fees for the issuance and renewal of certificates and licenses. Section 9 of the act (63 P.S. § 457.9) provides that fees established under the act shall be fixed by the Board by regulation.

### Background and Need for Amendment

The Board published a final-form rulemaking at 40 Pa.B. 3956 (July 17, 2010) establishing a regulatory scheme for the appraiser trainee license, which was added to the act by the act of July 8, 2008 (P.L. 833, No. 59) and the act of October 9, 2008 (P.L. 1380, No. 103). At that time, the Board established an initial application fee of \$75 for the appraiser trainee license. However, although an appraiser trainee license may be renewed biennially up to four times, the Board did not establish a biennial renewal fee for this class of license at that time. The Board corrects that oversight in this proposed rulemaking.

### Description of Proposed Amendments

This rulemaking proposes to amend § 36.6 to establish a biennial renewal fee for licensed appraiser trainees at \$150.

### Fiscal Impact

The proposed rulemaking will impact licensed appraiser trainees who elect to renew their licenses. There are currently 435 actively licensed appraiser trainees. Small businesses will be impacted to the extent that they elect to pay the fees on behalf of their licensed employees. The proposed rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

### Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fees. However, the proposed rulemaking will not create additional paperwork for the regulated community or for the private sector.

### Sunset Date

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. Therefore, a sunset date has not been assigned.

### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 20, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

### Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Christopher K. McNally, Counsel, State Board of Certified Real Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 16A-7020—Fees on comments.

PAUL C. KAUFMAN,  
*Chairperson*

**Fiscal Note:** 16A-7020. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**  
**CHAPTER 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**  
**Subchapter A. GENERAL PROVISIONS**  
**GENERAL PROVISIONS**

### § 36.6. Fees.

The following is the schedule of fees charged by the Board:

\* \* \* \* \*

#### Licensed Appraiser Trainee

Application .....	\$75
<b>Biennial renewal .....</b>	<b>\$150</b>

[Pa.B. Doc. No. 13-1854. Filed for public inspection October 4, 2013, 9:00 a.m.]

# STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

[ 49 PA. CODE CH. 45 ]  
Continuing Education

The State Board of Examiners in Speech-Language and Hearing (Board) proposes to amend §§ 45.1, 45.501—45.505 and 45.507 to read as set forth in Annex A.

## *Effective Date*

The proposed rulemaking would become effective upon final-form publication in the *Pennsylvania Bulletin*.

## *Statutory Authority*

Section 5(2) of the Speech-Language and Hearing Licensure Act (act) (63 P. S. § 1705(2)) authorizes the Board to adopt and revise rules and regulations consistent with the act as may be necessary to implement the provisions of the act. Section 5(7) of the act specifically authorizes the Board to establish standards of eligibility for license renewal, which include demonstration of satisfactory completion of continuing education.

## *Background and Need for the Proposed Rulemaking*

In 2006, the Board promulgated initial regulations concerning continuing education. Having now applied the continuing education requirements during two subsequent renewal cycles, the Board has identified areas of the regulations where clarity or completeness could be improved.

## *Description of Proposed Amendments*

Under § 45.501(a) (relating to credit hour requirements), each speech-language pathologist, audiologist or teacher of the hearing impaired is required to complete 20 clock hours of continuing education during each biennial renewal period. However, because some individuals are licensed in more than a single profession regulated by the Board, the question was raised whether a licensee is required to complete 20 clock hours of continuing education for each license or only a total of 20 clock hours. The Board proposes to amend § 45.501(a) to make clear that 20 clock hours of continuing education are required during each biennium for each license held. Also, the current regulations do not address carry-over of excess credit from one biennium to the next or repeating continuing education activities. The Board proposes to amend § 45.501(a) to prohibit the carry-over of credit to a subsequent biennium and to add § 45.501(d) to prohibit a licensee from receiving credit for participation in substantially the same program more than once during a single renewal cycle.

Under § 45.501(b), a licensee who serves as a lecturer or speaker or who publishes an article or book relating to the practice may receive up to 10 clock hours of approved continuing education per biennial renewal period. Because the regulations do not currently address the method for determining the amount of credit, the Board proposes to amend § 45.501(b) to provide that an instructor of an approved or preapproved program will receive credit to the same extent as an attendee will receive credit. The proposed amendment would also clarify that the instructor is not required to apply separate from the

provider's application for course approval to obtain teaching credit. A licensee seeking credit for instruction, presentation or publication is required to submit a written request for approval along with supporting documentation. Although the current regulations do not clearly specify a fee to be charged for review of the request, the Board has charged for review of continuing education credit for speaking or publication the same fee that it charges a provider for review of a course or program of continuing education. The Board proposes to amend § 45.501(b) to clearly require that the fee specified in § 45.1 (relating to fees) be paid. Under § 45.1(a)(5), the Board charges an application fee of \$40 for "continuing education course approval." To include speaker and publication credit and to make clear that this fee is not charged to preapproved providers, the Board proposes to amend this description as "continuing education approval (other than preapproved provider)." Additionally, the Board proposes to delete as obsolete § 45.1(b), which addresses payment of an initial fee by an individual licensed before 1988.

Current § 45.502(a) (relating to exemption and waiver) exempts "an individual applying for initial licensure . . . from the continuing education requirement for biennial renewal in the period following that in which the license is granted." This language could be interpreted to mean that a new licensee could receive a license, renew it as much as 20 or more months later and then not be required to complete continuing education during the following 24-month renewal period. The Board's intent in promulgating this subsection was that a new licensee would not be required to complete continuing education during the balance of that first biennium to renew the license for a full biennial renewal period. To fully effectuate this intent, the Board is proposing to rewrite § 45.502(a) to provide that "a licensee is not required to complete continuing education during the biennial renewal period in which the licensee was first licensed to renew for the next biennium."

Section 5(7) of the act authorizes the Board to waive all or part of the continuing education requirement for a licensee who shows to the satisfaction of the Board that the licensee was unable to complete the requirement due to illness, emergency or hardship and requires the licensee to make the request in writing, with appropriate documentation, describing the circumstances sufficient to show why the licensee is unable to comply with the requirement. Current § 45.502(b) addresses this process. Because the Board has received requests so late in the biennial renewal period that it has not been able to rule before the beginning of the new biennium, the Board is proposing to amend § 45.502(b) to require that the request be submitted at least 60 days prior the licensee's expiration date, except for good cause shown. In addition to the circumstances that cause the licensee's hardship, the Board typically considers the extent to which the licensee has already completed continuing education in deciding whether to waive the requirement or grant an extension for a temporary hardship. Also, because oftentimes the circumstances result from unexpected events at the last minute that keep a licensee from participating in continuing education as planned, the Board will sometimes grant a limited extension of time in which to complete continuing education rather than waive the requirement entirely. To obtain this necessary information up front, the Board also proposes amending § 45.502(b) to require the request for waiver to include a statement of how much continuing education has been completed

already and, if seeking only an extension of time, the licensee's plan to complete the continuing education requirement.

Under § 45.503 (relating to continuing education requirement for reactivation of inactive and lapsed licenses), a licensee seeking to reinstate an inactive or lapsed license is required to provide proof of compliance with the continuing education requirement for the preceding biennium. Because the purpose of continuing education is to ensure the licensee's continued competence, a licensee who is seeking to reactivate late in the current biennium should not be able to rely upon continuing education completed early in the prior cycle, as much as 48 months earlier, to show current competence. Accordingly, the Board proposes to add a provision to this section to require a licensee seeking to reactivate a license to show a cycle's worth of continuing education in the 24-month period immediately preceding the application for reactivation. However, consistent with the proposed prohibition in § 45.501(a) against carry-over of credit, it would also prohibit the licensee from satisfying the subsequent renewal requirement with any of the continuing education completed for reactivation. Also, because the appropriate action is to reactivate, rather than renew, a license that is inactive or lapsed, the Board proposes to amend § 45.503 and to use "reactivate" or "reactivation" rather than "renew" or "renewal."

Current § 45.504(a) (relating to reporting completion of continuing education) requires "applicants at the time of license renewal" to certify completion of required continuing education. To clarify that this requirement is for existing licensees seeking renewal and not applicants seeking licensure coincidentally at the change in renewal periods, the Board proposes to amend § 45.504(a) to refer to "licensees applying for biennial license renewal."

The Board has set up in § 45.505 (relating to approval of continuing education programs) a process for the Board to review and approve continuing education programs. Under § 45.505(c)(4), the provider's application must contain a schedule of the program, including the title and description of each subject and the name of the lecturers. However, because the title and description of each subject are not always sufficient for the Board to determine the appropriateness of the program content, the Board proposes to amend § 45.505(c)(4) to require the application to include the course content. The Board also proposes to amend this paragraph to require the application to include with the name of lecturers a brief synopsis of the lecturer's qualifications, because the reviewing Board members cannot be expected to be familiar with every possible lecturer. This is not duplicative of the requirement of § 45.505(b)(3) for faculty names and credentials, as the lecturer and the course planner may be different individuals. Moreover, this synopsis is not a full curriculum vitae that the Board might request under § 45.505(b)(3).

Under § 45.505(d)(3), the Board has provided that courses and programs offered by academic programs in speech-language pathology, audiology or teaching of the hearing impaired associated with accredited institutions are preapproved. This provision was intended to apply to courses that are part of the academic training and not the "not-for-credit" courses that an institution might provide. Accordingly, the Board proposes to amend this paragraph to limit preapproved status to courses and programs offered for credit by academic programs. In considering this point, the Board further reviewed the documentation of successful completion of such a program, typically a

transcript rather than a traditional continuing education certificate. Licensees are required under § 45.504(b) to maintain a certified continuing education record in the event of an audit. Although concluding that a transcript would satisfy the requirements in § 45.506(b) as a continuing education record, the Board proposes to add § 45.504(d) to make clear that an official transcript of a for-credit course in an accredited institution is adequate proof of successful completion.

Current § 45.507 (relating to disciplinary action authorized) provides for disciplinary action for licensees who submit fraudulent continuing education records to the Board or who fail to complete the required continuing education requirement within a particular biennial renewal period. Through the Commissioner of Professional and Occupational Affairs, the Board previously established a schedule of civil penalties for continuing education violations in § 43b.16a (relating to schedule of civil penalties—audiologists, speech-language pathologists and teachers of the hearing impaired) to make use of the more streamlined "citation" process for continuing education violations. The Board has determined that there is a need to codify the Board's practice of requiring individuals disciplined for failure to complete continuing education to make up all deficiencies within 6 months of receiving notice of the deficiency, especially in citation proceedings. To that end, the Board proposes to add subsection (c), which imposes a duty to make up deficient continuing education hours, notwithstanding any disciplinary taken for the violation. The Board also proposes to add subsection (d) to provide notice that failure to make up the deficient continuing education as required may subject the licensee to further disciplinary action.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would not have a fiscal impact on, or create additional paperwork for, the regulated community, the general public or the Commonwealth and its political subdivisions.

#### *Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 25, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

#### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Regulatory Unit Counsel, De-

partment of State, P. O. Box 2649, Harrisburg, PA 17105-2649, st-speech@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6807 (continuing education) when submitting comments.

JAMES L. SHAFER, Au.D.,  
*Chairperson*

**Fiscal Note:** 16A-6807. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 45. STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING**

**Subchapter A. GENERAL PROVISIONS**

**§ 45.1. Fees.**

[ (a) ] The following are the fees set by the State Board of Examiners in Speech-Language and Hearing:

\* \* \* \* \*

(5) Application for continuing education [ **course** ] approval (other than preapproved provider) . . . . . \$40

[ (b) The Board will require payment of the initial license fee by individuals who were issued licenses without fee prior to July 30, 1988. ]

**Subchapter G. CONTINUING EDUCATION**

**§ 45.501. Credit hour requirements.**

(a) Each speech-language pathologist, audiologist or teacher of the hearing impaired shall have completed 20 clock hours of continuing education **per license** during each preceding biennial renewal period, beginning with the renewal period commencing August 1, 2008. **Excess clock hours may not be carried over to the next biennium.**

(b) Up to 10 clock hours of approved continuing education credit per biennial renewal period may be granted on a case-by-case basis for services as a lecturer or speaker, and for publication of articles, books and research relating to the practice of speech-language pathology, audiology or teaching of the hearing impaired. A licensee seeking continuing education credit under this subsection shall submit a written request with a copy of the lecture, presentation, article, book or research **and a fee for continuing education approval as required under § 45.1 (relating to fees).** The request shall be submitted 180 days prior to the expiration of the biennial renewal period for which the licensee is seeking credit. **An instructor of a program approved under § 45.505 (relating to approval of continuing education programs) will receive credit to the same extent that an attendee will receive credit and is not required to apply for approval under this subsection.**

(c) Unless granted a waiver under § 45.502 (relating to exemption and waiver), the Board will not renew or reactivate any speech-language pathologist, audiologist or teacher of the hearing impaired license until the continuing education requirement for the current biennial renewal period has been completed.

(d) **A licensee may not receive credit for participation in substantially the same program more than once during a single renewal cycle.**

**§ 45.502. Exemption and waiver.**

(a) [ **An individual applying for initial licensure shall be exempt from the continuing education requirement for biennial renewal in the period following that in which the license is granted.** ] A licensee is not required to complete continuing education during the biennial renewal period in which the licensee was first licensed to renew for the next biennium.

(b) The Board may waive all or part of the continuing education requirement for a biennial renewal period upon request of a licensee. The request must be made in writing, with supporting documentation, and include a **statement of how much continuing education the licensee has completed** and a description of circumstances sufficient to show why compliance is impossible. **Except for good cause shown, a licensee seeking a waiver shall submit the request to the Board at least 60 days before the current expiration date of the license for the Board to evaluate the request prior to expiration of the license.** Waiver requests will be evaluated by the Board on a case-by-case basis. Waivers may be granted for serious illness, military service or other demonstrated hardship. **A waiver request seeking an extension of time to complete required continuing education shall include the licensee's plan to complete the required continuing education.** The Board will send written notification of its approval or denial of a waiver request.

**§ 45.503. Continuing education requirement for [ biennial renewal ] reactivation of inactive and lapsed licenses.**

A licensee seeking to [ **reinstate** ] reactivate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennial period. **Only continuing education obtained during the 24-month period immediately preceding application for reactivation may be used to justify reactivation. This continuing education is in addition to continuing education required to subsequently renew the license under § 45.501(c) (relating to credit hour requirements).**

**§ 45.504. Reporting completion of continuing education.**

(a) [ **Applicants at the time of** ] **Licensees applying for biennial license renewal shall provide, on forms provided by the Board, a signed statement certifying that the continuing education requirement has been met and information to support the certification which includes the following:**

\* \* \* \* \*

(c) Individuals shall retain the certified continuing education records for courses completed for a minimum of 4 years.

(d) **Instead of the continuing education record required under subsection (b), a licensee who successfully completed a program preapproved under § 45.505(d)(3) (relating to approval of continuing education programs) may document completion by means of an official transcript of the institution.**

§ 45.505. Approval of continuing education programs.

\* \* \* \* \*

(c) An application must contain:

\* \* \* \* \*

(4) A schedule of the program, including the title and description of each subject, the course content, the name and brief synopsis of qualifications of the lecturers and the time allotted.

\* \* \* \* \*

(d) The following programs are deemed approved for continuing education credit:

\* \* \* \* \*

(3) Courses and programs offered for credit by academic programs in speech-language pathology, audiology or teaching of the hearing impaired associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education.

\* \* \* \* \*

§ 45.507. Disciplinary action authorized.

\* \* \* \* \*

(b) A licensed speech-language pathologist, audiologist or teacher of the hearing impaired who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline unless the licensee is exempt or has been granted a waiver under § 45.502 (relating to exemption and waiver).

(c) Notwithstanding discipline imposed by the Board under subsection (b), whether by formal disciplinary proceedings or by issuance of a citation as set forth in § 43b.16a (relating to schedule of civil penalties—audiologists, speech-language pathologists and teachers of the hearing impaired), a licensed speech-language pathologist, audiologist or teacher of the hearing impaired who has been found to be deficient in continuing education hours shall make up deficiencies within 6 months of receiving notice of the deficiency.

(d) Failure to make up deficient continuing education hours as required under subsection (c) may subject the licensed speech-language pathologist, audiologist or teacher of the hearing impaired to further discipline under section 10 of the act.

[Pa.B. Doc. No. 13-1855. Filed for public inspection October 4, 2013, 9:00 a.m.]

# NOTICES

## BOARD OF COAL MINE SAFETY

### Subcommittee Meeting

The Board of Coal Mine Safety (Board) has scheduled a subcommittee meeting to discuss standards for promulgation of a rulemaking concerning surface facilities associated with underground bituminous coal mines. The subcommittee will meet on Thursday, October 17, 2013, at 10 a.m. at the Department of Environmental Protection, Cambria District Mining Office, Second Floor Conference Room, 286 Industrial Park Road, Ebensburg, PA. A meeting agenda and meeting materials for the subcommittee meeting will be available on the Department of Environmental Protection's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Select "Public Participation," "Advisory Com-

mittees" and "Board of Coal Mine Safety").

Questions concerning the Board's subcommittee meeting may be directed to Allison D. Gaida, Department of Environmental Protection, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7289, [agaida@pa.gov](mailto:agaida@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

E. CHRISTOPHER ABRUZZO,  
*Acting Chairperson*

[Pa.B. Doc. No. 13-1856. Filed for public inspection October 4, 2013, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 24, 2013.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-9-2013	Susquehanna Bank Lititz Lancaster County	142 Englar Road Westminster Carroll County, MD	Opened
9-23-2013	Fleetwood Bank Fleetwood Berks County	1150 Berkshire Boulevard Wyomissing Berks County	Opened

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-19-2013	Susquehanna Bank Lititz Lancaster County	<i>To:</i> 2900 Whiteford Road York York County  <i>From:</i> 2951 Whiteford Road York York County	Effective

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-7-2013	Susquehanna Bank Lititz Lancaster County	532 Baltimore Pike Westminster Carroll County, MD	Closed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-1857. Filed for public inspection October 4, 2013, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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



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

### I. NPDES Renewal Applications

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0032859 (Sewage)	PA DOT Site 41 Rest Area I-80 Eastbound Tannersville, PA 18372	Monroe County Pocono Township	Pocono Creek (1-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0080748 (Sew)	Northern Lebanon County Authority 400 Jonestown Road PO Box 434 Jonestown, PA 17038-0434	Lebanon County Union Township	Swatara Creek / 7-D	Y

*Northcentral Regional: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0228966 (Sewage)	Lake Bonin Recreational Vehicle Park 1703 Bonin Road Rome, PA 18837-7728	Bradford County Orwell Township	Unnamed Tributary to Jerome Creek (4-D)	Y
PA0228621 (Sewage)	Smithfield Township Wastewater Treatment Plant PO Box 102 East Smithfield, PA 18817-0102	Bradford County Smithfield Township	Tomjack Creek (4-C)	Y
PA0228770 (CAFO)	Bishcroft Farm 2334 Farm Road Roaring Branch, PA 17765	Tioga County Liberty Township	Little Elk Run (10-A)	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0209988 (Industrial Waste)	PA Department of Public Welfare Polk Center 63 Pump Street Road Polk, PA 16342	Venango County Polk Borough	Little Sandy Creek (16-G)	Y

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

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**PA0062367**, Sewage, SIC Code 8811, **Lakeview Estates Homeowners Association**, 1425 South Collegeville Road, Collegeville, PA 19426. Facility Name: Lakeview Estates WWTP. This existing facility is located in Lehigh Township, **Wayne County**.

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

The receiving stream, Unnamed Tributary to the Lehigh River, is located in State Water Plan watershed 02A and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.054 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472.

The EPA Waiver is in effect.

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

**PA0262145**, SIC Code 4952, **Jeff Pierson**, 357 Sherwood Drive, Carlisle, PA 17015. Facility Name: Pierson SR STP. This proposed facility is located in Middlesex Township, **Cumberland County**.

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

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

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

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

**PA0228656**, Industrial Waste, SIC Code 4941, **Irvona Municipal Authority**, P.O. Box 247, Irvona, PA 16656. Facility Name: Irvona Municipal Authority Water Treatment Plant. This proposed facility is located in Irvona Borough, **Clearfield County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of treated filter backwash.

The receiving stream(s), North Witmer Run, is located in State Water Plan watershed 8-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.019 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.3
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	4.0	8.0	10.0
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5
Total Thallium	Report	Report	XXX	Report	Report	XXX

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

The EPA Waiver is in effect.

**PAS204803**, Storm Water, SIC Code 3499, **SMC Powder Metallurgy Inc.**, PO Box 229, Galeton, PA 16922-0229. Facility Name: SMC Powder Metallurgy Division. This proposed facility is located in Pike Township, **Potter County**.

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

The receiving stream(s), Pine Creek, is located in State Water Plan watershed 9-A and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	Report	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Requirements

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

The EPA Waiver is in effect.

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

**PA0254754**, Storm Water, SIC Code 5171, **Neville Island Terminals Corporation**, 900 Eisenhower Boulevard, Harrisburg, PA 17105. Facility Name: Neville Island Bulk Petroleum Storage Terminal. This proposed facility is located in Neville Township, **Allegheny County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
BOD <sub>5</sub>	XXX	XXX	XXX	Report	Report	XXX
Ethylbenzene	XXX	XXX	XXX	XXX	Report	XXX
Benzene	XXX	XXX	XXX	XXX	Report	XXX
Toluene	XXX	XXX	XXX	XXX	Report	XXX
Total Xylenes	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
BOD <sub>5</sub>	XXX	XXX	XXX	Report	Report	XXX
Ethylbenzene	XXX	XXX	XXX	XXX	Report	XXX
Benzene	XXX	XXX	XXX	XXX	Report	XXX
Toluene	XXX	XXX	XXX	XXX	Report	XXX
Total Xylenes	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

**PA0217361**, Sewage, SIC Code 4952, **East Huntingdon Township Westmoreland County**, 2494 Route 981, Alverton, PA 15612-0009. Facility Name: Iron Bridge WWTP. This existing facility is located in East Huntingdon Township, **Westmoreland County**.

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

The receiving stream(s), Jacobs Creek, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	0.25	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>						
May 1 - Oct 31	31	48	XXX	15	23	30
Nov 1 - Apr 30	52	79	XXX	30	45	60
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	63	94	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Ammonia-Nitrogen						
May 1 - Oct 31	13	19	XXX	6	9	12
Nov 1 - Apr 30	37	56	XXX	18	27	36
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The EPA Waiver is in effect.

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

*Northcentral Regional: Regional Clean Water Program Manager, 208 W Third St Ste 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

**WQM Permit No. 1713403**, Sewage, **Christoff-Mitchell Petroleum Inc.**, 2719 Walton St, Philipsburg, PA 16866.

This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Action/Activity: SFTF proposed to serve a sales office to include septic tank, followed by Orenco RTUV unit prior to discharge.

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

**WQM Permit No. WQG01251314**, Sewage, **Thomas A. Carone**, 33380 Gallinas Parkway, Trinidad, CO 81082.

This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

**PAI130521**, MS4, **Willistown Township Chester County**, 40 Lloyd Avenue, Malvern, PA 19355. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Willistown Township, **Chester County**. The receiving stream(s), Crum Creek, Unnamed Tributary to Crum Creek, Unnamed Tributary to Little Valley Creek Ridley Creek and Unnamed Tributary to Ridley Creek, are located in State Water Plan watershed 3-F and 3-G and are classified for Exceptional Value Waters, Migratory Fish, High Quality Waters—Trout Stocking, Migratory Fish, High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect.

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011513024	First Resource Bank 101 Marchwood Road Exton, PA 19341	Chester	West Brandywine Township	West Branch Brandywine HQ-TSF-MF
PAI012313004	Melmark 2600 Wayland Road Berwyn, PA 19312	Delaware	Newtown Township	Crum Creek HQ-CWF-MF
PAI014613011	Daniel Guchs 940 Haverford Road Bryn Mawr, PA 19010	Montgomery	Lower Merion Township	Trout Creek WWF-MF

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030708003R	Frankstown Development Partnership, LLC 809 Tell Power Road Hollidaysburg, PA 16648 Co-applicant: D.C. Venture & Sons, Inc. 315 1st Avenue Duncansville, PA 16635 Co-applicant: D.O. Rittenhouse General Contracting 114 West Poplar Street Mount Union, PA 17066	Blair	Frankstown Township	Old Town Run (WWF)

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

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041708002R	The Clearfield Foundation 125 E Market St Clearfield PA 16830	Clearfield	Lawrence Township	W B Susquehanna River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI046013003	Geroge A Rohling Hidden Valley Camping Resort LLC 2992 Brookfield Clearwater FL 33515	Union	West Buffalo Township	UNT to Rapid Run HQ-CWF

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

PAG-12 CAFOs

### CAFO Notices of Intent Received

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

**PAG123711**, CAFO, **Dwight D. Zimmerman**, 80 South Northkill Road, Bernville, PA 19506.

This proposed facility is located in Upper Tulpehocken, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Permit application for a 288 AEU Poultry (Broiler) operation.

The receiving stream, Northkill Creek, is in watershed 3C, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge 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

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

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

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These

NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

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

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

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Noah Kreider & Sons LLP 1461 Lancaster Road Manheim, PA 17545	Lancaster	450	3,465	Layers	NQ	Renewal
Mike Rohrer 124 Charlestown Road Washington Boro, PA 17582	Lancaster	840	2,283.75	Dairy	NA	Renewal
Kenneth Martin 1397 Robert Fulton Highway Quarryville, PA 17566	Lancaster	270	1,678.04	Swine / Dairy / Pullets	HQ	Renewal
Blevins Blue Mountain Swine Finishing Farm 10315 Otterbein Church Rd., Newburg, PA 17240	Franklin	56.1, 0 acres available for manure	629.26	Swine	NA	Renewal

### PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the

30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### SAFE DRINKING WATER

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

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

**Application No. 3613510, Minor Amendment, Public Water Supply.**

Applicant	<b>Val-Co Bird In Hand</b>
Municipality	East Lampeter Township
County	<b>Lancaster</b>
Responsible Official	Jeremy Crum, Dep Operator 1697 Swamp Pike Gilbertsville, PA 19525
Type of Facility	Public Water Supply
Consulting Engineer	Bruce Rader, P.E. Berks Surveying & Engineering, Inc. 311 East Main Street Fleetwood, PA 19522
Application Received:	9/3/2013
Description of Action	Installation of granular activated carbon (GAC) for trichloroethylene (TCE) treatment.

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

**Permit No. 6113503, Public Water Supply**

Applicant	<b>D&amp;S Estates</b>
Township or Borough	Jackson Township
County	<b>Venango</b>
Responsible Official	Stephen McElhaney
Type of Facility	Public Water Supply
Consulting Engineer	Olgierd K. Wodzianski, P.E. Wodzianski Engineering, Inc. 1322 Elk Street Franklin, PA 16323
Application Received Date	September 10, 2013
Description of Action	Additional 6" dia. PVC Sch 40 piping to provide required detention time for GWR.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remedia-

tion and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Kenneth R. Royer Property**, 165 South Reading Road, Ephrata Borough, **Lancaster County**. Gem Chem, Inc., 52 North Cedar Street, PO Box 384, Lititz, PA 17543, on behalf of K & J Realty, 1526 Oak Street, Lebanon, PA 17042, submitted a Notice of Intent to Remediate site soils contaminated with gasoline released from unregulated underground storage tanks. The site operated as a gas station prior to the 1980s, and will be remediated to a combination of the Nonresidential Statewide Health and Site Specific standards. Current and future use of the site is a retail flower shop. The Notice of Intent to Remediate was published in the *Intelligencer Journal-Lancaster New Era-Sunday News* on September 15, 2013.

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

**Corapolis South Petroleum Storage Terminal**, 9 Thorn Street, Moon Township, **Allegheny County**, URS Corporation, 681 Anderson Drive, Suite 400, Pittsburgh PA 15220, on behalf of Motiva Enterprises, LLC, submitted a Notice of Intent to Remediate. Soil and groundwater remediation at the site will demonstrated attainment of the state wide health standard in the lower zone aquifer and site specific standard in the upper zone aquifer. The Notice of Intent to Remediate was published in the *Pittsburgh Tribune Review* on September 12, 2013.

**Buchheit #5 Site**, Washington Church Road, Rayne Township, **Indiana County**. EP&S of Vermont, Inc. 5100 Paxton Street, Harrisburg PA 17111, on behalf of XTO Energy, Inc. 395 Airport Road, Indiana PA 15701, submitted a Notice of Intent to Remediate. A release of brine water from a crack in a 4,200 gallon AST impacted soil in the adjacent area. The contaminated soil was removed and the site remediated to the residential statewide health standard. The Notice of Intent to Remediate was published in the *Indiana Gazette* on August 31, 2013.

#### RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGR097R017. Clean Earth, Inc.**, 334 South Warminster Road, Hatboro, PA 19040; Site: 212 Colvin Road, Williamsport, PA 17701. The permit application for renewal is for the continuation of a research and development project to demonstrate the potential for the processing and beneficial use of drill cuttings and drilling mud generated during Marcellus Shale operations as fill at brownfield sites, as construction material, and in construction of drill pads. The application was determined to be administratively complete by Central Office on September 6, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR097R017" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit No. WMGR097R011. Hazleton Creek Properties, LLC**, 580 Third Avenue, P.O. Box 1389, Kingston, PA 18704; Site: Property bounded by Routes 924/309 & Broad Street, City of Hazleton, Luzerne County. The permit application for renewal is for the continuation of a research and development project to demonstrate the potential for the beneficial use of construction/demolition fines and regulated fill as construction material. The application for renewal of General Permit No. WMGR097R011 was determined to be administratively complete by Central Office on September 16, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR097R011" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

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

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

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

**Permit Application No. 101600. Waste Reduction Recycling & Transfer, Inc.**, 2100 Sans Souci Parkway,

Wilkes-Barre, PA 18706. Hanover Township, **Luzerne County**. An application for permit reissuance to change ownership from Waste Reduction Recycling Center, Inc. to Waste Reduction Recycling & Transfer, Inc. The application was approved on September 19, 2013.

Persons interested in reviewing the permit should contact William Tomayko, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## **AIR QUALITY**

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

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior 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 listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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**PLAN APPROVALS**


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**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.**

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

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

**43-366A: National Fuel Gas Supply Corp.** (6363 Main Street, Williamsville, NY 14221) for installation of: two (2) natural gas fired compressor engines rated 1,775 bhp each, one (1) natural gas fired emergency generator engine rated 1,153 bhp, eight (8) natural gas fired catalytic heaters, and three (3) storage tanks at their proposed Mercer Compressor Station in Jefferson Township, **Mercer County**.

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

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

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

**09-0224: New Seaview, LLC** (725 Skippack Pike, Blue Bell, PA 19422) for construction and operation of a used motor oil re-refinery plant in Falls Township, **Bucks County**. This facility is a state-only facility. The facility wide emissions will be less than 17 tons per year (TPY) of nitrogen oxides (NO<sub>x</sub>), 36 TPY particulate matters (PM), and 22 TPY carbon monoxide (CO). The Plan Approval and Operating Permit will contain testing, monitoring, recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-03065A: Tube City IMS, LLC** (1155 Business Center Drive, Horsham, PA 19044) for installation of additional metal recovery equipment for their steel slag processing operations in Muhlenberg Township, **Berks County**, on the Hartman Tract of Carpenter Technology.

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

Plan Approval 06-03065A is for the installation of a Rotary Tumbler controlled by a baghouse. The equipment shall be subject to and comply with best available technology (BAT). The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within

all applicable air quality requirements. Potential air emissions from the proposed project are 1.4 tons per year of particulate matter.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

**67-03110B: Protech Powder Coatings, Inc.** (939 Monocacy Road, York, PA 17404) for operation of their powder coating facility in West Manchester Township, **York County**.

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

Plan Approval No. 67-03110B is to install two new powder coating mills and three new dust collectors. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements. The estimated potential emissions from the proposed sources will be 13 tons per year of PM, respectively.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**49-00064B: Milton Regional Sewer Authority** (5585 State Route 405, Milton, PA 17847) for a plan approval to construct two (2) Cummins model C1000-N6C biogas/natural gas fired engines/generators at their wastewater treatment plant in West Chillisquaque Township, **Northumberland County**. Each proposed Cummins engine/generator has a rated horsepower capacity of 1393 horsepower. This application is subject to the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The emissions from the proposed engines will be controlled by an oxidation catalyst on each engine. The total emissions from engines will amount to 0.81 ton/year of particulate matter, 13.45 tons/year of nitrogen oxides, 3.23 tons/year of carbon monoxide, 2.61 tons/year of sulfur oxides, 1.88 tons per year of volatile organic compounds and 0.54 ton/year of hazardous air pollutants. The Department has determined that the proposed levels of the air contaminants emissions satisfy the Department's BAT requirements.

Based on the findings presented above, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxide emissions from each engine shall not exceed 0.50 g/bhp-hr and 13.45 tons in any 12 consecutive month period. Compliance with this condition assures compliance with 40 CFR 60.4233(e).

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the carbon monoxide emissions from each engine shall not exceed 0.125 g/bhp-hr and 3.23 tons in any 12 consecutive month period. Compliance with this condition assures compliance with 40 CFR 60.4233(e).

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the sulfur oxide emissions from each engine shall not exceed 0.097 g/bhp-hr and 2.61 tons in any 12 consecutive month period. Compliance with this condition assures compliance with 25 Pa. Code § 123.21.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the formaldehyde emissions from each engine shall not exceed 0.02 g/bhp-hr and 0.54 ton in any 12 consecutive month period.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the volatile organic compound emissions from each engine shall not

exceed 0.07 g/bhp-hr and 1.88 tons in any 12 consecutive month period. Compliance with this condition assures compliance with 40 CFR 60.4233(e).

6. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions from each engine shall not exceed 0.03 g/bhp-hr.

7. The permittee shall perform particulate matter, nitrogen oxide, carbon monoxide, sulfur oxide, volatile organic compounds, and formaldehyde stack tests on each engine within 120 days from the commencement of operation of engines and biosolids dryer to demonstrate compliance with the particulate matter, nitrogen oxide, carbon monoxide, sulfur oxide, volatile organic compounds, and formaldehyde emission limitations. All testing is to be done while engines and dryer are operating at its maximum rate and using reference method test procedures acceptable to the Department.

8. At least sixty (60) days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations. The Department shall be given at least fifteen (15) days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval. Within sixty (60) days of the completion of the stack tests, two copies of the test report shall be submitted to the Department. The report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

9. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor the volume of biogas/natural gas combusted by each engine. Additionally, the permittee shall equip each engine with instrumentation capable of monitoring the exhaust temperature.

10. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, oxidation catalysts shall be equipped with instrumentation to continuously and accurately measure the differential pressure.

11. The permittee shall perform an annual adjustment and/or tune-up on each engine which shall include the following:

(a) Inspection, adjustment, cleaning or replacement of combustion equipment, including stationary and moving parts necessary for proper operation as specified by the manufacturer.

(b) Performance and documentation of annual maintenance or inspections necessary to ensure proper operations to minimize emissions of NO<sub>x</sub>, SO<sub>x</sub> and, to the extent practicable, minimize emissions of CO.

(c) Sampling of the final NO<sub>x</sub> and CO emission rates. This sampling shall be conducted with portable metering equipment in accordance with applicable manufacturer's calibrating and operating procedures.

12. The permittee shall keep records of the following information for engines:

(a) the volume of biogas/natural gas combusted in each engine on a daily basis.

(b) the exhaust temperature of each engine on a daily basis.

(c) the pressure drop across each oxidation catalyst on a daily basis.

(d) the NO<sub>x</sub>, CO, PM, VOC, PM, formaldehyde, and SO<sub>x</sub> emissions each month and the corresponding 12 consecutive month totals to verify compliance with the applicable emission limitations.

(e) the dates and status of any tuning procedures done on each engine.

(f) the number of hours engines are not in operation each month.

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

13. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, anytime that engines are not in operation, the biogas produced in anaerobic digester shall be controlled by the enclosed flare. The biogas shall not be vented directly to the atmosphere without prior approval from the Department.

14. The permittee shall submit an annual report to the Department of the following:

(a) the NO<sub>x</sub>, CO, PM, VOC, NMOC, formaldehyde, and SO<sub>x</sub> emissions each of the previous 12 months and the corresponding 12 consecutive month totals

(b) the volume of biogas/natural gas combusted in each engine

(c) the amount of hours each month that engines were not in operation

This report is due March 1st annually.

15. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, this plan approval is issued for the construction of two Cummins model C1000-N6C a biogas/natural gas-fired engines, each rated capacity of 1393 bhp (1000kw) (Source IDs P101 and P102). The air contaminant emissions from each Cummins engine shall be controlled by a separate Harco Manufacturing EnviCat models 5314-26.5x3.5x1 (ID C101) and 5314-33.5x3.5 (ID C102) oxidation catalysts.

16. Pursuant to the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate engines without the simultaneous operation of their associated controls.

17. All conditions contained in Plan Approval 49-00064A remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in Plan Approval 49-00064A, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in Plan Approval 49-00064A.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

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 Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 49-00064B) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

#### OPERATING PERMITS

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

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

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

**46-00048: Wyeth Pharmaceuticals** (500 Arcola Road, Collegetown, PA 19426) for renewal of the Title V Operating Permit for their corporate, subsidiary, and regional management offices in Upper Providence Township, **Montgomery County**. Wyeth Pharmaceuticals is a major facility for nitrogen oxide (NO<sub>x</sub>) emissions. The facility is comprised of five (5) dual-fired boilers and nine (9) diesel-fired emergency electric generators. The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The permit will include monitoring, record keeping, and reporting requirements designed to address all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**21-05031: Community Refuse Service, Inc.—Cumberland County Landfill** (135 Vaughn Road, Shippenburg, PA 17257) for operation of the landfill operations and landfill gas control system in Hopewell and North Newton Township, **Cumberland County**.

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

The actual emissions in year 2012 were 0.04 ton of CO, 0.2 ton of NO<sub>x</sub>, 22 tons of PM<sub>10</sub>, 0.05 ton of SO<sub>2</sub>, 6.0 tons of VOC, and 3.0 tons of total HAPs. The Title V Operating Permit will contain fuel usage restrictions,

monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The landfill (Source ID EU01) and its gas collection system (Source ID CEU07) are subject to 40 CFR Part 60 Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills, 40 CFR Part 63 Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, and 40 CFR Part 61 Subpart M—National Emission Standard for Hazardous Air Pollutants-Asbestos. The Portable Stone Processing Plant (Source ID P01) is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The boilers, No. 2 fired, are subject to 40 CFR Part 63 Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The emergency generator is subject to 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**48-00047: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) for manufacture of Asphalt Paving Mixtures and Blocks in Upper Nazareth Township, **Northampton County**. The primary sources consist of a Hot Mix Asphalt Plant, Elevators, Screens and Bins. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and

reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**39-00036: St. Luke's Health Network, Inc.** (801 Ostrum Street, Bethlehem, PA 18015-1000) to operate a general medical and surgical hospital in Fountain Hill Borough, **Lehigh County**. The primary sources consist of five (5) boilers, five (5) emergency generators, and an ETO Sterilizer. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**48-00033: Crayola, Inc.** (1100 Church Lane, P.O. Box 431, Easton, PA 18044) for operation of crayons and artist materials facility in Forks Township, **Northampton County**. The primary sources consist of three (3) boilers, inkers, and degreasers. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**40-00057: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104-1645) a renewal permit for operation of a batch asphalt plant and associated air cleaning device in Dorrance Township, **Luzerne County**. The facility is limiting production throughput rate of asphalt to 550,000 tons per year in order to maintain Synthetic Minor status. The proposed operating permit contains all applicable Federal and State regulations including emissions, monitoring, record keeping, reporting and work practice requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**28-05027: Chambersburg Hospital** (112 North Seventh Street, Chambersburg, PA 17201) to operate the boiler plant, ethylene oxide sterilizers and emergency equipment at their hospital in Chambersburg Borough, **Franklin County**.

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

Actual emissions at the facility for 2012 are estimated to be 5.4 tons of PM, NO<sub>x</sub>, 4.2 tons of CO and less than one ton each of PM, SO<sub>x</sub>, VOCs and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units; 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources;

40 CFR Part 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines and 40 CFR Part 63, Subpart WWWW—National Emission Standards for Hospital Ethylene Oxide Sterilizers.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Mr. Gary Helsel, P.E., Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

**36-03021: J. Walter Miller Co.** (411 East Chestnut Street, Lancaster, PA 17602) for operation of a foundry located in the City of Lancaster, **Lancaster County**.

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

Potential emissions at the facility are estimated to be 94.5 tons per year of PM, 16.8 tons per year of VOCs, 1.2 tons per year of HAPs, 1.3 tons per year of CO, 1.6 tons per year of NO<sub>x</sub> and less than one ton per year of SO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise

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

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

Gary Helsel, P.E., Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

**36-03056: Weaver Industries, Inc.** (425 South 4th Street, Denver, PA 17517) for operation of their existing industrial machinery manufacturing facility in Denver Borough, **Lancaster County**.

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

The actual emissions in year 2012 from the operation were 3.3 tons of particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**36-05096: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) for the hot mix batch asphalt plant in Paradise Township, **Lancaster County**.

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

The subject asphalt plant includes a fabric filter to control particulate matter (PM) emissions and asphalt production is limited to 400,000 tons per consecutive 12-month period. Emissions of sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO) and particulate

matter are limited to 100 tons/year per pollutant. The asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

William R. Weaver, Regional Air Quality Manager, may be contacted at 717-705-4868, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**36-03182A: Charles F. Snyder Funeral Home & Crematory, Inc.** (3110 Lititz Pike, Lititz, PA 17543) for their Matthews model No. IE43-PPII human cremation unit at the Charles F. Snyder, Jr. Funeral Home in Manheim Township, **Lancaster County**.

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

The subject facility's cremation unit will be controlled by an internal secondary combustion chamber. The unit is subject to and shall comply with 25 Pa. Code § 123.21 for sulfur emission limits. The facility's actual emissions are expected to be around 1.0 tpy of PM, 1.4 tpy of CO, 0.4 tpy of NO<sub>x</sub> and 0.4 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Tom Hanlon, Facilities Permitting Chief, may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests, or requests for a public hearing.

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

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

**65-00778: Three Rivers Marine & Rail Terminal / Gibsonton Yard** (17 Arentzen Boulevard, Suite 206 Charleroi, PA 15022) for the operation of a barge and truck unloading and transferring operation located in Rostraver Township, **Westmoreland County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of three barge docks with clam shells, two rail unloading areas, a receiving area for a bagging operation, and an assortment of storage piles. Barges are unloaded and material is either loaded into trucks or stockpiled until trucks are available. The facility provided potential emissions at 15.5 tons per year PM<sub>10</sub>. This includes the potential emissions from transferring material from barge to truck, haul roads, truck unloading, wind erosion and front loaders. The facility is required to maintain a daily log of material delivered to the facility, inventory on hand, and material shipped from the facility. All trucks carrying bulk material shall be tarped when leaving the terminal and handled in such a way to minimize track out onto the public road. The clam shell must be operated in such a way to minimize loss from the clam shell during transfer of material and minimize the drop height into the truck/barge. All roads shall be kept clean or watered as needed to minimize dust. The proposed authorization is subject to State and Federal Regulations. The permit includes additional operational requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00778) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront

Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

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

**65-00789: Quikrete Companies, Inc. / Pittsburgh** (519 Red Barn Lane, Latrobe, PA 15650) for the operation of aggregate drying, blending, and bagging concrete products located in Unity Township, **Westmoreland County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of a 10 MMBtu/hr natural gas fluid bed dryer, storage silos, mixers, and material handling and transferring. The facility has the potential to emit: 4.30 tpy NO<sub>x</sub>, 3.61 tpy CO, 0.03 tpy SO<sub>x</sub>, 24.31 tpy PM, 0.24 tpy VOC, and 0.003 tpy HAPs. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00789) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

**04-00445: Veka Inc. / Marion Township Plant** (100 Veka Drive, Fombell, PA 16123) for the operation of blending polyvinyl chloride resin (PVC) for the manufacturing of windows and doors located in Marion Township, **Beaver County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of coating lines, lamination lines, PVC extruder process, mixing operations, two electric ovens and one 600,000 Btu natural gas dryer. In 2012, the facility emitted: 1.133 tpy HAPs and less than 1 ton for all other criteria pollutants. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. A monthly log of all VOC-containing coatings and solvents purchased, consumed, and inventory on hand must be recorded in an on-site log. Particulate matter emissions are not to exceed 0.02 gr/dscf. The facility is limited to 33 tons per year of VOCs, 5.0 tons per year MEK and 9.9 tons per year total HAPs. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (04-00445) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

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

*Contact: Matthew M. Williams—Telephone: 814-332-6131*

**10-00368: MarkWest Liberty Bluestone, LLC** (440 Hartmann Road, Evans City, PA 16033) for issuance of initial Synthetic Minor Operating Permit in the Jackson Township, **Butler County**. The facility is processing natural gas and, returning the gas to the pipeline. The facility's emitting sources include: 1) Inlet Compressors, 2) Residue Compressors, 3) Refrigerant Compressors, 4) Dehydrators, 5) Emergency Generators, 6) Process Heaters, 7) Truck Loading, 8) Storage Tanks and, 9) Gas processing plant. The plant is able to process 50 mmcf of natural gas per day. The diesel emergency generator is subject to 40 CFR Part 60 Subpart IIII. The natural gas emergency generator is subject to 40 CFR 60 Subpart JJJJ. The inlet / residue and refrigerant compressors are subject to 40 CFR Part 60 Subpart JJJJ. The facility is subject to the requirements of 40 CFR 60 Subpart OOOO



and VVa. The dehydrators are also subject to 40 CFR 63 Subpart HH. The applicable requirements from the 40 CFR 60 and 63 have been included in the permit. The facility is synthetic minor because; the facility has taken a restriction of fuel usage in the combustion sources not greater than, 1,120,000 MMBTU/year. This limit will control the emission of greenhouse gases, Carbon Dioxide equivalent. Potential emissions of the pollutants after taking the limitations are: NO<sub>x</sub>: 56.71 Tons per year (TPY), CO: 77.50 TPY VOC: 38.62 TPY, PM<sub>10</sub>: 5.96 TPY, HAPs: 10.41 TPY, CO<sub>2</sub> equivalent: 77,887 TPY. The facility has accepted more stringent emission limits on the inlet compressors, residue compressors and refrigerant compressors for CO and VOC compared to the plan approval established limits based on the results of stack tests performed at the facility. The new CO limits for the inlet / residue compressors are 0.4 gram/hp-hr (per engine); 1.31 lb/hr (per engine); and 57.16 TPY (for the total of the 10 inlet / residue compressors). The new VOC limits for the inlet / residue compressors are: 0.17 gram/hp-hr (per engine); 0.56 lb/hr (per engine); and 24.3 TPY (for the total of the 10 inlet / residue compressors). The new CO limits for the two refrigerant compressors are: 0.5 gm/hp-hr (per engine); 0.93 lb/hr (per engine); and 8.11 TPY (for the total of the two engines). The new VOC limits for the two refrigerant compressors are: 0.20 gram/hp-hr; 0.37 #/hr (per engine); and 3.24 TPY (for the total of the two engines).

**33-00025: Punxsutawney Area Hospital** (81 Hillcrest Drive, Punxsutawney, PA 15767) to renew a State Only Operating Permit for their hospital in Young Township, **Jefferson County**. The primary sources at the facility are two (2) dual-fueled 10.5 million Btu/hr boilers using natural gas as primary fuel and capable of firing oil in the event of a natural gas curtailment and an oil-fired emergency generator. Potential Emissions for the site are less than the Title V thresholds. The facility is a Natural Minor. The emergency generator is subject to 40 CFR Part 63 Subpart ZZZZ, the NESHAP for Stationary RICE. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

#### PLAN APPROVALS

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

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**39-00071A: ANDA Industries** (15 South Albert Street, Allentown, PA 18109-2798) for modification to their existing State Only permit for their facility in Allentown, **Lehigh County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to ANDA Industries (15 South Albert Street, Allentown, PA 18109-2798) for their facility located in Allentown, Lehigh County. This Plan Approval No. 39-00071A will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 39-00071A is for the modification to their existing State Only permit. No new equipment will be added. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. The facility is subject to 25 Pa. Code § 127.12 (a) (5) Best Available Technology (BAT) requirements. The visible emissions (opacity) shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-00071A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted

by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

*Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Debbie Ferenci)*

**30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant Grove Rd., PO Box J, Claysville, PA 15323). To revise the permit for the BMX Mine in Morris and Washington Townships, **Greene County** to add underground permit and subsidence control plan area acres for longwall mining. Potential stream restoration for flow loss from Browns Creek and one area of an Unnamed Tributary to Browns Creek. Underground Acres Proposed 1,521.0, Subsidence Control Plan Acres Proposed 1,521.0. No additional discharges. The application was considered administratively complete on September 17, 2013. Application received July 22, 2013.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**Permit No. 32130105 and NPDES No. PA0269239. Bedrock Mines LP**, 111 Freeport Road, Pittsburgh, PA 15215, commencement, operation and restoration of a bituminous surface and auger mine in Washington Township, **Indiana County**, affecting 66.5 acres. Receiving stream: South Branch Plum Creek, classified for the following use: cold water fishery. There are no potable

water supply intakes within 10 miles downstream. Application received August 14, 2013.

The applicant is requesting a wetland encroachment since the proposed mining will impact 0.169 acre of wetland. The applicant will mitigate the wetland impacts by converting Sediment Pond "A" to a wetland pond to 0.467 acre of wetland after mining is completed. The application also includes a request for a Section 401 Water Quality Certification.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500, (Contact: Cathy Hillman)*

**03070103 and NPDES Permit No. PAPA0251160. Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201). Renewal application for reclamation only to an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 127.9 acres. Receiving streams: unnamed tributary to Pine Run and Nye Branch, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 17, 2013.

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

**37130101 and NPDES Permit No. PA0259438. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine in Wayne Township, **Lawrence County** affecting 82.5 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable water supply intakes from the point of discharge are PA American Water Authority and Beaver Falls Municipal Water Authority. Application received: September 17, 2013.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner)*

**17080117 and NPDES PA0257010. Frantz Brothers Resources, LLC** (24 Wilgus Road, P.O. Box 145, Hillsdale, PA 15746) Transfer of an existing bituminous surface coal mine from Beth Contracting, Inc. (815 Rock Run Road, Glen Campbell, PA 15742) located in Burnside Township, **Clearfield County** affecting 148.0 acres. Receiving stream(s): Rock Run and West Branch Susquehanna River classified for the following use(s): Cold Water Fishes and Warm Water Fishes, respectively. There are no potable water supply intakes within 10 miles downstream. Application received: September 16, 2013.

*Noncoal Applications Received*

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

Parameter	Table 2		
	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 mg/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.

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

**3074SM13 and NPDES Permit No. PA0107433. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Revision to an existing large industrial minerals mine to add 49.1 acres of additional land and delete 49.1 acres in Slippery Rock Township and Slippery Rock Borough, **Butler County**. The total acreage will remain 1,058.5 acres. This revision also includes a land use change from pasturelands/lands occasionally cut for hay to industrial/commercial land and unmanaged natural habitat on the Allegheny Mineral Corporation property. Receiving streams: Five unnamed tributaries to Slippery Rock Creek and two unnamed tributaries to Wolf Creek, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 9, 2013.

**3074SM13. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0107433 in Slippery Rock Township and Slippery Rock Borough, **Butler County**. Receiving streams: Five unnamed tributaries to Slippery Rock Creek and two unnamed tributaries to Wolf Creek, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 9, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly)*

**45950301C12 and NPDES Permit No. PA0223506. Bill Barry Excavating, Inc.**, (174 Quarry Lane, Cresco, PA 18326), renewal of an NPDES Permit for discharge of treated mine drainage from a sandstone, shale, sand & gravel quarry operation in Barrett Township, **Monroe County** affecting 152.0 acres, receiving streams: Cranberry Creek and Mill Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: August 26, 2013.

**7975SM2A1C9 and NPDES Permit No. PA0613151. Haines & Kibblehouse, Inc.**, (PO Box 196, Skippack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Plumstead Township, **Bucks County** affecting 17.8 acres, receiving stream: Geddes Run, classified for the following use: cold water fishes. Application received: August 26, 2013.

**58000803. Robert Cooley**, (9001 SR 167, Kingsley, PA 18826), Stage I & II bond release of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 2.0 acres on property owned by John Rosler. Application received: August 27, 2013.

**58070837. Jerry Knight**, (188 Booth Road, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Franklin Township, **Susquehanna County** affecting 2.0 acres on property owned by Jerry Knight. Application received: September 11, 2013.

**64080301C and NPDES Permit No. PA0224693. Reading Materials, Inc.**, (PO Box 196, Skippack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a sand & gravel quarry operation Palmyra Township, **Wayne County** affecting 79.2 acres, receiving stream: Lake Wallenpaupack, classified for the following use: HQ—warm water fishes. Application received: August 28, 2013.

#### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

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

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

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Deborah Ferenci)*

**NPDES No. PA0092631 (Mining Permit No. 32841602), AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650). A renewal to the NPDES and mining activity permit for the Clymer Tipple in Cherryhill Township, **Indiana County**. Surface Acres Affected 47.6. Receiving stream: Dixon Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds. UNT to Dixon Run, classified for the following use: CWF. The application was considered administratively complete on October 5, 2010. Application received August 6, 2010.

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

*Outfall 001* discharges to: Dixon Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 41' 06" Long: 79° 00' 44") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	1.21	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	1.0	1.0
Aluminum	(mg/l)		0.75	0.75	0.75
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	97	125
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 002* discharges to: UNT Dixon Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 41' 01" Long: 79° 00' 42") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	1.75	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	1.0	1.0
Aluminum	(mg/l)		0.75	0.75	0.75
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	88	125
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 003* discharges to: Dixon Run

The proposed effluent limits for *Outfall 003* (Lat: 40° 41' 11" Long: 79° 00' 37") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	1.75	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	1.0	1.0
Aluminum	(mg/l)		0.75	0.75	0.75
Total Suspended Solids	(mg/l)		35	70	90
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT

**NPDES No. PA0235377 (Mining Permit No. 11841603), AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650). A revision to the NPDES and mining activity permit for the Portage Plant in Portage Township, **Cambria County** to change the water handling plan and outfall effluent limits. Includes deletion of Outfalls 001, 003, and 006. This notice is a correction to the NPDES Draft Permit published in the *Pennsylvania Bulletin* on March 9, 2013. Surface Acres Affected 56.0. Receiving stream: Unnamed Tributary to Spring Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on August 17, 2012. Application received June 14, 2012.

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

*Outfall 001* discharges to: UNT Spring Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 23' 32" Long: 78° 39' 15") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.8	-
Iron	(mg/l)		0.8	1.5	1.9
Manganese	(mg/l)		0.5	1.0	1.3
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Total Dissolved Solids	(mg/l)		-	-	REPORT
Sulfates	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 002* discharges to: UNT Spring Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 23' 33" Long: 78° 39' 17") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.8	-
Iron	(mg/l)		0.8	1.5	1.9
Manganese	(mg/l)		0.5	-	1.3
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Total Dissolved Solids	(mg/l)		-	-	REPORT
Sulfates	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 003* discharges to: UNT Spring Run

The proposed effluent limits for *Outfall 003* (Lat: 40° 23' 36" Long: 78° 39' 21") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.8	-
Iron	(mg/l)		0.8	1.5	1.9
Manganese	(mg/l)		0.5	1.0	1.3
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Total Dissolved Solids	(mg/l)		-	-	REPORT
Sulfates	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 004* discharges to: UNT Spring Run

The proposed effluent limits for *Outfall 004* (Lat: 40° 23' 35" Long: 78° 39' 14") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.8	-
Iron	(mg/l)		0.8	1.5	1.9
Manganese	(mg/l)		0.5	1.0	1.3
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Total Dissolved Solids	(mg/l)		-	-	REPORT
Sulfates	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 005* discharges to: UNT Spring Run

The proposed effluent limits for *Outfall 005* (Lat: 40° 23' 39" Long: 78° 39' 25") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.8	-
Iron	(mg/l)		0.8	1.5	1.9
Manganese	(mg/l)		0.5	1.0	1.3
Aluminum	(mg/l)		1.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Total Dissolved Solids	(mg/l)		-	-	REPORT
Sulfates	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 006* discharges to: UNT Spring Run

The proposed effluent limits for *Outfall 006* (Lat: 40° 23' 36" Long: 78° 39' 25") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.8	-
Iron	(mg/l)		0.8	1.5	1.9
Manganese	(mg/l)		0.5	1.0	1.3
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Osmotic Pressure	(mos/kg)		50	100	125
Total Dissolved Solids	(mg/l)		-	-	REPORT
Sulfates	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 007* discharges to: UNT Spring Run

The proposed effluent limits for *Outfall 007* (Lat: 40° 23' 27" Long: 78° 39' 32") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.8	-
Iron	(mg/l)		0.8	1.5	1.9
Manganese	(mg/l)		0.5	1.0	1.3
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Total Dissolved Solids	(mg/l)		-	-	REPORT
Sulfates	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 008* discharges to: UNT Spring Run

The proposed effluent limits for *Outfall 008* (Lat: 40° 23' 29" Long: 78° 39' 27") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.8	-
Iron	(mg/l)		0.8	1.5	1.9
Manganese	(mg/l)		0.5	1.0	1.3
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Total Dissolved Solids	(mg/l)		-	-	REPORT
Sulfates	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Outfall 009* discharges to: UNT Spring

The proposed effluent limits for *Outfall 009* (Lat: 40° 23' 29" Long: 78° 39' 04") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	0.8	-
Iron	(mg/l)		0.8	1.5	1.9
Manganese	(mg/l)		0.5	1.0	1.3
Aluminum	(mg/l)		0.75	1.5	1.9
Total Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	100	125
Total Dissolved Solids	(mg/l)		-	-	REPORT
Sulfates	(mg/l)		-	-	REPORT
Chlorides	(mg/l)		-	-	REPORT

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**NPDES No. PA0262609 (Mining permit no. 56080102), Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, renewal of an NPDES permit for surface mining including blasting in Shade Township, Somerset County, affecting 343.8 acres. Receiving streams: Miller Run, Unnamed Tributary to Hinson Run and Unnamed Tributary to Shade Creek, classified for the following use: cold water fisheries. These receiving streams are included in the TMDL for the Kiskiminetas-Conemaugh River Watershed. Application received July 24, 2013.**

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

The treated wastewater outfalls listed below discharge to Miller Run and unnamed tributaries to Hinson Run and Shade Creek.

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

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001, 003, and 004</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfalls listed below discharge to Miller Run and unnamed tributaries to Hinson Run and Shade Creek.

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

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 005, 006, 007 and 008</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0234591 (Mining permit no. 11970106), Laurel Sand and Stone, Inc.** P.O. Box 556, 210 East Main Street, Ligonier, PA 15658 renewal of an NPDES permit for surface mining activities in Jackson Township, **Cambria County**, affecting 85.2 acres. Receiving streams: Unnamed tributary to South Branch of Blacklick Creek; unnamed tributaries to Hinckston Run; and Bracken Run classified for the following use: cold water fisheries. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received December 3, 2012.

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

The stormwater outfalls listed below discharge to: Unnamed tributary to South Branch Blacklick Creek.

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

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls:</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall listed below discharges to: Unnamed tributary to Bracken Run

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

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfalls:</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0262609 (Mining permit no. 56080102), Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, renewal of an NPDES permit for surface mining including blasting in Shade Township, **Somerset County**, affecting 343.8 acres. Receiving streams: Miller Run, Unnamed Tributary to Hinson Run and Unnamed Tributary to Shade Creek, classified for the following use: cold water fisheries. These receiving streams are included in the TMDL for the Kiskiminetas-Conemaugh River Watershed. Application received July 24, 2013.

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



The treated wastewater outfalls listed below discharge to Miller Run and unnamed tributaries to Hinson Run and Shade Creek.

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

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001, 003, and 004</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfalls listed below discharge to Miller Run and unnamed tributaries to Hinson Run and Shade Creek.

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

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 005, 006, 007 and 008</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0234591 (Mining permit no. 11970106), Laurel Sand and Stone, Inc.** P.O. Box 556, 210 East Main Street, Ligonier, PA 15658 renewal of an NPDES permit for surface mining activities in Jackson Township, **Cambria County**, affecting 85.2 acres. Receiving streams: Unnamed tributary to South Branch of Blacklick Creek; unnamed tributaries to Hinckston Run; and Bracken Run, classified for the following use: cold water fisheries. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received December 3, 2012.

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

The stormwater outfalls listed below discharge to: Unnamed tributary to South Branch Blacklick Creek.

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

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls:</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall listed below discharges to: Unnamed tributary to Bracken Run

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

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfalls:</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

**NPDES No. PA0259152 (GFCC No. 33-11-16). P. and N. Coal Co., Inc.** (P.O. Box 332, Punxsutawney, PA 15767) Revised NPDES permit for a Government Financed Construction Contract in Winslow Township, **Jefferson County**. Receiving streams: Unnamed tributary to Fehley Run and Fehley Run, classified for the following uses: CWF. TMDL: None. Application received: July 31, 2013.

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

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

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	N
TB2	Y

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

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

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

**NPDES No. PA0259470 (Permit No. 16130103). Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242) New NPDES permit for a bituminous surface mine in Porter & Monroe Townships, **Clarion County**, affecting 34.0 acres. Receiving streams: One unnamed tributary to Leatherwood Creek, one unnamed tributary to West Fork Leatherwood Creek, and two unnamed tributaries to Licking Creek, all classified for the following uses: CWF. TMDL: Leatherwood Creek. Application received: September 10, 2013.

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

The outfall(s) listed below discharge to unnamed tributary No. 1 to Leatherwood Creek:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

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

The outfall(s) listed below discharge to unnamed tributary No. 1 to Leatherwood Creek:

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

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

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

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0204906 (Permit No. 37880304). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 227.5 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: July 25, 2013.

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

The outfall(s) listed below discharge to unnamed tributary to Slippery Rock Creek:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (ml/l)				90

**NPDES No. PA0211583 (Permit No. 37930302). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 140.0 acres. Receiving streams: unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: July 25, 2013.

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

The outfall(s) listed below discharge to unnamed tributary to Slippery Rock Creek:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (ml/l)				90

**NPDES No. PA0106453 (Permit No. 10850306). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an NPDES permit for a large industrial minerals surface mine in Marion Township, **Butler County**, affecting 69.0 acres. Receiving streams: unnamed tributary to Blacks Creek and Blacks Creek, classified for the following uses: CWF. TMDL: Blacks Creek. Application received: July 25, 2013.

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

The outfall(s) listed below discharge to unnamed tributary to Blacks Creek and Blacks Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
F	N
G	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (ml/l)				90

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner)*

**NPDES No. PA-0269522 (Mining Permit No. 59120302) Glenn O. Hawbaker, Inc.**, 1952 Waddle Road, State College, PA 16803. New NPDES permit for Noncoal Surface Mine in Hamilton Township and Blossburg Borough, **Tioga County** affecting 89.6 acres. Receiving stream(s): Unnamed Tributary to Johnson Creek classified for the following use(s): CWF. Application received: August 30, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities. The outfall(s) listed below discharge to Unnamed Tributary to Johnson Creek and will meet BAT effluent limits:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SB1	Yes
SB2	Yes
SB3	Yes

The outfall(s) listed below discharge to Unnamed Tributary to Johnson Creek and will meet in-stream effluent limits:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TPA	Yes

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	4.0
Manganese (mg/l)		1.0	2.0	3.0
Aluminum (mg/l)		0.75	1.5	1.9
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly)*

**NPDES Permit No. PA0225371 on Surface Mining Permit No. 58130803. Scott Obelenus**, (511 Maple Street, Forest City, PA 18421), new NPDES Permit for a bluestone quarry operation in Clifford Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: Tinker Creek, classified for the following use: HQ—cold water fishes. Application received: June 12, 2013.

Non-discharge BMP's shall be in effect.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E48-424. Redevelopment Authority of Easton Pennsylvania**, 1 South Third Street, Easton, PA 18042, in City of Easton, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall in the floodway of Bushkill Creek (HQ-CWF, MF) consisting of a 36-inch diameter HDPE pipe, concrete end wall, and a rip rap apron. The outfall is associated with the SILK Redevelopment Project. The project site is located on the east side of N. 13th Street approximately 0.20 mile from the intersection of U.S. Route 22 (Easton, PA Quadrangle, Latitude: 40°41'52"; Longitude: -75°13'37").

**E35-447. PPL Corporation—PPL Electric Utilities**, Two North 9th Street, Allentown, PA 18101, in Covington Township, Madison Township, **Lackawanna County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the North Pocono-Paupack Transmission Line project:

1. (S-114a) a temporary 20-foot wide access road crossing of an Unnamed Tributary to East Branch Roaring Brook (HQ-CWF, MF) in Covington Township (Latitude: 41° 17' 50.57"; Longitude: -75° 27' 17.55")

2. (S-114a) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to East Branch Roaring Brook (HQ-CWF, MF) in Covington Township (Latitude: 41° 17' 50.57"; Longitude: -75° 27' 17.55")

3. (S-114a) an electric aerial line crossing of an Unnamed Tributary to East Branch Roaring Brook (HQ-CWF, MF) in Covington Township (Latitude: 41° 17' 50.57"; Longitude: -75° 27' 17.55")

4. (S-114b) an electric aerial line crossing of East Branch Roaring Brook (HQ-CWF, MF) in Covington Township (Latitude: 41° 18' 0.27"; Longitude: -75° 27' 7.87") in Covington Township (Latitude: 41° 18' 0.27"; Longitude: -75° 27' 7.87")

The project begins approximately 1 mile northeast of the intersection of SR 507 and Freytown Road Road

(Sterling, PA Quadrangle: Lat: 41° 17' 15.18"; Long: -75° 27' 1.62") and ends within the woods approximately 0.80 mile north of the intersection of Freytown Road Road and Gas Hollow Road (Sterling, PA Quadrangle: Lat: 41° 18' 32"; Long: -75° 26' 37.42").

**E66-001. Forkston Township**, 3880 State Route 6 East, Suite 1, Tunkhannock, PA 18657, in Forkston Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following site in the floodplain of Mehoopany Creek through the HMGP Acquisition Program. Site will be restored to open space. Site is located in Forkston Township, Wyoming County, 5338 Windy Valley Road (Jenningsville & Meshoppen, PA Quadrangles Latitude: 41° 31' 53.21"; Longitude: -76° 07' 31.36").

**E66-002. Eaton Township**, 3880 State Route 6 East, Suite 1, Tunkhannock, PA 18657, in Eaton Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River through the HMGP Acquisition Program. Sites will be restored to open space. Sites are located in Eaton Township, Wyoming County.

1. Brenda Dungell, 122 Dymond Terrace, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.531494°; Longitude: -75.943274°)

2. Albert & Patricia Sutterlin, 123 Dymond Terrace, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.531125°; Longitude: -75.943381°)

3. Michael & Dawn Madden, 124 Dymond Terrace, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.531389°; Longitude: -75.943072°)

4. Randall & Maryann Harrison, 125 Dymond Terrace, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.53093°; Longitude: -75.943018°)

5. Arnold & Lois Uhleman, 409 Gravel Pit Lane, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.560677°; Longitude: -75.984094°)

6. Wayne & Betty Robinson, 939 N. Eaton Road, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.560886°; Longitude: -75.9987°)

7. Thomas & Tamera Daniels, 508 Keelersburg Road, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.481085°; Longitude: -75.908717°)

**E66-003. Braintrim Township**, 3880 State Route 6 East, Suite 1, Tunkhannock, PA 18657, in Braintrim Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of Tuscarora Creek through the HMGP Acquisition Program. Sites will be restored to open space. Sites are located in Braintrim Township, Wyoming County.

1. Charles Slatter, 10157 SR 367, Laceyville, PA 78623 (Laceyville, PA Quadrangle Latitude: 41.643393°; Longitude: -76.146333°).

2. Heather Schillaci, 10139 SR 367, Laceyville, PA 78623 (Laceyville, PA Quadrangle Latitude: 41.642792°; Longitude: -76.14671°).

**E66-004. Exeter Township**, 3880 State Route 6 East, Suite 1, Tunkhannock, PA 18657, in Exeter Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River through the HMGP Acquisition Program. Sites will be restored to open space. Sites are located in Exeter Township, Wyoming County.

1. Barbara & Kerry MacNair, 493 River Road, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.457139°; Longitude: -75.853515°).

2. Edward Walsh, 195 Susquehanna Beach, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.449441°; Longitude: -75.854864°).

3. Donald Kraffack, 133 Krafty Road, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.460666°; Longitude: -75.85544°).

4. Kevin Matlock, 200 Susquehanna Beach, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.449179°; Longitude: -75.855488°).

5. Marita Zim, 179 Hock Road, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.443106°; Longitude: -75.855624°).

6. James & Jodi Kashuba, 149 Hock Road, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.444152°; Longitude: -75.855856°).

7. Robert Morgan, 339 River Road, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.461957°; Longitude: -75.856196°).

8. Claudia Coronel, 248 Church Street, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.460329°; Longitude: -75.856521°).

9. George Aulisio, 159 Hock Road, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.443826°; Longitude: -75.85564°).

10. Margaret O'Fier, 133 O'Fier Road, Falls, PA 18615 (Ransom, PA Quadrangle Latitude: 41.445254°; Longitude: -75.856006°).

**E66-005. Falls Township**, 3880 State Route 6 East, Suite 1, Tunkhannock, PA 18657, in Falls Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following site in the floodplain of the Susquehanna River through the HMGP Acquisition Program. Site will be restored to open space. Site is located in Falls Township, Wyoming County. Carol Pagano, 117 Silver Maple Lane, Tunkhannock, PA 18657 (Center Moreland, PA Quadrangle Latitude: 41.475977°; Longitude: -75.90123°).

**E66-006. Mehoopany Township**, 3880 State Route 6 East, Suite 1, Tunkhannock, PA 18657, in Mehoopany Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River through the HMGP Acquisition Program. Sites will be restored to open space. Sites are located in Mehoopany Township, Wyoming County.

1. Donald Griffith, Jr., 193 Bridge Road, Mehoopany, PA 18629 (Meshoppen, PA Quadrangle Latitude: 41.575646°; Longitude: -76.062271°).

2. Bryan & Pat Bendock, 227 Bridge Street, Mehoopany, PA 18629 (Meshoppen, PA Quadrangle Latitude: 41.576265°; Longitude: -76.063546°).

3. Griffith-Colley LLC, 188 Bridge Road, Mehoopany, PA 18629 (Meshoppen, PA Quadrangle Latitude: 41.575836°; Longitude: -76.062082°).

4. Catherine Mitchell, 4759 SR 87, Mehoopany, PA 18629 (Meshoppen, PA Quadrangle Latitude: 41.575532°; Longitude: -76.062405°).

5. John & Sharon Morgan, 3027 SR 87, Mehoopany, PA 18629 (Meshoppen, PA Quadrangle Latitude: 41.541431°; Longitude: -76.102195°).

6. James Charters, 236 Ransom Lane, Mehoopany, PA 18629 (Meshoppen, PA Quadrangle Latitude: 41.605971°; Longitude: -76.049983°).

7. Larry & Kathleen Arrowwood, 1091 Jaynes Bend Road, Mehoopany, PA 18629 (Meshoppen, PA Quadrangle Latitude: 41.610379°; Longitude: -76.053085°).

8. Lori & Daniel Day, 137 Race Street, Mehoopany, PA 18629 (Meshoppen, PA Quadrangle Latitude: 41.574392°; Longitude: -76.061385°).

9. Eleanor Eastwood, 115 Race Street, Mehoopany, PA 18629 (Meshoppen, PA Quadrangle Latitude: 41.575097°; Longitude: -76.061996°).

**E66-007. Meshoppen Township**, 3880 State Route 6 East, Suite 1, Tunkhannock, PA 18657, in Meshoppen Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following site in the floodplain of the Susquehanna River through the HMGP Acquisition Program. Site will be restored to open space. Site is located in Meshoppen Township, Wyoming County. Howard & Shirley Fisher, 612 Myo Beach Road, Meshoppen, PA 18630 (Meshoppen, PA Quadrangle Latitude: 41.59799°; Longitude: -76.080923°).

**E66-008. Tunkhannock Township**, 3880 State Route 6 East, Suite 1, Tunkhannock, PA 18657, in Tunkhannock Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River through the HMGP Acquisition Program. Sites will be restored to open space. Sites are located in Tunkhannock Township, Wyoming County.

1. Paul Zabar, 50 Black Diamond Beach, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.506585°; Longitude: -75.928715°).

2. J. Brown & E. Eaton, 52 Black Diamond Beach, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.506656°; Longitude: -75.927437°).

3. Thomas G. Bauman, 56 Black Diamond Beach, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.506672°; Longitude: -75.927908°).

4. Nicholas & Carol Krenitsky, 61 Black Diamond Beach, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.506399°; Longitude: -75.927485°).

5. David & Michele Howarth, 96 Black Diamond Beach, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.507783°; Longitude: -75.923601°).

**E66-009. Tunkhannock Borough**, 3880 State Route 6 East, Suite 1, Tunkhannock, PA 18657, in Tunkhannock Borough, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of Swale Brook and Tunkhannock Creek through the HMGP Acquisition Program. Sites will be restored to open space. Sites are located in Tunkhannock Borough, Wyoming County.

1. Robert & Patricia Parlanti, 22 McCord Street, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.539437°; Longitude: -75.940536°).

2. Eric & Cindy Hueg, 39 McCord Street, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.540656°; Longitude: -75.941594°).

3. Connie Learn, 41 McCord Street, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.541037°; Longitude: -75.941646°).

4. Walter & Virginia Rosengrant, 69 Harrison Street, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.54043°; Longitude: -75.94164°).

5. J. Rinehimer & B. Weissman, 124 E Tioga Street, Tunkhannock, PA 18657 (Tunkhannock, PA Quadrangle Latitude: 41.53789°; Longitude: -75.94356°).

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Ed Muzic, Section Chief, Telephone: 717.705.4802.*

**F22-600: Derry Township**, 600 Clearwater Road, Hershey, PA 17033 in Derry Township, **Dauphin County**, ACOE Baltimore District.

To remove a structure from the floodplain at the location listed. The project proposes to temporarily affect approximately 0.52 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	Address	Waterway	Chapter 93 Designation	USGS Quadrangle	Latitude	Longitude
1	932 Cocoa Avenue Hershey, PA 17033	UNT to Spring Creek	WWF MF	Hershey	40.273689	-76.648522

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**F41-001. County of Lycoming**, 48 West Third Street, Williamsport, PA 17701. Floodplain encroachment demolitions in Loyalsock (1), Lewis (3), Hepburn (1), Plunketts Creek (6) and Shrewsbury Townships (1), **Lycoming**

**County**, ACOE Baltimore District. Site/properties are as follows:

Hepburn Township

Lycoming County is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following location.

409 Haleeka Road, Cogan Station, PA 17728-Cogan Station Quadrangle, Lat.: 41° 19' 37.6" N, Long.: -77° 05' 25. 7" W

Lewis Township

Lycoming County is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following locations.

132 Twin Oaks Lane, Trout Run, PA 17771-Trout Run Quadrangle, Lat.: 41° 23' 10" N, Long.: -77° 02' 58" W

236 McIntyre Way, Cogan Station, PA 17728-Cogan Station Quadrangle, Lat.: 41° 21' 02" N, Long.: -77° 05' 18" W

464 McIntyre Way, Cogan Station, PA 17728-Cogan Station Quadrangle, Lat.: 41° 21' 18" N, Long.: -77° 03' 09" W

Loyalsock Township

Lycoming County is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following location.

2783 Creekside Lane, Williamsport, PA 17701-Cogan Station Quadrangle, Lat.: 41° 16' 24" N, Long.: -77° 03' 24" W

Plunketts Creek Township

Lycoming County is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following locations.

8737 SR 0087, Williamsport, PA 17701-Montoursville North & Huntersville Quadrangles, Lat.: 41° 21' 42" N, Long.: -76° 52' 41" W

40 Dunwoody Road, Williamsport, PA 17701-Barbours Quadrangle, Lat.: 41° 23' 34" N, Long.: -76° 47' 57" W

7851 SR 0087, Williamsport, PA 17701-Montoursville North Quadrangle, Lat.: 41° 21' 13" N, Long.: -76° 53' 22" W

12 Dunwoody Road, Williamsport, PA 17701-Barbours Quadrangle, Lat.: 41° 23' 35" N, Long.: -76° 47' 56" W

210 Blairs Dam Road, Williamsport, PA 17701-Barbours Quadrangle, Lat.: 41° 23' 11" N, Long.: -76° 50' 22" W

180 Hidden Valley Road, Williamsport, PA 17701-Montoursville North Quadrangle, Lat.: 41° 21' 10" N, Long.: -76° 54' 23" W

Shrewsbury Township

Lycoming County is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following location.

72 Highland Lake Road, Hughesville, PA 17737-Picture Rocks Quadrangle, Lat.: 41° 18' 20" N, Long.: -76° 41' 27" W

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460*

**D64-010. Lake Cadjaw Watershed Association**, 26 Lakeview Heights Drive, Honesdale, PA 18431. To modify, operate and maintain Lake Cadjaw Dam across a tributary to West Branch Lackawaxen River (HQ-CWF-MF) impacting 110 feet of stream for the purpose of meeting the Commonwealth's regulations. (Honesdale, PA Quadrangle Latitude 41.5519° N; Longitude 75.2681° W) in Texas Township, **Wayne County**.

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## ACTIONS

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

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to

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

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

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

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### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088455 (IW)	Rice Fruit Company Inc. 2760 Carlisle Road PO Box 66 Gardners, PA 17324	Adams County / Menallen Township	UNT to Opossum Creek / 7-F	Y
PA0036285 (SEW)	James Perano ATG Properties LLC (Brookhaven MHP) PO Box 677 Morgantown, PA 19543	York County / Hellam Township	Dee Run / 7-H	Y
PA0084794 (SEW)	Mark Snyder The York Water Company 130 E. Market Street PO Box 15089 York, PA 17405-7089	York County / East Manchester Township	Codorus Creek / 7-H	Y
PA0020851 (SEW)	Joseph Simon Hyndman Borough Municipal Authority PO Box 445 Hyndman, PA 15545	Bedford County / Hyndman Borough	Wills Creek / 13-A	Y
PA0033065 (SEW)	John Vanderhoef Vanderhomes LLC 2379 Brandt Road Annville, PA 17003-8849	Lebanon County / South Annville Township	Killinger Creek / 7-D	Y
PA0020249 (SEW)	Terry Glunt Roaring Spring Borough Municipal Authority 616 Spang Street (PO Box 33) Roaring Springs, PA 16673	Blair County / Roaring Spring Borough	Halter Creek & Frankstown Branch Juniata River / 11-A	Y
PA0246867 (SEW)	Dusan Bratic Plaza Management Inc. 150 Nationwide Drive Harrisburg, PA 17110	Dauphin County / Reed Township	Susquehanna River / 6-C	Y
PA0033391 (SEW)	James Perano Pine Manor, LLC PO Box 677 Morgantown, PA 19543	Dauphin County / Londonderry Township	UNT Lynch Run / 7-G	Y
PA0081833 (SEW)	Vasilios Skouras SK Part II LTD 6085 Delta Road Delta, PA 17314	York County / Peach Bottom Township	Scott Run / 7-I	Y



*Northcentral Regional: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228982 (CAFO)	Jim Kurtz Farm 1070 Grand Valley Road Mifflinburg, PA 17844	Union County West Buffalo Township	Unnamed Tributary of Buffalo Creek and Coal Run (10-C)	N
PA0112381 (Sewage)	Madison Estates MHP Madison Estates Bloomsburg, PA 17815	Columbia County Madison Township	Little Fishing Creek (5-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0001864 Industrial Waste	Bay Valley Foods, LLC 1080 River Avenue Pittsburgh, PA 15212	Allegheny County City of Pittsburgh	Allegheny River	Y
PA0253332 Sewage	Etna Borough 437 Butler Street Etna, PA 15223	Allegheny County Etna Borough	Little Pine Creek, Pine Creek, Allegheny River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0220779 (Sewage)	Springfield Village MHP 13079 Ridge Road, P. O. Box 201 West Springfield, PA 16443-9732	Erie County Springfield Township	Unnamed Tributary to Raccoon Creek (15-A)	Y
PA0239399 (Sewage)	Craig V. & Julie K. King SR STP 2552 Mercer-Butler Pike Grove City, PA 16127	Mercer County Liberty Township	Unnamed Tributary of Black Run (20-C)	Y

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

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

**NPDES Permit No. PA0265861**, Sewage, **Melvin Spahr**, 525 Highland Avenue, Carlisle, PA 17013.

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

Description of Proposed Action/Activity: Authorization to discharge to UNT Spring Run in Watershed 7-B.

**NPDES Permit No. PA0261882**, Sewage, **Brad Cooley, Berks Hollow Energy Associates, LLC**, 400 Chesterfield Center, Suite 110, Chesterfield, MO 63017.

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

Description of Proposed Action/Activity: Authorization to discharge to Willow Creek in Watershed 3-B.

**NPDES Permit No. PA0044911, Amendment No. 1**, Industrial Waste, **Land O'Lakes, Inc.**, 405 Park Circle, Carlisle, PA 17015.

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

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

**NPDES Permit No. PA0261882**, Industrial Waste, **Brad Cooley, Berks Hollow Energy Associates, LLC**, 400 Chesterfield, MO 63017.

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

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Schuylkill River & Willow Creek in Watershed 3-B.

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

**PA0272701**, Sewage, **Corydon Township**, 2474 W Washington Street, Bradford, PA 16701-2415. Facility Name: Corydon Township Building SFTF.

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

Description of Proposed Activity: Permit for a new NPDES permit for a new discharge of treated sewage from a small flow treatment facility.

**PA0032913**, Sewage, Amendment No. 1, **Scenic Mobile Home Park LLC**, 24 Bogle Avenue, North Arlington, NJ 07031.

This existing facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: Transfer of existing NPDES permit.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. WQG02151309**, Sewage, **London Grove Township Municipal Authority**, 372 Rosehill Road, West Grove, PA 19390.

This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station on the Three Groves Ecovillage Community Development.

**WQM Permit No. 4613201**, Industrial Waste, **Lower Merion Township**, 75 East Lancaster Avenue, Ardmore, PA 19003-2376.

This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction of a groundwater seep passive treatment system.

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

**WQM Permit No. 2113402**, Sewerage, **Melvin Spahr**, 532 Highland Avenue, Carlisle, PA 17013.

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

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities to serve existing single family residence.

**WQM Permit No. 4900401**, Sewage, SIC Code 4952, **Municipal Authority of the City of Sunbury**, 462 S 4th Street, Sunbury, PA 17801-3134.

This existing facility is located in Sunbury City, **Northumberland County**.

Description of Proposed Action/Activity: Stormwater conveyance improvement project. The project scope is to separate the combined sanitary and storm sewers in the Shamokin Creek Levee area of the City and increase the drainage capacity of this area.

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

**WQM Permit No. 4213401**, Sewage, **Corydon Township**, 2474 W Washington Street, Bradford, PA 16701-2415. Facility Name: Corydon Township Building SFTF.

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

Description of Proposed Activity: Permit for a small flow treatment facility.

**WQM Permit No. WQG02251302**, Sewage, **Washington Township Sewer Authority**, 124 Meadville Street, Edinboro, PA 16412-2502.

This proposed facility is located in Edinboro Borough, **Erie County**.

Description of Proposed Action/Activity: Extension of the public force main line along YMCA Drive.

**WQM Permit No. 2578404**, Sewage, **Albion Assembly of God**, P. O. Box 55, Albion, PA 16401.

This existing facility is located in Conneaut Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of an existing permit for a small flow treatment facility.

**WQM Permit No. WQG01251311**, **Larry Miller**, 7416 Route 5, Westfield, NY 14787-9615.

This proposed facility is located in Wayne Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG01431303**, **Kristin E. Skelley-Richards**, 909 Smith Avenue, Hermitage, PA 16148.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. 4311401**, Sewage, Transfer No. 1, **Scenic Mobile Home Park LLC**, 24 Bogle Avenue, North Arlington, NJ 07031.

This existing facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit.

**WQM Permit No. 368S030**, Sewage, **Scenic Mobile Home Park LLC**, 24 Bogle Avenue, North Arlington, NJ 07031.

This existing facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: Cancellation of permit.

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**IV. NPDES Stormwater Discharges from MS4 Permit Actions**


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

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Marple Township Delaware County	PAI130021	Marple Township Delaware County 227 S Sproul Road Broomall, PA 19008	Crum Creek, Darby Creek, Hotland Run, Langford Run, Trout Run, Unnamed Tributary to Crum Creek and Whetstone Run—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Solebury Township Bucks County	PAI130506	Solebury Township Bucks County 3092 Sugan Road P O Box 139 Solebury, PA 18963-0139	Aquetong Creek, Cuttalosa Creek, Dark Hollow Run, Lahaska Creek, Paunacussing Creek, Pidcock Creek, Rabbit Run and Unnamed Stream—2-E and 2-F	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Quakertown Borough Bucks County	PAI130022	Milford Township Bucks County MS4 2100 Krammes Road Quakertown, PA 18951	Beaver Run, Molasses Creek, Unami Creek, Unnamed Tributary of Unami Creek and Unnamed Tributary to Unami Creek—2-D and 3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

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

DEP has issued an **NPDES Individual Permit, PAI134806**, on September 11, 2013 to **PA Department of Corrections—Rockview State Correctional Institution**, PO Box A, 1 Rockview Place, Bellefonte, PA 16823-0820. The permit authorizes the discharge of stormwater from regulated small Municipal Separate Storm Sewer System (MS4) outfalls to waters of the Commonwealth.

This notice is provided in accordance with 25 Pa. Code Chapter 92a implementing the Clean Streams Law (35 P. S. §§ 691.1 et seq.) and 40 CFR Part 122 implementing the Federal Clean Water Act (33 USC Section 1251 et seq.).

Special conditions in the permit include a Stormwater Management Program to satisfy six (6) Minimum Control Measures (MCMs) that meet the narrative effluent limitations required by 40 CFR § 122.34 and to comply with applicable TMDLs. Individuals interested in obtaining a copy the permit may contact DEP's File Review Coordinator at 570-327-3693.

Persons aggrieved by this action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 of 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake; however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

DEP has issued an **NPDES Individual Permit, PAI134802** to **Patton Township, Centre County**, 100 Patton Plaza, State College, PA 16803. The permit authorizes the discharge of stormwater from regulated small Municipal Separate Storm Sewer System (MS4) outfalls to waters of the Commonwealth.

This notice is provided in accordance with 25 Pa. Code Chapter 92a implementing the Clean Streams Law (35 P. S. §§ 691.1 et seq.) and 40 CFR Part 122 implementing the Federal Clean Water Act (33 USC Section 1251 et seq.).

Special conditions in the permit include a Stormwater Management Program to satisfy six (6) Minimum Control Measures (MCMs) that meet the narrative effluent limitations required by 40 CFR § 122.34 and to comply with applicable TMDLs. Individuals interested in obtaining a copy the permit may contact DEP's File Review Coordinator at 570-327-3693.

Persons aggrieved by this action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 of 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake; however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAG138326	Perry Township 284 Reno Road, Portersville, PA 16051	Lawrence	Perry Township	Slippery Rock Creek, N Connoquenessing Creek, and Unnamed Tributaries to the Slippery Rock Creek

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1513016	The Vanguard Group 1041 West Valley Road Wayne, PA 19087	Chester	East Whiteland and Tredyffrin Townships	Little Valley Creek EV
PAI01 1513015	Cruz De Luna Stables, LLC 205 Pumpkin Hill Road Glenmoore, PA 19343	Chester	West Nantmeal Township	East Branch of the Brandywine Creek HQ-TSF-MF
PAI01 1513019	Provco Pineville Kennett, LP 795 E. Lancaster Avenue Suite 200 Villanova, PA 19085	Chester	East Marlborough Township	Unnamed Tributary to East Branch of Red Clay Creek TSF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact person: Zoe Anderson, Telephone 717.705.4802.*

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030612003	Russell Walbert 544 Noble Street Kutztown, PA 19530	Berks	Richmond Township	Moselem Creek/ HQ/CWF, MF

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

*Forest County Conservation District, 526 Elm Street, Tionesta PA 16353*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI062712001	Hickory Township 17425 Route 666 Endeavor PA 16353	Forest	Hickory Township	East Hickory Creek HQ; CWF

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities

PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Middletown Township Bucks County	PAG0200 0910048-R	K. Hovnanian at Middletown, LLC 100 Fieldcrest Avenue Edison, NJ 08837	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chalfont Borough Bucks County	PAG0200 0913055	Chalfont Borough 40 N. Main Street Chalfont, PA 18914	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tredyffrin Township Chester County	PAG0200 1513026	Senior Sage Living Development, LLC 501 Plush Mill Road Wallingford, PA 19086-6040	Darby Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAG0200 1513017	TI Kennett, L.P. 337 Barn Hill Road West Chester, PA 19382	Unnamed Tributary to East Branch Red Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG0200 4613047	Leonard Perrone 1 Parkside Place West Point, PA 19486	Haines Run Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Douglass Township Montgomery County	PAG0200 4613041	James Gibson 629 Gooseneck Drive Lititz, PA 17543	Swamp Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

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*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAG0201 511323	Ensemble Hotel Partners 444 W. Ocean Blvd., Suite 1108 Long Beach, CA 90802	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 1511037— Renewal	PA Department of General Services 18th and Herr Street Harrisburg, PA 17120	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Washington Township Wyoming County	PAG02006613003	Proctor & Gamble Company 5188 SR 87 Tunkhannock, PA 18657	Susquehanna River (WWF, MF)	Wyoming County Conservation District 570-836-2589
Towamensing Township Carbon County	PAG02001308004R	SAS Development, Inc. 3113 Birchwood Drive Kunkletown, PA 18058	Pohopoco Creek (CWF, MF)	Carbon County Conservation District 610-377-4894

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

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Paradise Township York County	PAG02006705023R	JA Myers 160 Ram Drive Hanover PA 17331	Beaver Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County	PAG02006711030R	Hopewell Management LP 200 Bailey Drive Suite 202 Stewartstown PA 17363	Susquehanna River (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAG020067110006R	Pennsylvania Turnpike Commission P. O. Box 67676 HBG PA 17106	Marsh Run/Susquehanna River Basin (WWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Loganville Borough Springfield Twp York County	PAG02006713046	PennDOT Engineering District 8-0 2140 Herr Street HBG PA 17103-1699	EB Codorus Creek (CWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fawn Township York County	PAG02006713011R	Dale Torbert 405 Throne Road Fawn Grove PA 17321	Muddy Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hallam Borough York County	PAG02006713029	Julie Chronister 2310 Fairway Drive York PA 17408	Kreutz Creek, (WWF/MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG02006703-034R-1	Timothy Pasch 2745 Carnegie Road York PA 17402	UNT to Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township Shrewsbury Borough York County	PAG02006711028R	Heathcote Glen LP 18147 Amanda Lane New Freedom PA 17349	UNT to Trout Rum (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG02006713032	Kenneth R Stoltzfus 761 Valley Drive Dallastown PA 17313 Charter Homes & Neighborhoods 1190 Dillerville Road Lancaster PA 17601	UNT to Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Londonderry Township, Palmyra Borough, Derry Township (Dauphin County), Lebanon County	PAG02003813025	Gary Frederick 2650 Cedar Springs Rd No. 850 Dallas, TX 75201-1491	Spring Creek & Quarries (WWF, MF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Heidelberg Township, Lebanon County	PAG02003813020	Eugene K. Martin 2000 W Route 897 Denver, PA 17517	UNT to Hammer Creek (CWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
North Lebanon Township, Lebanon County	PAG02003807027R	Daniel Yearick 230 Old W Penn Ave Robesonia, PA 19551	UNT to Quittapahilla Creek (TSF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Derry Township, Mifflin County	PAG02004413005	Derry Heights Nicholas J. Moraitis 8035 McKnight Rd Suite 303 Pittsburgh, PA 15237	UNT to Buck Run (TSF)	Mifflin Co. Conservation District 20 Windmill Hill #4 Burnham, PA 17009 717.248.4695
East Cocalico Township, Lancaster County	PAG02003613064	David Hollinger 755 While Oak Rd Denver, PA 17517	Frys Run (TSF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

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

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG02000811012R	Frank Neimiee Wysox Equities LLC 427 Main St Towanda PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
PAG02000812035	Jonathan J Homer Greyhan LLC 119 Grovedale Ln Wyalusing PA 18853	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
PAG02004113011	Brent Fish 1868 E 3rd St Williamsport PA 17701	UNT to Wolf Run CWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
PAG02004113012	Charles Hauser 253 W 4th St Williamsport PA 17701	W.B. Susquehanna River WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
PAG02000404007R2	Pennko Properties, LLC PO Box 454 Beaver, PA 15009	Bradys Run (TSF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
PAG02000413019	Ambridge Borough 600 Eleventh Street Ambridge, PA 15003	Ohio River (WWF-N)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
PAG02000413020	Vie Care, LLC. 1323 Freedom Road Cranberry Township, PA 16066	UNT to Raccoon Creek (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
PAG02002608020R	CHL Development Corporation 145 Windwoods Drive Hopwood, PA 15445	UNT to Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
PAG02002611004R	Perryopolis Auto Auction 3447 Pittsburgh Road Perryopolis, PA 15473	UNT to Washington Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
North Union Township Fayette County	PAG02002612003R	Percy Road Housing 145 Windwoods Drive Hopwood, PA 15445	UNT to Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
North Union Township Fayette County	PAG02002612026	Centennial Day Chevrolet 1600 Golden Mile Highway Monroeville, PA 15146	Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Georges Township Fayette County	PAG02002612027	Fay-Penn Economic Development Council 1040 Eberly Way Suite 200 Lemont Furnace, PA 15456	Georges Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Perryopolis Borough Fayette County	PAG02002613007	Frazier School District 142 Constitution Street Perryopolis, PA 15473	UNT to Washington Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
White Township Indiana County	PAG02003213009	Indiana County Airport Authority 398 Airport Road Indiana, PA 15701	UNT to Ramsey Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Ridgway Township Elk County	PAG02002413005	Clarion Sintered Metals Inc 3472 Montmorenci Road Ridgway PA 15853	Mason Creek CWF	Elk County Conservation District 814-776-5373
Summit Township Erie County	PAG02002512023	Auto Row LLC 8430 Peach Street Erie PA 16509	Unt Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Springfield Township Erie County	PAG02002513009	Sunnyland Land Corp. 20 Smokerise Drive, Ste 300 Wadsworth OH 44281	Black Run CWF	Erie County Conservation District 814-825-6403
Morris Township, Graham Township Clearfield County	PAG2091713005	BenHal Mining Company 389 Irishtown Road Grove City, PA 16127	Alder Run/CWF, Unnamed Tributary to Alder Run/CWF, Unnamed Tributary to Alder Run/CWF, Unnamed Tributary to Moravian Run/CWF	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-03*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
South Coatesville Borough Chester County	PAR230069	Air Liquide Ind US LP PO Box 185 Thorndale, PA 19372	Unnamed Tributary to West Branch Brandywine Creek 3-H	Southeast Region Clean Water Program 484.250.5970
Trainer Borough Delaware County	PAR600120	Lou'S Auto Service Inc. 3507 W 9th Street Trainer, PA 19061	Stoney Creek—3-G	Southeast Region Clean Water Program 484.250.5970

NOTICES

5875

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Blair County / Antis Township	PAR603579	C & C Auto Salvage, LLC 915 N. Bellwood St. Bellwood, PA 16617	UNT Little Juniata River / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County / York City	PAR603591	E & H Recycling Co., Inc. (454 E. Princess Street Fac) PO Box 291 York, PA 17405	UNT Codorus Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Lancaster City	PAR233534	RR Donnelley— Lancaster East Facility 216 Greenfield Rd Lancaster, PA 17601	UNT Conestoga River / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Cumberland County / Middlesex Township	PAR803617	Schneider National, Inc. (Carlisle Terminal CL7) PO Box 2545 Green Bay, WI 54306	Conodoguinet Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Clay Township	PAR203568	Paul B. Zimmerman, Inc. Ernest Zimmerman PO Box 300 Ephrata PA 17522	Middle Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / New Holland Borough	PAR123509	Fleur De Lait—East Manufacturing Plant 150 Jackson Street New Holland, PA 17557	UNT Mill Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / East Hempfield Township	PAR123517	Hubbard Feeds, Inc. 3349 Hempland Road Lancaster, PA 17601	UNT to West Branch Little Conestoga Creek / TSF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Brecknock Township	PAR203593	Lippert Components, Inc.— Denver Facility 1658 Dry Tavern Road Denver, PA 17517	UNT Little Muddy Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Paradise Township	PAR703512	Pennsy Supply Inc. 1001 Paxton Street Harrisburg, PA 17104	Londonland Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County East Hempfield Township	PAR703514	McMinns's Asphalt Co., Inc.— Paradise Plant 61 McIlvaine Road Lancaster, PA 17562		
		Pennsy Supply Inc. 1001 Paxton Street Harrisburg, PA 17104	UNT to Little Conestoga Creek / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
		McMinns's Asphalt Co., Inc.— East Petersburg Plant 2743 Lancaster Road Manheim, PA 17545		

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Lancaster City & Manheim Township	PAR703511	Pennsy Supply Inc. 1001 Paxton Street Harrisburg, PA 17104	UNT to Little Conestoga Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
		McMinns's Asphalt Co., Inc.— Lancaster Plant 1061 Manheim Pike Lancaster, PA 17601		
Lancaster County Fulton Township	PAR703513	Pennsy Supply Inc. 1001 Paxton Street Harrisburg, PA 17104	Octoraro Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
		McMinns's Asphalt Co., Inc.— Mason-Dixon Plant 245 Quarry Road Peach Bottom, PA 17563		
Sandy Township Clearfield County	PAR804872	Murrays Freightliner 1844 Rich Highway Dubois, PA 15801-3970	Slab Run—17-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Milton Borough Northumberland County	PAR804880	Truck Accessories Group LLC 3560 Housels Run Road Milton, PA 17847	Unnamed Tributary to West Branch Susquehanna River—10-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Sewickley Borough Allegheny County	PAR806249	First Student, Inc. 110 Perimeter Park Suite E Knoxville, TN 37922	Tom's Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Boggs Township Clearfield County	PAG045285	Pine Air MHP 9455 Old Erie Pike Clearfield, PA 16830	Unnamed Tributary to Morgan Run—8-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wayne Township Erie County	PAG041121	Larry Miller 7416 Route 5 Westfield, NY 14787-9615	Unnamed Tributary to Slaughter Run 16-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Delaware Township Mercer County	PAG041113	Kristin E. Skelley-Richards, 909 Smith Avenue, Hermitage, PA 16148	Unnamed Tributary to Lawango Run 20-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-5*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
North Fayette Township Allegheny County	PAG056255	Santiago Distributing Company 8175 Steubenville Pike Imperial, PA 15126	Unnamed Tributary to South Fork Montour Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12*

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County / Jefferson Township	PAG123769	Joel Hetrick Hetrickdale Farms 69 Hetrick Road Bernville, PA 19506	UNT Mill Creek / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / East Donegal Township	PAG123767	Mike Brubaker Brubaker Farms Partnership 493 Musser Road Mount Joy, PA 17552	UNT Donegal Creek / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lebanon County / Swatara Township	PAG123747	A. Wayne Rudolph 2129 Grace Avenue Lebanon, PA 17046	UNT Swatara Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Buffalo Township Union County	PAG124833	Hillcrest Swine Farm 121 Paradise Lane Lewisburg, PA 17837	Unnamed Tributary to Beaver Run—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

*General Permit Type—PAG-13**Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
West Rockhill Township Bucks County	PAG130046	West Rockhill Township Bucks County 1028 Ridge Road Sellersville, PA 18960	East Branch Perkiomen Creek, Mill Creek, Threemile Run and Unnamed Tributary of Tohickon Creek—2-D and 3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Quakertown Borough Bucks County	PAG130096	Quakertown Borough Bucks County 35 North Third Street Quakertown, PA 18951	Beaver Run and Unnamed Tributary to Beaver Run—2-D	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Plymouth Township Montgomery County	PAG130008	Plymouth Township Montgomery County 700 Belvoir Road Plymouth Meeting, PA 19462	Diamond Run, Plymouth Creek and Sawmill Run—3-F	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>DEP Protocol (Y/N)</i>
PAG136355 Waiver	Export Borough 5756 Old William Penn Highway Export, PA 15632	Westmoreland	Export Borough	Turtle Creek	N

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>DEP Protocol (Y/N)</i>
PAG138311	Wesleyville Borough, 3421 Buffalo Road, Wesleyville, PA 16510	Erie County	Wesleyville Borough	Fourmile Creek	Y

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

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

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

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

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

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Murmac Farms 2336 Zion Road Bellefonte, PA 16823	Centre	1153	2,402	Dairy	NA	Deemed Approved July 2, 2013

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Operations Permit** issued to: **South Mountain Spring Water Company**, 7386487, South Lebanon Township, **Lebanon County** on 9/18/2013 for the operation of facilities approved under Construction Permit No. 3811501.

**Operations Permit** issued to: **Koony’s Barn**, 7011021, Germany Township, **Adams County** on 9/6/2013 for the operation of facilities approved under Construction Permit No. 0113502.

**Operations Permit** issued to: **City of Lebanon Authority**, PA, 7380010, North Lebanon Township, **Lebanon County** on 9/18/2013 for the operation of facilities approved under Construction Permit No. 3813502 MA.

**Operations Permit** issued to: **Good Enterprises, Ltd.**, 7360786, Leacock Township, **Lancaster County** on 9/18/2013 for the operation of facilities approved under Construction Permit No. 3613502.

**Operations Permit** issued to: **United Water Pennsylvania, Inc.**, 7220015, Susquehanna Township, **Dauphin County** on 9/18/2013 for the operation of facilities approved under Construction Permit No. 2213503 MA.

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

**Operations Permit** issued to: **Authority of the Borough of Charleroi**, 3 McKean Avenue, PO Box 211, Charleroi, PA 15022, (PWSID #5630039) Donora Borough, **Washington County** on September 19, 2013 for the operation of facilities approved under Construction Permit # 6312502MA.

**Operations Permit** issued to: **Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012, (PWS ID #5260009) Washington Township, **Fayette County** on September 19, 2013 for the operation of facilities approved under Construction Permit # 2610512MA.

**Operations Permit** issued to: **Manor Township Municipal Authority**, 2310 Pleasant View Drive, Ford City, PA 16226, (PWS ID #5030006) Manor and Kittanning Townships, **Armstrong County** on September 19, 2013 for the operation of facilities approved under Construction Permit # 0312506MA.

**Permit No. 5613506MA, Minor Amendment.** Public Water Supply.

Applicant **Conemaugh Township Municipal Authority**  
113 South Main Street  
PO Box 429  
Davidsville, PA 15928

[Borough or Township] Richland Township

County **Somerset**

Type of Facility Walsall Extension Project—Phase I

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct Issued September 11, 2013

**Permit No. 5613507MA, Minor Amendment.** Public Water Supply.

Applicant **Conemaugh Township Municipal Authority**  
113 South Main Street  
PO Box 429  
Davidsville, PA 15928

[Borough or Township] Richland Township  
 County **Somerset**  
 Type of Facility Walsall Extension  
 Project—Phase II  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501  
 Permit to Construct September 11, 2013  
 Issued

**Permit No. 3013507MA, Minor Amendment.** Public  
 Water Supply.

Applicant **Southwestern Pennsylvania  
 Water Authority**  
 PO Box 187  
 1442 Jefferson Road  
 Jefferson, PA 15344

[Borough or Township] Franklin Township  
 County **Greene**  
 Type of Facility Cabin Road waterline  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Indianola, PA 15051  
 Permit to Construct September 19, 2013  
 Issued

**Permit No. 3013509MA, Minor Amendment.** Public  
 Water Supply.

Applicant **Southwestern Pennsylvania  
 Water Authority**  
 PO Box 187  
 1442 Jefferson Road  
 Jefferson, PA 15344

[Borough or Township] Cumberland Township  
 County **Greene**  
 Type of Facility Crucible Road waterline  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Indianola, PA 15051

Permit to Construct September 19, 2013  
 Issued

**Permit No. 5611525GWR, Minor Amendment.** Pub-  
 lic Water Supply.

Applicant **Confluence Borough  
 Municipal Authority**  
 PO Box 6  
 711 Logan Place  
 Confluence, PA 15424

[Borough or Township] Confluence Borough  
 County **Somerset**  
 Type of Facility Water system  
 Consulting Engineer

Permit to Operate September 12, 2013  
 Issued

**Permit No. 6512513GWR, Minor Amendment.** Pub-  
 lic Water Supply.

Applicant **Fairfield Manor, Inc.**  
 PO Box 17039  
 Pittsburgh, PA 15235

[Borough or Township] Fairfield Township

County **Westmoreland**  
 Type of Facility Water system  
 Consulting Engineer  
 Permit to Operate September 19, 2013  
 Issued

**Permit No. 5611501GWR, Minor Amendment.** Pub-  
 lic Water Supply.

Applicant **UMH Properties, Inc.**  
 3499 Route 9 North, Suite C  
 Freehold, NJ 07728

[Borough or Township] Somerset Township  
 County **Somerset**  
 Type of Facility Sunny Acres Mobile Home Park  
 Consulting Engineer  
 Permit to Operate September 16, 2013  
 Issued

*Northwest Region: Safe Drinking Water Program Man-  
 ager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 6616480-T2-MA19.** The Department is-  
 sued a special permit by rule to **Primo Refill, LLC**, 104  
 Cambridge Plaza Drive, Winston Salem, NC 27104, to  
 operate one additional vending machine within the North-  
 west Region. Additionally, this authorization covers the  
 replacement of the machines located at Entry Point 103  
 (Meadville Wal-Mart) and at Entry Point 105 (Edinboro  
 Wal-Mart).

**Permit No. 1013502** Public Water Supply

Applicant **Linda Mueller**  
 Township or Borough Penn Township  
 County **Butler**  
 Type of Facility Public Water Supply  
 Consulting Engineer Don A. Gilmore, P.E.  
 Dakota Engineering Association,  
 Inc.  
 35 Wilson Street, Suite 200  
 Pittsburgh, PA 15223

Permit to Construct September 11, 2013  
 Issued

**Permit No. 1013501** Public Water Supply

Applicant **Laura and Gregory Walter**  
 Township or Borough Clearfield Township  
 County **Butler**  
 Type of Facility Public Water Supply  
 Consulting Engineer William J. McGarvey  
 McGarvey Engineering  
 172 Woodcrest Road  
 Butler, PA 16002

Permit to Construct September 11, 2013  
 Issued

**Permit No. 3788503-MA4** Public Water Supply

Applicant **Sisters of the Humility of  
 Mary/Villa Maria Community  
 Center**

Township or Borough Pulaski Township  
 County **Lawrence**  
 Type of Facility Public Water Supply

Consulting Engineer Nomikos A. Sdregas  
3944 Cooper Road  
Lowellville, OH 44436

Permit to Construct September 11, 2013  
Issued

**Operation Permit** issued to **Kenneth J. Dziolowski d/b/a Carriage Court Personal Care Home**, PWSID #6370958, Shenango Township, **Lawrence County**. Permit Number 3708503-T1-MA1 issued September 12, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

**Permit No. 4313504** Public Water Supply

Applicant **Aqua Pennsylvania Incorporated**

Township or Borough Jackson Township  
County Mercer  
Type of Facility Public Water Supply  
Consulting Engineer William A. LaDieu, P.E.  
CET Engineering Services—GHD  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct September 17, 2013  
Issued

**Permit No. 4311501-MA1** Public Water Supply

Applicant **Reynolds Water Company**

Township or Borough Pymatuning Township  
County Mercer  
Type of Facility Public Water Supply  
Consulting Engineer Thomas Thompson, P.E.  
Gannett Fleming  
554 South Erie Street  
Mercer, PA 16137

Permit to Construct September 19, 2013  
Issued

**Emergency Operation Permit** issued to **FHO Corporation**, PWSID #6420845, Bradford Township, **McKean County** on September 20, 2013. This permit is issued for the construction and operation of the Sodium Hypochlorite chlorination facilities for the "Main Spring" system at the Lodge at Glendorn. This permit expires on December 19, 2013.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484.250.5970*

##### Plan Location:

Township	Township Address	County
Newtown	209 Bishop Hollow Road Newtown Square, PA 19073	Delaware

On September 24, 2013, the Southeast Regional office approved the Act 537 sewage facilities plan update for Newtown Township, Delaware County (APS ID 459295 AUTH ID 603740). This approval provides for the following:

1. The establishment of an expanded public sewer service area that will be served by the Central Delaware County Authority (CDCA) sewage conveyance system. Sewage from the CDCA public sewer service area will be conveyed to the DELCORA wastewater treatment facility for treatment and disposal. Capacity for the expanded CDCA service area is provided under the December 21, 2007 Supplemental Agreement by and between the Central Delaware County Authority and Morton Borough, Prospect Park Borough, Ridley Park Borough, Rutledge Borough, Swarthmore Borough, Edgmont Township, Marple Township, Nether Providence Township, Newtown Township, Ridley Township, Springfield Township and Upper Providence Township.

The drainage basins within the expanded CDCA service area are described as follows:

a. Ashford Pump Station Service Area: All proposed sewage facilities within the Ashford Pump Station Service Area are depicted on the plan titled Ashford P. S. Service Area—Opt. 2, prepared by Herbert E. MacCombie, Jr., P.E. Consulting Engineers and Surveyors, Inc., dated February 11, 2013. The proposed improvements are described as follows:

i. The Melmark Pump Station: The Melmark Pump Station, a.k.a. Pump Station No. 1, will be located on the Melmark campus, south of Hunt Valley Lane. This pump station will be privately owned and will have annual average design flows of 25,000 gallons per day. The Melmark Pump Station will connect to a gravity sewer line that will be constructed in the campus' driveway. The gravity line will also provide access to public sewers to 3 residential parcels south of the Melmark campus.

ii. The Newtown Hunt Pump Station: The Newtown Hunt Pump Station, a.k.a. Pump Station No. 2, will be located southeast of the Melmark campus and south of Hunt Valley Circle. This pump station will have annual average design flows of 33,150 gallons per day and will receive flows from Pump Station No. 1 and the gravity collection system that will serve properties along Hunt Valley Lane and Hunt Valley Circle. The Newtown Hunt Pump Station's force main will extend to a proposed gravity sewer that will be constructed in Echo Valley Lane.

iii. The Goshen Road Pump Station: The Goshen Road Pump Station, a.k.a. Pump Station No. 3, will be located near the terminus of the Crum Creek Lane cul-de-sac, north of Goshen Road. This pump station will have annual average design flows of 81,500 gallons per day and will receive flows from Pump Station No. 2 and the gravity sewer system that will serve Echo Valley Lane, Battles Lane, Meadow Lane, Crum Creek Lane, Partridge Lane, Fox Hill Lane and portions of Goshen and Boot Roads. The Goshen Road Pump Station's force main will extend to a gravity manhole to be located in Goshen Road. This manhole is associated with the Ashford Development. Flows from the Goshen Road Pump Station are ultimately tributary to the Ashford Pump Station.

iv. The Ashford Pump Station will be expanded to accommodate an annual average flow of 207,500 gallons of sewage per day. The Ashford Pump Station will receive sewage from Pump Station Nos. 1-3, the Episcopal Academy campus and the Ashford Subdivision. The Ashford Pump Station's location and force main route remain unchanged from the March 2, 2012, DEP planning module approval of the Ashford Subdivision.

b. Camelot Pump Station Service Area: All proposed sewage facilities within the Camelot Pump Station Ser-



vice Area are depicted on the plan titled Camelot P. S. Service Area—Opt. 2, prepared by Herbert E. MacCombie, Jr., P.E. Consulting Engineers and Surveyors, Inc., dated February 11, 2013. The proposed improvements are described as follows:

i. The Olde Masters Pump Station, a.k.a. Pump Station No. 4, will be located on the Olde Masters property, northwest of the Garrett Williamson Tract and west of Florida Park. Pump Station No. 4 will have annual average design flows of 211,910 gallons per day and will receive flows from the gravity sewer lines that will serve the Newtown Business Center, the Olde Masters Site, the Marville Property, Florida Park, Boot Road and a portion of Campus Drive. The Olde Masters Pump Station's force main will discharge to a proposed gravity sewer in Campus Boulevard.

ii. The Springton Pointe Estates Pump Station, a.k.a. Pump Station No. 5, will be located at the site of the Springton Pointe Estates Wastewater Treatment Facility, which will be decommissioned. Pump Station No. 5 will have annual average design flows of 285,860 gallons per day and will accept flows from a portion of Campus Boulevard, the gravity sewer system serving the Springton Pointe Estates Development and the Hunters Run Development. The community on-lot sewage disposal system that currently serves the Hunters Run Development will also be decommissioned.

iii. The Camelot Pump Station will be expanded to accommodate an annual average flow of 535,860 gallons of sewage per day. The Camelot Pump Station will accept flows from Pump Stations 4 and 5. The pump station's force main is tributary to an existing CDCA manhole located at the intersection of Route 252 and Media Line Road.

2. The Township will implement a sewage management program (SMP). The SMP is described in the draft Chapter 130, Article III of the Newtown Township code. The draft code revision will address the proper operation and maintenance of on-lot sewage disposal systems, sewage grinder pumps and sewage holding tanks. The draft code revision is included with Appendix P of the Plan.

Newtown Township should coordinate sewer extension projects with CDCA in order to assure that adequate capacity exists in CDCA's infrastructure to accept new flows prior to adding connections to the CDCA system.

The Newtown Township Sewer Authority must secure Clean Streams Law permits from the Department for the construction and operation of the proposed sewage facilities.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

*Plan Location: Lower Macungie Township Official Sewage Facilities Update*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Macungie Township	3400 Brookside Road Macungie, PA 18062	Lehigh County

*Plan Description:* The proposal covers the areas of the township which utilize on-lot sewage disposal systems and consists of the implementation of an On-lot Sewage Management Program for the regular inspection, maintenance, and rehabilitation of on-lot sewage disposal systems. The Plan provides for the continued use of on-lot sewage disposal systems in areas outside of the design-

ated public sewer service area. The Plan also revises the public sewer area to include existing developments with public sewer into the current public sewer area and proposed developments with public sewer into the future public sewer area.

The township's Sewage Management Program will include the following:

- Adoption of an On-lot Sewage Management Plan Ordinance effective on January 1 of the year after the Plan Revision is approved by PA DEP. The Ordinance will regulate the inspection, maintenance, repair, and rehabilitation of existing and future on-lot sewage disposal systems. Property owners in the on-lot planning area of the township will be required to have their septic tanks cleaned out by pumping by a township registered pumper/hauler at least once every five (5) years and submit copies of the septic tank inspection form to the township. The Ordinance will also provide for enforcement and penalties for violations of the ordinance.

- Distribution of public information materials to residents living within the sewer management districts by township mailings and newsletter, such as a description of a properly functioning on-lot sewage disposal system, information on water conservation practices and devices to reduce hydraulic loading of the sewage disposal system and the septic tank inspection form.

- Review and inspections of new construction system installations or repairs/replacements of existing systems.

- The township will implement a schedule whereby property owners shall be notified, in advance, that they shall be required to have their septic tanks pumped. The pumping will be scheduled using five sewer management districts and shall start with sewage management district 1, followed by districts 2, 3, 4, and 5, after which the pumping cycle will be repeated. After notification by the township, all property owners must have their tanks pumped by December 31 of the notification year. A map showing the properties within the various sewer management districts is on file at the township office.

This Plan is approved with the following condition: It is now Lower Macungie Township's responsibility to implement the 537 Plan in accordance with the schedules contained in the Plan.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Union Township	P. O. Box 295 Shepton, PA 18248	Schuylkill

*Plan Description:* The Corrective Action Plan (CAP), submitted as a plan update revision to East Union Township's (Township) Official Sewage Facilities Plan, proposes a systematic investigation that will identify and propose corrective measures for portions of the Township's wastewater collection system that may be subject to excessive amounts of infiltration/inflow (I/I). The CAP is also intended to reduce hydraulic/organic overloading at the East Union Township Sewer Authority's Wastewater Treatment Facility. The CAP also contains an implementation schedule for its investigative activities. The CAP is now to be considered an integral part of the Township's Official Sewage Facilities Plan.

Should conditions be encountered during the implementation of the CAP, which require the alteration of the approved CAP, the Township and Authority shall contact the Department, in writing, and discuss the need to alter

the CAP at the earliest possible time. Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the CAP must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Donegal Township	One Municipal Drive, Elizabethtown, PA 17022	Lancaster

*Plan Description:* The approved plan provides for the adoption of an On-Lot Disposal System (OLDS) Mandatory Pumping Ordinance and Updated Holding Tank Ordinance, along with a review of the operation of the existing OLDS in the Furnace Hills/Cedar Hills area at two (2) year intervals with the agreement to extend public sewers to this area if warranted. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act**

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lemon Township	2 Tague Road Tunkhannock, PA 18657	Wyoming
Tunkhannock Township	113 Tunkhannock Township Drive Tunkhannock, PA 18657	Wyoming

*Plan Description:* The Department disapproved Lemon Township / Tunkhannock Township, Wyoming County, Act 537 Sewage Facilities Plan Update, dated January 2013, on August 28, 2013. The disapproved Plan Update proposed: (1) a low pressure sewage collection system around Lake Carey and a wastewater treatment plant near the South Branch of the Tunkhannock Creek (Area 1); (2) a sewage collection system for Area 2 with discharge to the Tunkhannock Borough Municipal Authority's Wastewater Treatment Plant, and (3) a sewage management program for Areas 3, 4, and 5. The Plan was disapproved because: (1) the Townships' Resolutions contained conditional language such that the selected alternative will be constructed if certain conditions are met; (2) the Public Notice stated that the Area 1 project is conditioned on obtaining affordable financing terms and the user fees were not included; and (3) the technical deficiencies as stated in the Department's July 16, 2013 and August 28, 2013 letters.

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

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

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

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

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**US Silica Company/Mapleton Depot Site**, 12942 Oriskany Road, Mapleton Depot, PA, Brady Township, **Huntingdon County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of US Silica Company, 8490 Progress Drive, Suite 300, Frederick, MD 21701 submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with diesel fuel and gasoline. The site is being remediated to the Site Specific standard.

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

**Buchheit #5 Site**, Washington Church Road, Rayne Township, **Indiana County**. EP&S of Vermont, Inc. 5100 Paxton Street, Harrisburg PA 17111, on behalf of XTO

Energy, Inc. 395 Airport Road, Indiana PA 15701, submitted a Final Report concerning remediation of site soils contaminated from a release of brine water from a crack in a 4200 gallon AST. The report is intended to document remediation of the site to meet the residential statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

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

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

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Winebrenner Transfer, Inc.**, I-81 Spill, 1217 Willow Mill Road, Mechanicsburg, PA 17055, Silver Spring Township, **Cumberland County**. URS Corporation, 4507 North Front Street, Suite 200, Harrisburg, PA 17110, on behalf of Winebrenner Transfer, Inc., 15109 National Pike, Hagerstown, MD 21740, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 17, 1013.

### MUNICIPAL WASTE GENERAL PERMITS

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

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

**General Permit No. WMGM046. Tully Environmental, Inc. d/b/a ANS Environmental**, 127-50 Northern Boulevard, Flushing, NY 11368-1520; Site: 200 East Main Street, Good Spring, PA 17981. The general permit authorizes a mobile biosolids processing facility to blend and mix Class B biosolids with an alkaline agent and further process to achieve an exceptional quality end product to beneficially use for land application. The permit was issued by Central Office on August 18, 2013.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit Application No. 101678. Tri-County Landfill Inc.**, 159 TCI Park Drive, Grove City, PA 16127, Liberty and Pine Townships, **Mercer County**. The application was to re-open and expand the closed Tri-County Landfill. This application was denied based on compliance history and a Land Use conflict. The permit was denied by the Northwest Regional Office on September 19, 2013.

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**Permits issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 100345. Delaware County Solid Waste Authority (Rolling Hills Landfill).** 583 Longview Road, Boyertown, PA 19512-7955, located in Earl Township, **Berks County**. This major permit modification is issued to amend the leachate treatment plan. This modification was issued on September 12, 2013, for Solid Waste Permit No. 100345 for the operation of the Rolling Hills Landfill, in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

**Applications deemed administratively complete under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200*

**Permit No. 100944 Chester County Solid Waste Authority** 7224 Division Highway, Narvon, PA 17555-9505. The application submitted is to renew the permit for the Lanchester Landfill, which will expire on July 1, 2014. The landfill is located in Caernarvon & Salisbury Townships, **Lancaster County**, and Honey Brook Township, **Chester County**. The application was deemed administratively complete by the Southcentral Regional Office on September 23, 2013. The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

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

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

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

**GP14-09-0136: Orchard Hill Memorial Park, Inc.** (dba Abbey Glen Pet Memorial Services) (80 Kelly Road, Quakertown, PA 18951) on September 17, 2013, was authorized to operate six (6) animal human crematory Units in Richland Township, **Bucks County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**GP4-2-22-03042: Edwin L. Heim Company** (PO Box 2247, Harrisburg, PA 17105) on September 19, 2013, for a burn-off oven, under GP4, at their motor and pump parts

manufacturing facility in the City of Harrisburg, **Dauphin County**. The GP4 authorization was renewed.

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

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

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

**46-0001: JBS Souderton, Inc.** (741 Souder Road, Souderton, PA 18964) on September 17, 2013, to install a new 48.28 MMBtu/hr gaseous-fired Johnston Boiler (Source ID 040) at the rendering plant in Franconia Township, **Montgomery County**. The boiler will be equipped with a low-NO<sub>x</sub> boiler and flue gas recirculation. JBS is a major source of Nitrogen Oxide (NO<sub>x</sub>) emissions, currently operating under TVOP No. 46-00001. The installation will not trigger New Source Review or Prevention of Severe Deterioration for any criteria pollutant, including Greenhouse Gases. The source is not subject to Compliance Assurance Monitoring pursuant to 40 CFR Part 64 because the potential pre-control NO<sub>x</sub> emissions are less than the major facility threshold for the Philadelphia Consolidated Metropolitan Statistical Area (25 tpy). The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**31-05005D5: Containment Solutions, Inc.** (14489 Croghan Pike, Mount Union, PA 17066) on September 26, 2013, for incorporation of relevant provisions from 40 CFR 63, Subpart DDDDD, into the air quality permit for the fiberglass reinforced underground storage tank manufacturing facility in Shirley Township, **Huntingdon County**.

**21-05039B: Land O' Lakes, Inc.** (405 Park Drive, Carlisle, PA 17015) on September 20, 2013, for the reactivation of a milk powder storage bin and reconstruction of its associated fabric filter emissions control unit in South Middleton Township, **Cumberland County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**32-00428A: Creps United Publications, LLP** (1163 Water Street, Indiana, PA 15701) on September 17, 2013, to allow the construction and temporary operation of a new commercial printing facility including four heatset web offset lithographic printing presses controlled by two regenerative thermal oxidizers and located at the Windy Ridge Industrial Park in White Township, **Indiana County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**15-0035A: SABIC Innovative Plastics U.S. LLC.** (251 South Bailey Road, Thorndale, PA 19335) on September 14, 2013, to operate a burn-off oven in Caln Township, **Chester County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**38-05028C: Bemis Performance Packaging, Inc.** (5 Keystone Drive, Lebanon Valley Business Park, Lebanon, PA 17042-9791) on September 17, 2013, to install two (2) rotogravure printing presses, two (2) additional regenerative thermal oxidizers, and a wax coater at their facility in South Lebanon Township, **Lebanon County**. The Title V plan approval also removes the synthetic minor facility VOC limit from State-Only Permit No. 38-05028 for existing sources at their facility. The plan approval was extended.

**06-05002H: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522) on September 19, 2013, to install SNCR NO<sub>x</sub> controls on the two (2) cement kilns at their cement manufacturing facility in Maiden Creek Township, **Berks County**. The plan approval was extended.

**06-05105B: Green Gas Pioneer Crossing Energy, LLC** (4251 SW High Meadows Avenue, Palm City, Florida 34990-3726) on September 20, 2013, for the addition of two (2) landfill gas-fired reciprocating internal combustion engines (2,233 HP each) to power two 1,600 KW electric generators at the landfill gas to energy facility at their Pioneer Crossing Landfill in Exeter Township, **Berks County**. The plan approval was extended.

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

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

**49-00064A: Polar Tech Industries of PA, Inc.** (1017 West Valley Avenue, Elysburg, PA 17821) on September 14, 2013, to extend the authorization to operate an expandable polystyrene foam processing operation at their facility in Ralpho Township, **Northumberland County** on a temporary basis to March 13, 2014. The plan approval has been extended.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**26-00579A: Tri-State Bio Fuels, LLC** (Thomson Recovery Road, Lemont Furnace, PA 15456) on September 23, 2013, for a plan approval extension effective October 1, 2013, with an expiration date of April 1, 2014, for their Lemont Pellet Plant, a wood pellet manufacturing plant in North Union Township, **Fayette County**. The plan approval has been extended.

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

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

**24-131P: SGL Carbon LLC** (900 Theersia Street, St Marys, PA 15857) on September 18, 2013, effective September 30, 2013, to issue a plan approval extension for the installation of a control device to five (5) graphitizing furnaces so they can be used as purification/graphitization furnaces for the facility located in the City of St Marys, **Elk County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**09-00104: Daniel C. Tanney, Inc.** (3268 Clive Avenue, Bensalem, PA 19020) on September 17, 2013, for operation of a fabricated metal products manufacturing plant in Bensalem Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The facility does not have the potential to exceed major facility threshold levels; therefore the facility is a Natural Minor. This action is a renewal of the State Only Operating Permit. There are no new sources at the facility and there are no new applicable regulations for the facility. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**09-00109: Bucks County SPCA** (1665 Street Road, Lahaska, PA 18931) on September 20, 2013, for operation of an animal crematorium at their facility in Solebury Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The facility has a potential to emit less than 25 tons per year of NO<sub>x</sub>; the facility is a Natural Minor. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**67-03032: York Housing Authority** (31 South Broad Street, York, PA 17403-5648) on September 18, 2013 for the residential waste incinerators at the residential public housing complex in York City, **York County**. The State-only permit was renewed.

**21-03023: Ames True Temper, Inc.** (465 Railroad Avenue, Camp Hill, PA 17011-5611) on September 17, 2013 for their lawn and garden tool manufacturing facility in Hampden Township, **Cumberland County**. The State-only permit was renewed.

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

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

**41-00050: Appellation Pre-Fab, LLC** (738 Fairfield Road, Montoursville, PA 17754-8324) on September 13, 2013, was issued a state only operating permit for their Williamsport Plant in Woodward Township, **Lycoming County**. The facility's sources include one (1) shotblast metal cleaning operation, one (1) Rotoblast metal cleaning operation, one (1) metal surface coating operation and miscellaneous space heaters. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**25-01008: McInnes Rolled Rings—Erie** (1533 East 12th Street, Erie, PA 16511) on September 17, 2013, to issue a Natural Minor Operating Permit to this iron and steel forging facility in the City of Erie, **Erie County**. The facility's primary emissions are from the sixteen (16) furnaces used to heat metal parts for the forging or heat treating operations. Emissions of criteria pollutants are below the major source levels.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05007: Carpenter Technology Corp.** (101 Bern Street, Reading, PA 19601) on September 16, 2013, for their specialty steel manufacturing facility in Reading City, **Berks County**. The Title V permit underwent a minor modification to replace two (2) existing Tysaman Grinders with a single Vulcan Grinder, controlled by existing baghouse C17. The new grinders, Source 123,

will be subject to CAM. Baghouse C17 will have the added option to use PTFE-lined bags. The minor modification also includes an administrative amendment to incorporate the provisions of Plan Approval No. 06-05007N.

**36-03161: Compass Quarries, Inc.—dba Independence Construction Materials** (47 McLlvaine Road, PO Box 130, Paradise, PA 17562) on September 11, 2013, for their stone crushing plant operations in Paradise Township, **Lancaster County**. The State-only permit was administratively amended to incorporate the provisions of Plan Approval No. 36-03161B.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**10-00021: INDSPEC Chemical Corp.** (133 Main Street, Petrolia, PA 16050) for their facility in Petrolia Borough, **Butler County**. The de minimis emission increase is due to the temporary use of a propane heating system to remove waste resins from the String Cooler Train. The Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the April 4, 2012, issuance date of Title V Operating Permit 10-00021, INDSPEC Chemical Corporation has notified the Department of the following de minimis emission increases at the facility:

<i>Date</i>	<i>Source</i>	<i>PM<sub>10</sub> (tons)</i>	<i>SO<sub>x</sub> (tons)</i>	<i>NO<sub>x</sub> (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
9-18-13	Temp replacement of String Cooler Train	0.013	0.002	0.256	0.018	0.238
Total Reported Increases		0.013	0.002	0.256	0.018	0.238
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/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; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

*Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Deborah Ferenci)*

**30841307 and NPDES No. PA0213438. Emerald Coal Resources, LP**, (PO Box 1020, 158 Portal Rd., Waynesburg, PA 15370). To renew the permit and related NPDES permit and to revise the permit for the Emerald Mine No. 1 in Franklin and Whiteley Townships, **Greene County** to perform stream remediation to Mt. Phoebe Run along Township Road 483 and to Dutch Run along Township Road 570 if pooling occurs from longwall mining. The application was considered administratively complete on March 2, 2006. Application received January 6, 2006. Permit issued September 16, 2013.

**32841302 and NPDES No. PA0007803. Pennsylvania Mines, LLC**, (2 North 9th Street, Allentown, PA 18101). To renew the permit for the Greenwich North #1/South #2 Mine in Green and Montgomery Townships, **Indiana County** and Susquehanna Township, **Cambria County** and related NPDES permit for reclamation only. Receiving stream: South Branch Two Lick Creek, classi-

fied for the following use: HQ-CWF. The application was considered administratively complete on May 19, 2011. Application received December 17, 2010. Permit issued September 18, 2013.

**56061301 and NPDES No. PA0235709. RoxCOAL, Inc.**, (PO Box 149, Friedens, PA 15541). To renew the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** and related NPDES permit. Includes renewal of Air Quality GPA/GP12 authorization. Approval is authorized under General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56061301-R10. No additional discharges. The application was considered administratively complete on January 24, 2013. Application received August 29, 2012. Permit issued September 19, 2013.

**56061301. RoxCOAL, Inc.**, (PO Box 149 Friedens, PA 15541). To revise the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 357.6, Subsidence Control Plan Acres Proposed 185.1. No additional discharges. The application was considered administratively complete on April 3, 2013. Application received November 9, 2012. Permit issued September 19, 2013.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**Permit No. 32090101 and NPDES No. PA0262731. Britt Energies, Inc.**, P. O. Box 515, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 43.3 acres. Receiving streams: unnamed tributary to/and Sulfur Run to Kiskiminetas River classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2013. Permit Issued September 16, 2013.

**Permit No. 32120102, NPDES No. PA0269026 and General Permit GP-12-32120102, Amerikohl Mining, Inc.**, 1384 State Route 711, Stahlstown, PA 15687, revision of an existing bituminous surface mine to obtain coverage for coal processing under air quality general permit GP-12 in Brush Valley and Center Townships, **Indiana County**, affecting 80.0 acres. Receiving streams: unnamed tributaries to laurel Run, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received July 8, 2013. Permit Issued September 17, 2013.

**Permit No. 32120103 and NPDES No. PA0269093, Beth Contracting, Inc.**, 815 Rock Run Road, Glen Campbell, PA 15742, commencement, operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 36.0 acres. The permit includes approval of a variance to relocate and restore a section of unnamed tributary #1 to Horton Run, which is currently affected by abandoned mine lands. The permit also includes approval to affect and restore 0.078 acre of wetlands. The permit includes Chapter 105 authorizations to conduct the stream and wetlands encroachment activities and also includes Clean Water Act Section 401 certification for those activities. Receiving streams: unnamed tributary #1 to/and Cush Creek and unnamed tributary #1 to/and Horton Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received July 6, 2012. Permit issued September 18, 2013.

**Permit No. 56900109 and NPDES No. PA0598887, PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface mine to add approximately six (6) acres of additional open pit mining area and thirty-three (33) acres of highwall mining acreage. The revision also includes additional mining area within 100 feet of Township Route T-646. This request includes a variance approval from the township in Quemahoning and Somerset Townships, **Somerset County**, affecting 48.2 acres. Receiving stream: Wells Creek classified for the following use: warm water fishery. The first downstream potable water supply intake from the point of discharge is potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received October 4, 2011. Permit Withdrawn September 17, 2013.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner)*

**17900104 and NPDES PA0116939. RES Coal LLC (8912 Clearfield-Curwensville Highway**, Clearfield, PA 16830). Transfer of an existing bituminous surface mine from Hepburnia Coal Company (P. O. Box 1, Grampian, PA 16838) located in Brady and Bell Townships, **Clearfield County** affecting 537.6 acres. Receiving streams: Buck Run and Beech Run and Unnamed Tributaries to Beech Run classified for High Quality Waters—Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 4, 2013. Permit issued: September 12, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly)*

**49870202R5 and NPDES Permit No. PA0593834. Susquehanna Coal Company**, (PO Box 27, Nanticoke, PA 18643), renewal of an existing anthracite coal refuse reprocessing, coal refuse disposal and preparation plant operation in Mt. Carmel and Coal Townships, **Northumberland County** affecting 788.0 acres, receiving stream: Coal Run. Application received: February 23, 2012. Renewal issued: September 19, 2013.

**13060101R. Keystone Anthracite Marketing Corp. d/b/a KAMC**, (PO Box 273, Danville, PA 17821), renewal of an existing anthracite surface mine operation in Nesquehoning Borough, **Carbon County** affecting 189.1 acres, receiving stream: Nesquehoning Creek. Application received: February 24, 2012. Renewal issued: September 19, 2013.

**13060101GP104. Keystone Anthracite Marketing Corp. d/b/a KAMC**, (PO Box 273, Danville, PA 17821), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 13060101 in Nesquehoning Borough, **Carbon County**, receiving stream: Nesquehoning Creek. Application received: July 30, 2013. Permit issued: September 19, 2013.

**49920101R4. Blaschak Coal Corp.**, (PO Box 12, Mahanoy City, PA 17848), renewal of an existing anthracite surface mine operation in Coal Township, **Northumberland County** affecting 1016.0 acres, receiving stream: unnamed tributaries to Shamokin Creek. Application received: March 21, 2013. Renewal issued: September 19, 2013.

**49920101GP104R. Blaschak Coal Corp.**, (PO Box 12, Mahanoy City, PA 17848), renewal of General NPDES Stormwater Permit for stormwater discharges associated

with mining activities on Surface Mining Permit No. 49920101 in Coal Township, **Northumberland County**, receiving stream: unnamed tributaries to Shamokin Creek. Application received: March 21, 2013. Renewal issued: September 19, 2013.

*Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**Permit No. 01740601 and NPDES No. PA0594407, Valley Quarries, Inc.**, P. O. Box 2009, Chambersburg, PA 17201, renewal of NPDES permit, Cumberland Township, **Adams County**. Receiving stream: Rock Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 13, 2013. Permit Issued September 17, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly)*

**19112801. Zeisloft Equipment Rentals**, (185 West Hillcrest Drive, Bloomsburg, PA 17815), commencement, operation and restoration of sand & gravel quarry operation in Orange Township, **Columbia County** affecting 3.0 acres, receiving stream: Fishing Creek. Application received: August 26, 2011. Permit issued: September 17, 2013.

**19112801GP104. Zeisloft Equipment Rentals**, (185 West Hillcrest Drive, Bloomsburg, PA 17815), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 19112801 in Orange Township, **Columbia County**, receiving stream: Fishing Creek. Application received: August 26, 2011. Permit issued: September 17, 2013.

*Noncoal Permits Returned*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti)*

**Permit No. 4273SM6A2 and NPDES No. PA0212555, Grannas Brothers Stone & Asphalt Co., Inc.**, P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES permit, Frankstown Township, **Blair County**. Receiving stream: unnamed tributaries to Brush Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received August 29, 2013. Application returned September 16, 2013.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500, (Contact: Cathy Hillman)*

**63134002. Discovery Acquisitions Services, Inc.** (4141 Katy Hockley Road, Katy, TX 77493). Blasting activity permit to conduct seismic activity for the Wash-

ington 2D located in Chartiers Township, **Washington County**. The duration of blasting is expected to last three months. Blasting permit issued: September 18, 2013.

**26134003. Demtech LLC** (2500 South Noah Drive, Saxonburg, PA 16056). Blasting activity permit for Phase 2 demolition of the Rt. 21 Masontown Bridge, located in Masontown Borough, **Fayette County**. The duration of blasting is expected to last three months. Blasting permit issued: September 18, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly)*

**23134001. Explo-Craft, Inc.**, (PO Box 1332, West Chester, PA 19380), construction blasting for the Thomas Nacney Foundation Rock Removal in Radnor Township, **Chester County** with an expiration date of December 31, 2013. Permit issued: September 18, 2013.

**22134107. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Deer Run Development in Derry Township, **Dauphin County** with an expiration date of September 10, 2014. Permit issued: September 18, 2013.

**58134153. DW Drilling & Blasting**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Keiler Gas Pad in Lathrop Township, **Susquehanna County** with an expiration date of September 12, 2014. Permit issued: September 18, 2013.

**58134156. DW Drilling & Blasting**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Marcho Gas Pad in Gibson Township, **Susquehanna County** with an expiration date of September 12, 2014. Permit issued: September 18, 2013.

**23134108. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Edgemont National Guard Center in Edgemont Township, **Delaware County** with an expiration date of September 17, 2014. Permit issued: September 19, 2013.

**58134154. DW Drilling & Blasting**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Bennett Gas Pad in Jessup Township, **Susquehanna County** with an expiration date of September 12, 2014. Permit issued: September 19, 2013.

**58134155. DW Drilling & Blasting**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Grosvenor Gas Pad in Brooklyn and Dimock Townships, **Susquehanna County** with an expiration date of September 12, 2014. Permit issued: September 19, 2013.

**58134157. DW Drilling & Blasting**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Daniels Gas Pad in Gibson Township, **Susquehanna County** with an expiration date of September 13, 2014. Permit issued: September 19, 2013.

**58134158. Midstream Explosives, LLC**, (289 Southside Drive, Newville, PA 17241), construction blasting for Millard Pipeline Project in Lenox Township, **Susquehanna County** with an expiration date of September 17, 2014. Permit issued: September 19, 2013.

**FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water



Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

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

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.*

**E35-446. SLIBCO**, 222 Mulberry Street, Scranton, PA 18501. Jessup Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To place and maintain fill in a 0.08 acre isolated water body and a de minimus area of fringe PEM wetlands equal to 0.01 acre. The activity is associated with completing the construction of a building pad located on Lot 15 in the Valley View Business Park. The project is located at the intersection of Valley View Drive and State Route 247 (Olyphant, PA Quadrangle, Latitude: 41°27' 13.8"; Longitude: -75°33' 20.6") in Jessup Borough, Lackawanna County. Subbasin: 5A

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

**E36-913: James Houser**, 1542 Lampeter Road, Lancaster, PA 17602-1717 in West Lampeter Township, **Lancaster County**, ACOE Baltimore District

To 1.) remove an existing 162.0-foot long, 12.0-inch diameter, smooth-lined, corrugated plastic pipe stream enclosure, 2.) install and maintain a 164.0-foot long, 30.0-inch diameter, 1.0-foot depressed, smooth-lined, corrugated plastic pipe stream enclosure, relocating an unnamed tributary to Big Spring Run (WWF), permanently impacting 0.01 acre of palustrine emergent wetland for the purpose of constructing a residential subdivision. The project is located near the intersection of Lampeter Road and Pioneer Road (Latitude 39°59'53", Longitude -76°14'27") in West Lampeter Township, Lancaster County. The amount of wetland impact is considered a de minimus impact of 0.01 acre and wetland mitigation is not required.

**E36-917: Lancaster County Commissioners**, 150 North Queen Street, Lancaster, PA 17603 in Marietta Borough and West Hempfield Township, **Lancaster County**, ACOE Baltimore District

To 1.) construct and maintain a 117 foot long, 15 foot, two inch wide, 3 span, pre-stressed concrete adjacent box beam pedestrian bridge on existing piers over Chiques Creek (WWF, MF); 2.) place and maintain 25 cubic yards of fill in the floodplains of Chiques Creek (WWF, MF) and the Susquehanna River (WWF, MF), for the purpose of providing a safe connection between the recreation trail network south of Chiques Creek and the recreation trail network north of Chiques Creek. The project is located approximately 1/2 mile south of the intersection of S.R. 441 and SR 23 (Latitude 40°03'18", Longitude -76°31'37") in West Hempfield Township and Marietta Borough, Lancaster County. No wetlands will be impacted by this project.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E26-366. Dunbar Borough/Township Sanitary Authority**, 93 Connellsville Street, Dunbar, PA 15431, Dunbar Borough and Dunbar Township, **Fayette County**; ACOE Pittsburgh District.

Applicant has been given consent to construct and maintain eight (8) utility line stream crossings of various watercourses within the Gist Run watershed basin (TSF), including Gist Run, several unnamed tributaries to Gist Run and Ferguson Run, which will cumulatively impact approximately 240 linear feet of these various watercourses; to construct, maintain and eventually remove six (6) temporary road crossings of some of the aforementioned watercourses, which will temporarily affect approximately 180 linear feet of these watercourses; to construct and maintain twelve (12) utility line crossings of wetland area (EV and PEM or PSS), which will cumulatively affect approximately 1.83 acres of wetland; for the purpose of collecting and conveying sewage from numerous, on-lot septic systems and an existing, malfunctioning waste water treatment plant, which will be eliminated, to another waste water treatment plant that will be expanded. The project location is roughly centered along U.S. Route 119, near the Connellsville Airport, in Dunbar Borough and Dunbar Township, Fayette County (Uniontown, PA Quadrangle; N: 16.13 inches; W: 3.21 inches; Latitude: 39° 57' 49.7"; Longitude: 79° 38' 52.5").

**E56-369. Pennsylvania Department of Transportation—District 9-0**, 1620 North Juniata Street Hollidaysburg, PA 16648, Salisbury Borough and Elk Lick Township, **Somerset County**; ACOE Pittsburgh District.

Applicant has been given consent to remove the existing SR 669, two lane, 25.7 ft total width, three span bridge having a total clear span length of 125 ft, and having a minimum underclearance of 13.9 ft; and to construct and maintain adjacent to and upstream of the existing bridge a two span, two lane, 33.4 ft width replacement bridge having a total clear span length of 152 ft, and having a minimum underclearance of 14.52 ft over the Casselman River (WWF) with a drainage area of 96 square miles; place and maintain fill in a de minimis 0.04 acre PEM/PSS wetland. In addition, the project includes temporary encroachments for construction and demolition, and encroachments associated with modification or replacement of stormwater facilities from the road alignment adjustment and new bridge. The PennDot improvement and relocation project extends between Salisbury Borough and Elk Lick Township (Myersdale Quadrangle; N: 0.9 inch, W: 13.3 inches; Latitude 39° 45' 36" and Longitude 79° 5' 0") in Somerset County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E27-087, Hickory Township**, P. O. Box 44, Endeavor, PA 16353 in Hickory Township, **Forest County**, ACOE Pittsburgh District

to construct and maintain a 22 feet long wetland crossing, consisting of an 8 inch diameter pipe installed 4 feet deep via open trench and a install an approximately 10 feet long parallel outfall structure (8 inch diameter perforated pipe) to East Hickory Creek. The outfall structure will be set at a minimum base depth of 4 feet with an approximate setback of 2 feet from the top of bank. Another wetland will be crossed with 42 feet of 2 inch diameter water line. Four unnamed tributaries to East Hickory Creek will also be crossed with 8 inch diameter pipe via open cut and directional bore. The structures are associated with a new public wastewater system to service the Endeavor area (West Hickory, PA Quadrangle N: 41°, 35', 20.2"; W: -79°, 23', 12.4").

*Central Office: Bureau of Waterways Engineering and Wetlands, 400 Market Street, Floor 3, PO Box 8460, Harrisburg, PA 17105-8460*

**MB9915-0001. First Pennsylvania Resource LLC**, 380 Southpointe Blvd, #405, Canonsburg, PA 15317. Statewide Coverage, ACOE Baltimore, Philadelphia and Pittsburgh Districts.

To provide compensatory mitigation to meet third party aquatic resource compensation obligations as established through site specific permits issued pursuant to Chapter 105, in a comprehensive approach to ensure aquatic resource compensatory mitigation obligations are satisfied within the Commonwealth of Pennsylvania. This consent does not include the authority to construct, restore or enhance a specific aquatic resource improvement site. The construction and maintenance of specific aquatic resource improvement site(s) will occur under separate application and review. This consent is specific to the conditions under which the permittee may operate to provide third party compensatory mitigation to meet Chapter 105 requirements within the Commonwealth. This action also includes approval and authority to operate the aquatic resource improvement site previously constructed under Water Obstruction and Encroachment Permit MB9915-0001a as an aquatic resource compensatory mitigation bank site in accordance with the terms and conditions of this permit. This activity was not subject to 401 Water Quality Certification and a certification was not processed.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4029-001 Amendment. Williams Field Services Company, LLC.**, 2800 Post Oak Blvd, Houston, TX 77056; Dallas and Franklin Townships, **Luzerne County**, ACOE Baltimore District.

To operate and maintain:

1. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 6 lineal feet of an unnamed tributary to Trout Brook (CWF-MF, NRT) (Kingston, PA Quadrangle: Latitude 41° 20' 44"; Longitude -75° 56' 26"),

2. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 104 square feet (0.01 acre) of a PFO wetland (Kingston, PA Quadrangle: Latitude 41° 21' 18"; Longitude -75° 56' 08"),

3. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 5,010 square feet (0.12 acre) of a PFO wetland (Kingston, PA Quadrangle: Latitude 41° 21' 18"; Longitude -75° 56' 09"),

4. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 823 square feet (0.02 acre) of a PFO wetland (Kingston, PA Quadrangle: Latitude 41° 21' 36"; Longitude -75° 56' 05"),

5. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 2,134 square feet (0.05 acre) of a PFO wetland (Center Moreland, PA Quadrangle: Latitude 41° 23' 22"; Longitude -75° 55' 24"),

6. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 2,426 square feet (0.06 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 23' 42"; Longitude -75° 55' 15"),

7. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 4,643 square feet (0.11 acre) of a PFO wetland (Center Moreland, PA Quadrangle: Latitude 41° 24' 09"; Longitude -75° 54' 59").

This permit was previously approved by the Department, and published on August 20, 2011, as an action. The project consists of the operation and maintenance of a 24 inch natural gas gathering pipeline from a point (Latitude 41° 42' 47", Longitude 75° 55' 05") North of Springville, PA in the county of Susquehanna to a point (Latitude 41° 20' 43", Longitude 75° 56' 30") Northeast of Dallas, PA in the county of Luzerne where it joins the Transco Pipeline. The Luzerne County section will result in 6 lineal feet of stream impacts, 2,426 sq. ft. (0.06 acre) of temporary wetlands impacts, and 12,714 sq. ft. (0.29 acre) of wetland conversion impacts. This permit is associated with permits E5829-002 and E6629-001, all for the purpose of conveying Marcellus Shale natural gas from northern gas fields to market. These impacts are in addition to those previously authorized by the Department.

**E6629-001 Amendment. Williams Field Services Company, LLC.**, Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Eaton, Lemon, Nicholson, Northmoreland, and Tunkhannock Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,923 square feet (0.04 acre) of a PFO wetland (Center Moreland, PA Quadrangle: Latitude 41° 24' 38"; Longitude -75° 55' 12"),

2. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 33,325 square feet (0.77 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 24' 54"; Longitude -75° 55' 23"),

3. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 6,521 square feet (0.15 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 25' 39"; Longitude -75° 55' 31"),

4. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 4,795 square feet (0.11 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 25' 44"; Longitude -75° 55' 45"),

5. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 7,227 square feet (0.17 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 27' 22"; Longitude -75° 55' 41"),

6. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 154 lineal feet of an unnamed tributary to Martin Creek (CWF-MF) (Center Moreland, PA Quadrangle: Latitude 41° 27' 26"; Longitude -75° 55' 42"),

7. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 81 lineal feet of an unnamed tributary to Martin Creek (CWF-MF) (Center Moreland, PA Quadrangle: Latitude 41° 27' 27"; Longitude -75° 55' 42"),

8. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,743 square feet (0.13 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 27' 33"; Longitude -75° 55' 26"),

9. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 2,527 square feet (0.06 acre) of a PSS wetland (Center Moreland, PA Quadrangle: Latitude 41° 29' 06"; Longitude -75° 55' 14"),

10. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,390 square feet (0.03 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 29' 43"; Longitude -75° 55' 34"),

11. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 6,066 square feet (0.14 acre) of a PSS wetland (Tunkhannock, PA Quadrangle: Latitude 41° 31' 08"; Longitude -75° 53' 58"),

12. a 24 inch diameter natural gas gathering pipeline impacting 125 lineal feet of the Billings Mill Brook floodway (CWF-MF, NRT) (Tunkhannock, PA Quadrangle: Latitude 41° 33' 22"; Longitude -75° 54' 58"),

12.a. a stream restoration project impacting 250 lineal feet of the Billings Mill Brook (CWF-MF, NRT) (Tunkhannock, PA Quadrangle: Latitude 41° 33' 22"; Longitude -75° 54' 58"),

13. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,588 square feet (0.13 acre) of a PSS wetland (Tunkhannock, PA Quadrangle: Latitude 41° 33' 32"; Longitude -75° 54' 51"),

14. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 311 lineal feet of an unnamed tributary to Billings Mill Brook (CWF-MF, NRT) (Tunkhannock, PA Quadrangle: Latitude 41° 33' 52"; Longitude -75° 54' 42"),

15. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 7,715 square feet (0.18 acre) of a PFO wetland (Tunkhannock, PA Quadrangle: Latitude 41° 33' 52"; Longitude -75° 54' 42"),

16. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 49 lineal feet of an unnamed tributary to Billings Mill Brook (CWF-MF, NRT) (Tunkhannock, PA Quadrangle: Latitude 41° 33' 53"; Longitude -75° 54' 41"),

17. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 994 square feet (0.02 acre) of a PEM wetland (Tunkhannock, PA Quadrangle: Latitude 41° 36' 49"; Longitude -75° 53' 03").

The project consists of installing a 24 inch natural gas gathering pipeline from a point (Latitude 41° 42' 47", Longitude 75° 55' 05") North of Springville, PA in the county of Susquehanna to a point (Latitude 41° 20' 43", Longitude 75° 56' 30") Northeast of Dallas, PA in the County of Luzerne where it will connect the Transco Pipeline. The Wyoming County section will result in 970 lineal feet of stream impacts, 59,995 sq. ft. (1.38 acre) of temporary wetlands impacts, and 23,819 sq. ft. (0.55 acre) of wetland conversion impacts. This permit is associated with permits E4029-001 and E5829-002, all for the purpose of conveying Marcellus Shale natural gas from northern gas fields to market.

**E5829-002 Amendment. Williams Field Services Company, LLC.**, Park Place Corporate Center, 2000 Commerce Drive, Pittsburgh, PA 15275; Springville Township, **Susquehanna County**, ACOE Baltimore District.

To operate and maintain:

1. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 676 square feet (0.02 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 38' 47"; Longitude -75° 52' 47"),

2. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 623 square feet (0.01 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 38' 48"; Longitude -75° 52' 49"),

3. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 70 lineal feet of an unnamed tributary to Monroe Creek (CWF-MF) (Hop Bottom, PA Quadrangle: Latitude 41° 39' 04"; Longitude -75° 52' 28"),

4. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,523 square feet (0.13 acre) of a PEM wetland (Hop Bottom, PA Quadrangle: Latitude 41° 39' 32"; Longitude -75° 52' 22"),

5. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 130 lineal feet of an unnamed tributary to Monroe Creek (CWF-MF) (Hop Bottom, PA Quadrangle: Latitude 41° 39' 33"; Longitude -75° 52' 23"),

6. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,509 square feet (0.03 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 41' 49"; Longitude -75° 52' 45"),

7. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 3,425 square feet (0.08 acre) of a PSS wetland (Springville, PA Quadrangle: Latitude 41° 41' 58"; Longitude -75° 53' 01"),

8. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 3,555 square feet (0.08 acre) of a PSS wetland (Springville, PA Quadrangle: Latitude 41° 41' 58"; Longitude -75° 53' 03"),

9. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,497 square feet (0.03 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 41' 59"; Longitude -75° 53' 09"),

10. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 2,311 square feet (0.05 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 42' 28"; Longitude -75° 54' 04").

The project consists of a 24 inch natural gas gathering pipeline from a point (Latitude 41° 42' 47", Longitude 75° 55' 05") North of Springville, PA in the county of Susquehanna to a point (Latitude 41° 20' 43", Longitude 75° 56' 30") Northeast of Dallas, PA in the county of Luzerne where it joins the Transco Pipeline. The Susquehanna County section will result in 200 feet of temporary stream impacts, 12,169 sq. ft. (0.27 acre) of temporary wetlands impacts, and 6,980 sq. ft. (0.16 acre) of wetland conversion impacts. This permit is associated with permits E4029-001 and E6629-001, all for the purpose of conveying Marcellus Shale natural gas from northern gas fields to market.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be

sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

<i>ESCP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESP025213001	Pennsylvania Department of Transportation 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Westfall, Milford, & Dingman Townships	Cummins Creek (HQ-CWF, MF) Sawkill Creek (EV, MF) Vantine Brook (HQ-CWF, MF) Vandermark Creek (HQ-CWF, MF) Deep Brook (EV, MF) Crawford Brook (HQ-CWF, MF) Laurel Brook (HQ-CWF, MF) Rosetown Creek (HQ-CWF, MF) Sloat Brook (EV, MF)

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

ESCGP-1 #ESX13-065-0006—RC Winslow Centralized Freshwater Impoundment  
Applicant XTO Energy Inc  
Contact Melissa Breitenbach  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Jefferson Township(s) Oliver(s)  
Receiving Stream(s) and Classification(s) UNT & Middle Branch to Little Sandy Creek (CWF)/Allegheny River—CWF  
ESCGP-1 #ESX13-085-0022—Shenango Radkowski Gathering Line  
Applicant Hilcorp Energy Company  
Contact Ms. Stephanie McMurray  
Address 1201 Louisiana Street, Suite 1400  
City Houston State TX Zip Code 77002  
County Mercer & Lawrence Township(s) Shenango &

Pulaski(s)  
Receiving Stream(s) and Classification(s) Turkey Run (WWF), Deer Creek (WWF), Shenango River (WWF)  
ESCGP-1 #ESX13-073-0009—Mijavec Well Pad  
Applicant Hilcorp Energy Company  
Contact Stephanie McMurray  
Address 1201 Louisiana Street, Suite 1400  
City Houston State TX Zip Code 77002  
County Lawrence Township(s) Pulaski(s)  
Receiving Stream(s) and Classification(s) Coffee Run—WWF, Mahoning River Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701  
ESCGP-1 # ESG13-081-0050  
Applicant Name Pennsylvania General Energy Company, LLC  
Contact Person Douglas Kuntz  
Address 120 Market Street  
City, State, Zip Warren, PA 16365

County Lycoming County  
 Township(s) McHenry and Pine Townships  
 Receiving Stream(s) and Classification(s) Left Fork Otter  
 Run, Right Fork Otter Run, Buckeye Run, UNT to  
 Shingle Mill Branch (CWF);  
 Secondary: Little Pine Creek (EV)

ESCGP-1 # ESX13-115-0062 (01)  
 Applicant Name Williams Field Svc. Co., LLC  
 Contact Person Julie Nicholas  
 Address 1212 South Abington Road  
 City, State, Zip Clarks Summit, PA 18411  
 County Susquehanna County  
 Township(s) Jessup Township  
 Receiving Stream(s) and Classification(s) UNT to East  
 Branch Wyalusing Creek (CWF/MF)

ESCGP-1 # ESX13-115-0100  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Bart Roberts  
 Address Five Penn Center West Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Lenox Township  
 Receiving Stream(s) and Classification(s) Tunkhannock  
 Creek (CWF/MF)

ESCGP-1 # ESG12-115-0165(01)  
 Applicant Name Williams Field Svc., LLC  
 Contact Person Sandra Lojek  
 Address 2000 Park Place Corporate Center 2  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna County  
 Township(s) Gibson Township  
 Receiving Stream(s) and Classification(s) Rock Creek, Bell  
 Creek, Tunkhannock Creek and their tribs thereto  
 (CWF/MF)

ESCGP-1 # ESG13-081-0049  
 Applicant Name Inflection Energy LLC  
 Contact Person Thomas Gillespie  
 Address 49 East 4th Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Upper Fairfield Township  
 Receiving Stream(s) and Classification(s) UNT Loyalsock  
 Creek EV/TSF,  
 Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX13-015-0053  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford County  
 Township(s) Wilmot Township  
 Receiving Stream(s) and Classification(s) Branch  
 Mehoopany Creek, Wolf Run Creek to North  
 Mehoopany Creek (All CWF/MF);  
 Secondary: North Branch Mehoopany Creek (CWF/MF)

ESCGP-1 # ESX13-115-0086  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Springville Township  
 Receiving Stream(s) and Classification(s) North Branch  
 Meshoppen Creek (CWF/MF)

## OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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

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

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

*Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St. Meadville, PA 16335*

Well Permit #: 015-22191-00-00  
 Well Farm Name Maggie BRA 2H  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Lane, Sayre, PA 18840  
 County: Bradford  
 Municipality Tuscarora Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Auburn Center, Transue Creek

Well Permit #: 081-21314-00-00  
 Well Farm Name Hillegas Unconventional Gas Pad  
 Applicant Name: Inflection Energy LLC  
 Contact Person: Thomas D. Gillespie, P.G.  
 Address: 1200 17th Street, Suite 1350, Denver, CO 80202  
 County: Lycoming  
 Municipality Upper Fairfield Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Huntersville, PA

## SPECIAL NOTICES

### Categorical Exclusion

*Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Location: City of Johnstown, 401 Main Street, Johnstown, PA 15901  
 City of Johnstown, Cambria County*

*Description:* The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The City proposed to repair and replace existing sanitary sewers in the Roxbury—Phase I Area to reduce wet weather overflows in accordance with a DEP Consent Order and Agreement. Construction will occur in the same area as the existing sewers.

The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

#### **Erroneous Final Action Publication**

*Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Location:* Iron Bridge WWTP, State Route 3105,  
Alverton, PA 15612-0009  
East Huntingdon Township, Westmoreland  
County

*Description:* The publication of final action in the September 21, 2013, *Pennsylvania Bulletin* was in error. NDPES was issued in draft on September 10, 2013, and should have been submitted to the *Pennsylvania Bulletin* as a draft notice.

[Pa.B. Doc. No. 13-1858. Filed for public inspection October 4, 2013, 9:00 a.m.]

#### **Air Quality Technical Advisory Committee Meeting Cancellation**

The Air Quality Technical Advisory Committee (Committee) meeting scheduled for Thursday, October 10, 2013, has been cancelled. The next Committee meeting is scheduled for Thursday, December 12, 2013, at 9:15 a.m. in Room 105, Rachel Carson State Office Building.

For additional information, contact Alex Haas at (717) 772-9495 or [alehaas@pa.gov](mailto:alehaas@pa.gov). The agenda and materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (select "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Alex Haas at (717) 787-9495 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1859. Filed for public inspection October 4, 2013, 9:00 a.m.]

#### **Bid Opportunity**

**OOGM 13-6, Cleaning Out and Plugging One Abandoned Oil Well (Diane Ford Stewart, Executrix, Raymond Steigerwald Estate Property), Glen Osborne Borough, Allegheny County.** The principal items of work and approximate quantities are to clean out

and plug one abandoned oil well, estimated to be 2,500 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well site; and to mobilize and demobilize plugging equipment. This project issues on October 4, 2013, and bids will be opened on November 14, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid meeting will be held on October 16, 2013, at 12 p.m. Contact the Construction Contracts Section at (717) 787-7820 or [dhopp@pa.gov](mailto:dhopp@pa.gov) for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1860. Filed for public inspection October 4, 2013, 9:00 a.m.]

#### **Radiation Protection Advisory Committee Meeting Cancellation**

The October 17, 2013, meeting of the Radiation Protection Advisory Committee (Committee) has been cancelled. The next meeting is scheduled for December 12, 2013, at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the next scheduled meeting of the Committee can be directed to Joseph Melnic at (717) 783-9730 or [jmelnic@pa.gov](mailto:jmelnic@pa.gov). The agenda and meeting materials for the December 12, 2013, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (select "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1861. Filed for public inspection October 4, 2013, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Head Injury Program; Withdrawal of Accreditation Waiver for Providers of Home and Community Based Rehabilitation Services**

The Department of Health (Department) gives notice, effective November 1, 2013, that the Division of Child and Adult Health Services' Head Injury Program (HIP) will no longer accept requests for waivers of Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation from providers of rehabilitation services interested in contracting with the Department to provide services to HIP applicants and clients. As of the effective date of this notice, to be eligible to contract with the Department to become a participating provider in the HIP, all providers shall be accredited by a National accrediting body approved by the Department, in accordance with the requirements of 28 Pa. Code § 4.4 (relating to requirements for provider participation).

Providers of residential, outpatient, day and home based rehabilitation services whose services are eligible for payment by the HIP are required by 28 Pa. Code § 4.4 to be accredited by a National accrediting body approved by the Department. The Department published a list of approved National accrediting bodies at 31 Pa.B. 7073 (December 29, 2001). The Department approved the Joint Commission on Accreditation of Healthcare Organizations for rehabilitation hospitals and CARF for nonhospital rehabilitation facilities. The Department subsequently published notice at 37 Pa.B. 4263 (August 4, 2007) announcing that the HIP would accept requests for waivers of CARF accreditation from providers of home- and community-based rehabilitation services. Effective November 1, 2013, the waiver opportunity is withdrawn and all providers who wish to contract with the Department to become a participating provider in the HIP and provide rehabilitation services to HIP applicants and clients must be accredited by one of the accrediting bodies approved by the Department.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Nicole Adams, Bureau of Family Health, 625 Forster Street, Health and Welfare Building, 7th Floor East Wing, Harrisburg, PA 17112, (717) 547-3367, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1862. Filed for public inspection October 4, 2013, 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 § 211.9(g) (relating to pharmacy services):

Caring Heights Community Care and Rehabilitation Center  
234 Coraopolis Road  
Coraopolis, PA 15108

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on 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 the 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 address or phone number listed previously, or for speech and/or

hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1863. Filed for public inspection October 4, 2013, 9:00 a.m.]

### Special Pharmaceutical Benefits Program Advisory Council Public Meetings

The Statewide Special Pharmaceutical Benefits Program Advisory Council, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Thursday, October 24, 2013.

The meeting will be held from 10 a.m. to 3 p.m. at the Family Health Council of Central PA, 3461 Market Street, Suite 200, Camp Hill, PA 17011.

For additional information, contact John Haines, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 611, Health and Welfare Building, Harrisburg, PA 17120, (800) 922-9384.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact John Haines at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1864. Filed for public inspection October 4, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Mega Millions® Terminal-Based Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of changes to the Mega Millions® terminal-based lottery game rules that were published at 40 Pa.B. 676 (January 30, 2010); and amended at 40 Pa.B. 5263 (September 11, 2010), 40 Pa.B. 6846 (November 27, 2010), 41 Pa.B. 2778 (May 28, 2011), 42 Pa.B. 621 (January 28, 2012) and 43 Pa.B. 2684 (May 11, 2013). The revised game rules are being published in their entirety and replace all previously published rules and amendments.

The following changes to the Mega Millions® terminal-based game will be effective with the game sales commencing on October 19, 2013.

This amendment changes the Mega Millions® game matrix, the game odds, the allocation of sales to the prize tiers, the minimum starting annuity jackpot category prize and the prize amounts of the second through the ninth category prizes.

This amendment changes the number and amount of the annuity jackpot category prize installments.

This amendment provides for a new method of calculating the second through the ninth category prizes in the event the prizes would become pari-mutuel prizes.

This amendment provides further detail on the use and content of the various prize pool accounts and the prize reserve account.

This amendment changes the Megaplier® promotion by changing the prize amounts, the odds and the function of the multiplier feature.

The complete game rules are provided as follows.

1. *Name:* The name of the terminal-based lottery game is Mega Millions®. The game will commence at the discretion of the Secretary and will continue until the Secretary publicly announces a suspension or termination date.

2. *Definitions:* The following words and terms, when used in this notice, have the following meanings, unless the context clearly indicates otherwise:

**Cross-Selling Agreement**—The agreement between the Mega Millions® Lotteries and the MUSL allowing the MUSL Mega Millions® Product Group member lotteries to sell the Mega Millions® game.

**MUSL**—The Multi-State Lottery Association.

**MUSL Board**—The governing body of MUSL that is comprised of the chief executive officer of each MUSL member lottery.

**MUSL Finance and Audit Committee**—The committee established by the Multi-State Lottery Association Agreement which, among other things, establishes the reserve accounts balances and may accelerate the payment of the jackpot category prize upon the death of a lottery winner.

**MUSL Mega Millions® Product Group**—The group of lotteries that have joined together to offer the Mega Millions® game under the terms of the Cross-Selling Agreement between the MUSL and the Mega Millions® Lotteries.

**Mega Millions®**—A terminal-based lottery game offered by the Mega Millions® Lotteries and the MUSL Mega Millions® Product Group.

**Mega Millions® drawing officials**—The personnel authorized by the Mega Millions® Lotteries to conduct and ensure the integrity of the Mega Millions® and the Megaplier® drawings.

**Mega Millions® Lotteries**—Lottery jurisdictions that are parties to the Mega Millions Lottery Agreement. This term does not include members of the MUSL Mega Millions® Product Group.

**Mega Millions® winning numbers**—The six numbers, the first five numbers from a field of 75 numbers ranging from 1 through 75, and the last one from a field of 15 numbers ranging from 1 through 15, randomly selected at each Mega Millions® drawing that shall be used to determine winning Mega Millions® plays.

**Megaplier® promotion**—A Mega Millions® game feature by which a player, for an additional wager of \$1 per play, can increase the second through the ninth category prize amounts or the second through the ninth category pari-mutuel prize amounts, as applicable, by a factor of two, three, four or five times depending upon the multiplier

number that is drawn prior to a Mega Millions® drawing. The Megaplier® does not apply to the jackpot category prize.

3. *Price:* The price of a Mega Millions® play is \$1. Additional plays may be purchased at the discretion of the player. The Megaplier® promotion may be exercised, at the discretion of the player, for an additional \$1 per play.

4. *Description of the Mega Millions® lottery game:*

(a) Mega Millions® is designed to give players the opportunity to win one prize in each play.

(b) For a \$1 purchase, the player gets a ticket containing one play. Each play shall consist of six numbers, the first five from a field of 75 numbers ranging from 1 through 75 and the last one from a field of 15 numbers ranging from 1 through 15.

(c) Players can win a prize, as described in section 7(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, five, four, three, two, or one of the five numbers selected from the field of numbers 1 through 75 and matching the one number selected from the field of numbers 1 through 15, with the MegaMillions® winning numbers selected in the Mega Millions® drawing in which the ticket is entered. Or players can win a prize, as described in section 7(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, five, four, or three of the five numbers selected from the field of numbers 1 through 75 with the winning numbers selected from the field of numbers 1 through 75, in the Mega Millions® drawing in which the ticket is entered. Or players can win a prize, as described in section 7(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, one number from the field of numbers 1 through 15, with the one winning number selected from the field of numbers 1 through 15 in the Mega Millions® drawing in which the ticket is entered.

5. *Mega Millions® bet slip and ticket characteristics:*

(a) Mega Millions® bet slips shall be available at no cost to the player. Plays shall be selected in accordance with the instructions printed on the Mega Millions® bet slip. A Mega Millions® bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected. The use of mechanical, electronic, computer generated or any other nonmanual method of marking bet slips is not permitted.

(b) To purchase a ticket, the player shall remit to an authorized retailer the purchase price and submit a completed Mega Millions® bet slip or request the number selection through Quick Pick or manual terminal entry. The ticket shall contain at least one play as defined in section 4(b), the drawing date or range of dates for which the ticket is entered, the total cost of the bet, validation data and the Megaplier® promotion indication if applicable. On tickets containing multiple plays, each play will be identified by a letter prefix: A for the first play printed on the ticket; B for the second play printed on the ticket; C for the third play printed on the ticket; D for the fourth play printed on the ticket; and E for the fifth play printed on the ticket. The ticket shall be the only valid proof of



the bet(s) placed and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date or range of dates printed on the ticket.

(c) Through the use of a bet slip the player may select up to five numbers from the field of numbers 1 to 75 and one number from the field of numbers 1 to 15 for each play purchased and select the number of drawings in which the plays are entered. Alternatively, a player may choose to have their numbers selected using the Quick Pick option, by marking the box for Quick Pick on the bet slip. A \$1 wager entitles a player to play game A. A \$2 wager entitles a player to play games A and B. A \$3 wager entitles a player to play games A, B and C. A \$4 wager entitles a player to play games A, B, C and D. A \$5 wager entitles a player to play games A, B, C, D and E. Players are also given the option to select the Megaplier® promotion on the bet slip at the time of purchase for an additional \$1 per play.

(d) If Mega Millions® bet slips are unavailable, a player may make their number selections or request the Quick Pick option, and choose the number of drawings to be entered by relaying the same to an authorized retailer for each play. The player may select the Megaplier® promotion for an additional \$1 per play. The retailer shall manually enter the number of drawings for which the play is entered, the number selections designated by the player or Quick Pick selections, and the Megaplier® promotion, if applicable, into the Lottery terminal.

(e) To purchase a ticket at a Lottery self-service terminal that dispenses terminal-based Lottery tickets, the player shall designate their number selections (using either a Mega Millions® bet slip or the Quick Pick option) and the number of drawings to be entered and may exercise the Megaplier® promotion for an additional \$1 per play.

(f) A player may purchase plays for one through twenty-six consecutive drawings, commencing with the next scheduled drawing.

#### 6. *Time, place and manner of conducting drawings.*

(a) Time of drawing. A Mega Millions® drawing will be held as determined and publicly announced by the Secretary.

(b) Place of drawing. Mega Millions® and the Megaplier® drawings will be conducted in locations selected by the Mega Millions® Lotteries.

(c) Manner of conducting drawings. The Mega Millions® drawing officials will select, at random, the Mega Millions® winning numbers, with the aid of mechanical devices or any other selection methodology as authorized by the Mega Millions® Lotteries. Prior to the Mega Millions® drawing, the Megaplier® number will be drawn.

#### 7. *Prizes available to be won and determination of prize winners:*

(a) An amount equal to 50% of Mega Millions® gross sales for a Mega Millions® game drawing is anticipated to be reserved for prizes and allocated for payment of prizes as enumerated in sections 7(b) and 7(d) (relating to prizes available to be won and determination of prize winners).

(b) Determinations of the Mega Millions® prize winners are as follows:

(1) Holders of tickets upon which the player's five numbers selected from the field of numbers 1 through 75 match the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 75 and the player's one number selected from the field of numbers 1 through 15 matches the winning number selected by the Mega Millions® drawing officials from the field of numbers 1 through 15, in a single play, for the drawing in which the ticket is entered, shall be the winner of the jackpot category prize. Prize money allocated to the jackpot category prize will be divided into as many shares as there are winning jackpot category prize plays as provided in this section.

(i) Prior to each drawing, the Mega Millions® Lotteries shall determine the annuity jackpot category prize amount to be advertised. The advertised annuity jackpot category prize amount shall be estimated and established based upon sales and the annuity factor established for the drawing.

(ii) The minimum Mega Millions® annuity jackpot category prize shall not be less than \$15 million divided by the number of plays entitled to a jackpot category prize.

(iii) If, in a Mega Millions® drawing, there are no winning Mega Millions® jackpot category prize plays, prize money allocated to that prize category will be carried forward and added to the amount allocated for the jackpot category prize in the next consecutive Mega Millions® drawing.

(iv) If the annuity jackpot category prize divided by the number of Mega Millions® plays matching all the Mega Millions® winning numbers, is equal to or greater than \$1,000,000, the jackpot category prize will be paid as an annuity as described in section 7(b)(1)(v) unless the winner irrevocably elects in writing to receive the jackpot category prize in a single cash payment, provided the election is made by the winner within 60 days of the date the Lottery determines that such player is entitled to the jackpot category prize.

(v) Annuity jackpot category prizes shall be paid in 30 graduated annual installments. The initial payment shall be paid upon completion of internal validation procedures. The subsequent 29 payments shall be paid annually. Payments shall escalate by a factor of five percent (5%) annually, and annual payments shall be rounded down to the nearest even one thousand dollar increment.

(vi) The amount of the jackpot category prize, if paid as a lump-sum cash payment, will be determined by the MUSL Mega Millions® product group unless a different method is required by the Mega Millions® Lotteries.

(vii) In the event multiple Mega Millions® plays match the Mega Millions® winning numbers in the same drawing, and the annuity Mega Millions® jackpot category prize divided by the number of winning jackpot category prize game plays is less than \$1,000,000, each Mega Millions® jackpot category prize winner shall be paid a lump-sum cash payment in an amount equal to the annuity jackpot category prize amount multiplied by a discount value set by the Mega Millions® Lotteries prior to each drawing, divided equally by the number of jackpot category prize winners.

(viii) If individual shares of the cash held to fund an annuity are less than \$250,000, the MUSL Mega Millions® Product Group, in its sole discretion, may elect to pay the winners their share of the cash allocated for the payment of the jackpot category prize.

(ix) In the event of the death of a lottery winner during the annuity payment period, the MUSL Finance & Audit Committee, in its sole discretion excepting a discretionary review by the MUSL Mega Millions® Product Group, may accelerate the payment of all of the remaining lottery proceeds to the estate of the lottery winner. The estate of the lottery winner shall petition the lottery of the jurisdiction in which the deceased lottery winner purchased the winning ticket to request acceleration. If such a determination is made, then securities and/or cash held to fund the deceased lottery winner's annuity prize may be distributed to their estate. The identification of the securities to fund the annuity prize shall be at the sole discretion of the MUSL Finance and Audit Committee or the MUSL Mega Millions® Product Group.

(2) Holders of tickets upon which the player's five numbers selected from the field of numbers 1 through 75 match the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 75, in a single play, for the drawing in which the ticket is entered, shall be the winner of a second category prize.

(3) Holders of tickets upon which four of the player's five numbers selected from the field of numbers 1 through 75 match four of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 75 and the player's one number selected from the field of numbers 1 through 15 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 15, in a single play, for the drawing in which the ticket is entered, shall be the winner of a third category prize.

(4) Holders of tickets upon which four of the player's five numbers selected from the field of numbers 1 through 75 match four of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 75, in a single play, for the drawing in which the ticket is entered, shall be the winner of a fourth category prize.

(5) Holders of tickets upon which three of the player's five numbers selected from the field of numbers 1 through 75 match three of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 75 and the player's one number selected from the field of numbers 1 through 15 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 15, in a single play, for the drawing in which the ticket is entered, shall be the winner of a fifth category prize.

(6) Holders of tickets upon which three of the player's five numbers selected from the field of numbers 1 through 75 match three of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 75, in a single play, for the drawing in which the ticket is entered, shall be the winner of a sixth category prize.

(7) Holders of tickets upon which two of the player's five numbers selected from the field of numbers 1 through 75 match two of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 75 and the player's one number selected from the field of numbers 1 through 15 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 15, in a single play, for the drawing in which the ticket is entered, shall be the winner of a seventh category prize.

(8) Holders of tickets upon which one of the player's five numbers selected from the field of numbers 1 through 75 matches one of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 75 and the player's one number selected from the field of numbers 1 through 15 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 15, in a single play, for the drawing in which the ticket is entered, shall be the winner of an eighth category prize.

(9) Holders of tickets upon which the player's one number selected from the field of numbers 1 through 15 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 15, in a single play, for the drawing in which the ticket is entered, shall be the winner of a ninth category prize.

(10) Except for winning prizes sold by the California Lottery, the prize pool percentage allocated to the second through the ninth category prizes shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the second through the ninth category prizes awarded in the current draw.

(c) An amount up to five percent of a MUSL Mega Millions® Product Group member's sales shall be placed in trust in one or more prize pool accounts and prize reserve accounts held by the MUSL Mega Millions® Product Group at any time that the prize pool accounts and the member's share of the prize reserve account(s) is below the amounts designated by the MUSL Mega Millions® Product Group. The MUSL Mega Millions® Product Group has established a Prize Reserve Account (PRA) for the Mega Millions® game, which is used to guarantee the payment of valid, but unanticipated, jackpot category prizes that may result from a system error or other reason, subject to the limitations of these rules. The MUSL Mega Millions® Product Group has established the following prize pool accounts for the Mega Millions® game: the Grand Prize pool, which is used to guarantee payment of the immediate jackpot category prize; the Set-Aside Account, which is used to guarantee payment of the minimum or starting jackpot category prize; the Megaplier® prize pool account, which is described in section 10 (relating to Megaplier® promotion) of these rules; and the Low-Tier Prize Pool account, which holds the temporary balances that may result from having fewer than expected winners in the second through the ninth prize categories. The source of the Low-Tier Prize Pool is a MUSL Mega Millions® Product Group member's weekly prize contributions less actual second through the ninth category prize liability. The source of the Set-Aside Account funding is the difference between the amount in the Grand Prize Pool and the amount needed to fund the jackpot category prize payments as determined by the Mega Millions® lotteries. The MUSL Mega Millions® Product Group, with approval of the MUSL Finance and Audit Committee, may establish a maximum balance for the prize pool accounts and prize reserve account. The MUSL Mega Millions® Product Group may determine to expend all or a portion of the funds in the prize pool accounts, except the Grand Prize pool account, and the prize reserve accounts for the purpose of indemnifying the MUSL Mega Millions® Product Group Members and the Mega Millions® Lotteries in the payment of prizes to be made by the participating lotteries, subject to the approval of the MUSL Board, and for the payment of prizes or special prizes in the game subject to the approval of

the MUSL Finance and Audit Committee. The prize reserve shares of a MUSL Mega Millions® Product Group member may be adjusted with refunds to the member from the prize reserve account as may be needed to maintain the approved maximum balance and shares of the MUSL Mega Millions® Product Group member. Any amount remaining in the prize pool accounts or prize reserve account at the end of this game shall be carried forward to a replacement game or expended in a manner as directed by the MUSL Mega Millions® Product Group in accordance with jurisdiction law.

(d) **Pari-mutuel Prizes—All Prize Amounts.**

(1) Except as otherwise provided for in section 7(d)(3), if the total of the second through the ninth category prizes awarded in a drawing exceeds the percentage of the prize pool allocated to the second through the ninth category prizes, then the amount needed to fund the second through the ninth category prizes, including Megaplier® prizes, awarded shall be drawn from the following sources, in the following order:

(i) The amount allocated to the second through the ninth category prizes and carried forward from previous draws, if any.

(ii) An amount from the Prize Reserve Account, if available, not to exceed forty million dollars (\$40,000,000) per drawing.

(2) Except as otherwise provided for in section 7(d)(3), if, after the sources in section 7(d)(1) are depleted, there are not sufficient funds to pay the second through the ninth category prizes awarded, including Megaplier® prizes, then the highest non-jackpot category prize shall become a pari-mutuel prize. If the amount of the highest non-jackpot category prize, when paid on a pari-mutuel basis, drops to or below the next highest non-jackpot category prize and there are still not sufficient funds to pay the remaining non-jackpot category prizes awarded, then the next highest non-jackpot category prize shall become a pari-mutuel prize. This procedure shall continue down through all non-jackpot category prize levels, if necessary, until all non-jackpot category prize levels become pari-mutuel prize levels.

(3) By agreement between the MUSL Mega Millions® Product Group and the Mega Millions® Lotteries, the Mega Millions® Lotteries shall independently calculate their non-jackpot category pari-mutuel prize amounts, including the Megaplier® prize amounts. The MUSL Mega Millions® product group members and the Mega Millions® Lotteries shall then agree to set the pari-mutuel prize amounts for all lotteries selling the game at the lesser of the independently-calculated prize amounts.

(e) All Mega Millions® prize payments, other than the jackpot category prize, will be made as a lump-sum cash payment.

(f) A winning Mega Millions® play is entitled only to the highest prize won by those numbers for the drawing in which the play was entered.

(g) For purpose of prize calculation with respect to a Mega Millions® second through ninth category pari-mutuel prize, the calculation may be rounded down so that prizes may be paid in multiples of one dollar.

(h) With respect to any Mega Millions® annuity jackpot category prize, the prize amount may be rounded to facilitate the purchase of an appropriate funding mechanism.

(i) The pool of funds used to pay prizes may be increased as necessary from funds authorized for the payment of prizes to meet the payment obligations in this section.

(j) The number of prize categories and the allocation of prize money among the prize categories may be changed at the discretion of the Mega Millions® Lotteries and change will be announced by public notice. Any such changes will apply prospectively to Mega Millions® drawings as of the date specified in the public notice.

(k) The Lottery shall not be responsible for Mega Millions® winning numbers reported in error.

8. *Probability of winning.* The following tables set forth all possible ways that a prize can be won in a single play, the corresponding prize, the probability of winning each prize and the percent of sales anticipated to be paid in prizes in each prize category:

<i>A Play Matching The Mega Millions® Winning Numbers</i>	<i>Category Prize</i>	<i>Prize</i>	<i>Probability Of Winning Per Play:</i>	<i>Percent (%) Of Sales Anticipated To Be Paid In Prizes</i>
Five numbers from the field of numbers 1 through 75 and one number from the field of numbers 1 through 15	Jackpot	Jackpot	1:258,890,850	32.577% (Actual)
Five numbers from the field of numbers 1 through 75	Second	\$1,000,000	1:18,492,204	5.408%
Four numbers from the field of numbers 1 through 75 and one number from the field of numbers 1 through 15	Third	\$5,000	1:739,688	0.676%
Four numbers from the field of numbers 1 through 75	Fourth	\$500	1:52,835	0.946%
Three numbers from the field of numbers 1 through 75 and one number from the field of numbers 1 through 15	Fifth	\$50	1:10,720	0.466%
Three numbers from the field of numbers 1 through 75	Sixth	\$5	1:766	0.653%

<i>A Play Matching The Mega Millions® Winning Numbers</i>	<i>Category Prize</i>	<i>Prize</i>	<i>Probability Of Winning Per Play:</i>	<i>Percent (%) Of Sales Anticipated To Be Paid In Prizes</i>
Two numbers from the field of numbers 1 through 75 and one number from the field of numbers 1 through 15	Seventh	\$5	1:473	1.057%
One number from the field of numbers 1 through 75 and one number from the field of numbers 1 through 15	Eighth	\$2	1:56	3.542%
One number from the field of numbers 1 through 15	Ninth	\$1	1:21	4.675%

9. *Unclaimed prizes.* All unclaimed jackpot category prize moneys will be returned to the lotteries selling Mega Millions® in the same ratio that each lottery contributed to the jackpot category prize.

10. *Megaplier® promotion.*

(a) The Megaplier® promotion shall be available in association with the Mega Millions® game and will continue until the Secretary publicly announces a suspension or termination thereof. Players may purchase the Megaplier® promotion for the chance to multiply the second through the ninth category prizes won as a result of a Mega Millions® drawing by a number ranging from 2 to 5. The Secretary on occasion may announce, as a special promotion, multipliers greater than five or other changes to features of the Megaplier® promotion. The Mega Millions® jackpot category prize will not be eligible for multiplication under the Megaplier® promotion.

(b) At the time of purchasing a Mega Millions® ticket from a Lottery retailer, a player may choose the Megaplier® promotion for an additional \$1 per play for each play on a Mega Millions® ticket. If a player chooses the Megaplier® promotion feature for any play on a ticket, every play on that ticket must participate in the promotion.

(c) Prior to the time of each Mega Millions® drawing, the Mega Millions® drawing officials shall conduct a Megaplier® drawing which shall result in the selection of the Megaplier® number from among the following series of numbers: 2, 2, 3, 3, 3, 3, 4, 4, 4, 5, 5, 5, 5, 5, and 5. If the lottery authorized to conduct the Megaplier® drawing determines that the Megaplier® drawing did not occur prior to the Mega Millions® drawing, the Megaplier® number will be a 5.

(d) Mega Millions® tickets that contain the Megaplier® promotion and one or more plays eligible for Mega Millions® second through ninth category prizes, as described in section 7(b) (relating to prizes available to be won and determination of prize winners), shall be entitled to a total prize calculated by multiplying each Mega Millions® second through ninth category prize by the Megaplier® number selected for the drawing in which the ticket was entered.

(e) As determined by the MUSL Mega Millions® Product Group, an amount up to fifty-five percent of the Megaplier® sales shall be allocated for the payment of Megaplier® prizes. Any amount not used to pay multiplied prizes may be carried forward to subsequent draws or may be collected and placed in the Megaplier® Prize Pool

until the prize pool account reaches the amount designated by the MUSL Mega Millions® Product Group. Any amount remaining in the Megaplier® Prize Pool Account at the end of this game shall be carried forward to a replacement game or expended in a manner as directed by the MUSL Mega Millions® Product Group in accordance with jurisdiction law.

(f) The odds of various Megaplier® numbers being selected in a Megaplier® drawing are:

<i>Megaplier®</i>	<i>Odds</i>
Two	1:7.5
Three	1:3.75
Four	1:5
Five	1:2.5

(g) *Pari-mutuel Prizes—All Prize Amounts.*

(1) Except as otherwise provided for in section 10(g)(3), if the total of the original Mega Millions® second through ninth category prizes and the Megaplier® prize amounts awarded in a drawing exceeds the percentage of the prize pools allocated to the second through ninth category prizes, then the amount needed to fund the second through the ninth category prizes (including the Megaplier® prize amounts) awarded shall be drawn from the following sources, in the following order:

(i) The amount allocated to the second through the ninth category prizes (including Megaplier® prize amounts) and carried forward from previous draws, if any.

(ii) An amount from the Mega Millions® Prize Reserve Account, if available in the account, not to exceed forty million dollars (\$40,000,000) per drawing.

(2) Except as otherwise provided for in section 10(g)(3), if, after the sources in section 10(g)(1) are depleted, there are not sufficient funds to pay the second through the ninth category prizes awarded (including Megaplier® prize amounts), then the highest non-jackpot category prize (including the Megaplier® prize amounts) shall become a pari-mutuel prize. If the amount of the highest non-jackpot category prize, when paid on a pari-mutuel basis, drops to or below the next highest non-jackpot category prize and there are still not sufficient funds to pay the remaining non-jackpot category prizes awarded, then the next highest non-jackpot category prize, including the Megaplier® prize amount, shall become a pari-mutuel prize. This procedure shall continue down through

all non-jackpot category prizes levels, if necessary, until all non-jackpot category prize levels become pari-mutuel prize levels. In that instance, the money available from the funding sources listed in this rule shall be divided among the winning plays in proportion to their respective prize percentages. Mega Millions® and Megaplier® prizes will be reduced by the same percentage.

(3) By agreement between the MUSL Mega Millions® Product Group and the Mega Millions® Lotteries, the Mega Millions® Lotteries shall independently calculate their set pari-mutuel prize amounts, including the Megaplier® prize amounts. The MUSL Mega Millions® product group members and the Mega Millions® Lotteries shall then agree to set the pari-mutuel prize amounts for all lotteries selling the game at the lesser of the independently-calculated prize amounts.

11. *Ineligible Players.* A Mega Millions® game ticket may not be purchased by, and a prize will not be paid to, a lottery board member, commissioner, officer or employee of a lottery jurisdiction selling Mega Millions®, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person. A Mega Millions® game ticket may not be purchased by, and a prize will not be paid to, individuals prohibited by the MUSL Mega Millions® Product Group or individuals identified in 61 Pa. Code § 871.17(b) (relating to purchase and prize restrictions).

12. *Applicable Law.* In purchasing a ticket, the purchaser agrees to comply with and be bound by all applicable Pennsylvania statutes, the Pennsylvania Lottery's regulations, policies, and procedures, the MUSL Mega Millions® Product Group rules, and these Mega Millions® game rules. Claims arising from Mega Millions® ticket sales occurring in the Commonwealth shall be resolved exclusively with the Pennsylvania Lottery according to the laws of Pennsylvania. Conflicts between the MUSL Mega Millions® Product Group rules and the Mega Millions® game rules as published in the *Pennsylvania Bulletin* shall be resolved in favor of the MUSL Mega Millions® Product Group rules. In the event the Mega Millions® game rules as published in the *Pennsylvania Bulletin* are silent, the applicable MUSL Mega Millions® Product Group rules shall apply.

13. *The Lottery may conduct a separate retailer incentive program for retailers who sell Mega Millions® lottery tickets.* The conduct of the program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-1865. Filed for public inspection October 4, 2013, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on September 18, 2013, the following access route for use by the types of truck combinations as indicated:

1. ( ) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. ( ) 102" wide twin trailers (28 1/2' maximum length-each).
5. ( ) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>County</i>	<i>Length Miles</i>
SR 23	From SR 462 to SR 441	Lancaster	11.2

Questions should be directed to Matthew Hedge at (717) 772-5462.

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

[Pa.B. Doc. No. 13-1866. Filed for public inspection October 4, 2013, 9:00 a.m.]

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department:

Parcel 5—Findlay Township, Allegheny County. This parcel contains approximately 144,127 ± square feet or 2.62 ± acres of improved land located at 729 Aten Road

(parcel is adjacent to SR 376/SR 0060-A01R/W). The estimated fair market value of the parcel is \$74,200.

Interested public entities are invited to express their interest in purchasing this parcel within 30 calendar days from the date of publication of this notice to H. Daniel Cessna, P.E., District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

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

[Pa.B. Doc. No. 13-1867. Filed for public inspection October 4, 2013, 9:00 a.m.]

### Meetings Scheduled

The Transportation Advisory Committee will hold a meeting on Thursday, October 10, 2013, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Julie Harmantzis at (717) 787-2913 or jharmantzi@pa.gov.

The Rail Freight Advisory Committee will hold a meeting on Tuesday, October 22, 2013, from 12 p.m. to 3 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Megan Mott at (717) 214-9757 or memott@pa.gov.

BARRY J. SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 13-1868. Filed for public inspection October 4, 2013, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The October 15, 2013, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board will occur on Tuesday, November 19, 2013, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the November 19, 2013, meeting will be available on the Department of Environmental Protection's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Select "Public Participation"; "Public Participation Center").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@pa.gov.

E. CHRISTOPHER ABRUZZO,  
Acting Chairperson

[Pa.B. Doc. No. 13-1869. Filed for public inspection October 4, 2013, 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, September 19, 2013, and announced the following:

*Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective September 18, 2013*

Department of Transportation #18-425: Vehicle Equipment Standards and Safety Inspection Process (amends 67 Pa. Code Chapter 175)

*Action Taken—Regulations Approved:*

Pennsylvania Liquor Control Board #54-75: Municipal Noise Ordinances (amends 40 Pa. Code (§ 5.36))

Insurance Department #11-251: Surplus Insurance Lines (amends 31 Pa. Code (Chapter 124))

### Approval Order

Public Meeting Held  
September 19, 2013

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq., abstained; Dennis A. Watson, Esq.

*Pennsylvania Liquor Control Board—  
Municipal Noise Ordinances;  
Regulation No. 54-75 (#3018)*

On August 9, 2013, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code (§ 5.36). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

Act 113 of 2011 amended the Liquor Code and created a new unlawful act within section 493 titled "Noise," which specifically states that it supersedes the Board's regulations related to noise. As a result, the Board is promulgating this final-omitted rulemaking to replace references to the Board's noise regulation with references to section 493 of the Liquor Code.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) and the intention of the General Assembly. 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.

### Approval Order

Public Meeting Held  
September 19, 2013

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Insurance Department—  
Surplus Insurance Lines;  
Regulation No. 11-251 (#2985)*

On February 22, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code (Chapter 124). The proposed regulation was published in the March 9, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 13, 2013.

This final-form rulemaking updates Chapter 124 to ensure consistency with amendments made to The Insurance Company Law in 2002, 2010 and 2011, and to clarify and streamline provisions consistent with current business practices.

We have determined this regulation is consistent with the statutory authority of the Department (40 P. S. §§ 991.1601—991.1626) 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.

GEORGE D. BEDWICK,  
*Vice Chairperson*

[Pa.B. Doc. No. 13-1870. Filed for public inspection October 4, 2013, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-6917	Bureau of Professional and Occupational Affairs Schedule of Civil Penalties—Social Workers, Marriage and Family Therapists and Professional Counselors	9/20/13	11/7/13
16A-6918	State Board of Social Workers, Marriage/Family Therapists and Professional Counselors Continuing Education Audit and Enforcement	9/20/13	11/7/13
16A-4627	State Board of Dentistry Fees	9/20/13	11/7/13

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-1871. Filed for public inspection October 4, 2013, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Application for Merger of Coventry Health Care of the Carolinas, Inc. with and into Aetna Health, Inc.**

An application has been received requesting approval of the merger of Coventry Health Care of the Carolinas, Inc. (CHC-NC), a corporation organized under the laws of the State of North Carolina, with and into Aetna Health, Inc. (AHI-PA), a corporation organized under the laws of the Commonwealth. AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. CHC-NC is not licensed to operate in this Commonwealth. The initial filing was received on September 17, 2013, and was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance

Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [cbybee@pa.gov](mailto:cbybee@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1872. Filed for public inspection October 4, 2013, 9:00 a.m.]

**Application for Merger of Coventry Health Care of Delaware, Inc. with and into Aetna Health, Inc.**

An application has been received requesting approval of the merger of Coventry Health Care of Delaware, Inc. (CHC-DE), a corporation organized under the laws of the State of Delaware, with and into Aetna Health, Inc. (AHI-PA), a corporation organized under the laws of the Commonwealth. AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. CHC-DE is not licensed to operate in this Commonwealth. The initial filing was received on September 17, 2013, and was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a

concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1873. Filed for public inspection October 4, 2013, 9:00 a.m.]

### **Application for Merger of Coventry Health Care of Illinois, Inc. with and into Aetna Health, Inc.**

An application has been received requesting approval of the merger of Coventry Health Care of Illinois, Inc. (CHC-IL), a corporation organized under the laws of the State of Illinois, with and into Aetna Health, Inc. (AHI-PA), a corporation organized under the laws of the Commonwealth. AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. CHC-IL is not licensed to operate in this Commonwealth. The initial filing was received on September 17, 2013, and was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1874. Filed for public inspection October 4, 2013, 9:00 a.m.]

### **Application for Merger of Coventry Health Care of Missouri, Inc. with and into Aetna Health, Inc.**

An application has been received requesting approval of the merger of Coventry Health Care of Missouri, Inc. (CHC-MO), a corporation organized under the laws of the State of Missouri, with and into Aetna Health, Inc. (AHI-PA), a corporation organized under the laws of the Commonwealth. AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. CHC-MO is not licensed to operate in this Commonwealth. The initial filing was received on September 17, 2013, and was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written state-

ment must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1875. Filed for public inspection October 4, 2013, 9:00 a.m.]

### **Application for Merger of Coventry Health Care of Pennsylvania, Inc. with and into Aetna Health, Inc.**

An application has been received requesting approval of the merger of Coventry Health Care of Pennsylvania, Inc. (CHC-PA), a corporation organized under the laws of the Commonwealth, with and into Aetna Health, Inc. (AHI-PA), a corporation organized under the laws of the Commonwealth. AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. CHC-PA is licensed in this Commonwealth to operate a health maintenance organization. The initial filing was received on September 17, 2013, and was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1876. Filed for public inspection October 4, 2013, 9:00 a.m.]

### **Application for Merger of Coventry Health Care of Virginia, Inc. with and into Aetna Health, Inc.**

An application has been received requesting approval of the merger of Coventry Health Care of Virginia, Inc. (CHC-VA), a corporation organized under the laws of the Commonwealth of Virginia, with and into Aetna Health, Inc. (AHI-PA), a corporation organized under the laws of the Commonwealth. AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. CHC-VA is not licensed to operate in this Commonwealth. The initial filing was received on September 17, 2013, and was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).



Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1877. Filed for public inspection October 4, 2013, 9:00 a.m.]

### Application for Merger of HealthAmerica Pennsylvania, Inc. with and into Aetna Health, Inc.

An application has been received requesting approval of the merger of HealthAmerica Pennsylvania, Inc. (HAPA), a corporation organized under the laws of the Commonwealth, with and into Aetna Health, Inc. (AHI-PA), a corporation organized under the laws of the Commonwealth. AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. HAPA is licensed in this Commonwealth to operate a health maintenance organization. The initial filing was received on September 17, 2013, and was made under Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1878. Filed for public inspection October 4, 2013, 9:00 a.m.]

### Application for Merger of WellPath of South Carolina, Inc. with and into Aetna Health, Inc.

An application has been received requesting approval of the merger of WellPath of South Carolina, Inc. (WellPath), a corporation organized under the laws of the State of South Carolina, with and into Aetna Health, Inc. (AHI-PA), a corporation organized under the laws of the Commonwealth. AHI-PA is licensed in this Commonwealth to operate a health maintenance organization.

WellPath is not licensed to operate in this Commonwealth. The initial filing was received on September 17, 2013, and was made under Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1879. Filed for public inspection October 4, 2013, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### DEPARTMENT OF HEALTH

#### Reporting Requirements for Nursing Homes under Chapter 4 of the Medical Care Availability and Reduction of Error (MCARE) Act

The purpose of this notice is to give long-term care (LTC) nursing facilities (nursing homes) final notice of their reporting requirements to the Patient Safety Authority (Authority) and the Department of Health (Department) under section 405(b)(3) of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P.S. § 1303.405(b)(3)). The reporting requirements presented in this notice were developed in consultation with the Department, the Authority's Board of Directors and the Authority's Health Care-Associated Infection (HAI) Advisory Panel's Subcommittee for Long Term Care.

#### *Background of Final Notice*

An initial notice was published at 43 Pa.B. 2794 (May 18, 2013). Public comment was solicited for an initial period of 30 days after publication of the notice. However, in response to requests for an extension, the initial period was extended by an additional 30 days, which resulted in the Authority receiving a total of 34 responses, comprised of 19 responses requesting an extension of the public comment period and 15 responses addressing the proposed criteria. The 15 responses addressing criteria represented responses from individuals to industry organizations representing many of LTC nursing facilities. The responses addressed 14 main categories. A summary of the comments and responses is detailed in this notice. In response to those comments and at the direction of the HAI Advisory Panel's Subcommittee for Long Term Care, the Authority, when appropriate, revised some of the proposed reporting requirements that were contained within the initial notice.

### Reporting Requirements for Nursing Homes

In addition to reporting under the Health Care Facilities Act (35 P. S. §§ 448.101–448.904b), the act of July 20, 2007 (P. L. 331, No. 52) (Act 52) amended the MCARE Act to require that nursing homes electronically report patient-specific HAIs to the Authority and the Department using Nationally recognized standards based on Centers for Disease Control and Prevention (CDC) definitions. See section 404(a) of the MCARE Act (40 P. S. § 1303.404(a)).

Nursing homes will begin utilizing the updated definitions for its mandatory reporting on April 1, 2014. Because these revisions require changes to the Pennsylvania Patient Safety Reporting System (PA-PSRS) reporting application, this date may be modified by a future public notice as the transition date approaches.

The list of reportable HAI infections is presented at the end of this notice as Exhibit A. The criteria for determining HAIs were developed utilizing the Revised McGeer Criteria together with CDC definitions, which were adapted to the LTC setting in this Commonwealth.

Nursing homes will continue to report HAIs to both the Authority and the Department through the PA-PSRS, a single web-based interface. Using a single reporting system eliminates the need for duplicate reporting to both the Authority and the Department.

The format for electronic reporting has been established by the Authority in consultation with the Department and the HAI Advisory Panel and will be addressed during training programs for nursing homes.

Training will include online webinar-based education regarding the infection list, criteria and format for reporting. Nursing homes will be notified of available training opportunities through direct mailings, outreach to industry associations and future public notices.

### Serious Event Reporting

Under section 405(a) of the MCARE Act, the occurrence of an HAI in a nursing home is a Serious Event as defined by section 302 of the MCARE Act (40 P. S. § 1303.302). If an HAI meets the criteria for reporting (per Exhibit A), that HAI shall be reported to the Authority as a Serious Event as required by the MCARE Act as amended by Act 52, subject to the additional requirements as described in this notice.

HAIs reported to the Authority are subject to the same patient notification requirements set forth by the MCARE Act for all Serious Events. See section 308(b) of the MCARE Act (40 P. S. § 1303.308(b)). Therefore, all Serious Events require that the health care facility notify the patient or their legal representative in writing that a Serious Event has occurred. This written notification must occur within 7 calendar days. For purposes of meeting the 24-hour reporting requirement for Serious Events set forth by the MCARE Act, nursing homes must submit reports of HAIs to the Authority within 24 hours of their confirmation (surveillance completed and HAI confirmed according to the criteria by a staff member responsible for infection control). If confirmation of an HAI occurs over a weekend or State government holiday, reports must be submitted by 5 p.m. on the next business day.

Individuals with disabilities who require an alternative format of this notice (for example, large print, audio tape or Braille) should contact the Authority help desk at (866) 316-1070.

### Summary of Public Comments and Responses

The following is a list that categorizes the comments the Authority received after its initial notice and during the public comment period along with the Authority's responses.

**Burden on Financial and Human Resources**—The Authority received three comments regarding the reporting requirements potentially creating an economic and human resource burden for the nursing homes. The comments noted that unrealistic and onerous reporting requirements would not result in quality improvement or a positive effect on resident outcomes.

#### Response

The MCARE Act, as amended by Act 52, mandates that nursing homes electronically report HAI data to the Department and the Authority. There is no discretion in this requirement. No changes have been made in response to these comments.

**ABUTI**—The Authority received nine comments requesting that ABUTI be eliminated. One comment stated that Asymptomatic Bacteremic Urinary Tract Infection was not a real term. Two comments requested the criteria be removed as it is a rare finding. Two comments stated the criteria should be removed due to the fact the Authority is suggesting extra lab testing be required to survey for HAI. Three comments requested the CFU/ml limit for straight in and out catheter specimens be raised from  $\geq 10^2$  to  $\geq 10^5$ . Furthermore there could be confusion related to treatment without sensitivities and lead to overuse of antibiotics. One comment requested the name be changed from Asymptomatic Bacteremic Urinary Tract Infection to Asymptomatic Urinary Tract Infection with Secondary Bacteremia.

#### Response

The criteria will not be removed.

The CFU/ml will remain at  $\geq 10^2$  for straight in/out urine cultures.

The terminology defined by the CDC will be altered from Asymptomatic Bacteremic Urinary Tract Infection to Asymptomatic Bacteruria with Secondary Bacteremia to prevent confusion.

#### Rationale

No literature was provided by the public comments that prove ABUTI is a rare finding in the LTC environment in this Commonwealth.

The CDC states “the point prevalence of asymptomatic bacteruria in LTC residents can range from 25-50%.”<sup>1</sup>

The identification of the conversion rate of asymptomatic bacteruria to blood stream infection in LTC is currently unknown.

The Authority is not advocating for extra testing to fit ABUTI criteria. The most common clinical scenario where ABUTI is discovered would be when a patient is pan cultured to discover the etiology of systemic symptoms not localized to the urinary tract.

Per the CDC, “the decision to use the lower colony count for urine cultures obtained from specimens collected through I/O catheter was based on the premise that these

<sup>1</sup> Centers for Disease Control and Prevention. Urinary Tract Infection (UTI) Event for Long-term Care Facilities, [http://www.cdc.gov/nhsn/PDFs/LTC/LTCF-UTI-protocol\\_FINAL\\_8-24-2012.pdf](http://www.cdc.gov/nhsn/PDFs/LTC/LTCF-UTI-protocol_FINAL_8-24-2012.pdf).

specimens may be less likely to be contaminated compared to 'clean catch' urine."<sup>2</sup>

**CAUTI**—The Authority received six comments requesting a change in the CFU/ml limit for straight in/out catheter specimens from  $\geq 10^2$  to  $\geq 10^5$ . The comments cite that the laboratory would not report sensitivities for CFU/ml for less than  $10^5$ . Furthermore there could be confusion related to treatment without sensitivities and lead to overuse of antibiotics.

*Response*

The CFU/ml will remain at  $\geq 10^2$  for straight in/out urine cultures.

*Rationale*

Per the CDC "the decision to use the lower colony count for urine cultures obtained from specimens collected through I/O catheter was based on the premise that these specimens may be less likely to be contaminated compared to 'clean catch' urine."<sup>2</sup>

Per the CDC "if a person has local symptoms of a UTI (e.g., urgency, dysuria, etc.) than any amount of bacterial growth in a urine culture should be considered significant. In contrast, if a person has no signs/symptoms then no amount of bacteriuria would make that culture significant. Therefore, truly, if people only send urine specimens for symptomatic cases, then it doesn't matter what the growth count is in a culture. A final consideration is that the likelihood of getting a low colony count in this population, regardless of specimen collection method is pretty low given the high prevalence of asymptomatic bacteriuria."<sup>2</sup>

Franz and Hörl state "it is likely that symptomatic bacteriuria of  $< 10^5$  CFU/ml reflects ongoing UTI, and therefore the microbiological criteria should be reduced to  $> 10^2$  CFU/ml in symptomatic patients."<sup>3</sup>

The LTC physician representation on the Authority Advisory Panel have expressed that several laboratory companies do in fact report sensitivities at  $10^2$ , and if currently not doing so it may need to be requested. Furthermore treating a symptomatic UTI at  $10^2$  may prevent progression of infection. Treating without sensitivities and waiting for a result of  $10^5$  to scale back wide-spectrum treatment will lead to resistance and antibiotic overuse.

**SUTI**—The Authority received six comments requesting a change in the CFU/ml limit for straight in/out catheter specimens from  $\geq 10^2$  to  $\geq 10^5$ . The comments cite that the laboratory would not report sensitivities for CFU/ml for less than  $10^5$ . Furthermore there could be confusion related to treatment without sensitivities and lead to overuse of antibiotics.

*Response*

Refer to response and rationale for CAUTI.

**ILI/Flu**—The Authority received one comment asking if, for a flu/ILI report to be filed, the resident will have to test positive for influenza.

*Response*

Pathways for reporting laboratory confirmed influenza and nonlaboratory confirmed ILI will be incorporated into the reporting system.

<sup>2</sup> Stone, Nimalie (Centers for Disease Control and Prevention). E-mail correspondence with the Authority, July 28, 2013.

<sup>3</sup> Franz M, Hörl WH. Common errors in diagnosis and management of urinary tract infection. I: Pathophysiology and diagnostic techniques. *Nephrol Dial Transplant* 1999 (14) 2746-2753.

**PNA**—The Authority received one comment asking if there are any exclusions for aspiration pneumonitis.

*Response*

There will be no exclusion for pneumonitis; however, the Authority will evaluate overlap between these conditions and modify the system in the future if needed. There will be the ability to enter pathogen data into the pneumonia criteria pathway, but pathogen data does not determine the presence of pneumonia at present.

*Rationale*

Aspiration pneumonitis occurs by aspiration of sterile gastric contents, subsequent bacterial infection is latent. Pneumonitis can affect any age group, but occurs more so in young persons. Respiratory distress develops 2-5 hours after aspiration. Aspiration pneumonia occurs by aspiration of colonized oropharyngeal material, bacterial infection is acute. Aspiration pneumonia occurs usually in the elderly.<sup>4</sup>

Due to the contrasting features of aspiration pneumonitis as compared to aspiration pneumonia it is unlikely that a large amount of pneumonitis would be captured for reporting as a result of the criteria relying on radiologic, respiratory subcriteria and constitutional criteria.

**C. Diff**—The Authority received two comments asking if every resident had to be tested for C. diff prior to being tested for bacterial pathogens.

*Response*

There is a reporting pathway specifically for other pathogens outside of the C. diff pathway.

**Norovirus**—The Authority received one comment requesting the addition of the Kaplan criteria. The Authority received two requests to remove the laboratory testing criteria.

*Response*

Kaplan criteria will be added to the Norovirus pathway. Laboratory testing criteria will remain.

*Rationale*

Addition of the Kaplan criteria will provide a symptom based assessment of cases otherwise not reported due to laboratory testing requirements. Laboratory confirmed Norovirus pathway will remain an option if testing was performed per Stone, et al.<sup>5</sup>

**Bacterial gastroenteritis**—The Authority received one comment requesting the Authority remove the term bacterial and furthermore the revised McGeer criteria does not require a positive stool culture to define the gastroenteritis.

*Response*

The term "bacterial" will remain. Positive culture will remain as a criterion.

*Rationale*

The Authority is making a distinction between gastroenteritis caused by a variety of situations like new medications, initiation of tube feedings and other non-infectious causes.

The revised McGeer criteria<sup>5</sup> (Table 7) states:

"Both of the following sign or symptom sub criteria"

<sup>4</sup> Marik PE. Aspiration pneumonitis and aspiration pneumonia. *NEJM* 2001 Mar; 344 (9) 665-671.

<sup>5</sup> Stone ND, Muhammad AS, Calder J, et al. Surveillance definitions of infections in long-term care facilities: revisiting the McGeer criteria. *Infect Control Hosp Epidemiol* 2012; 33 (10) 965-977.

- a. A stool specimen testing positive for a pathogen
- b. At least one of the following GI sub criteria

**CLABSI (dialysis, temporary, and permanent central lines)**—The Authority received six comments requesting the deletion of CLABSI because:

In most cases the catheter is not cared for by the LTC staff and is subject to manipulation by outside contractors (for example, dialysis staff and oncology staff). Because the infection is not attributable to the LTC facility it should not be reportable and Act 13 letters should not be sent by the LTC facility because they may not be liable for the infection.

Nursing homes do not have nurses that are able to draw blood from central lines for comparison to peripheral cultures for identification of the source of bacteremia.

#### *Response*

The three categories for CLABSI will remain. Comparison of central line cultures to peripheral cultures is not included in the surveillance criteria for determination of CLABSI.

#### *Rationale*

Under section 308(b) of the MCARE Act, “[d]uty to notify patient.—A medical facility through an appropriate designee shall provide written notification to a patient affected by a serious event or, with the consent of the patient, to an available family member or designee within seven days of the occurrence or discovery of a serious event. If the patient is unable to give consent, the notification shall be given to an adult member of the immediate family. If an adult member of the immediate family cannot be identified or located, notification shall be given to the closest adult family member. For unemancipated patients who are under 18 years of age, the parent or guardian shall be notified in accordance with this subsection. The notification requirements of this subsection shall not be subject to the provisions of section 311(a). Notification under this subsection shall not constitute an acknowledgment or admission of liability.”<sup>6</sup>

Resident notification of the development of an HAI by the LTC aids in the transparency of the residents care, furthermore if contractors are not following best practices related to central line care or dialysis, reporting of infection will enable the Authority and the facilities to identify opportunities for improvement within contracted and noncontracted services to design educational programming aimed at providing safe care to this population of residents.

The CLABSI criteria are surveillance criteria not diagnostic criteria. The CLABSI criteria do not require blood cultures from the central line for the resident to fit CLABSI criteria.<sup>7</sup>

The Authority realizes a physician may decide to compare peripheral to central blood cultures to match organisms for the purpose of determining a source or reservoir of infection. However in the LTC population, the likely source of infection in the resident with a central line is the central line. Furthermore, due to polymicrobial intraluminal or extraluminal biofilm formation in lines of long duration, it is possible that a centrally drawn culture may not match a peripheral culture despite the central line being the source of bacteremia.

<sup>6</sup> MCARE Act, <http://patientsafetyauthority.org/PatientSafetyAuthority/Governance/Pages/Act13.aspx>.

<sup>7</sup> Centers for Disease Control and Prevention. Central Line-Associated Bloodstream Infection (CLABSI) Event. Device-associated module CLABSI. Pages 4-1–4-5., [http://www.cdc.gov/nhsn/pdfs/pscmanual/4psc\\_clabscurrent.pdf](http://www.cdc.gov/nhsn/pdfs/pscmanual/4psc_clabscurrent.pdf).

**Conjunctivitis**—The Authority received seven comments requesting that conjunctivitis be eliminated as there are many noninfectious conditions that have an identical presentation. In addition, this group of infections has not been identified as a marker of significant morbidity and/or mortality in the nursing home population.

#### *Response*

Conjunctivitis will be reportable.

#### *Rationale*

The commenters have provided no published references to substantiate the claims that conjunctivitis does not cause morbidity and mortality.

MRSA infection of the eye has been associated with the presentation of conjunctivitis by as much as 31%.<sup>8</sup>

Adenovirus-associated conjunctivitis may lead to significant ocular morbidity and is associated with substantial health care costs.<sup>9</sup>

**Scabies**—The Authority received seven comments requesting that scabies be eliminated because it is not an infection and has not been identified as a marker of significant morbidity or mortality, or both, in the nursing home population.

#### *Response*

Scabies will be reportable.

#### *Rationale*

The commenters have provided no published references to substantiate the claims that Scabies is not classified as an infection, nor causes morbidity or mortality, or both.

Scabies is highly infectious and is spread through contact.

The pruritus associated with infection causes significant distress. Breaks in the epidermis due to the burrowing of the mites and the skin damage caused by the excoriation serve as portals of entry for pathogenic bacteria. The clinical consequences of secondary bacterial infection, especially with group A streptococci (*Streptococcus pyogenes*) result in significant and frequently unrecognized morbidity.<sup>10</sup>

**Conditional criteria/terminology**—The Authority received 15 requests for a detailed listing of conditional criteria or requests for terminology changes or clarification to terms used in conditional criteria.

#### *Response*

Conditional criteria will be listed in their entirety in the revised PA-PSRS reporting manual and in the educational programming prior to the launch of the revised PA-PSRS LTC HAI reporting system.

Clarification/changes of terminology will be incorporated per public comment as needed for clarity.

**Miscellaneous**—The Authority received six comments that were of a miscellaneous nature. They were as follows: three on education prior to implementation; two on list time frames for criteria to distinguish between present on admission and LTC related; and one on requests for algorithms as part of the training materials.

<sup>8</sup> Kaiser Permanente Medical Group. MRSA eye infections on the rise, treatment lagging. American Academy of Ophthalmology (AAO) 2011 Annual Meeting; Abstract 207. Presented Oct. 23.

<sup>9</sup> Robert Sambursky, MD, William Trattler, MD, Shachar Tauber, MD, et al. Sensitivity and specificity of the AdenoPlus Test for diagnosing adenoviral conjunctivitis. *JAMA Ophthalmol.* 2013;131(1):17-21.

<sup>10</sup> J S McCarthy, D J Kemp, S F Walton, B J Currie. Scabies: more than just an irritation. *Postgrad Med J* 2004; 80: 382–387.

*Response*

The Authority will roll out training and education prior to the implementation of the criteria.

Time frame qualifiers for LTC related HAIs will be listed in the training materials and the user manual.

Criteria algorithms will be included within the training materials and user manual.

**Exhibit A. List of Reportable HAIs**

- A. Urinary tract infection
  - 1. Asymptomatic bacteruria with secondary bacteremia
  - 2. Catheter-associated urinary tract infection
  - 3. Symptomatic urinary tract infection
- B. Respiratory tract infection
  - 1. Lower respiratory tract infection
  - 2. Influenza like illness
  - 3. Pneumonia
- C. Gastrointestinal infection
  - 1. Clostridium difficile
  - 2. Norovirus
  - 3. Bacterial gastroenteritis
- D. Skin and soft-tissue infection
  - 1. Cellulitis, soft-tissue or wound infection
  - 2. Conjunctivitis
  - 3. Scabies
- E. Device-related bloodstream infection
  - 1. Central-line-associated bloodstream infection-dialysis
  - 2. Central-line-associated bloodstream infection-temporary
  - 3. Central-line-associated bloodstream infection-permanent

MICHAEL C. DOERING,  
*Executive Director*  
*Patient Safety Authority*

MICHAEL WOLF,  
*Secretary*  
*Department of Health*

[Pa.B. Doc. No. 13-1880. Filed for public inspection October 4, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Eligible Telecommunications Carriers; Federal Universal Service Low Income Support

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support:

Airvoice Wireless, LLC, Petition for Designation as an Eligible Telecommunications Carrier; Doc. No. P-2013-2379431

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petitions at the Commission web site <http://www.puc.state.pa.us/> or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is Rhonda L. Daviston, Assistant Counsel, Law Bureau (717) 787-6166.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1881. Filed for public inspection October 4, 2013, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 21, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2013-2360888. Port Royal Emergency Services, Inc.** (316 Milford Street, Port Royal, Juniata County, PA 17082) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service between points in the Counties of Perry and Juniata, and from points in said counties, to points in Pennsylvania, and vice versa; subject to the following condition: That the service herein is limited to the transportation of persons in wheelchairs or on litters.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1882. Filed for public inspection October 4, 2013, 9:00 a.m.]

# PHILADELPHIA REGIONAL PORT AUTHORITY

## Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-024.6, PAMT, Bldg. 7 Fire Alarm Control Panel & Devices Replacement, until 2 p.m. on Thursday, October 31, 2013. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1883. Filed for public inspection October 4, 2013, 9:00 a.m.]

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## Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-086.4, Installation of Perimeter Lighting at Various Facilities, until 2 p.m. on Thursday, October 31, 2013. Information (including mandatory prebid information) can be obtained from the web

site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1884. Filed for public inspection October 4, 2013, 9:00 a.m.]

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# THADDEUS STEVENS COLLEGE OF TECHNOLOGY

## Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 13-0005 for three consultant positions. These positions would be for an Academic Affairs Consultant, Residence Life Consultant and an Electrical Technology Consultant. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, [froeschle@stevenscollege.edu](mailto:froeschle@stevenscollege.edu).

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 13-1885. Filed for public inspection October 4, 2013, 9:00 a.m.]

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