



Volume 44 (2014)

Pennsylvania Bulletin
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November 1, 2014 (Pages 6905-7008)

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PENNSYLVANIA BULLETIN

Volume 44
Saturday, November 1, 2014 • Harrisburg, PA
Number 44
Pages 6905—7008

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Department of Banking and Securities

Department of Environmental Protection

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Department of Transportation

Environmental Hearing Board

Game Commission

Health Care Cost Containment Council

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Pennsylvania Public Utility Commission

Philadelphia Regional Port Authority

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State Board of Nursing

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Susquehanna River Basin Commission

Thaddeus Stevens College of Technology

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 480, November 2014

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PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 4 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$82.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

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Attn: *Pennsylvania Bulletin*
800 West Church Road
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Pennsylvania Bulletin

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

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

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

Source Notes give the history of regulations. 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/cfdocs/legis/CH/Public/pcde_index.cfm.

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.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from 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. A fiscal note provides 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 5 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 5 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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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 429 Judicial Administration Doc.

Order

Per Curiam:

And now, this 15th day of October, 2014, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2015.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, and judges and staff of all divisions of the Philadelphia Municipal Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

§ 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases.*—In calendar year 2015, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less \$51.00
- (2) Actions involving more than \$500 but not more than \$2,000 \$68.00
- (3) Actions involving more than \$2,000 but not more than \$4,000 \$84.50
- (4) Actions involving between \$4,001 and \$12,000 \$127.00
- (5) Landlord-tenant actions involving less than \$2,000 \$76.50
- (6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 \$93.00
- (7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000 \$127.00
- (8) Order of execution \$38.50
- (9) Objection to levy \$17.00
- (10) Reinstatement of complaint \$8.50
- (11) Entering Transcript on Appeal or Certiorari . . \$4.50

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2015, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

- (1) Custody cases, except as provided in section 1725(c)(2)(v) \$8.00

(b) *Criminal cases.*—In calendar year 2015, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases \$48.50
- (2) Summary conviction, motor vehicle cases, other than paragraph (3) \$38.50
- (3) Summary conviction, motor vehicle cases, hearing demanded \$46.50
- (4) Misdemeanor \$55.00
- (5) Felony \$63.50

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2015, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary \$8.50
- (2) Marrying each couple, making record thereof, and certificate to the parties \$42.50
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) \$17.00
- (4) Issuing a search warrant (except as provided in subsection (d)) \$17.00

(5) Any other issuance not otherwise provided in this subsection \$17.00
§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2015, Commonwealth portion of fines, etc.

* * * * *

- (c) *Costs in magisterial district judge proceedings.*
- (2) Amounts payable to the Commonwealth:
 - (i) Summary conviction, except motor vehicle cases \$17.10
 - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$17.10
 - (iii) Summary conviction, motor vehicle cases, hearing demanded \$17.10
 - (iv) Misdemeanor \$22.00
 - (v) Felony \$33.85
 - (vi) Assumpsit or trespass involving:
 - (A) \$500 or less \$21.25
 - (B) More than \$500 but not more than \$2,000 . . . \$34.00
 - (C) More than \$2,000 but not more than \$4,000 \$50.70
 - (D) Between \$4,001 and \$12,000 \$84.65
 - (vii) Landlord-tenant proceeding involving:
 - (A) \$2,000 or less \$34.00
 - (B) More than \$2,000 but not more than \$4,000 \$42.25
 - (C) More than \$4,000 but not more than \$12,000 \$59.25
 - (viii) Objection to levy \$8.50
 - (ix) Order of execution \$25.65
 - (x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) \$11.90
 - (xi) Order of possession \$15.00
 - (xii) Custody cases (except as provided in section 1725(c)(2)(v)) \$6.40

[Pa.B. Doc. No. 14-2243. Filed for public inspection October 31, 2014, 9:00 a.m.]

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 428 Judicial Administration Doc.

Order

Per Curiam:

And now, this 15th day of October, 2014, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2013 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401a. Consumer Price Index—costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2013 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 428 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2013 was 1.5% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, February 20, 2014.)

[Pa.B. Doc. No. 14-2244. Filed for public inspection October 31, 2014, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CENTRE COUNTY

Adoption of Local Rule of Judicial Administration 1901; 2014-29

Order

And Now, this 13th day of October, 2014, it is Ordered that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, Centre County Local Rule of Judicial Administration 1901, regarding Termination of Inactive Cases, as follows, is hereby adopted.

Maxine O. Ishler, Centre County Court Administrator, shall publish this order and local rule once in the *Centre County Legal Journal*. Pursuant to Pa.R.J.A. 103, Ms. Ishler shall distribute: one (1) certified copy of this order and local rule via U.S. Mail to be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies of this order and local rule via U.S. Mail and an electronic document via -mail saved in Microsoft Word format via to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Additionally, one (1) copy of this order and local rule shall be provided to each Judge and the Senior Judges in Centre County, the Centre County Law Library, and the Executive Director of the Centre County Bar Association.

The Centre County Prothonotary shall maintain a copy of this local rule for public inspection and copying. Copies will be provided upon request and payment of reasonable cost of reproduction and mailing.

By the Court

THOMAS KING KISTLER,
President Judge

Local Rule 1901. Termination of Inactive Cases.

(1) By November 1st of each year, the Prothonotary shall prepare a list of all civil cases which have been inactive for a period of two (2) years or more.

(2) The Prothonotary may initiate proceedings to terminate a case in which there has been no activity of record for two (2) years or more by serving a Notice of Proposed Termination of Court Case.

(3) The Prothonotary shall serve the notice on counsel of record and on any party not represented, sixty (60) days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination.

(4) The notice shall be served by mail pursuant to Pennsylvania Rule of Civil Procedure 440. If the mailed notice is returned, the notice shall be served by advertisement in the *Centre County Legal Journal*. If a notice mailed to counsel is returned, the Prothonotary shall check the Pennsylvania Bar Association Lawyers Directory or contact the Administrative Office of Pennsylvania Courts to obtain an address for the attorney.

(5) A party or counsel may file an objection to termination of the case in writing with the Prothonotary within sixty (60) days of the date of the Notice of Proposed Termination of Court Case. The written objection must include the caption and docket number of the case.

(6) After sixty (60) days has passed for filing an objection in writing, the Prothonotary shall review each case and if no objection has been received, the Prothonotary shall prepare an order for the signature of the President Judge as of course terminating the matter with prejudice for failure to prosecute.

(7) If an action has been terminated pursuant to this rule, an aggrieved party may petition the Court of Common Pleas to reinstate the action. All cases terminated pursuant to this rule, shall not be reinstated except with leave of Court, for good cause shown.

(8) If a written objection to the termination of the case is filed, the Prothonotary shall forward a copy of the

objection to the Court Administrator and the matter shall be scheduled for pretrial conference or, if a custody or divorce case, the Court Administrator will notify the assigned Judge's assistant and the matter will be scheduled for conference.

(9) The notice required by subdivision (3) shall be substantially as follows:

(CAPTION)

Notice of Proposed Termination of Court Case

The Court intends to terminate this case without further notice because the docket shows no activity in the case for at least two (2) years. You may stop this from occurring by filing an Objection to Termination of the Case—Intention to Proceed in writing with the Prothonotary of the Centre County Courthouse, 102 South Allegheny Street, Room 102, Bellefonte, PA 16823.

If you fail to file an objection in writing, the case will be terminated. You have sixty (60) days from the date of this notice below to file an objection to the termination of the case.

Date of Notice: _____
Prothonotary & Clerk of Courts
Centre County, Pennsylvania

(10) A written objection to termination of the case may be in a form such as follows:

(CAPTION)

Objection to Termination of Case—notice of intention to proceed

To The Court:

I object to the termination of the above-captioned case and I intend to proceed with the above-captioned case.

Date: _____
Signature of Party or Attorney

[Pa.B. Doc. No. 14-2245. Filed for public inspection October 31, 2014, 9:00 a.m.]

CHESTER COUNTY

Clerk of Courts Filing Fee Increases

Administrative Regulation No. 21-2014

And Now, this 16th day of October, 2014, pursuant to 42 Pa.C.S.A. § 1725.4(a), the Clerk of Courts is hereby authorized to charge filing fees in accordance with the following Fee Schedule, effective November 30, 2014.

By the Court

JAMES P. MacELREE, II,
President Judge

Fee Schedule

Effective: 11/30/2014

Appeals

Summary Appeal After Conviction by Magisterial District Judge	\$48.00*
Petition to Withdraw Summary Appeal	\$20.00
Common Pleas Court Appeals to Appellate Courts (payable to Clerk of Courts)	\$48.00*
Appellate Courts fee on Appeals (payable to Appellate Court)	\$85.50

Applications—Petitions—Motions (other than pre or post trials filings)

Miscellaneous Petition	\$25.00*
Constable or deputy constable appointment Petition	\$25.00*
Nunc Pro Tunc	\$25.00*
Miscellaneous filings	\$25.00*

Application for private detective license or license renewal	\$25.00*
Private Detective License Fee: (upon Court approval)	
New License:	
Individual—new application	\$200.00
Partnership, corporation or association	\$300.00
Renewal License:	
Individual—\$100/year (2-5 years)	\$500.00
Partnership, corporation or association—\$150/year (2-5 years)	\$750.00
Petition to Expunge Record	\$34.00*
Application for admission into ARD program	current rate
Bonds	
Bail bonds (Cash, Percentage, ROR, Nominal, Real Estate)	\$25.00*
Real Estate bail bonds require additional fee payable to Prothonotary	
Constable or tax collector bonds	\$25.00*
Other Fees	
Certified Copies (per document)	\$11.00
Copies (per page)	\$1.00
Copies from microfilm/microfiche (per page)	\$2.00
Criminal record search	\$20.00
Fingerprint Card Processing Fee (per individual fingerprinted) (payable to the Commonwealth of PA)	\$17.50
Subpoena (each)	\$5.00

* Includes \$5.00 Clerk of Courts automation fee pursuant to 42 Pa.C.S.A. Sec. 1725.5

[Pa.B. Doc. No. 14-2246. Filed for public inspection October 31, 2014, 9:00 a.m.]

CHESTER COUNTY

**Creation of a Juvenile Court Restitution Fund
(Local Rule No. 512)**

Administrative Regulation No. 22-2014

And Now, this 17th day of October, 2014, is hereby Ordered and Decreed that a juvenile court restitution fund is created as follows:

Authority

The authority for the creation of a juvenile court restitution fund (“JCR Fund”) with contributions paid by juveniles supervised by the Chester County Juvenile Probation Office (“JPO”) may be found in the Juvenile Act at 42 Pa.C.S.A. §§ 6304.1(b), 6323(f), 6340(c.1) and 6352(a)(5), and in the *Pennsylvania Code* at 37 Pa. Code § 200.501 et seq. These statutory sections and rules permit a court of common pleas president judge to establish a restitution fund for victims of juvenile delinquent acts with monies provided by children supervised by a juvenile probation office.

Purpose of Fund

The purpose of the JCR Fund is to provide a means for children under the supervision of the JPO to earn money, through community service work, to reimburse crime victims for financial loss resulting from delinquent acts. In this manner, juvenile offenders are held accountable to their victims, required to benefit the community they harmed and provided opportunities to develop occupational competencies. Consequently, the JCR Fund purpose is consistent with the overarching goals of the Pennsylvania juvenile justice system to provide victim restoration and competency development.

Guidelines

The JPO shall establish and administer the JCR Fund in accordance with these guidelines, as supplemented by any revisions or additional procedures approved by the president judge.¹

Juvenile Payor—A juvenile payor utilizing the JCR Fund is any child under the jurisdiction of the JPO whose conditions of supervision require the child to pay restitution to a victim of a delinquent act.

Victim Recipient—A victim recipient of the JCR Fund is any natural person (not a corporation, business or other organization unless ordered by a juvenile court judge in an individual case) who has submitted a restitution claim, approved by the JPO, which requests restitution for damages caused by a juvenile payor. Should the JCR Fund eventually have sufficient monies to routinely reimburse corporations, businesses and other organizations, the president judge may authorize those entities to be included as victim recipients.

JCR Fund Revenue

The JCR Fund will be provided funds in the following manner:

A. All monies previously collected by the JPO which remain in an existing restitution account shall be utilized as the initial JCR Fund.

B. The JPO shall collect a mandatory restitution fund contribution in the amount of \$60.00 payable to the JCR Fund from every child subject to delinquency proceedings whose case results in an Informal Adjustment.

¹ Any future changes authorized to be made by the president judge pursuant to these guidelines will not necessitate the promulgation of a new administrative regulation.

C. The JPO shall collect a mandatory restitution fund contribution in the amount of \$40.00 payable to the JCR Fund from every child whose case results in a consent decree and \$30.00 payable to the JCR Fund from every child whose case results in an adjudication.

D. Monies collected from a child whose case has been referred to the JPO by a magisterial district court due to the child's failure to pay summary offense fines and costs shall be deposited in the JCR Fund.

E. The president judge may approve other sources of revenue payable to the JCR Fund as the same become available, provided there is a statutory or other legal basis for doing so. The president judge may also revise the mandatory restitution fund contribution amount described above as deemed prudent to achieve the purpose of the JCR Fund.

JCR Fund Management

Any and all JCR Fund monies will be deposited into a Chester County government account maintained by the county treasurer's office and administered by the JPO. The purpose of this account will be to receive and disburse funds associated with the JCR Fund. Pursuant to the discretion of the president judge, the JCR Fund shall only be used to reimburse crime victims for financial losses resulting from delinquent acts. Disbursements from the JCR Fund shall require the review and signature approval of the chief juvenile probation officer ("Chief JPO") and a deputy chief juvenile probation officer.

Review Committee

A committee to review the restitution reimbursement requests of a juvenile payor from the JCR Fund will be comprised of a deputy chief probation officer or a supervising probation officer designated by the Chief JPO and the probation officer assigned to the juvenile payor.

JCR Fund Expenditures

Juvenile payors will be able to request that they earn restitution and that victim recipients be reimbursed from the JCR Fund in the following manner:

A. The JPO will use an application form for juvenile payors. The application form will require the following information:

1. Descriptive information about the juvenile payor including name, date of birth, type and length of supervision, and ability to pay. Older juvenile payors who have the apparent ability to obtain employment will be required to explain why they are not employed and their efforts to gain employment.

2. A summary by the probation officer assigned to the juvenile payor regarding his/her overall performance while under supervision, including school, home and community behavior, community service hours ordered and completed and the amount of restitution ordered and paid to date.

B. The review committee will authorize the amount of eligible JCR Fund disbursements to be made on behalf of the juvenile payor.

C. The JPO will then arrange for the juvenile payor to perform community service and disburse restitution payments to all appropriate victim recipients in a proportionate share of the amount earned by the juvenile payor, calculated by the amount of community service hours worked multiplied by the Pennsylvania minimum wage.

D. The JPO may create incentives, as approved by the supervising judge of the juvenile court, for juvenile payors

to avoid utilizing the JCR Fund and pay restitution directly to victim recipients, e.g. (1) if at least 50% of owed restitution is paid in cash, the wages earned by the juvenile payors shall be 20% higher than minimum wage; (2) if a juvenile payor pays all restitution within the first thirty days of supervision, any community service usually required by JPO as a condition of supervision (not community service necessary to earn JCR Fund monies) will be reduced or eliminated.

Maximum Disbursement

The initial maximum amount that may be disbursed from the JCR Fund on behalf of any juvenile payor shall be one thousand dollars (\$1,000.00). A higher or lower maximum amount may be approved in the future by the president judge, provided any such higher or lower amount will allow the JCR Fund to maintain sustainability.

Suspension of Activity

The president judge shall have the authority to suspend any and all activities associated with the JCR Fund.

Audit

All payments to and disbursements from the JCR Fund shall be monitored monthly by the Chester County controller's office and shall be reviewed annually by that office in conjunction with the annual internal audit of the clerk of courts office, the adult probation office and the JPO.

Annual Report

The Chief JPO, or his/her designee, shall be responsible for the preparation of an annual report detailing the aggregate and individual data regarding payments to and disbursements from the JCR Fund. The annual report shall be provided to the president judge and supervising judge of the juvenile court.

Effective Date

In accordance with Pa.R.J.C.P. 121.F(4), the establishment of the JCR Fund and this Administrative Regulation shall become effective thirty (30) days after publication of this order in the *Pennsylvania Bulletin*.

Publication

In accordance with Pa.R.J.C.P. 121.F, G and H, the Chester County Court Administrator is hereby directed to immediately perform the following tasks:

(1) One (1) certified copy of this Administrative Regulation shall be filed with the Administrative Office of the Pennsylvania Courts;

(2) One (1) copy of this Administrative Regulation shall be published on the UJS portal at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>;

(3) Two (2) certified copies of this Administrative Regulation, a copy of this Administrative Regulation on a computer diskette, CD-ROM, or as an electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f), and a copy of the written notification received from the Juvenile Court Procedural Rules Committee providing that this Administrative Regulation is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure, shall be submitted to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(4) One certified copy of this Administrative Regulation shall be sent to the Chester County Law Library and the Editor of the *Chester County Law Reporter* for publication;

(5) One certified copy of this Administrative Regulation shall be filed with the Chester County Clerk of Courts Office and kept continuously available by that office for public inspection and copying.

By the Court

JAMES P. MacELREE, II,
President Judge

[Pa.B. Doc. No. 14-2247. Filed for public inspection October 31, 2014, 9:00 a.m.]

CHESTER COUNTY

Imposition of Clerk of Courts Administrative Fee

Administrative Order of Court 20-2014

And Now, this 16th day of October, 2014, I direct pursuant to 42 Pa.C.S.A. § 9728(g), that, effective on the 30th day of November, 2014, a one-time administrative fee of Six Dollars (\$6.00) be imposed in all cases disposed of by the Court. Payments of any and all court-imposed financial obligations must be allocated to satisfy the payment of this Fee, thereafter, allocation is administered by the Clerk of Courts as required.

By the Court

JAMES P. MacELREE, II,
President Judge

[Pa.B. Doc. No. 14-2248. Filed for public inspection October 31, 2014, 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 September 19, 2014, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective October 19, 2014.

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.

Aamodt, Jason Bjorn
Tulsa, OK

Abner, Charles Jr.
Jackson Springs, NC

Adekanye, Adediran
Charlotte, NC

Agee, William Paul
Princeton, NJ

Albano, Lisa Marie
Lakewood Ranch, FL

Alden, Alice S.
Cherry Hill, NJ

Anderson, William Harold
Washington, DC

Anthony, Kyle Brandon
Silver Spring, MD

Arrowsmith, Lauri Anne
Oceanside, CA

Avelino, Alexander Jude
Summit, NJ

Bacot, Lisa Marie
Newark, DE

Barrett, Sylvia Iris
Cambridge, MA

Barry, Oliver T.
Cape May Court House, NJ

Beverly, Siyan Kayah
Washington, DC

Bhalla, Rakhil
Los Angeles, CA

Blake, L. Jason
Solon, OH

Bodager, Bill W.
Fort Belvoir, VA

Bonfrisco, Michael Dominick
Cherry Hill, NJ

Boudreaux, Gerald J.
Wilmington, DE

Boyle, William Edward
Vernon Hills, IL

Bramble, Elisa Nicole
Cherry Hill, NJ

Brown, Elizabeth Koniers
Cary, NC

Brown, Theodora H.
Washington, DC

Budnick, Susan Beth
Kiawah Island, SC

Buvidas, Stephen James
Cherry Hill, NJ

Burnett, James Kevin
Frisco, TX

Butler, John Godfrey III
Midlothian, VA

Callaway, Heather Robin
North Little Rock, AR

Campbell, Stephanie Simone
Columbus, OH

Cassidy, Mary Sharon
New York, NY

Clark, Nicholas Robert
Washington, DC

Cohen, Joseph M.
Needham, MA

Cohen, Meredith Siegel
Cherry Hill, NJ

Crohe, Lisa Marie
Washington, DC

Curci, Brian Eric
Princeton, NJ

Curtis, Michael Thomas
Kankakee, IL

De Long, Lisa Michelle
Jacksonville, FL

Dhanjal, Manpreet Singh
Glen Allen, VA

Doyle, Alison Lee
Atlantic City, NJ

Edwards, Claire Patricia
Costa Mesa, CA

Emrich, Christopher Michael
Mount Laurel, NJ

Epps, Andrea Nichole
Pasadena, CA

Evans, Donald Edwin
The Netherlands

Even-Shoshan, Avital Esther
New York, NY

Ewing, Brenda S.
Washington, DC

Feierstein, Edward T.
Palm Beach Gardens, FL

Fioretti, Michael Joseph
Red Bank, NJ

Gale, Catherine A.
Syracuse, NY

Ghose, John Shantanu
Atlanta, GA

Glantz, Elliot R.
Cherry Hill, NJ

Gleason, Christina Ann
Wilmington, DE

Gnudi Kalocsay, Robyn Maria
Fort Lee, NJ

Godoy, Gerd Saul
Upper Saddle River, NJ

Goldmann, Jeffrey David
Nashville, TN

Goldstein, Jeffrey M.
Haymarket, VA

Golzari, Mani
Arlington, VA

Gudis, Charlotte L.
Charleston, SC

Guzzi, Mark Earl
Milton, GA

Haley, Kenneth
Columbia, MD

Harris, Dietrich Andrew
Arcadia, FL

Haskins, Tarik Jamal
Wilmington, DE

Heagle, Khristan Anne
New York, NY

Heesters, Christian G.
Wilmington, DE

Helppe, Jane E.
Dallas, TX

Hill, Cheryl Renne
Baltimore, MD

Hobbins, Matthew Campbell
Tucson, AZ

Hoffman, David Benjamin
Chicago, IL

Holden, Stephen Michael
Merchantville, NJ

Hollis, Adrienne Lynette
Livingston, NJ

Hollis, James William Jr.
Boerne, TX

Holloway, Kathleen K.
Naples, FL

Jennings, Valorie Elois
Rockaway, NJ

Johnson, Paul Henry
Atlanta, GA

Joyce, Willie M.
Gulfport, MS

Kenney, Mary Ann
Houston, TX

King, Dorothea
Bonx, NY

Kinzler, Ronald G.
Somers Point, NJ

Kitei, Richard Samuel
Bethesda, MD

Klotzbaugh, George R.
Windsor, CT

Krause, Arielle Spells
Stamford, CT

Kropf, John W.
Arlington, VA

LeBlond, John F.
The Villages, FL

Lentz, Edward T.
New Lisbon, NY

Lieberman, Nina Ellen Abraham
New York, NY

Looby, Margaret Mary
Virginia Beach, VA

Luby, John E. Jr.
Williamstown, NJ

MacCallum, Duncan James
Portsmouth, NH

Manganaro, Gabrielle
Wilmington, DE

Marciano, John Joseph III
Great Falls, VA

Marsh, Randolph L.
Dallas, TX

Masciocchi, Thomas G.
Clementon, NJ

Mazyck, Veleter M. B.
Washington, DC

McAveney, Shawn P.
Plainsboro, NJ

McGivney, Lawrence J. T.
Florham Park, NJ

McNichols, Timothy Joseph
Toms River, NJ

Michaud, Yvette Alma
The Woodlands, TX

Miller, Tara Lynn
Longport, NJ

Moersfeler, Michelle Marie
Seattle, WA

Moles, Justin Michael
Cherry Hill, NJ

Moore, Fletcher Williams
New York, NY

Morrison, Joyce L.
Saint Joseph, MO

Mott, Amanda Grashof
Wilmington, DE

Nguyen, Tracey B.
Avalon, NJ

Osofsky, Lisa Kate
United Kingdom

Pagano, Shannon Kathleen
Wooster, OH

Pangis, Peter G.
Berkeley Heights, NJ

Pardo (Kronemann), Jose
Washington, DC

Pease, Paige Hadtke
Charlotte, NC

Pecht, Kathryn G.
Virginia Beach, VA

Pelose, George D.
Mount Laurel, NJ

Pena, Miguel David
Wilmington, DE

Pepper, Daniel Adam
Flemington, NJ

Piarulli, Jayne A.
Voorhees, NJ

Pina, Stephen A. II
Deptford, NJ

Rennie, Sheldon Kevin
Wilmington, DE

Reynolds, James Joseph III
New York, NY

Ricks, Sarah Elizabeth
Camden, NJ

Roberts, Kelly Anne
Wilmington, DE

Rodgers, Andrea Carter
Wilmington, DE

Rodriguez, John Paul
Silver Spring, MD

Rosenfeldt, Stuart A.
Fort Lauderdale, FL

Rothschild, Kerry Glenn
Florham Park, NJ

Salon, Christine Lynne
Bellaire, MI

Santee, Alexander Cole
Hackensack, NJ

Saverice-Rohan, Angela
Pasadena, CA

Schwartzman, Polina
New York, NY

Sentz, Jessica Leigh
Austin, TX

Sevick, Patricia Jo Steffen
Cherry Hill, NJ

Shabel, Kathryn M.
Mount Laurel, NJ

Shumate, Christine Marie
Wilmington, DE

Somers, George Britton Jr.
Princeton, NJ

Steinberg, Saul J.
Camden, NJ

Stern, Eric Rory
Whitehouse Station, NJ

Strobel, Sylvia Lynette
Baltimore, MD

Swan, Robert G.
Hamilton Square, NJ

Taylor, Marsha J.
Brooklyn, NY

Thomas, Katherine Aquavia
Alexandria, VA

Thomas, Windell Wilfred
Silver Spring, MD

Tice, Amy Carolyn
Wenonah, NJ

Tiufekchiev, Michael Patrick
Plainsboro, NJ

Tost, Leonard J.
Weirton, WV

Tracy, Daniel George
Egg Harbor Township, NJ

Tyson, William C.
Naples, FL

Udoye, Ferdinand Okonkwo
Upper Marlboro, MD

Urie, Vanessa A.
Madison, NJ

Valente, Anthony Joseph II
Gibbstown, NJ

Vanderveer, Christopher P.
Atlantic City, NJ

Wade, Harry Calvin III
Cleveland, OH

Wahrman, Miriam Leah
New York, NY

Ward, Glenn C.
Wilmington, DE

Weintraub, Heidi Ruth
Pitman, NJ

Welsh, Kevin L.
Nashville, TN

Wenger, David Earl III
Youngstown, OH

Wiggins, John W.
Bridgeton, NJ

Wilson, Charles L.
Buffalo, NY

Wolf, Liza Beth Leidner
Haddonfield, NJ

Yonkman, Mark W.
Grandville, MI

Zummo, Daniel B. Andrews
San Diego, CA

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

[Pa.B. Doc. No. 14-2249. Filed for public inspection October 31, 2014, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that C. William Berger, (#11107) having voluntarily surrendered his license to practice law in the State of Florida by Order of the Supreme Court of Florida dated June 2, 2014; the Supreme Court of Pennsylvania issued an Order on October 15, 2014, disbaring C. William Berger from the Bar of this Commonwealth, effective November 14, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-2250. Filed for public inspection October 31, 2014, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Roger P. Frye, (#25717) having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated May 20, 2014; the Supreme Court of Pennsylvania issued an Order on October 15, 2014, disbaring Roger P. Frye from the Bar of this Commonwealth, effective November 14, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-2251. Filed for public inspection October 31, 2014, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Peter M. Schannauer, (#36880) having been disbarred from the practice of law in the State of Oregon by the Trial Panel Opinion of a three-member panel of the Disciplinary Board of the Oregon State Bar dated March 10, 2014; the Supreme Court of Pennsylvania issued an Order on October 15, 2014, disbaring Peter M. Schannauer from the Bar of this Commonwealth, effective November 14, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-2252. Filed for public inspection October 31, 2014, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE [49 PA. CODE CHS. 16 AND 18] Genetic Counselors

The State Board of Medicine (Board) amends §§ 16.11 and 16.13 (relating to licenses, certificates and registrations; and licensure, certification, examination and registration fees) and adds Chapter 18, Subchapter K (relating to genetic counselors) to read as set forth in Annex A.

Effective Date

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

Background and Purpose

The act of December 22, 2011 (P. L. 576, No. 125) (Act 125) amended the Medical Practice Act of 1985 (act) (63 P. S. §§ 422.1—422.51a) to require the Board to license and regulate genetic counselors. This final-form rulemaking effectuates Act 125.

Statutory Authority

The final-form rulemaking is authorized under section 13.4 of the act (63 P. S. § 422.13d), which authorizes the Board to license genetic counselors, to issue temporary permits to graduates of genetic counseling education programs and to regulate the practice of genetic counseling and discipline licensees. Section 8 of the act (63 P. S. § 422.8) authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the act. In addition, section 3 of Act 125 directs the Board to promulgate regulations to license genetic counselors.

Summary of Comments and Responses to Proposed Rulemaking

Notice of proposed rulemaking was published at 43 Pa.B. 6212 (October 19, 2013) with a 30-day public comment period. The Board did not receive comments from the regulated community or the public. Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) provided comments to the Board. On December 18, 2013, the Independent Regulatory Review Commission (IRRC) submitted comments to the Board.

IRRC suggested that the Board further amend § 16.11 to list each of the categories of licenses that the Board will be issuing to genetic counselors. The Board agrees that § 16.11 does not include an exhaustive list of the licenses issued by the Board for genetic counselors or for other types of licenses that the Board issues. For example, athletic trainers, respiratory therapists and physician assistants have temporary licenses, permits or authorizations to practice issued by the Board. However, these temporary licenses, permits and authorizations to practice are not listed in § 16.11. The Board will consider IRRC's suggestion and will determine whether it should amend § 16.11 in another rulemaking package that would enable the Board to address the various licenses issued that are not listed in the section.

Upon review of § 16.11, the Board discovered it had erred in a previous rulemaking package regarding physician assistants and respiratory therapists by amending § 16.11(b) but failing to amend § 16.11(c). Subsection (b) lists the nonmedical doctor licenses issued by the Board. Subsection (c) lists the licenses subject to biennial registration with the Board. Subsections (b) and (c) lists these licenses in the same order; however, because the Board erred by omitting respiratory therapists from the list in subsection (c), the lists will not be in the same order after this final-form rulemaking is published unless the Board adds respiratory therapist licenses to the list in subsection (c). Accordingly, the Board added biennial registration of a respiratory therapy license to the list in subsection (c) as part of this final-form rulemaking.

Regarding the fees in § 16.13, IRRC questioned the content of the "Fee Report Form" submitted for the biennial renewal fee for genetic counselors, as the content of that form is different than the content of the fee report forms submitted for other fees, such as the licensure application fee. The licensing boards and commissions within the Bureau of Professional and Occupational Affairs (BPOA) set two types of fees: fees for services performed for individual applicants/licensees; and biennial renewal fees.

The fees for services performed for individual applicants are based on the cost to the Board to provide the services to the individuals. Accordingly, the fee report forms for fees for services performed include the following: a section on fee-related activities and costs, wherein the BPOA's revenue office performs an analysis to determine what types of employees are tasked with processing the individual applications; how much time these employees, on average, may be expected use to perform their part of the processing; the cost of the salary and benefits of these employees; and an amount for administrative overhead regarding the total time spent processing an individual application. Thus, the fees for services performed fees recoup from the individual applicant the average cost of processing an applicant's application.

The second type of fee charged by the Board is the biennial renewal fee. The biennial renewal fee is not based on the cost to the Board to provide services to a particular applicant or licensee; accordingly, the fee-related activities include the investigative, prosecutorial, adjudicative, regulatory and administrative activities of the Board. Under section 6(b) of the act (63 P. S. § 422.6(b)), the Board sets the biennial renewal fee for licensees so that the total revenue and expenses over a 2-year period will be adequate to meet the minimum enforcement efforts required by the act. In determining the biennial renewal fee for each of the licensee types licensed by the Board, the Board anticipates the amount of resources likely to be consumed in providing the investigative, prosecutorial, adjudicative, regulatory and administrative functions regarding the licensee class and, to a lesser extent, considers the average annual salary of the licensee type and seeks to impose a proportional burden across licensee types.

At the time of enactment of Act 125, the Board estimated an annual cost associated with this new class of licensee of approximately \$6,000 based on an estimated 100 genetic counselors, resulting in a biennial renewal fee of approximately \$120. However, the Board revisited the appropriate biennial renewal fee to be applied to genetic

counselors. Based on records of the American Board of Genetic Counseling (ABGC), there are currently 177 certified genetic counselors in this Commonwealth. The Board estimates there may be five individuals certified by the American Board of Medical Genetics (ABMG) that practice as genetic counselors who may also apply for licensure. The Board cannot estimate whether there are uncertified genetic counselors who will seek licensure. Therefore, for purposes of determining the appropriate fee, the Board estimates approximately 180 genetic counselors will seek licensure and on that basis has determined that a \$75 biennial renewal fee is more appropriate.

Section 18.705(b)(1) (relating to application for temporary provisional genetic counselor license) provides that an applicant for a temporary provisional genetic counselor license shall demonstrate that the applicant has been granted active candidate status establishing eligibility to sit for the next available certification examination offered by the ABGC. IRRC suggested that, to be consistent with section 13.4(g)(1) of the act, the Board should also include the certification examination offered by the ABMG. The Board intentionally did not include the ABMG because the ABMG has not offered an examination for approximately 25 years. Thus, an individual would not have active candidate status to sit for the the ABMG examination. In contrast, the Board included the ABMG as a certification that would establish eligibility for licensure under § 18.703 (relating to application for genetic counselor license) because applicants for the genetic counselor license may have passed the the ABMG examination at a time when the ABMG offered an examination.

IRRC suggested that the Board reference the application fee in its regulations as the fee required to be paid by an applicant for a temporary genetic counselor license. Section 18.705(a) already includes a reference to § 16.13(m). Therefore, the second reference to the required application fee in § 18.705(b)(2) is unnecessary and has been deleted.

IRRC further recommended the Board make additions to § 18.705 to explain what actions could be taken by an individual who formerly held a provisional license but who either failed to take the the ABGC examination by the close of the second examination period or who failed to pass the the ABGC examination within two examination cycles after receiving the temporary provisional license. IRRC asked if this individual would be permanently barred from applying for a license. The Board added a sentence to subsection (e) to notify the public that an individual whose temporary provisional genetic counselor license has expired under subsection (d) or (e) may apply for a genetic counselor license when the individual meets the qualifications of § 18.703, including passing the examination.

IRRC suggested that the use of the title “graduate genetic counselor,” which the holder of a temporary provisional genetic counselor license is authorized to use, might confuse the public because a “graduate” college degree is understood to represent education beyond a bachelor’s degree. Applicants for a temporary provisional genetic counselor license or a genetic counselor license shall have completed a master’s degree or higher. Placing “graduate” before the professional title is done by other professions to signify that an individual has completed the education program but is not yet a fully licensed professional. By way of example, “graduate nurse” is used to designate a nurse who has completed nursing educa-

tion but who has not yet passed the nurse licensure examination. The Board does not believe the public will be confused by the title.

IRRC questioned whether the cross-reference in § 18.706 (relating to biennial registration of genetic counselor license) to the requirement for professional liability insurance should be to § 18.710 (relating to professional liability insurance coverage for genetic counselors), as in other sections of the proposed rulemaking, rather than to section 13.4(k) of the act. The Board changed the cross-reference.

IRRC commented on § 18.708 (relating to disciplinary action for applicants and genetic counselors), noting that subsections (b) and (c) list what is considered unprofessional or immoral conduct, but that subsection (a) does not directly state that a licensee may be disciplined for violations of subsection (b) or (c). IRRC recommended addressing this issue by adding language to subsection (a). Subsection (a) provides notice that a licensed genetic counselor, graduate genetic counselor or applicant for a license is subject to refusal of license or disciplinary action under sections 22 and 41 of the act (63 P.S. §§ 422.22 and 422.41). Section 41 of the act relates to reasons for refusal, revocation, suspension or other corrective actions against licensees or applicants. Section 41(6) of the act authorizes the Board to refuse a license to an applicant or discipline a licensee for violating any lawful regulation of the Board. Section 41(8) of the act authorizes the Board to refuse a license to an applicant or discipline a licensee for being guilty of immoral or unprofessional conduct. Licensees and applicants are subject to discipline or license refusal under section 41 of the act. The Board declines to amend subsection (a) to list only one of the grounds for refusal or discipline in section 41 of the act because to do so might lead some to believe that genetic counselor applicants and licensees are subject to discipline only under section 41(8) of the act, rather than under the entirety of section 41 of the act. Subsections (b) and (c) merely clarify what the Board considers to be unprofessional conduct and immoral conduct for purposes of section 41(8) of the act.

IRRC noted that the proposed rulemaking did not directly reference the reporting required under § 16.16 (relating to reporting of disciplinary actions, criminal dispositions and other licenses, certificates or authorizations to practice) and recommended adding failure to comply with the reporting requirements of § 16.16 to § 18.708. Section 41(6) of the act authorizes the Board to refuse a license to an applicant or discipline a licensee for violating a lawful regulation of the Board, including § 16.16. The Board declines to amend § 18.708 to reference only one regulatory provision that could be violated when § 18.708(a) already provides notice that discipline is possible for violating any provision of the Board’s regulations.

IRRC provided comments on § 18.709 (relating to continuing education for genetic counselors). IRRC suggested that the Board repeat the statutory exemption from continuing education for courses in office management or practice building. The Board added this language to § 18.709(a)(1). IRRC also questioned whether it was sufficient to allow genetic counselors to earn credit for activities approved by the ABGC or the National Society of Genetic Counselors (NSGC). According to the stakeholders with whom the Board met in developing the proposed rulemaking, virtually all continuing education in the field is approved by either the ABGC or the NSGC. Approval by these organizations benefits practitioners by

creating a Nationally-accepted pool of continuing education courses that are recognized by employers, certifying bodies and all of the states in which these professionals are licensed. Requiring continuing education that is widely-accepted benefits licensees by ensuring license and employment portability. In addition, recognizing continuing education approved by these organizations protects the public because the organizations consistently approve only good quality continuing education programs. The Board believes allowing licensees to obtain continuing education credit for licensure renewal through courses approved by these organizations benefits both licensee and the public, and ensures adequate availability of continuing education programs.

On July 22, 2014, IRRC issued a disapproval order indicating concerns with the clarity of Chapter 18, Subchapter K in three areas. First, IRRC stated that the titles “genetic counselor” and “graduate genetic counselor” were not sufficiently differentiated so that the public can understand which title represents a fully licensed practitioner. The Board explained that it does not share this concern because stakeholders informed the Board during the proposed rulemaking process that “graduate genetic counselor” was commonly used for individuals who completed their graduate degree, but had not yet taken the National certification examination. In addition, the Board notes that other health-related professions utilize similar titles to signify those individuals who have completed the required education but had not yet taken the licensure examination. For example, section 13.2 of the act (63 P. S. § 422.13b) provides for graduates of a physician assistant program recognized by the Board to practice under direct supervision and uses the title “graduate physician assistant.” In addition, the State Board of Nursing issues temporary practice permits to “graduate professional nurses” and “graduate practical nurses” and has done so for many years without public confusion.

Nevertheless, the Board is sensitive to IRRC’s concern regarding potential public confusion. Accordingly, the Board revised the final-form rulemaking to aid clarity. First, the Board added a definition for “graduate genetic counselor” to § 18.702 (relating to definitions) as “an individual who has been issued a temporary provisional genetic counselor license by the Board under § 18.705 (relating to application for temporary provisional genetic counselor license) to practice under the supervision of a physician or genetic counselor.” In addition, the Board added to § 18.705(f) a requirement that a graduate genetic counselor inform clients that the graduate genetic counselor holds a temporary provisional license and practices under supervision. Finally, the Board added to the list of conduct which would constitute unprofessional conduct in § 18.708(b) a new paragraph for failing to inform a client that a graduate genetic counselor holds a temporary provisional license and practices under supervision. The Board believes these additions will create a clearer distinction between these two titles and will serve to eliminate confusion caused by the use of “graduate genetic counselor.”

IRRC next noted that although § 18.702 defines “genetic counselor,” the term “licensed genetic counselor” is used as well. The Board amended the final-form rulemaking to refer to licensed individuals by using the defined term “genetic counselor.”

IRRC also raised a concern regarding § 18.708, questioning whether the section adequately set forth the various disciplinary provisions through which applicants and genetic counselors may be disciplined. The Board

amended § 18.708 by adding cross-references to the act and to Chapter 16 to address the IRRC’s concerns. The Board believes these amendments will make it clear that the disciplinary provisions of the act and Chapter 16 apply to all licensees of the Board, but that the more specific provisions in Chapter 18, Subchapter K apply specifically to genetic counselors.

Fiscal Impact and Paperwork Requirements

The statutory requirements that genetic counselors obtain and renew licenses to practice genetic counseling, obtain and maintain professional liability insurance, and complete at least 30 hours of continuing education biennially will have a fiscal impact and impose paperwork requirements on the regulated community. Most genetic counselors are employed in health care facilities, colleges and universities, and employers may pay the licensure fees and costs associated with professional liability insurance and continuing education.

The new requirements will also have a fiscal impact and will impose additional paperwork requirements on the Commonwealth, specifically the Board, which is charged with administering the act. However, the costs to the Board will be recouped through application fees and biennial renewal fees.

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 October 7, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 6212, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 9, 2014, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 10, 2014, and disapproved the final-form rulemaking. IRRC issued its disapproval order on July 22, 2014.

Under section 7(c) of the Regulatory Review Act (71 P. S. § 745.7(c)), the Board delivered the revised final-form rulemaking to IRRC, the HPLC and the SCP/PLC on August 29, 2014. Under section 7(c.1) of the Regulatory Review Act, IRRC met on September 18, 2014, and approved the final-form rulemaking with changes. Under section 7(d) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on October 2, 2013.

Contact Person

Interested persons may obtain information regarding the final-form rulemaking by writing to Teresa Lazo, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, tlazo@pa.gov.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 6212.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in this preamble.

Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 16 and 18, are amended by adding §§ 18.701—18.710 and by amending §§ 16.11 and 16.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

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

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

ANDREW J. BEHNKE, MD,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 6306 (October 4, 2014).)

Fiscal Note: Fiscal Note 16A-4937 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

(a) The following medical doctor licenses are issued by the Board:

- (1) License without restriction.
(2) Institutional license.
(3) Extraterritorial license.
(4) Graduate license.
(5) Temporary license.
(6) Interim limited license.

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

- (1) Nurse-midwife license.
(2) Nurse-midwife certificate of prescriptive authority.
(3) Physician assistant license.
(4) Acupuncturist license.
(5) Practitioner of Oriental medicine license.
(6) Behavior specialist license.
(7) Athletic trainer license.
(8) Perfusionist license.
(9) Respiratory therapist license.
(10) Genetic counselor license.

(c) The following registrations are issued by the Board:

- (1) Registration as a supervising physician of a physician assistant.
(2) Biennial registration of a license without restriction.
(3) Biennial registration of an extraterritorial license.
(4) Biennial registration of a midwife license.
(5) Biennial registration of a physician assistant license.
(6) Biennial registration of a drugless therapist license.
(7) Biennial registration of a limited license-permanent.
(8) Biennial registration of an acupuncturist license.
(9) Biennial registration of a practitioner of Oriental medicine license.
(10) Biennial registration of a behavior specialist license.
(11) Biennial registration of athletic trainer license.
(12) Biennial registration of a perfusionist license.
(13) Biennial registration of a respiratory therapy license.
(14) Biennial registration of a genetic counselor license.

§ 16.13. Licensure, certification, examination and registration fees.

* * * * *

Table with 2 columns: License/Registration Name and Fee. Includes entries for Perfusionist License, Genetic Counselor License, and various biennial registrations with fees ranging from \$40 to \$100.

**CHAPTER 18. STATE BOARD OF
MEDICINE—PRACTITIONERS OTHER THAN
MEDICAL DOCTORS**

Subchapter K. GENETIC COUNSELORS

Sec.	
18.701.	Purpose.
18.702.	Definitions.
18.703.	Application for genetic counselor license.
18.704.	Application for genetic counselor license by uncertified persons.
18.705.	Application for temporary provisional genetic counselor license.
18.706.	Biennial registration of genetic counselor license.
18.707.	Inactive status of genetic counselor license; reactivation of inactive license.
18.708.	Disciplinary action for applicants and genetic counselors.
18.709.	Continuing education for genetic counselors.
18.710.	Professional liability insurance coverage for genetic counselors.

§ 18.701. Purpose.

This subchapter implements section 13.4 of the act (63 P. S. § 422.13d), regarding genetic counselors.

§ 18.702. Definitions.

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

ABGC—The American Board of Genetic Counseling or an equivalent successor.

ABMG—The American Board of Medical Genetics or an equivalent successor.

Active candidate status—The designation awarded to an individual who has received approval from the ABGC or the ABMG to sit for the respective certification examination.

Genetic counseling—The provision of services to individuals, couples, families and organizations by one or more appropriately trained individuals to address the physical and psychological issues associated with the occurrence or risk of occurrence of a genetic disorder, birth defect or genetically influenced condition or disease in an individual or a family.

Genetic counselor—An individual who is licensed to practice genetic counseling by the Board or the State Board of Osteopathic Medicine.

Graduate genetic counselor—An individual who has been issued a temporary provisional genetic counselor license by the Board under § 18.705 (relating to application for temporary provisional genetic counselor license) to practice under the supervision of a physician or genetic counselor.

Hour of continuing education—At least 50 minutes of instruction, including relevant question and answer sessions, in an approved course of continuing education or an equivalent time that an online or correspondence course would be presented live.

NSGC—The National Society of Genetic Counselors or an equivalent successor.

§ 18.703. Application for genetic counselor license.

(a) An applicant for a license to practice as a genetic counselor shall submit, on forms made available by the Board, a completed application for a license to practice as a genetic counselor, including the necessary supporting documents, and pay the application fee in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a genetic counselor to an applicant who demonstrates that the applicant:

(1) Is at least 21 years of age and of good moral character, as required under section 13.4(e)(1) and (2) of the act (63 P. S. § 422.13d(e)(1) and (2)).

(2) Has received a master's degree or doctoral degree in human genetics or genetic counseling from an ABGC-accredited or ABMG-accredited educational program or has met the requirements for certification by the ABGC or the ABMG. Proof of the degree, if applicable, shall be sent directly from the applicant's education program and include an official transcript.

(3) Has passed the examination for certification as a genetic counselor by the ABGC or the ABMG or has passed the examination for certification as a Ph.D. medical geneticist by the ABMG. Proof that the applicant has passed the examination shall be sent directly from the ABGC or the ABMG, and may include proof of current certification.

(4) Has obtained professional liability insurance, or is exempt from the requirement to obtain professional liability insurance, as set forth in § 18.710 (relating to professional liability insurance coverage for genetic counselors).

(c) The Board may deny an application for licensure as a genetic counselor upon the grounds for disciplinary action in § 18.708 (relating to disciplinary action for applicants and genetic counselors).

§ 18.704. Application for genetic counselor license by uncertified persons.

(a) An applicant for a license to practice as a genetic counselor who has never passed the ABGC or ABMG certification examination shall submit, on forms made available by the Board, a completed application for a license to practice as a genetic counselor, including the necessary supporting documents, and pay the application fee in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a genetic counselor to an uncertified applicant who:

(1) Submits an application to the Board, along with the required supporting documentation, by February 20, 2015.

(2) Demonstrates that the applicant is at least 21 years of age and of good moral character as required under section 13.4(e)(1) and (2) of the act (63 P. S. § 422.13d(e)(1) and (2)).

(3) Demonstrates that the applicant has received a master's degree or higher in genetics or a related field of study and has worked as a genetic counselor for a minimum of 3 continuous years preceding December 22, 2011, or has received a bachelor's degree in genetics or a related field of study and has been employed as a genetic counselor for at least 10 continuous years prior to December 22, 2011.

(i) Proof of the degree shall be sent directly from the applicant's educational program and include an official transcript.

(ii) Related fields of study must include core courses in genetics.

(iii) Proof of employment as a genetic counselor may include Federal income tax forms or notarized letters from the applicant's employers.

(4) Submits at least three letters of recommendation, including one from a genetic counselor certified by the ABGC or the ABMG and one from either a clinical geneticist or medical geneticist certified by the ABMG. A

person who submits a letter of recommendation shall have worked with the applicant in an employment setting sometime during the previous 10 continuous years and be able to attest to the applicant's competency in providing genetic counseling services.

(5) Demonstrates that the applicant has obtained professional liability insurance, or is exempt from the requirement to obtain professional liability insurance, as set forth in § 18.710 (relating to professional liability insurance coverage for genetic counselors).

§ 18.705. Application for temporary provisional genetic counselor license.

(a) An applicant for a temporary provisional genetic counselor license shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, and pay the fee in § 16.13(m) (relating to licensure, certification, examination and registration fees) for an application for a temporary provisional genetic counselor license.

(b) The Board may grant a temporary provisional genetic counselor license, which authorizes the license holder to practice only under the supervision of a genetic counselor or physician licensed under the act or under the Osteopathic Medical Practice Act (63 P. S. §§ 271.1—271.18), to an applicant who:

(1) Demonstrates that the applicant has been granted active candidate status establishing eligibility to sit for the next available certification examination offered by the ABGC.

(2) Demonstrates that the applicant is at least 21 years of age, of good moral character and has completed an application form provided by the Board.

(3) Otherwise complies with this subchapter.

(c) The Board may deny an application for a temporary provisional genetic counselor license upon the grounds in § 18.708 (relating to disciplinary action for applicants and genetic counselors).

(d) A temporary provisional genetic counselor license will expire upon the close of the second examination period for which the holder is eligible to test following the date of issuance of the temporary provisional license and may not be renewed.

(e) A temporary provisional genetic counselor license will expire upon notice to the Board that the holder has not passed the certification examination within two examination cycles after receiving the temporary provisional license. The holder of a temporary provisional genetic counselor license who fails to pass the examination within two examination cycles shall immediately cease practicing and return the license to the Board. An individual whose temporary provisional genetic counselor license has expired under subsection (d) or this subsection may apply for a genetic counselor license when the individual can demonstrate the qualifications in § 18.703 (relating to application for genetic counselor license).

(f) The holder of a temporary provisional genetic counselor license may not use the title "genetic counselor." The holder of a temporary provisional genetic counselor license may use the title "graduate genetic counselor" but may not use an abbreviation of the title.

(g) A graduate genetic counselor shall inform clients that the graduate genetic counselor holds a temporary provisional license and practices under supervision.

§ 18.706. Biennial registration of genetic counselor license.

(a) The license of a genetic counselor will expire biennially on December 31 of each even-numbered year in accordance with § 16.15 (relating to biennial registration; inactive status and unregistered status). A genetic counselor may not practice after December 31 of an even-numbered year unless the genetic counselor has completed the biennial renewal process and the Board has issued a renewed license.

(b) As a condition of biennial renewal, a genetic counselor shall:

(1) Submit a completed application, including payment of the biennial registration fee in § 16.13(m) (relating to licensure, certification, examination and registration fees) for application for biennial registration of genetic counselor license.

(2) Disclose on the application a license to practice as a genetic counselor in another state, district, territory, possession or country.

(3) Disclose on the application disciplinary action pending before or taken by the appropriate health care licensing authority in another jurisdiction since the most recent application for biennial registration, whether or not licensed to practice in that other jurisdiction.

(4) Disclose on the application pending criminal charges and a finding or verdict of guilt, admission of guilt, plea of nolo contendere, probation without verdict, disposition instead of trial or accelerated rehabilitative disposition in any criminal matter since the most recent application for biennial registration.

(5) Verify on the application that the genetic counselor has complied with the continuing education requirements mandated by section 13.4(j) of the act (63 P. S. § 422.13d(j)) during the biennial period immediately preceding the period for which registration is sought in accordance with § 18.709 (relating to continuing education for genetic counselors).

(6) Verify on the application that, if practicing as a genetic counselor in this Commonwealth, the licensee maintains professional liability insurance coverage in accordance with § 18.710 (relating to professional liability insurance coverage for genetic counselors).

§ 18.707. Inactive status of genetic counselor license; reactivation of inactive license.

(a) A genetic counselor license will become inactive upon either of the following:

(1) The licensee requests in writing that the Board place the license on inactive status. Written confirmation of inactive status will be forwarded to the licensee.

(2) The licensee fails to register the license by the expiration of the biennial registration period, that is, by December 31 of each even-numbered year.

(b) A genetic counselor whose license has become inactive may not practice as a genetic counselor in this Commonwealth until the license has been reactivated.

(c) To reactivate an inactive license, the licensee shall apply on forms made available by the Board. The licensee shall:

(1) Include the documentation required under § 18.709 (relating to continuing education for genetic counselors) for the immediately preceding biennium. Unless waived by the Board under section 13.4(j)(3) of the act (63 P. S. § 422.13d(j)(3)), the Board will not reactivate a license

until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current biennial registration fee and the reactivation application fee specified in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(3) Except as provided in subsection (d), verify that the licensee did not practice as a genetic counselor in this Commonwealth while the license was inactive.

(d) A licensee whose license has been inactive for 4 years or more shall demonstrate continued competence by showing current certification by the ABGC.

(e) A licensee who has practiced with an inactive license, and who cannot make the verification required under subsection (c)(3), shall also pay the late fees required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225) as more fully set forth in this subsection. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a genetic counselor without a currently registered license.

(1) A licensee whose license was active at the end of the immediately preceding biennial registration period and who practiced after the license became inactive shall pay a late fee of \$5 for each month or part of a month from the beginning of the current biennium until the date the reactivation application is filed.

(2) A licensee whose license has been inactive since before the beginning of the current biennium shall pay the biennial registration fee for each biennial registration period during which the licensee practiced and shall pay a late fee of \$5 for each month or part of a month from the first date the licensee practiced as a genetic counselor in this Commonwealth after the license became inactive until the date the reactivation application is filed.

§ 18.708. Disciplinary action for applicants and genetic counselors.

(a) A genetic counselor, graduate genetic counselor or applicant for a license under this subchapter is subject to refusal of license or disciplinary action under sections 22 and 41 of the act (63 P. S. §§ 422.22 and 422.41). Following a final determination subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), the Board may refuse licensure or impose any of the corrective actions of section 42 of the act (63 P. S. § 422.42).

(b) A genetic counselor, graduate genetic counselor or applicant for licensure is subject to discipline under section 41(6) and (8) of the act for violating the provisions of this chapter and Chapter 16 (relating to State Board of Medicine—general provisions) or for being guilty of immoral or unprofessional conduct. Unprofessional conduct includes the conduct in § 16.61(a) (relating to unprofessional and immoral conduct) and, for purposes of this subchapter, also includes:

- (1) Engaging in conduct prohibited under § 16.110 (relating to sexual misconduct).
- (2) Performing an act in a health care profession in a fraudulent, incompetent or negligent manner.
- (3) Violating a provision of the act or this subchapter setting a standard of professional conduct.
- (4) Engaging in health care practice beyond the licensee's authority to practice.

(5) Representing oneself to be a physician or other health care practitioner whose profession the genetic counselor is not licensed to practice.

(6) Practicing while the licensee's ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Revealing personally identifiable facts obtained as the result of a practitioner-patient relationship without the prior consent of the patient, except as authorized or required by statute or regulation.

(8) Failing to provide appropriate supervision to a genetic counselor student or a graduate genetic counselor practicing under a temporary provisional license. For purposes of this paragraph, appropriate supervision of a genetic counselor student means that the student is under the overall direction of the chair or director of the educational program. For purposes of this paragraph, appropriate supervision of a graduate genetic counselor means that the graduate genetic counselor is under the overall direction of the area supervisor and the supervisor conducts periodic review of the work of the graduate genetic counselor.

(9) Practicing outside the scope of practice for a genetic counselor as set forth in section 13.4(c) of the act (63 P. S. § 422.13d(c)).

(10) Failing to inform a client that a graduate genetic counselor holds a temporary provisional license and practices under supervision.

(c) Immoral conduct includes the conduct in § 16.61(b) and; for purposes of this subchapter, also includes:

(1) Misrepresenting or concealing a material fact in obtaining a license issued by the Board or renewal, reactivation or reinstatement thereof.

(2) Being convicted of a crime involving moral turpitude, dishonesty or corruption in the courts of the Commonwealth, the United States, another state, the District of Columbia, a territory of the United States or another country.

(3) Committing an act involving moral turpitude, dishonesty or corruption.

§ 18.709. Continuing education for genetic counselors.

(a) *Credit hour requirements.* A genetic counselor shall satisfy the following continuing education credit hour requirements:

(1) As a condition for biennial registration, a genetic counselor shall complete at least 30 hours of continuing education applicable to the practice of genetic counseling. Credit will not be given for a course in office management or practice building. A genetic counselor is not required to complete continuing education during the biennium in which the genetic counselor was first licensed if licensure occurred within 3 years of completion of the degree.

(2) Except when reactivating an inactive license, when the Board has granted a waiver, or when ordered by the Board, continuing education credits may be used to satisfy the continuing education credit hour requirements only for the biennial period in which the credits were earned. An hour of continuing education may not be used to satisfy the requirement of paragraph (1) for more than one biennium.

(3) A genetic counselor may request a waiver of the continuing education credit hour requirements because of serious illness, military service or other demonstrated

hardship by submitting a request for waiver with the supporting documentation to the Board at least 90 days prior to the end of the biennial registration period for which the waiver is sought. The Board may grant the waiver request in whole or in part and may extend the deadline by which the credit hour requirements shall be met.

(4) A genetic counselor may be subject to disciplinary sanction as provided in section 41 of the act (63 P. S. § 422.41), including the suspension or revocation of the license, imposition of a civil penalty or other corrective measure as determined by the Board, if the licensee either submits false information to the Board regarding completion of the continuing education credit hour requirements to complete biennial registration, or fails to complete the continuing education hour requirements and practices as a genetic counselor after the end of the biennial period.

(b) *Continuing education activities.* Credit for continuing education may be earned for activities approved by the ABGC or the NSGC.

(c) *Documentation of continuing education.* Continuing education shall be documented with a certificate of attendance or completion issued by the activity provider. The certificate must include the name of the course provider, the name and date of the course, the name of the licensee, the number of credit hours based on a 50-minute hour, and the category of continuing education, if applicable.

§ 18.710. Professional liability insurance coverage for genetic counselors.

(a) A genetic counselor practicing in this Commonwealth shall maintain a level of professional liability

insurance coverage in the minimum amount of \$1 million per occurrence or claims made as required under section 13.4(k) of the act (63 P. S. § 422.13d(k)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage. The policy may be personally purchased liability insurance or professional liability insurance coverage provided by the genetic counselor's employer.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 13.4(k)(2) of the act will become inactive as a matter of law 30 days after the date of issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 13.4(k) of the act may not practice as a genetic counselor in this Commonwealth.

[Pa.B. Doc. No. 14-2253. Filed for public inspection October 31, 2014, 9:00 a.m.]

PROPOSED RULEMAKING

SUSQUEHANNA RIVER BASIN COMMISSION

[25 PA. CODE CH. 806]

Review and Approval of Projects

Summary: This document contains proposed rules that would amend the regulations of the Susquehanna River Basin Commission (Commission) to clarify the water uses involved in hydrocarbon development that are subject to the consumptive use regulations, as implemented by the Approval By Rule program.

Dates: Comments on these proposed rules may be submitted to the Commission on or before November 17, 2014. The Commission has scheduled a public hearing on the proposed rulemaking, to be held November 6, 2014, in Harrisburg, Pennsylvania. The location of the public hearing is listed in the addresses section of this notice.

Addresses: Comments may be mailed to: Jason E. Oyler, Esq., Regulatory Counsel, Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788, or by e-mail to regcomments@srbc.net.

The public hearing will be held on November 6, 2014, at 1:30 p.m., at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa. 17101. Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given below.

For Further Information Contact: Jason E. Oyler, Esq., Regulatory Counsel, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; e-mail: joyler@srbc.net. Also, for further information on the proposed rulemaking, visit the Commission's web site at www.srbc.net.

Supplementary Information:

Background and Purpose of Amendments

The basic purpose of the regulatory amendments set forth in this proposed rulemaking is to clarify the water uses involved in hydrocarbon development that are subject to the consumptive use regulations, as implemented by the Approval By Rule (ABR) program.

Currently, certain hydrocarbon development projects and unconventional natural gas development projects are subject to the Commission's consumptive water use regulations. The Commission is proposing changes to the definitions in 18 CFR § 806.3 to clarify the water uses subject to regulation along with corresponding changes to 18 CFR § 806.22 pertaining to the ABR program. The Commission is also considering whether to increase the duration of approvals issued under the ABR program in 18 CFR § 806.22(f)(10) and is seeking public comment regarding a longer term.

The Commission is proposing a number of changes to the definitions in 18 CFR § 806.3. The Commission proposes to clarify and expand the definition of "hydrocarbon development" to "hydrocarbon development project." The new definition would retain the current language referring to "the drilling, casing, cementing, stimulation and completion" of oil and gas wells, and would add new

language to cover all water-related activities and facilities on the drilling pad site as well as specific uses of water off the drilling pad site. On the drilling pad site, the definition would cover activities and facilities associated with the production, maintenance, operation, closure, plugging and restoration of wells or drilling pad sites that would require consumptive water usage. The revised definition contains an illustrative, but not exhaustive, list of water uses on the drilling pad site. Off the drilling pad site, the regulated uses would be water used for hydro-seeding, dust suppression, and hydro-excavation of access roads and underground lines, as well as tank cleanings, related to a drilling pad site or centralized impoundments. The Commission's jurisdiction under § 806.22(f) would cease after all post-plugging restoration is completed according to applicable member jurisdiction regulations.

The Commission also proposes to add a new definition of "drilling pad site." This term is currently used in SRBC regulations, but is not defined. The Commission's intent with the proposed definition is to cover the physical four corners of the well site where drilling actually occurs or is intended to occur and not to activities and facilities off the pad site.

The Commission has also proposed corresponding changes to the definition of "project," "unconventional natural gas development," and "construction." The last sentence in the definition of "project" is deleted in this proposal, as it is not necessary with the changes proposed to "hydrocarbon development project." The definition of "unconventional natural gas development" is proposed to be amended to "unconventional natural gas development project" to match the "hydrocarbon development project" definition. As is currently the case, an "unconventional natural gas development project" remains a subset of the more broadly defined term "hydrocarbon development project."

The Commission also proposes changes to 18 CFR § 806.22—Standards for consumptive uses of water. The Commission proposes changes to clarify 18 CFR §§ 806.22(f)(1) and (f)(4). The term "dust control" in 18 CFR § 806.22(f)(4) has been replaced with the broader term "other project related activity." In addition, changes are proposed to 18 CFR §§ 806.22(f)(11) and (f)(12) to reflect changes in the definitions as proposed. The Commission is proposing revisions to 18 CFR § 806.22(f)(10) to note that the approvals under the ABR program shall be effective upon issuance by the Executive Director. In this subsection, the Commission is also considering whether to change the duration of approvals issued under the ABR program from 5 years to a longer term of up to 15 years and is specifically seeking public comment regarding such change. The Commission is also proposing changes to 18 CFR § 806.22(e)(7) to mirror subsection (f)(10). Nothing in the proposed rulemaking changes the existing overall regulatory structure between hydrocarbon development projects generally versus unconventional natural gas projects specifically.

In addition, the Commission finds it necessary to revise the provisions of 18 CFR § 806.15(e) to reflect proposed revisions in § 806.3.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR Part 806 as follows:

Part 806—Review and Approval Of Projects

Subpart A—General Provisions

1. The authority citation for Part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. In § 806.3, revise the definitions below to read as follows:

§ 806.3. Definitions

* * * * *

Construction. To physically initiate assemblage, installation, erection or fabrication of any facility, involving or intended for the withdrawal, conveyance, storage or consumptive use of the waters of the basin. For purposes of unconventional natural gas development projects subject to review and approval pursuant to § 806.4(a)(8), initiation of construction shall be deemed to commence upon the drilling (spudding) of a gas well, or the initiation of construction of any water impoundment or other water-related facility to serve the project, whichever comes first.

* * * * *

Drilling Pad Site. The area occupied by the equipment or facilities necessary for or incidental to drilling, production or plugging of one or more hydrocarbon development wells and upon which such drilling has or is intended to occur.

* * * * *

Hydrocarbon development project. A project undertaken for the purpose of extraction of liquid or gaseous hydrocarbons from geologic formations, including but not limited to the drilling, casing, cementing, stimulation and completion of unconventional natural gas development wells, and all other activities and facilities associated with the foregoing or with the production, maintenance, operation, closure, plugging and restoration of such wells or drilling pad sites that require water for purposes including but not limited to, re-stimulation and/or re-completion of wells, fresh water injection of production tubing, use of coiled tubing units, pumping, cement hydration, dust suppression, and hydro-seeding, until all post-plugging restoration is completed in accordance with all applicable member jurisdiction requirements. The project includes water used for hydro-seeding, dust suppression and hydro-excavation of access roads and underground lines, as well as cleaning of tanks, related to a drilling pad site and centralized impoundments.

* * * * *

Project. Any work, service, activity or facility undertaken, which is separately planned, financed or identified by the Commission, or any separate facility undertaken or to be undertaken by the Commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources, which can be established and utilized independently, or as an additional to an existing facility, and can be considered as a separate entity for purposes of evaluation.

* * * * *

Unconventional natural gas development project. A hydrocarbon development project undertaken for the purpose of extraction of gaseous hydrocarbons from low permeability geologic formations utilizing enhanced drilling, stimulation or recovery techniques.

* * * * *

3. In § 806.15, revise paragraph (e) to read as follows:

§ 806.15 Notice of application

* * * * *

(e) For applications submitted under § 806.22(f)(13) for a wastewater discharge source, the newspaper notice requirement contained in paragraph (a) of this section shall be satisfied by publication in a newspaper of general circulation in each area within which the water obtained from such source will initially be used for hydrocarbon development.

* * * * *

4. In § 806.22, revise paragraphs (e)(7), (f)(1), (f)(4), (f)(10), (f)(11) and (f)(12) as follows:

§ 806.22 Standards for consumptive uses of water.

* * * * *

(e) Approval by rule for consumptive uses. (1) Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section . . .

* * * * *

(7) Approval by rule shall be effective upon issuance by the Executive Director to the project sponsor, shall expire 15 years from the date of such issuance, and supersede any previous consumptive use approvals to the extent applicable to the project.

* * * * *

(f) Approval by rule for consumptive use related to unconventional natural gas and other hydrocarbon development projects.

(1) Any unconventional natural gas development project subject to review and approval under § 806.4(a)(8), or any other hydrocarbon development project subject to review and approval under §§ 806.4, 806.5, or 806.6 of this part, shall be subject to review and approval by the Executive Director under this paragraph (f) regardless of the source or sources of water being used consumptively.

* * * * *

(4) The project sponsor shall comply with metering, daily use monitoring and quarterly reporting as specified in § 806.30, or as otherwise required by the approval by rule. Daily use monitoring shall include amounts delivered or withdrawn per source, per day, and amounts used per gas well or drilling pad site, per day, for well drilling, hydrofracture stimulation, hydrostatic testing, and other project-related activity. The foregoing shall apply to all water, including stimulation additives, flowback, drilling fluids, formation fluids and production fluids, utilized by the project. The project sponsor shall also submit a post-hydrofracture report in a form and manner as prescribed by the Commission.

* * * * *

(10) Approval by rule shall be effective upon issuance by the Executive Director to the project sponsor, shall

expire five years* from the date of such issuance, and supersede any previous consumptive use approvals to the extent applicable to the project.

(11) In addition to water sources approved for use by the project sponsor pursuant to § 806.4 or this section, a project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize any of the following water sources at the drilling pad site, subject to such monitoring and reporting requirements as the Commission may prescribe: . . .

* * * * *

(12) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize a source of water approved by the Commission pursuant to § 806.4(a), or by the Executive Director pursuant to paragraph (f)(14) of this section, and issued to persons other than the project sponsor, provided any such source is approved for use in hydrocarbon development, the project sponsor has an agreement for its use, and at least 10 days prior to use, the project sponsor registers such source with the Commission on a form and in the manner prescribed by the Commission.

* * * * *

Dated: September 12, 2014.

ANDREW D. DEHOFF,
Executive Director

Fiscal Note: 72-11. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART IV. SUSQUEHANNA RIVER BASIN COMMISSION

CHAPTER 806. REVIEW AND APPROVAL OF PROJECTS

§ 806.1. Incorporation by reference.

The regulations and procedures for review of projects as set forth in 18 CFR Part 806 (2014) (relating to review and approval of projects) are incorporated by reference and made part of this title.

[Pa.B. Doc. No. 14-2254. Filed for public inspection October 31, 2014, 9:00 a.m.]

STATE POLICE

[37 PA. CODE CH. 41]

Designation of Emergency Vehicles

The State Police proposes to amend § 41.5 (relating to eligibility) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The proposed rulemaking is authorized under 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by Pennsylvania State Police).

* Per the preamble to this proposed rulemaking, the Commission is considering a change of the duration of approval in this subsection from 5 years to a longer term of up to 15 years and is seeking public comment regarding the proposed change.

Background and Need for the Proposed Rulemaking

The Philadelphia Prison System has identified the need to escort ambulances which are transporting inmates identified as sick or injured from correctional facilities to hospitals or other medical treatment facilities. Prison officials fear that inmates could escape with or without the help of confederates who could be armed. It is also feared that inmates who are witnesses in pending criminal cases could be murdered once outside prison facilities.

Ambulances are defined as emergency vehicles in 75 Pa.C.S. § 102 (relating to definitions). Therefore, an ambulance is permitted under 75 Pa.C.S. § 3105(a) and (b) (relating to drivers of emergency vehicles) to exercise certain special privileges that include proceeding past red traffic signals, and disregarding rules for direction of travel and overtaking vehicles. Prison vehicles that accompany or escort ambulances are not currently designated as emergency vehicles. These vehicles are not privileged to disregard any sections of 75 Pa.C.S. (relating to Vehicle Code). There is not a derivative privilege gained by escorting the ambulance.

It is, therefore, common that an ambulance will exercise the privilege to run a red light or overtake a vehicle on the right and thereby lose contact with the escort vehicle which must wait for the light or for a slow vehicle to change lanes. When contact is lost, the ambulance crew is vulnerable to attack or escape attempts.

In consideration of these points, the Philadelphia Prison System has specifically requested that escorts be designated as emergency vehicles. The State Police feels that this designation cannot be properly accomplished without amending § 41.5 to include this class of vehicle.

Description of the Proposed Rulemaking

The proposed rulemaking would amend § 41.5 to add to the class of vehicles eligible to be considered for “emergency vehicle” designation to include Philadelphia Prison System vehicles used to escort ambulances which are transporting sick or injured prisoners. This is accomplished under proposed § 41.5(a)(4). The Philadelphia Prison System requested that this designation be extended only to official vehicles owned or operated by the Philadelphia Prison System. The State Police concurs that private vehicles should not be used for escort purposes. For these reasons, private vehicles of prison personnel are specifically excluded. That exclusion is accomplished under proposed § 41.5(b)(7).

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. If the proposed rulemaking is adopted, the Philadelphia Prison System would submit a single application for approval as already required by regulation. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 16, 2014, the State Police 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 Law and Justice Committee and the House Judiciary 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 objec-

tions 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 State Police, 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 Director, Policy Office, State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, MARSHMARTI@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 17-79, Designation of Emergency Vehicles, when submitting comments.

COLONEL FRANK NOONAN,
Commissioner

Fiscal Note: 17-79. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART I. STATE POLICE

CHAPTER 41. DESIGNATION OF EMERGENCY VEHICLES

§ 41.5. Eligibility.

(a) *Considerations.* The following vehicles may qualify for an emergency vehicle designation:

(1) [**The**] Pennsylvania Emergency Management Agency and local emergency management organization vehicle.

(2) Bona fide rescue organization vehicle.

(3) Department of Corrections vehicles used by members of [**the Department's**] its Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams and Central Office Special Teams Coordinator.

(4) **Philadelphia Prison System vehicles used to escort ambulances transporting sick or injured prisoners.**

(b) *Exclusions.* Private vehicles of the following persons will not be considered for an emergency vehicle designation:

* * * * *

(6) The Department of Corrections, its personnel, and members of its Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams and Central Office Special Teams Coordinator.

(7) **The personnel and members of the Philadelphia Prison System who escort ambulances transporting sick or injured prisoners.**

(c) *Restriction.* A designation will be issued only for a vehicle owned or leased by the applicant.

[Pa.B. Doc. No. 14-2255. Filed for public inspection October 31, 2014, 9:00 a.m.]

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

General Revisions

The State Board of Nursing (Board) proposes to amend Chapter 21 to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The amendments regarding registered nurses and licensed dietitian-nutritionists are proposed under the authority of sections 2.1(k) and 12.1(a) of The Professional Nursing Law (RN Law) (63 P. S. §§ 212.1(k) and 222(a)), which provide the Board with general authority to establish rules and regulations for the practice of professional nursing, the practice of dietetics-nutrition and the administration of the RN Law. The amendments regarding practical nurses are proposed under the authority of section 17.6 of the Practical Nurse Law (PN Law) (63 P. S. § 667.6), which authorizes the Board to establish rules and regulations for the practice of practical nursing and the administration of the PN Law.

Background and Purpose

This proposed rulemaking is intended to: (1) establish time frames within which candidates for licensure as registered nurses, practical nurses and dietitian-nutritionists must first take and ultimately pass the applicable licensure examinations; (2) update and make uniform application and examination provisions for registered nurses, practical nurses and dietitian-nutritionists, when applicable; and (3) delete references to the National Council Licensure Examination and the Commission on Graduates of Foreign Nursing Schools and replace them with generic references.

From October 1, 2012, through September 30, 2013, 7,371 graduates of registered nurse education programs and 2,410 graduates of practical nurse education programs took the licensure examinations in this Commonwealth. Of those taking the exams, 86.22% of the registered nurse candidates and 88.17% of the practical nurse candidates passed. One year earlier, 7,629 registered nurse candidates and 2,679 practical nurse candidates took the licensure examinations. At that time, 90.77% of the registered nurse candidates and 90.03% of the practical nurse candidates passed. Nationally, from October 1, 2012, through September 30, 2013, the pass rate for registered nurses was 84.29% and the pass rate for practical nurses was 84.68%. The previous year, the pass rate for registered nurses was 90.22% and the pass rate for practical nurses was 83.99%.

From January 1, 2012, through June 30, 2013, Nationally, because there is not a Pennsylvania-specific examination, 6,514 dietitian-nutritionist candidates took the dietitian-nutritionist examination. Of that total, 69.3% of

test takers passed. Excluding repeat test takers, 83% first time test takers passed. The previous year, 3,617 dietitian-nutritionist candidates took the examinations. Of that total, 71% of test takers passed. Excluding repeat test takers, 85% first time test takers passed.

Sections 21.33b and 21.162b (relating to minimum rate for graduates of nursing education programs to pass the National licensure examination) tie a nursing education program's approval status to the pass rate of its first time test taker graduates. Under these regulations, since October 1, 2010, a nursing education program must achieve a minimum pass rate of 80%. Currently 22 of the approximately 142 approved nursing education programs are on provisional approval due to their pass rates which did not reach the 80% threshold.

In 2007, the National Council of State Boards of Nursing (NCSBN) examined the relationship between passing the National Council Licensing Examination (NCLEX) and the elapsed time between becoming eligible and taking the NCLEX for 421,739 registered nurse candidates and 183,546 practical nurse candidates who took the NCLEX during calendar years 2003–2005. Eich, M., and O'Neill, T. (2007). "NCLEX(r) Delay Pass Rate Study." The study concluded that for the overall testing population, pass rates decreased as the time between the date of becoming eligible to sit for the examination and the actual test date increased. Additionally, the study concluded that repeat testers waiting longer to test produced some of the lowest passing rates. These results were confirmed in a subsequent 2009 NCSBN study using logistic regression that further investigated the effect of exam delays and retake attempts for 176,539 registered nurse and 67,849 practical nurse candidates. Woo, A., Wendt, A., and Liu, W. (2009). "NCLEX Pass Rates: An Investigation Into the Effect of Lag Time and Retake Attempts." *JONA's Healthcare Law, Ethics, and Regulation*, 11(1). The 2009 study revealed again that pass rate results inversely relate to the amount of time candidates wait to take the NCLEX as candidates were less likely to pass the NCLEX as lag time increased.

The Board's examination statistics from January 2011 to December 2012 support the conclusions of these studies that the more times a candidate takes either the registered nurse or practical nurse licensure examinations, the less likely the candidate is to pass either examination. During this 24-month period, 2,947 registered nurse candidates and 1,124 practical nurse candidates retook the licensure examinations. The numbers of repeats range from 1 to 34 for registered nurse candidates and from 1 to 40 for practical nurse candidates. First time repeaters (those taking the examination a second time) formed the largest group of the repeaters and passed at the highest rate with 66.34% of the registered nurse candidates and 51.75% of the practical nurse candidates passing. Thereafter, the pass rate dropped precipitously. For registered nurse candidates, with one exception, the percentage of pass rates for second through eighth time repeaters (those having taken the test three through nine times) decreased as follows: 51.28%, 38.35%, 30.95%, 29.03%, 36.54%, 20.69% and 10.53%. Beginning with the 15th retake and extending through the 34th retake, 100% of registered nurse candidates examined failed. The distinction between the number of retakes and pass rates is even more dramatic for practical nurse candidates. The percentage of pass rates for second through seventh time repeaters (those having taken the test three through eight times) decreased as follows: 34.91%, 22.96%, 14.86%, 13.64%, 16.00% and 9.09%. Beginning with the 9th and continuing through the 40th retake, except for 1

candidate who passed on the 11th retake, 100% of the practical nurse candidates examined failed.

Although there are not statistical breakdowns by the number of times the dietitian-nutritionist examination was taken by a particular candidate, 65.5% of repeat test takers failed that examination in calendar year 2013, 64.5% failed in calendar year 2012 and 65% failed in calendar year 2011.

Administrators of professional and practical nursing education programs provided similar anecdotal information to the Board as part of their input regarding this proposed rulemaking. They requested that the Board insert a provision into the regulations requiring candidates for the licensure examinations to take the examinations for the first time within 1 year of completing their education programs. Additionally, with few exceptions, the administrators either wished that the examinations be passed within 2 years or within a shorter time frame. Almost all stakeholders supported the requirement that candidates who fail to pass the examinations within 2 years be required to complete remediation to retake due to their concern that there may be a deficiency resulting in repeated failures of the licensure examinations.

Description of Proposed Amendments

§ 21.2. Scope

Current § 21.2 (relating to scope) delineates the Board's scope regarding registered nurses and the practice of professional nursing. In this proposed rulemaking, the Board would amend subsection (d) to include the range of statutorily permitted sanctions. The Board proposes to delete subsection (f) because the Board does not approve applications for inactive status, registered nurses merely advise the Board of their wish to revert to inactive status. The Board proposes to amend current subsections (e) and (g) to clarify that they apply only to professional nursing education and the practice of professional nursing.

§ 21.3. Purposes of the Board

The Board proposes to rescind § 21.3 (relating to purposes of the Board) as this section is unnecessary.

§ 21.7. Temporary practice permits

Current § 21.7(b)(2) (relating to temporary practice permits) requires applicants for temporary practice permits who are licensed in another state or jurisdiction to demonstrate proficiency in English. Subsection (b)(3)(iii) requires applicants to submit an application for education credentials review to the Commission of Graduates of Foreign Nursing Schools (CGFNS) and retain a copy of that application to provide to the Board if requested. In this proposed rulemaking, the Board proposed to replace the specific reference to the CGFNS in subsection (b)(3)(iii) with a reference to "a Board-approved foreign credentials evaluator" to expand the list of acceptable evaluators. Instead of providing a copy of the list of Board-approved English proficiency examinations upon request, proposed amendments to subsection (b)(2) permit the Board to post the list on its web site.

§ 21.21. Application for examination

Current § 21.21(a) (relating to application for examination) permits candidates for licensure by examination to apply to take the registered nurse examination during the last term of their nursing education program with scheduling, according to the latter portion of the provision, to occur at the subsequent examination. Because the examination is administered daily, the latter clause is obsolete

and is proposed to be deleted. Additionally, the proposed rulemaking would clarify that applicants may apply 90 days prior to completion of their education programs. However, under subsection (b) they would not be authorized to take the examinations prior to confirmation of actual completion.

Proposed amendments to subsection (b) track current practice regarding authorizations to test. Upon application and confirmation of nursing education program completion, the Board notifies the examiner who issues an "authorization to test" enabling a candidate to schedule an examination date. Current subsection (c) requires a candidate to provide a copy of the transcript validating program completion within 2 weeks of taking the examination. The Board proposes to delete this requirement for graduates of nursing education programs in this Commonwealth as the Board approves these programs and receives this information directly from the programs electronically. The Board would maintain the requirement only for graduates who attend programs outside of this Commonwealth as it does not approve these programs. Current subsection (d) is proposed to be deleted as examinations are no longer proctored by state boards under section 6(b)(4) of the RN Law (63 P. S. § 216(b)(4)). Instead, the Board proposes to add a provision to require an applicant seeking a waiver of the requirement to take the examination within 1 year of completion of the nursing education to submit documentation to demonstrate that an emergency, illness or military service prevented compliance with proposed § 21.23(c) (relating to qualifications of applicant for examination).

§ 21.22. *Date and location of examinations*

The Board proposes to rescind § 21.22 (relating to date and location of examinations) which requires that the examination be conducted at least twice a year and that the examination schedule be published annually. Currently, the licensing examinations are administered from Monday through Saturday Nationally and internationally. Specific examination locations are selected and posted by the examination administrator.

§ 21.23. *Qualifications of applicant for examination*

The Board proposes to delete current § 21.23(a) because the examination is not administered in written form and the requirement that the examinations be passed is in § 21.24 (relating to passage of the licensure examination). The Board also proposes to delete current subsection (b) as it simply recites statutory references without amplification. Current subsection (c) requires applicants who were educated outside of the United States or Canada to prove that either their nursing education programs were conducted in English or they passed the English proficiency examination of the CGFNS. Tracking current practice, the proposed amendments require that applicants demonstrate this proficiency unless it was already met as part of an application for temporary practice permit. The Board believes that the same standard regarding English proficiency should be applied to all applicants because the Board is aware, for example, that not all nursing education programs in North America are conducted in English.

Also, similar to proposed § 21.7(b)(3)(iii) and § 21.149(b)(3)(iii) (relating to temporary practice permits), the Board proposes to replace the specific reference to the CGFNS examination with "Board-approved English proficiency examination" in proposed subsection (a) to include other proficiency examinations, such as the International English Language Test System, Test of English

for International Communication and Test of English as a Foreign Language in addition to the CGFNS. Also, as in proposed §§ 21.7(b)(2) and 21.149(b)(2), proposed subsection (a) indicates that the list of Board-approved English proficiency examinations will be posted on its web site.

Proposed § 21.23(b) would institute current Board procedure of requiring graduates of nursing education programs outside of the United States and Canada to have their education evaluated by Board-approved foreign credentials evaluators. The Board believes that these evaluations assure that professional nursing education programs outside of the United States and Canada are equivalent to programs of study in this Commonwealth at the time the programs were completed as required under section 5(b) of the RN Law (63 P. S. § 215(b)). This proposed subsection is identical for endorsement candidates in §§ 21.28(c) and 21.155(d) (relating to licensure by endorsement).

Proposed subsection (c) would require registered nurse candidates to take the licensing examinations for the first time within 1 year of completing their professional nursing education programs unless prevented by emergency, illness or military service. This subsection is proposed to be added at the behest of nursing education program administrators who highlighted decreasing pass rates as the time between completing the education program and taking the examination increases.

§ 21.24. *Passage of the licensure examination*

Current § 21.24 includes outdated references to passing the licensure examination by achieving a minimum passing score mandated by the Board. This proposed rulemaking would incorporate current requirements by amending this section to require candidates for licensure to pass the examination approved by the Board.

§ 21.25. *Re-examination*

Current § 21.25 (relating to re-examination) addresses re-examination requirements including the authority in subsection (c) to take the examination as many times as necessary to complete the examination process. Proposed subsection (a) tracks current practice which requires a candidate who fails the examination to file a re-examination application with the Board allowing the candidate to obtain new "authorization to test." Proposed subsection (b) requires a candidate to pass the licensure examination within 2 years of completing the professional nursing education program. To preserve the integrity of the examination, it may be administered to a single applicant every 45 days. Under proposed subsection (b), candidates are allowed to take the licensure examination up to 16 times without additional requirements.

In the event that a candidate does not pass within the 2-year time frame in proposed subsection (b), proposed subsection (c) would require the candidate to complete a remedial plan developed by a Board-approved nursing education program. During the drafting of this proposed rulemaking, stakeholders endorsed the proposition that candidates be required to complete additional education after repeated failures. They recommended a full panoply of education alternatives ranging from remedial and review courses to completing anew another nursing education program. The Board appreciates the time and financial commitment to complete additional education. However, it balances those commitments against the Board's obligation to assure that those practicing professional nursing are competent to do so. In the view of the Board and the nursing community, passing the examination is a measurement of the competencies needed to

perform safely and effectively as a newly licensed entry level nurse. The Board believes that a candidate who is unable to pass the licensure examination within 2 years has deficiencies in education such that, at the very least, remediation is warranted. The Board rejected the recommendation that the candidates complete postexamination review courses based upon its understanding that these courses, routinely taken by candidates following failure, do not include the breadth of coursework or clinical components necessary to assure competence. At the same time, while the Board would have liked candidates who have failed the examination within a 2-year period to complete another full nursing education program, it is cognizant that this requirement could lead to an inability to obtain financial aid. Additionally, as stakeholders advised the Board during its October 18, 2013, meeting, nursing education programs may be reluctant to accept students who have repeatedly failed the examination even though these re-examinees would not constitute "first-time test takers" for purposes of § 21.33b(3).

Proposed subsection (d) clarifies that at the expiration of the 2-year period, candidates must again meet the licensure requirements to be qualified to retest.

§ 21.27. *Unlicensed candidate*

The Board proposes to rescind § 21.27 (relating to unlicensed candidate) as it explicitly conflicts with the requirement in section 4.1 of the RN Law (63 P.S. § 214.1) that a temporary practice permit expire immediately following an examination failure. Further the provision is unnecessary as it is properly addressed in § 21.7.

§ 21.28. *Licensure by endorsement*

The Board proposes to add examination, education and English-proficiency requirements for endorsement applicants identical to those proposed for examination applicants. Current § 21.28(a) delineates the endorsement requirements for applicants who completed nursing education programs within the United States or Canada. The Board would amend subsection (a) to require these endorsement applicants to pass an equivalent examination to that required for examination applicants in § 21.24 under section 7(a) of the RN Law (63 P.S. § 217(a)). Current § 21.28(c) delineates the endorsement requirements for applicants who completed nursing education programs and passed licensure examinations outside of the United States or Canada. The Board proposes to amend subsection (c) to clarify that the nursing education programs and the licensure examinations must be equivalent to those required for examination applicants in §§ 21.23 and 21.24. The Board also proposed to amend subsection (c) to remove the reference to the CGFNS.

Proposed subsection (e) tracks the proposed requirement in § 21.23(a) that applicants for examination demonstrate proficiency in English. Like the examination applicants, proposed subsection (e) would require all endorsement applicants to prove that either their nursing education program was conducted in English or they passed an English proficiency examination. If proficiency was demonstrated during an application for a temporary practice permit it need not be proven again.

§ 21.29. *Expiration and renewal of license*

The Board proposes making technical amendments to § 21.29 (relating to expiration and renewal of license) by correcting the reference from "professional nurse" to "registered nurse." Under the RN Law, registered nurses engage in the practice of professional nursing. However, the Board does not issue a professional nurse license.

§ 21.29b. *Reporting of address changes*

Proposed § 21.29b (relating to reporting of address changes) would require registered nurses to notify the Board of address changes within 14 days of the change. Enabling the Board to have current addresses saves money and resources in returned postage and remailing when the Board sends notices, renewal information and legal documents to its licensees.

§ 21.30. *Registered nurses licensed outside of the United States or Canada*

The Board proposes to amend subsection (a) to clarify existing Board practice that requires registered nurses educated and licensed outside of the United States or Canada to practice to hold either a Commonwealth-issued license or temporary practice permit to practice professional nursing in this Commonwealth. In that there are no longer visitor-exchange programs in nursing, the Board proposes to delete the reference to these programs in subsection (b). Subsection (c) is proposed to be deleted as it does not relate to the prior subsections which address the ability to provide licensed services as a licensee or as part of a nursing education program. Subsection (c) relates to educational requirements. The Board intends to reinsert this provision in a subsequent education rulemaking.

§ 21.30a. *Continued competency*

Current § 21.30a (relating to continued competency) delineates reactivation requirements when licenses have lapsed or been placed on inactive status for 5 years or longer. The Board proposes amending this provision to add reactivation requirement for licenses that have been suspended for 5 years or longer. The Board believes that just as lapsed or inactive licensees require retraining on current practices to update their competences as a result of having not practiced for 5 years or longer, so too do licensees whose licenses have been suspended for 5 years or longer once they have complied with the Order suspending their licenses.

§ 21.142. *Scope*

Current § 21.142 (relating to scope) delineates the Board's scope regarding practical nurses and the practice of practical nursing. Like proposed § 21.2(d), the Board proposes to amend subsection (c) to include the range of statutorily permitted sanctions. It would also delete subsection (d) as regulations are generally developed by committees of the Board composed of registered and practical nurses, public members and, when applicable, a dietician-nutritionist. Their proposals are then forwarded, under Executive Order 1996-1, to stakeholders for input before adoption by the full board and promulgation through the regulatory review process. Subsection (d) adds nothing to the Board's statutory authority to promulgate regulations in section 17.6 of the PN Law. Subsection (e), proposed subsection (d), is proposed to be amended to delete the requirement that a list of approved practical nursing education programs be promulgated and, in its place, require that the list be made available on the Board's web site.

§ 21.144. *Purpose of the Board*

Like § 21.3, the Board proposes to rescind § 21.144 (relating to purpose of the Board) as this provision is unnecessary.

§ 21.149. *Temporary practice permits*

Current subsection (b)(2), like § 21.7(b)(2), requires applicants for practical nurse temporary practice permits

who are licensed in another state or jurisdiction to demonstrate proficiency in English. Subsection (b)(3)(iii) requires applicants to submit an application for education credentials review to the CGFNS and retain a copy of that application to provide to the Board if requested. As in § 21.7, the Board proposes to replace the specific reference to the CGFNS with a reference to “a Board-approved foreign credentials evaluator” in subsection (b)(3)(iii) and amend subsection (b)(2) to indicate that the Board will post the list on its web site.

§ 21.151. Application for examination

The Board proposes similar amendments to § 21.151 (relating to application for examination) pertaining to examination application procedures for practical nurses, as are being proposed for registered nurses in § 21.21. Because the examination is administered daily, the Board proposes to delete subsection (a). With the exception of referencing practical nurses instead of professional nurses, identical revisions to § 21.21 are proposed to § 21.151(b)—(e).

Proposed § 21.151(d) would require that applicants for practical nurse licenses prove that either their nursing education programs were conducted in English or they passed a Board-approved English proficiency examination unless the applicants have met this requirement as part of applying for temporary practice permits. Proposed subsection (e) would institute current Board procedure of requiring graduates of nursing education programs outside of the United States and Canada to have their education evaluated by Board-approved foreign credentials evaluators. The Board believes that these evaluations assure that programs outside of the United States and Canada are equivalent to programs of study in this Commonwealth at the time the programs were completed as required under section 6 of the PN Law (63 P. S. § 656).

Proposed subsection (f) would require candidates to take the licensing examinations for the first time within 1 year of completing their practical nursing education programs unless prevented by emergency, illness or military service. This provision, like that for professional nurse candidates, is proposed to be added at the behest of nursing education program administrators who highlighted decreasing pass rates as the time between completing the education program and taking the examination increases.

§ 21.152. Passage of the examination

The heading of § 21.152 (relating to passage of the examination) is proposed to be amended because it includes outdated references to passing the licensure examination by achieving a minimum passing score. This proposed amendment would simply state that candidates for licensure shall pass the licensure examination approved by the Board.

§ 21.153. Re-examination

Current § 21.153 (relating to re-examination) addresses re-examination requirements including the authority in subsection (b) to take the examination as many times as necessary to complete the examination process. Subsection (a) would be amended to track current practice which requires a candidate who fails the examination to file a re-examination application with the Board allowing the candidate to obtain a new “authorization to test.” Subsection (b) would be amended to require candidates to pass the licensure examination within 2 years of completing the practical nursing education program. As with the examination for registered nurse licenses, the examina-

tion for practical nurse licenses may be administered to a single applicant every 45 days, enabling an applicant to take the licensure examination up to 16 times without additional requirements.

In the event that a candidate does not pass within the 2-year time frame in proposed subsection (b), proposed subsection (c) would require the candidate to complete a remedial plan developed by a nursing education program for the candidate prior to re-examination. As with the examination for registered nurse licenses, during predraft input, stakeholders also endorsed the proposition that candidates for practical nurse licensure complete additional education after repeated failures. Additionally, as with the examination for registered nurse licenses, the Board believes that a candidate who is unable to pass the licensure examination within 2 years has deficiencies in education such that, at the very least, remediation is warranted.

Proposed subsection (d) clarifies that in the addition to completion of the remediation plan, candidates must meet current licensure requirements to be re-examined.

§ 21.154. Unlicensed candidate

Like § 21.27, the Board proposes to rescind § 21.154 (relating to unlicensed candidate) as it explicitly conflicts with the requirement in section 3.1 of the PN Law (63 P. S. § 653.1) that a temporary practice permit expires immediately upon an examination failure. Further, the provision is unnecessary as it is properly addressed in § 21.149.

§ 21.155. Licensure by endorsement

The Board proposes to add examination, education and English-proficiency requirements for endorsement applicants identical to those proposed for examination applicants. Current § 21.155(a) delineates the endorsement requirements for applicants who completed a nursing education program within the United States or Canada. The Board proposed to amend subsection (a) to require these endorsement applicants to pass an equivalent examination to that required for examination applicants in § 21.152. Current § 21.155(d) delineates the endorsement requirements for applicants who completed a nursing education program outside of the United States or Canada. The Board proposes to amend subsection (d) to require these endorsement applicants to pass an equivalent examination and possess equivalent education to that required for examination applicants.

Proposed amendments to subsection (d) track the proposed amendments in § 21.28 for registered nurses, requiring practical nurse applicants for endorsement to complete a nursing education program and a licensure examination equivalent to that required of practical nurse applicants in this Commonwealth. The Board proposes to amend subsection (d) to delete the reference to the CGFNS.

Similarly, the Board proposes to add subsection (e) requiring endorsement applicants to prove that either their nursing education programs were conducted in English or they passed a Board-approved English proficiency examination, unless the applicants have already met this requirement as part of applying for temporary practice permits in § 21.149.

§ 21.156. Renewal of license

The Board proposes to amend § 21.156 (relating to renewal of license) by updating the Board’s renewal procedures for practical nurses so that the procedures match current practice for all licensees, except for the

requirement of continuing education, which is currently imposed only upon registered nurses. The Board proposes deleting current subsection (b) since it places a responsibility on the Board to forward renewal applications. Although the Board sends a mailing to its licensees notifying them that it is time to renew and providing the procedures to renew electronically or by paper, this is a courtesy and not a statutory obligation. Additionally, the Board proposes to amend subsection (d), proposed subsection (c), to reflect under current procedure wherein licensees are asked to disclose on their renewal applications any prior disciplinary actions and criminal charges as well as other licenses held.

§ 21.156a. *Continued competency*

Current § 21.156a (relating to continued competency) delineates reactivation requirements when licenses have lapsed or been placed on inactive status for 5 years or longer. The Board proposes to add a reactivation requirement for licenses that have been suspended for 5 years or longer. The Board believes that just as lapsed or inactive licensees require retraining on current practices to update their competences as a result of having not practiced for 5 years or longer, so too do licensees whose licenses have been suspended for 5 years or longer once they have complied with the Order suspending their licenses.

§ 21.156c. *Reporting of address changes*

Proposed § 21.156c (relating to reporting of address changes) would require practical nurses to notify the Board of address changes within 14 days of the change.

§ 21.701. *Definitions*

The Board proposes amending the titles of two dietetic organizations to conform to their current names and acronyms. The American Dietetic Association is now known as the Academy of Nutrition and Dietetics. The Commission on Accreditation for Dietetics Education is now known as the Accreditation Council for Education in Nutrition and Dietetics. Outdated references to these organizations in the definitions of “approved program” and “CDR” are also proposed to be amended.

§ 21.722. *Education, examination and re-examination of applicants*

The Board proposes adding subsection (b)(2), identical to the proposal for registered and practical nurses in §§ 21.23(c) and 21.151(f), to require candidates to take the licensing examinations for the first time within 1 year of completing their dietitian-nutritionists education programs unless prevented by emergency, illness or military service.

The Board also proposes adding subsection (c) regarding re-examination. Identical to the proposal for registered nurses and practical nurses in proposed §§ 21.25(b) and (c) and 21.153(b) and (c), the Board proposes adding the requirements that dietitian-nutritionists pass the licensure examinations within 2 years and complete additional remedial education thereafter to again be authorized to take the licensure examinations. Although stakeholders did not seek this addition as they did for registered and practical nurses, the Board believes that all of its licensees should be subject to the same re-examination requirements.

§ 21.723b. *Reporting of address changes*

Proposed § 21.723b (relating to reporting of address changes) would require licensed dietician-nutritionists to notify the Board of address changes within 14 days of the change.

§ 21.274. *Continuing education*

The Board proposes amending § 21.724 (relating to continuing education) to delete outdated references.

Fiscal Impact and Paperwork Requirements

The Board believes that this proposed rulemaking should have a minimal fiscal and paperwork impact on the Board and the regulated community. The application procedures included in this proposed rulemaking are, for the most part, currently in place and therefore will not incur additional Board time. Board staff will have to spend some additional time confirming that examination candidates first take the licensure examination within 1 year of completion of their nursing education program and complete a remediation plan to be authorized to take the examination following failure after 2 years. Similarly, applicants who fail to take the licensure examination within 1 year of their program completion will have the burden of proving to the Board that they were prevented from taking the examination due to an emergency, hardship or military service. Similarly, for those who fail to pass the examination within 2 years, they will have to provide the Board with documentation evidencing their compliance with a remediation plan developed by a Board-approved nursing education program. The remedial education costs for those candidates who fail after the 2-year period cannot be predicted as different programs will charge different fees and the amount of remedial education needed will be candidate-specific.

Sunset Date

The Board reviews the effectiveness of its regulations on an ongoing 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 October 17, 2014, 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, recommendations or objections regarding the proposed rulemaking to Judith Pachter Schulder, Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking. Reference No. 16A-5125 (General Revisions) when submitting comments.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

Fiscal Note: 16A-5125. 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 21. STATE BOARD OF NURSING

Subchapter A. REGISTERED NURSES

GENERAL PROVISIONS

§ 21.2. Scope.

(a) The Board administers the act by providing rules and regulations on standards for nursing schools and the conduct of the programs.

(b) The Board provides for licensure of graduate nurses from approved schools by examination, by endorsement and by renewal of licenses.

(c) The Board has the right to establish rules and regulations for the practice of nursing.

(d) The Board may **[suspend or revoke licenses] impose disciplinary sanctions and assess civil penalties** for cause.

(e) **[The Board will approve basic nursing programs conducted in hospitals, colleges, universities; approve foreign exchange visitor programs; and promulgate a list of approved programs.]** The Board may approve professional nursing education programs conducted in hospitals, colleges and universities, and will make available a list of approved programs.

[(f) The Board will approve applications for inactive status.]

(g)] (f) The Board will regulate the practice of professional nursing.

§ 21.3. **[Purposes of the Board]** (Reserved).

[The Board will insure safe nursing services for the citizens of this Commonwealth. Embodied in this purpose are the following responsibilities:

(1) To establish safe standards for the preparation of registered and practical nurses in approved educational programs.

(2) To assure safe standards of nursing practice through examination and licensure of graduates of approved educational programs, through endorsement of registered and practical nurses from other jurisdictions, and through the regulation of the practice of nursing in this Commonwealth.]

§ 21.7. Temporary practice permits.

(a) A graduate registered nurse may only practice professional nursing under supervision and if the graduate registered nurse holds a current temporary practice permit. "Supervision" means that a licensed registered nurse is physically present in the area or unit where the graduate registered nurse is practicing. The Board may grant a temporary practice permit to a graduate registered nurse as follows:

(1) **[An individual who wishes to practice as a graduate registered nurse during the period from the date of completion of the educational program to the notification of the results of the licensing**

examination] A graduate registered nurse who wishes to practice professional nursing shall submit an application for a temporary practice permit for a graduate registered nurse on a form provided by the Board and remit the fee specified in § 21.5 (relating to fees). A temporary practice permit granted under this section is valid for up to 1 year from the date of issuance, unless extended under paragraphs (3) and (4), and immediately expires if the applicant fails the licensing examination.

* * * * *

(b) The Board may grant a temporary practice permit to an individual who holds a current registered nurse license issued by another state, territory or possession of the United States or Canada (a currently-licensed registered nurse). The temporary practice permit will expire in 1 year, unless the individual fails the licensure examination, in which case the temporary practice permit will immediately expire. The Board may extend the temporary practice permit period in cases of illness or extreme hardship^[,] as set forth in paragraph (5).

(1) A currently-licensed registered nurse who wishes to practice professional nursing during the period from the date of submission of the Applicant Data Sheet of the application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

[(ii)] (i) Submit an application for temporary practice permit for a currently-licensed registered nurse on a form provided by the Board.

[(iii)] (ii) Remit the fee specified in § 21.5.

(2) An individual applying for a temporary practice permit for a currently-licensed registered nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has received a passing score on a Board-approved English proficiency examination. **[A] The Board will make available a list of Board-approved English proficiency examinations [is available upon request to the Board] on its web site.** This information must be submitted with the Applicant Data Sheet of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed registered nurse shall submit the Verification of Licensure Form of the application for licensure and shall:

(i) Request verification of licensure from the foreign jurisdiction and retain documentation of the submission of the request to provide to the Board upon request.

(ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education must be submitted to the Board in English directly from the appropriate educational authorities. The applicant shall retain documentation of the submission of the request to provide to the Board upon request.

(iii) **[Submit the Commission on Graduates of Foreign Nursing Schools (CGFNS) application if the applicant is required to meet CGFNS requirements in §§ 21.23(c) and 21.28(c) (relating to qualifications of applicant for examination; and licensure by endorsement) and retain documentation of the submission of the CGFNS application to provide to the**

Board upon request.] Submit an application for an education evaluation to a Board-approved foreign credentials evaluator if required under §§ 21.23(b) and 21.28(c) (relating to qualifications of applicant for examination; and licensure by endorsement) and retain documentation of the application submitted to the evaluator to provide to the Board upon request.

* * * * *

LICENSES

§ 21.21. Application for examination.

[(a) An application for the licensing examination without transcript may be submitted during the last term of the nursing program. The applicant will be scheduled for the subsequent examination.

(b) A candidate will not be admitted to the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including the completion of an approved educational program.

(c) A copy of the transcript validating program completion shall be filed at least 2 weeks prior to the testing dates.

(d) The Board will not proctor an applicant for another state board. The Board will not permit an applicant for Commonwealth licensure to be proctored by another state board.]

(a) A candidate for the licensing examination may submit an application together with the required fee no sooner than 90 days prior to completing a professional nursing education program.

(b) A candidate will not be authorized to take the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including confirmation of completion of an approved professional nursing educational program.

(c) Graduates of professional nursing education programs outside of this Commonwealth shall file an official transcript validating program completion with the application.

(d) An applicant seeking a waiver of the 1-year requirement in § 21.23(c) (relating to qualifications of applicant for examination) shall submit documentation to demonstrate that an emergency, illness or military service prevented compliance.

§ 21.22. [Date and location of examinations] (Reserved).

[(a) The Board conducts licensing examinations at least twice a year.

(b) A list of examination dates and locations are published annually.]

§ 21.23. Qualifications of applicant for examination.

[(a) An applicant shall pass a written examination as provided by the Board.

(b) Additional applicant qualifications are contained in sections 5 and 6 of the act (63 P. S. §§ 215 and 216).

(c) Nurses educated in schools of nursing outside of the United States or Canada shall have successfully completed the English language and nursing practice proficiency examination of the Commis-

sion on Graduates of Foreign Nursing Schools. A school of nursing located outside of the United States or Canada will be considered a foreign nursing school.]

(a) An applicant shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant has, prior to be approved to take the licensure examination, received a passing score on a Board-approved English proficiency examination, unless the applicant has already met this requirement in satisfaction of § 21.7(a) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

(b) An applicant who graduated from a professional nursing education program outside of the United States or Canada shall have the applicant's education evaluated by a Board-approved foreign credentials evaluator to determine whether the education obtained is equivalent to the program of study required in this Commonwealth at the time the program was completed.

(c) A candidate for licensure shall take the examination for the first time within 1 year of completing the professional nursing education program unless prevented by emergency, illness or military service.

§ 21.24. [Examination score requirements] Passage of the licensure examination.

The candidate for licensure shall [achieve a minimum score as mandated] pass the licensure examination approved by the Board.

§ 21.25. [Reexamination] Re-examination.

[(a) A candidate shall submit the required fee in the form of a check for reexamination.

(b) (Reserved).

(c) The candidate may take the licensing examination as many times as necessary to complete licensure process.

(d) A request to retake an examination for the purpose of elevating a passing score will not be granted.]

(a) A candidate shall submit a re-examination application, including the required fee for re-examination.

(b) The candidate may take the licensing examination as many times as necessary to pass the licensure examination within 2 years of completion of the candidate's nursing education program.

(c) If a candidate does not pass the examination within 2 years of completion of the candidate's nursing education program, the candidate shall complete a plan of remediation developed by a nursing education program for the candidate prior to applying for re-examination.

(d) Candidates who apply for re-examination after the 2-year period in subsection (b) shall satisfy the administrative and education requirements prevailing at the time of reapplication.

§ 21.27. [Unlicensed candidate] (Reserved).

[The candidate may practice as a graduate nurse until the licensing examination is passed subject to the following:

(1) Unless licensed, the candidate may be employed as a graduate nurse for 1 year only from the date of completion of a nursing program except in the case where special permission is granted by the Board due to extenuating circumstances. In such a case the candidate shall present validating documentation.

(2) The candidate shall practice under the supervision of an experienced registered nurse. "Supervision," as used in this paragraph, means that the registered nurse is physically present in the area or unit where the unlicensed candidate is practicing.]

§ 21.28. Licensure by endorsement.

(a) [A registered nurse who has graduated from an approved nursing program in another state or territory of the United States or Canada and who is licensed by writing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth by endorsement of the original licensing board.] A registered nurse who has graduated from an approved professional nursing education program in the United States or Canada and who obtained licensure in another jurisdiction having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement in this Commonwealth.

(b) An applicant for licensure in this Commonwealth by endorsement shall meet the requirements as stated in the act.

(c) [A registered nurse who has graduated from a nursing program in a country or territory outside of the United States or Canada and who is licensed by completing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth without examination if the applicant's program of study is deemed equivalent to the program of study required in this Commonwealth at the time the program was completed. The Board will base equivalency upon an evaluation performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS) as to the foreign nursing program.] A registered nurse who has graduated from a professional nursing education program in a country or territory outside of the United States or Canada deemed equivalent to the program of study required in this Commonwealth at the time the program was completed and who obtained licensure upon having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement in this Commonwealth without examination. The Board will base educational equivalency upon an evaluation administered by a Board-approved foreign credentials evaluator.

(d) An applicant for endorsement whose license in the other jurisdiction is not current for 5 years or longer shall, prior to receiving a license in this Commonwealth, satisfy the requirements of [§ 21.30a(1) or (2)] § 21.30a(a)(1) or (2) (relating to continued competency).

(e) An applicant for licensure by endorsement shall demonstrate proficiency in English by submitting proof that the applicant's nursing education

program was conducted in English or that the applicant received a passing score on a Board-approved English proficiency examination unless the applicant has met this requirement in satisfaction of § 21.7(b) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

§ 21.29. Expiration and renewal of license.

* * * * *

(c) The applicant for license renewal may complete and submit an application online or may mail a completed application form to the Board's administrative office. When applying for licensure renewal, a [professional] registered nurse shall:

(1) Complete and submit the renewal application [form], including disclosing any license to practice nursing or any allied health profession in any other state, territory, possession or country.

(2) Pay the biennial renewal of licensure fee in § 21.5 (relating to fees).

(3) [Beginning with the license period commencing on July 12, 2010, verify that the professional] Verify that the registered nurse has complied with the continuing education requirements mandated by section [12] 12.1 of the act (63 P. S. § 222) during the biennial period immediately preceding the application for renewal in accordance with §§ 21.131—21.134 (relating to continuing education). School nurses, who as certified educational specialists are required to obtain continuing professional education under the Public School Code of 1949 (24 P. S. §§ [1-100] 1-101—27-2702), shall verify by signed statement that the school nurse has complied with the continuing education requirements for certification by the Department of Education.

* * * * *

§ 21.29b. Reporting of address changes.

A registered nurse shall notify the Board within 14 days of a change of address.

§ 21.30. Registered nurses licensed outside of the United States[, its territories] or Canada.

(a) [A nurse educated and licensed in another country other than Canada may not be employed as a nurse in this Commonwealth until the requirements for Commonwealth licensure have been met.] A registered nurse educated and licensed outside of the United States or Canada may not practice professional nursing in this Commonwealth until the registered nurse is issued a license or temporary practice permit by the Board.

(b) A graduate nurse licensed in another country may participate in an [approved exchange-visitor program or in an accreditation] accredited graduate program in nursing for [a period of] 2 years without licensure and compensation in this Commonwealth.

[(c) An applicant coming from a country outside of the United States or Canada who is from a nondegree granting institution shall obtain a Certificate of Preliminary Education through the Department of Education.]

§ 21.30a. Continued competency.

[A] (a) A registered nurse whose license has lapsed for 5 years or longer or [whose license] has been placed on inactive status for 5 years or longer, as permitted in section 11(b) of the act (63 P. S. § 221(b)), may reactivate the license by doing one of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee [as set forth] in § 21.5 (relating to fees).

(2) Successfully completing a Board-approved reactivation program, which [includes as a prerequisite to completion the passing of a Board-approved] requires passage of a nursing achievement examination.

(3) Providing evidence to the Board that the applicant has [practiced nursing] a current license and has practiced as a registered nurse in another jurisdiction at some period of time within the last 5 years [under a current license during that time].

(b) A registered nurse whose license has been suspended for 5 years or longer may reactivate the license after complying with the terms of the suspension Order by doing either of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee in § 21.5.

(2) Successfully completing a Board-approved reactivation program which requires passage of a nursing achievement examination.

**Subchapter B. PRACTICAL NURSES
GENERAL PROVISIONS**

§ 21.142. Scope.

(a) The Board administers the act by promulgating rules and regulations which establish standards for practical nursing programs and for the conduct of programs.

(b) The Board provides for licensure of graduate practical nurses from approved programs by examination, by endorsement and by programs renewal of licenses.

(c) The Board may [suspend or revoke licenses] impose disciplinary sanctions and assess civil penalties for cause.

[(d) The Board, with the approval of the Commissioner of Professional and Occupational Affairs, will appoint a committee of two licensed practical nurses and one licensed professional nurse experienced in practical nurse education and, in consultation with this committee, will have the power and duty to establish reasonable rules and regulations for the administration of the act.

(e) [(d) The Board may approve [basic] practical nursing education programs conducted in hospitals, community colleges, universities and public school districts and vocational education programs under the Department of Education and [promulgate] make available a list of approved [programs of] practical nursing education programs on its web site.

[(f)] (e) The Board will regulate the practice of practical nursing.

§ 21.144. [Purpose of the Board] (Reserved).

[The Board will insure safe nursing services for the citizens of this Commonwealth. Embodied in this purpose are the following responsibilities:

(1) To establish safe standards for the preparation of registered and practical nurses in approved educational programs.

(2) To assure safe standards of nursing practice through examination and licensure of graduates of approved educational programs, through endorsement of registered and practical nurses from other jurisdictions and through the regulation of the practice of nursing in this Commonwealth.]

§ 21.149. Temporary practice permits.

* * * * *

(b) The Board may grant a temporary practice permit to an individual who holds a current practical nurse license issued by another state, territory or possession of the United States or Canada (a currently-licensed practical nurse). The temporary practice permit will expire in 1 year, unless the individual fails the licensure examination, in which case the temporary practice permit will immediately expire. The Board may extend the temporary practice permit in cases of illness or extreme hardship, as set forth in paragraph (5).

(1) A currently-licensed practical nurse who wishes to practice practical nursing during the period from the date of submission of the Applicant Data Sheet of the application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

(i) Submit an application for temporary practice permit for a currently-licensed practical nurse on a form provided by the Board.

(ii) Remit the fee specified in § 21.147.

(2) An individual applying for a temporary practice permit for a currently-licensed practical nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has received a passing score on a Board-approved English proficiency examination. [A] The Board will make available a list of Board-approved English proficiency examinations [is available upon request to the Board] on its web site. This information shall be submitted with the Applicant Data Sheet of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed practical nurse shall submit the Verification of Licensure Form of the application for licensure and shall:

(i) Request verification of licensure from the foreign jurisdiction and retain documentation of submission of the request to provide to the Board upon request.

(ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education must be submitted to the Board in English directly from the appropriate educational authorities. The applicant shall retain documentation of submission of the request to submit to the Board upon request.

(iii) [Submit the Commission on Graduates of Foreign Nursing Schools (CGFNS) application if the applicant is required to meet CGFNS requirements set forth in § 21.155(d) (relating to licensure by endorsement) and retain documentation of the submission of the CGFNS application to provide to the Board upon request.] Submit an application for an

education evaluation to a Board-approved foreign credentials evaluator if required under § 21.155(d) (relating to licensure by endorsement) and retain documentation of the application submitted to the evaluator to provide to the Board upon request.

* * * * *

LICENSURE

§ 21.151. Application for examination.

(a) The Board will conduct licensing examinations at least twice a year, and more often when necessary. A list of examination dates will be published annually.

(b) An application for the licensing examination, without a transcript, may be submitted during the last term of the nursing program. The applicant will be scheduled for the subsequent examination.

(c) A candidate will not be admitted to the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including the completion of an approved educational program.

(d) A copy of the transcript validating program completion shall be filed at least 2 weeks prior to the testing dates.

(e) The Board will not proctor an applicant for another state board. The Board will not permit an applicant for Commonwealth licensure to be proctored by another state board.]

(a) A candidate for the licensing examination may submit an application together with the required fee no sooner than 90 days prior to completing a practical nursing education program.

(b) A candidate will not be authorized to take the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including confirmation of completion of an approved practical nursing educational program.

(c) Graduates of practical nursing education programs outside of this Commonwealth shall file an official transcript validating program completion with the application.

(d) An applicant shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant has, prior to being approved to take the licensure examination, received a passing score on a Board-approved English proficiency examination unless the applicant has already met this requirement in satisfaction of § 21.149(b)(2) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

(e) An applicant who graduated from a practical nursing education program outside of the United States or Canada shall have the applicant's education evaluated by a Board-approved foreign credentials evaluator to determine whether the education obtained is equivalent to the program of study required in this Commonwealth at the time the program was completed.

(f) A candidate shall take the examination for the first time within 1 year of completing the profes-

sional nursing education program unless prevented by emergency, illness or military service.

§ 21.152. [Date and location of examinations] Passage of the examination.

Candidates for practical nursing licensure shall [achieve a minimum standard score as mandated] pass the licensure examination approved by the Board.

§ 21.153. [Reexamination] Re-examination.

(a) [Candidates shall submit the required fee to be scheduled for reexamination.] A candidate shall submit a re-examination application, including the required fee for re-examination.

(b) [Candidates] The candidate may take the licensing examination as many times as necessary to [complete licensure process] pass the licensure examination within 2 years of completion of the candidate's nursing education program.

(c) If a candidate does not pass the examination within 2 years of completion of the nursing education program, the candidate shall complete a plan of remediation developed by a nursing education program for the candidate prior to applying for re-examination.

(d) Re-examination applications submitted after the 2-year period shall satisfy the administrative and education requirements prevailing at the time of reapplication.

§ 21.154. [Unlicensed candidate] (Reserved).

[The candidate may practice as a graduate practical nurse until the examination is passed subject to the following:

(1) Unless licensed, the candidate may be employed as a graduate practical nurse for 1 year only from completion of the program except in the case where special permission is granted by the Board due to extenuating circumstances. In such a case the candidate shall present validating documentation.

(2) The candidate shall practice under the supervision of an experienced registered nurse. Supervision is defined to mean that the registered nurse is physically present in the area or unit where the unlicensed graduate is practicing.]

§ 21.155. Licensure by endorsement.

(a) [Licensure as a practical nurse in this Commonwealth by endorsement of the original licensing board is granted to a graduate of an approved practical nursing program who is licensed in another jurisdiction by an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth.] A practical nurse who has graduated from an approved practical nursing program in the United States or Canada and who obtained licensure in another jurisdiction of the United States or Canada upon having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement in this Commonwealth.

(b) **[Applicants for licensure in this Commonwealth]** An applicant for licensure by endorsement in this Commonwealth shall meet the requirements regarding age, good moral character, preliminary education and practical nursing education as outlined in the act.

(c) An applicant for licensure by endorsement whose license in the other jurisdiction is not current for 5 years or longer shall, prior to receiving a license in this Commonwealth, satisfy the requirements of [§ 21.156a(1) or (2)] § 21.156a(1) or (2) (relating to continued competency).

(d) **[A practical nurse who has graduated from a practical nursing program in a country or territory outside of the United States or Canada and who is licensed by completing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth without examination if the applicant's program of study is deemed equivalent to the program of study required in this Commonwealth at the time the program was completed. The Board will base equivalency upon an evaluation performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS) as to the foreign nursing program.]** A practical nurse who has graduated from a practical nursing education program in a country or territory outside of the United States or Canada deemed equivalent to the program of study required in this Commonwealth at the time the program was completed and who obtained licensure in that country or territory upon having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement in this Commonwealth without examination. The Board will base educational equivalency upon an evaluation administered by a Board-approved foreign credentials evaluator.

(e) An applicant for licensure by endorsement shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant has received a passing score on a Board-approved English proficiency examination unless the applicant has previously met this requirement in satisfaction of § 21.7(b) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

§ 21.156. Renewal of license.

(a) Licenses for practical nurses expire on June 30 of each biennium in the even-numbered years.

[(b) Application for renewal of a license will be forwarded biennially to each active registrant prior to the expiration date of the current renewal biennium.

(c) Application forms shall be completed and returned, accompanied by the required renewal fee. Upon approval of an application, the applicant will receive a license for the current renewal period. The display portion of the renewal license shall be retained by the current employer of the registrant. The pocket card portion shall be retained by the registrant.]

(b) When applying for licensure renewal, a licensed practical nurse shall:

(1) Complete and submit the renewal application, including disclosing a license to practice nursing or an allied health profession in any other state, territory, possession or country.

(2) Pay the biennial renewal of license fee in § 21.147(b) (relating to fees).

(3) Disclose discipline imposed by a state licensing board in the previous biennial period and criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition during the previous biennial period, unless prior notification has been made under § 21.156b (relating to reporting of crimes and disciplinary action).

(Editor's Note: Section 21.156b will be adopted on or before the date of final adoption of this proposed rulemaking.)

[(d)] (c) When communicating with the Board, **[registrants]** licensed practical nurses shall identify themselves by their full name, including maiden name, current address and **[their Commonwealth certification number, which shall be typed or printed]** license number.

§ 21.156a. Continued competency.

[A] (a) A licensed practical nurse whose license has lapsed for 5 years or longer or **[whose license]** has been placed on inactive status for 5 years or longer, as permitted in section 13.1(b) of the act (63 P.S. § 663.1(b)), may reactivate the license by doing one of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee **[as set forth]** in § 21.147 (relating to fees).

(2) Successfully completing a Board-approved reactivation program **[, which includes as a prerequisite to completion the passing of a Board-approved]** which requires passage of a nursing achievement examination.

(3) Providing evidence to the Board that the applicant has **[practiced nursing]** a current license and has practiced as a practical nurse in another jurisdiction at some time within the last 5 years **[under a current license during that time]**.

(b) A licensed practical nurse whose license has been suspended for 5 years or longer may reactivate the license after complying with the terms of the suspension Order by doing either of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee in § 21.147.

(2) Successfully completing a Board-approved reactivation program which requires passage of a nursing achievement examination.

§ 21.156c. Reporting of address changes.

A licensed practical nurse shall notify the Board within 14 days of a change of address.

Subchapter G. DIETITIAN-NUTRITIONISTS
GENERAL PROVISIONS

§ 21.701. Definitions.

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

ACEND—Accreditation Counsel for Education in Nutrition and Dietetics—The organization recognized by the Council on Higher Education Accreditation and the United States Department of Education as the accrediting agency for education programs that prepare individuals for the practice of dietetics-nutrition.

ACN—American College of Nutrition.

[ADA—American Dietetic Association.]

AND—Academy of Nutrition and Dietetics.

Act—The Professional Nursing Law (63 P. S. §§ 211—225), which provides for the licensing of Licensed Dietitian-Nutritionists.

Approved—Approved by the Board.

Approved program—Those educational programs accredited by the [Commission on Accreditation for Dietetics Education] ACEND or the American Council on Education for dietetics-nutrition education.

Board—The State Board of Nursing of the Commonwealth.

[CADE—Commission on Accreditation for Dietetics Education—The organization recognized by the Council on Higher Education Accreditation and the United States Department of Education as the accrediting agency for education programs that prepare individuals for the practice of dietetics-nutrition.]

CBNS—Certification Board for Nutrition Specialists—The certification body of the ACN.

CDR—Commission on Dietetic Registration—The credentialing agency for the [ADA] AND.

* * * * *

LICENSURE REQUIREMENTS

§ 21.722. Education [and], examination and re-examination of applicants.

(a) **Education.** The Board approves educational programs that meet the requirements of section 6(b)(2) of the act (63 P. S. § 216(b)(2)) that are approved by [CADE] ACEND or the ACN.

(b) **Examination.**

(1) The Board approves the Registration Examination for Registered Dietitians and Examination of the Certification Board for Nutrition Specialists as the examinations which an applicant may complete to satisfy section 6(b)(4) of the act.

(2) A candidate shall take the examination for the first time within 1 year of completing the dietetics-nutrition education program unless prevented by emergency, illness or military service.

(c) **Re-examination.**

(1) A candidate may take the licensing examination as many times as necessary to complete the licensure process within a 2-year period of completion of the candidate’s dietetics-nutrition education program.

(2) If a candidate does not successfully complete the examination within 2 years of completion of the dietetics-nutrition education program, the candidate shall complete a plan of remediation developed by a dietetics-nutrition education program for the candidate prior to applying for re-examination.

(3) Re-examination applications submitted after the 2-year period shall satisfy the administrative and education requirements prevailing at the time of reapplication.

§ 21.723b. Reporting of address changes.

An LDN shall notify the Board within 14 days of a change of address.

§ 21.724. Continuing education.

* * * * *

(b) **Board-approved continuing professional education.** The Board will accept for completion of the CPE requirement substantive learning experiences, subject to the limitations in paragraph (2) relating to the field of nutrition and dietetics which are not designed for the public and which are sponsored by the [ADA] AND, the ACN, by individual state dietetic associations, if the association is a member of the [ADA] AND or ACN, by approved college or dietetic programs under § 21.722 (relating to education [and], examination and re-examination of applicants) when a certificate of attendance is issued, and courses related to the practice of dietetics-nutrition offered by the Accreditation Council for Continuing Medical Education, the Accreditation Council on Pharmaceutical Education, the American Osteopathic Association and the American Medical Association.

* * * * *

[Pa.B. Doc. No. 14-2256. Filed for public inspection October 31, 2014, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Addendum to the Order of Quarantine; Thousand Cankers Disease of Walnut

Recitals

A. Thousand Cankers Disease (TCD), a disease complex that kills walnut trees, *Juglans spp.*, has been detected in the Commonwealth. There is no cure for a tree once it is infected. The fungus *Geosmithia morbida* is vectored by the walnut twig beetle, *Pityophthorus juglandis*, causing small cankers under the bark of the tree. The beetle introduces the fungus while it tunnels beneath the bark. As more beetles attack the tree, the number of cankers increases until they coalesce to girdle twigs and branches, restricting movement of nutrients and eventually killing the tree. Thousand Cankers Disease has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (Act) (3 P. S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under the authority of section 258.20 of the Act (3 P. S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares TCD, the fungus *Geosmithia morbida* and the walnut twig beetle, *Pityophthorus juglandis*, to be plant pests.

D. Consistent with the Order of Quarantine published at 44 Pa.B. 5216 issued Saturday, August 2, 2014, where the Department detects or confirms any of the plant pests established in this Order of Quarantine—Thousand Cankers Disease, *Geosmithia morbida* or *Pityophthorus juglandis*—the place or area in which any of these plant pests are detected or confirmed shall be subject to the provisions of that Order of Quarantine published at 44 Pa.B. 5216 issued Saturday, August 2, 2014.

E. The place or area in which the plant pest is detected or confirmed shall be added to the Order of Quarantine, published at 44 Pa.B. 5216 issued Saturday, August 2, 2014, through an addendum delineating the specific location and geographic parameters of the area or place. Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Order of Quarantine, published at 44 Pa.B. 5216 issued Saturday, August 2, 2014, with regard to that place or area shall become effective immediately.

Order

Under authority of section 21 of the act (3 P. S. § 258.21), and with the Recitals previously listed incorporated into this Addendum to the Order of Quarantine published at 44 Pa.B. 5216 issued Saturday, August 2, 2014 by reference, the Department orders the following:

1. Establishment of Quarantine.

A quarantine is hereby established with respect to Lancaster county. This is in addition to counties and areas already subject to the Thousand Cankers Disease Quarantine Order published at 44 Pa.B. 5216 issued Saturday, August 2, 2014.

2. All Provisions Apply.

All of the provisions established in the Thousand Cankers Disease Quarantine Order published at 44 Pa.B. 5216 issued Saturday, August 2, 2014, are hereby incorporated herein and made a part hereof this Addendum as if fully set forth herein and shall hereby be made applicable to Lancaster county.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 14-2257. Filed for public inspection October 31, 2014, 9:00 a.m.]

Order of Quarantine; Spotted Lanternfly

Recitals

A. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and not widely prevalent or distributed within or throughout the Commonwealth or the United States.

B. The Plant Pest Act (Act) (act of December 16, 1992, P. L. 1228, No. 162) (3 P. S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority, under section 258.21 of the Act, to establish quarantines to prevent the spread of plant pests within this Commonwealth (act of December 16, 1992, P. L. 1228, No. 162, § 21) (3 P. S. § 258.21).

C. Under the authority of section 258.20 of the Act (related to pests declared public nuisance) (act of December 16, 1992, P. L. 1228, No. 162, § 20) (3 P. S. § 258.20) the Department may declare a plant pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares *Lycorma delicatula* to be a public nuisance.

D. Once a plant pest is declared a nuisance, “It shall be unlawful for any person knowingly to permit any plant pest so declared to exist on his premises or to sell, offer for sale, give away or move any plants, plant products or other material capable of harboring the pest.” (act of December 16, 1992, P. L. 1228, No. 162, § 20) (3 P. S. § 258.20).

E. Where the Department detects or confirms any plant pest established in this Order of Quarantine—Spotted lanternfly, *Lycorma delicatula*—the place or area in which any of these plant pests are detected or confirmed shall be subject to this Order of Quarantine.

F. The place or area in which the plant pest is detected or confirmed shall be added to this Order of Quarantine through an addendum delineating the specific location and geographic parameters of the area or place. Such addendum shall be published in the *Pennsylvania Bulletin*.

tin and enforcement of this Order of Quarantine with regard to that place or area shall become effective immediately upon such publication in the *Pennsylvania Bulletin*.

Definitions

Associated equipment. Articles associated and moved with mobile homes and recreational vehicles, such as, but not limited to awnings, tents, tarps, outdoor furniture, and furniture covers, trailer blocks and trailer skirts.

Bark products. Products containing pieces of bark including bark chips, bark nuggets, bark mulch, and bark compost.

Landscaping, remodeling or construction waste. Includes living or dead plants, stones, lumber, deck boards, wood and drywall products, windows and insulation products, packing materials and any other flat surface product produced in the course of or resulting from landscaping, remodeling or construction activities, including associated equipment.

Mobile home. Any vehicle, other than a recreational vehicle, designed to serve, when parked, as a dwelling or place of business.

Outdoor household articles. Articles associated with a household that have been kept outside the home such as, but not limited to, awnings, barbecue grills, grill covers, bicycles, boats, boat tarps and covers, dog houses, firewood, garden tools, hauling trailers, outdoor furniture and furniture covers, toys, stone or tile not permanently installed as a part of a residence or landscape feature, mobile fire pits, recreational vehicles and associated equipment, and tents.

Recreational vehicles. Articles associated with recreational vehicles, but not limited to, highway vehicles, including pickup truck campers, all-terrain vehicles (ATV), motor cycles, snow mobiles, boats, tarps and covers for all these vehicles, one-piece motor homes, and travel trailers, designed to serve as temporary places of dwelling.

Order

Under authority of section 21 of the Act (act of December 16, 1992, P. L. 1228, No. 162, § 21) (3 P. S. § 258.21), and with the Recitals and definitions previously listed incorporated into this Order of Quarantine by reference, the Department orders the following:

1. Establishment of Quarantine.

A quarantine is hereby established with respect to District Township and Pike Township in Berks County and any other area or place delineated in an addendum to this Order of Quarantine as set forth in Paragraphs E. and F. of the "Recitals" to this Order of Quarantine.

2. *Regulated Articles and Limitations Imposed.* The plant pest established by this Order of Quarantine—Spotted lanternfly, *Lycorma delicatula*—along with any material or object that may carry or spread the plant pest (the plant pest and its eggs and nymphs can exist on and be spread through conveyance of any object with a flat surface) such as the following objects or materials, are considered regulated articles under this Order of Quarantine and may not be moved out of the quarantined area, unless done in accordance with Paragraph 3 of this Order of Quarantine:

- Any living life stage of the Spotted lanternfly, *Lycorma delicatula*.
- Brush, debris, bark, or yard waste.
- Landscaping, remodeling or construction waste

- Logs, stumps or any tree parts
- Firewood of any species.
- Packing materials, such as wood crates or boxes.
- All plants and plant parts. This shall include, but is not limited to, all live, dead, infested or non-infested trees, nursery stock, budwood, scionwood, green lumber, firewood, perennial plants, garden plants and produce and other material living, dead, cut, fallen including stumps, roots, branches, mulch, and composted and uncomposted chips.
- Outdoor household articles including recreational vehicles, lawn tractors and mowers, mower decks, grills, grill and furniture covers, tarps, mobile homes, tile, stone, deck boards, mobile fire pits, any associated equipment and trucks or vehicles not stored indoors.
- Grapevines for decorative purposes or as nursery stock.
- Any other article or means of conveyance when it is determined by an inspector to present a risk of spread of Spotted lanternfly, *Lycorma delicatula* in any life stage and is in proximity to such articles and the articles presenting a high risk of artificial spread and the person in possession thereof has been notified.

3. *Movement of regulated articles from quarantined areas.* A regulated article, delineated in Paragraph 2 of this Order of Quarantine, may be moved from a quarantined area only under the following circumstances:

a. With a valid certificate or limited permit attached and issued in accordance with the provisions of Paragraph 4 or Paragraph 6 of this Order of Quarantine. The valid certificate or limited permit shall be attached to the regulated article(s) as set forth in Paragraph 5 of this Order of Quarantine.

b. Without a certificate or limited permit attached and issued in accordance with the provisions of Paragraph 4 of this Order of Quarantine if the regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

i. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

ii. The regulated article, if moved into the quarantined area during the period of April through December and is moved in an enclosed vehicle or is completely covered, such as by a tarp or full shrink wrapping, to prevent exposure to Spotted lanternfly, *Lycorma delicatula* or access to the regulated article by any of the plant pest established in this Order of Quarantine and the tarp or shrink wrapping is destroyed by burning prior to leaving the quarantined area or is left behind in the quarantined area; and

iii. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by the Department inspector as not posing a risk of infestation by or exposure to Spotted lanternfly, *Lycorma delicatula*; and

iv. No common carrier or other person may move intrastate from any generally infested area any regulated article or outdoor household articles as defined; and

v. The article has not been combined or commingled with other articles so as to lose its individual identity.

4. *Obtaining a Certificate or Limited Permit from the Department for Movement of Articles.* The Department or

a person operating under a compliance agreement, as set forth in Paragraph 6 of this Order of Quarantine, may issue a certificate or stamp authorizing the movement of a regulated article, delineated in Paragraph 2 of this Order of Quarantine, if it is satisfied that all of the following criteria are accurate and will be met:

a. The regulated article is to be moved in compliance with the provisions of this Order of Quarantine and any additional emergency conditions that the Department may impose under the Plant Pest Act in order to prevent the artificial spread of Spotted lanternfly, *Lycorma delicatula*; and

b. The regulated article is either of the following:

i. The regulated article is determined to be free of Spotted lanternfly, *Lycorma delicatula*, based on inspection; or the regulated article has been grown, produced, manufactured, stored or safeguarded during the months of April—December in a manner that, in the judgment of the Department, prevents the regulated article from presenting a risk of spreading Spotted lanternfly, *Lycorma delicatula*; or

ii. The regulated article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance written permission), and the Department has determined this movement will not result in the spread of Spotted lanternfly, *Lycorma delicatula* because the plant pests will have been destroyed by the specific processing, handling or utilization process undertaken and completed prior to movement of the regulated article.

5. *Documentation to Accompany Regulated Articles in Movement from a Quarantined Area.* If a regulated article(s), delineated in Paragraph 2 of this Order of Quarantine, is to be moved from a quarantined area, the regulated article(s) shall be plainly marked with the name and address of the consignor and any person utilized in processing the regulated article for movement and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as described in Paragraph 6 of this Order of Quarantine) certificate or limited permit securely attached to each regulated article itself or the container carrying each regulated article and such certificate or limited permit shall be attached to the consignee's copy of the accompanying waybill at all times during movement. The description of the regulated article(s) on the certificate or limited permit, and on the waybill, shall be sufficient to identify each regulated article. The consignor shall be responsible for compliance with such documentation standards and shall assure the carrier furnishes the certificate or limited permit authorizing the movement of the regulated article to the consignee at the destination of the shipment. The consignor, carrier and the consignee shall keep a copy of the certificate or limited permit. All such records shall be maintained by the consignee, consignor and carrier for a period of 2 years. Such records shall be made available to the Department for inspection upon request.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order of Quarantine and satisfies the Department that said person is capable of issuing certificates or limited permits in accordance with the requirements of this Order of Quarantine. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits

on shipping containers, or both, as determined by the Department at its sole discretion. These certificates and limited permits may then be completed and used, as needed, for the movement of regulated articles that have met all of the requirements of Paragraph 4 of this Order of Quarantine. Originals of each certificate or limited permit issued by a person operating under a compliance agreement shall be kept by said person for a period of 2 years and shall be made available to the Department upon request.

7. *Cancellation of a Certificate, Limited Permit or Compliance Agreement.* Any certificate, stamp or limited permit or any Compliance Agreement may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit or the Compliance Agreement has not complied with a provision of the Act, regulations or this Order of Quarantine. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

8. *Federal Requirements for Interstate Movement of Articles.* This Order of Quarantine is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the movement of articles from the quarantined area or this Commonwealth.

9. *Contacting the Department.* A person seeking information about the requirements of this Order of Quarantine, or a limited permit or certificate for movement of a regulated article(s), or a compliance agreement for intrastate movement of a regulated article(s), shall contact the Department at: Pennsylvania Department of Agriculture, Bureau of Plant Industry, Attention: Dana Rhodes, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, danrhodes@pa.gov.

10. *Violations.* In accordance with the provisions of section 258.22 of the Act (act of December 16, 1992, P. L. 1228, No. 162, § 22) (3 P. S. § 258.22) it shall be unlawful to violate or fail to comply with any provision of the Act, regulations or this Order of Quarantine.

11. *Criminal and Civil Penalties.* In accordance with the provisions of the Act, at sections 258.23 and 258.24 (act of December 16, 1992, P. L. 1228, No. 162, §§ 258.23 and 258.24) (3 P. S. §§ 258.23 and 258.24), a person who violates this Order of Quarantine may face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order of Quarantine may be assessed a civil penalty of up to \$20,000 with respect to each violation.

12. *Cooperation with other agencies.* As authorized by section 258.26 of the Act (act of December 16, 1992, P. L. 1228, No. 162, § 258.26) (3 P. S. § 258.26), the Department will consult with other State agencies, Federal agencies, Pennsylvania State University and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect Spotted lanternfly, *Lycorma delicatula* to slow the spread or eradicate these plant pests.

13. *Effective Date.* This quarantine is effective upon signature and shall be published in the *Pennsylvania Bulletin* and shall remain in effect until rescinded by subsequent order.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 14-2258. Filed for public inspection October 31, 2014, 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 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 October 21, 2014.

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>
10-15-2014	Republic First Bank Philadelphia Philadelphia County	220 North Route 73 Berlin Camden County, NJ	Approved
10-15-2014	Republic First Bank Philadelphia Philadelphia County	780 Route 70 West Evesham Burlington County, NJ	Approved
10-17-2014	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	3400 Concord Road Aston Delaware County	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-20-2014	Citizens Bank of Pennsylvania Philadelphia Philadelphia County Amendment to Article II of the institution's Articles of Incorporation provides for a change in principal place of business from 1701 John F. Kennedy Boulevard, Philadelphia, Philadelphia County, PA 19103 to One Logan Square, 130 North 18th Street, Philadelphia, Philadelphia County, PA 19103.	Filed
10-20-2014	Beneficial Mutual Savings Bank Philadelphia Philadelphia County Amendment to Article I, Section I, of the institution's Articles of Incorporation provides for a change in name from Beneficial Mutual Savings Bank to Beneficial Bank.	Filed

CREDIT UNIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-21-2014	Diamond Credit Union Pottstown Montgomery County	5320 Allentown Pike Temple Berks County	Filed

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

GLENN E. MOYER,
Secretary

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0033529 (Sewage)	Penn State Wilkes-Barre Campus STP Huntsville Road Lehman, PA 18627-0217	Luzerne County Lehman Township	Unnamed Tributary to East Fork Harveys Creek (5-B)	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0024341 (Sewage)	Canton Borough Authority Sewer System 290 Montague Street Canton, PA 17724	Bradford County Canton Borough	Towanda Creek (4-C)	Y
PA0024538 (Sewage)	Beech Creek Borough Authority Sewer System STP Main Street Beech Creek, PA 16822	Clinton County Beech Creek Borough	Beech Creek (9-C)	Y
PA0007854 (Industrial)	Milton Filter Plant 702 S Front Street Milton, PA 17847	Northumberland County Milton Borough	West Branch Susquehanna River (10-D)	Y
PA0209724 (Sewage)	H. H. Knoebel Sons, Inc. Lake Glory Campgrounds 96 Eisenhower Road Catawissa, PA 17820-8624	Columbia County, Cleveland Township	Roaring Creek (5-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0102245 (Sewage)	Turning Point Drug & Alcohol Rehab Center 4849 U.S. Route 322 Franklin, PA 16323	Venango County Cranberry Township	Unnamed Tributary to the Allegheny River (16-G)	Y
PA0103543 (Sewage)	Pithole Museum 14118 Pithole Road Pleasantville, PA 16341	Venango County Cornplanter Township	Unnamed Tributary to Pithole Creek (16-E)	Y
PA0263508 (sewage)	Patricia S & William J Sopp SFTF 8983 Neuburger Road Fairview, PA 16415	Erie County McKean Township	Unnamed Tributary of Elk Creek (15-A)	Y
PA0263443 (Sewage)	Linesville Pine Joint STP 13609 Hartstown Road Linesville, PA 16424	Crawford County Pine Township	Shenango River (20-A)	Y

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

Southwest Regional Office: Regional safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.

PA0040177, SIC Code 4941, **PA American Water Co.**, 800 W Hersheypark Drive, Hershey, PA 17033-2400. Facility Name: PA American Water Brownsville District. This existing facility is located in Brownsville Borough, **Fayette County**.

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

The receiving stream(s), Monongahela River, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.198 MGD.

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

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

The discharge through this outfall shall consist of uncontaminated storm water runoff only.

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.

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

PA0052221, Industrial Waste, SIC Code 4911, **Exelon Generation Company, LLC**, Limerick Generating Station, Pottstown, PA 19464. Facility Name: Exelon Bradshaw Reservoir IWWTP. This existing facility is located in Bedminster Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for the discharge of diverted Delaware River water from Bradshaw Reservoir to the East Branch of Perkiomen Creek.

The receiving stream(s), East Branch Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua Pennsylvania is located on Perkiomen Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 46.2 MGD.

Parameters	Mass (lb/day)		Daily Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Geo Mean	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)						
May 1 - Sep 30	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen						
May 1 - Jul 31	XXX	XXX	6.0	XXX	XXX	XXX
Aug 1 - Sep 30	XXX	XXX	5.0	XXX	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Orthophosphate	XXX	XXX	XXX	Report	XXX	XXX
Total Phenolics	XXX	XXX	XXX	Report	XXX	XXX

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

- Chemical Additives

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.

PA0012891, Sewage, SIC Code 4952, **Upper Hanover Township Authority Montgomery County**, P. O. Box 205, East Greenville, PA 18041. Facility Name: Upper Hanover Perkiomen WWTP. This existing facility is located in Upper Hanover Township, **Montgomery 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), Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.098 MGD.

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)						
Daily Max	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	Report	XXX	XXX
CBOD ₅	20	32	XXX	25	40	50
Influent	Report	Report	XXX	Report	Report	XXX
BOD ₅						
Influent	Report	Report	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	25	37	XXX	30	45	60
Total Dissolved Solids	817	1,635	XXX	1,000	2,000	2500
Fecal Coliform (CFU/100 ml)	XXX	Daily Max XXX	XXX	200 Geo Mean	XXX	1,000
UV Intensity (mW/cm ²)	XXX	XXX	Report Min	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	4.0	XXX	XXX	5.0	XXX	10.0
Nov 1 - Apr 30	12.0	XXX	XXX	15.0	XXX	30.0
Total Phosphorus	0.4	XXX	XXX	0.5	XXX	1.0

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

- Operator Notification
- Remedial Measures
- No Stormwater
- Change in Ownership
- Proper Sludge Disposal
- Operation and Maintenance Plan
- Fecal Coliform Monitoring Requirements

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

The EPA Waiver is in effect.

PA0040321, SIC Code 3625, **Thomas & Betts Corp**, 8155 T and B Boulevard, Memphis, TN 38125. Facility Name: Thomas & Betts—Perkasie Plant. This existing facility is located in East Rockhill Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to East Branch Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking 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 0.043 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
1,1,1-Trichloroethane						
Influent	XXX	XXX	XXX	XXX	XXX	Report
1,1,1-Trichloroethane	XXX	XXX	XXX	XXX	XXX	Report
Tetrachloroethylene	XXX	XXX	XXX	XXX	XXX	Report
Tetrachloroethylene						
Influent	XXX	XXX	XXX	XXX	XXX	Report
Trichloroethylene						
Influent	XXX	XXX	XXX	XXX	XXX	Report
Trichloroethylene	XXX	XXX	XXX	0.003	XXX	0.036

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

- Remedial Measures
- Dry Stream Discharge
- Change in Ownership
- No Air Stripper Cleaning Wastewater Discharge
- Lab Certification

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

The EPA Waiver is in effect.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0530.

PA0232599, Industrial, SIC Code 4941, **United Water PA Inc.**, 4211 East Park Circle, Harrisburg, PA 17111. Facility Name: Bloomsburg WTP. This proposed facility is located in the Town of Bloomsburg, **Columbia County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated water treatment plant effluent.

The receiving stream(s), Fishing Creek, is located in State Water Plan watershed 5-C 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 0.38 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	0.75
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	4.0	8.0	10
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5
Trihalomethanes	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	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.

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

PA0105295, Industrial Waste, SIC Code 1389 (Oil & Gas Field Services), **Minard Run Oil Co.**, 609 South Avenue, Bradford, PA 16701-3977. Facility Name: Minard Run Dent Facility. This existing facility is located in Lafayette Township, **McKean County**.

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

The receiving stream, Lewis Run, is located in State Water Plan watershed 16-C and is classified for high quality waters—cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.016 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Osmotic Pressure	XXX	XXX	XXX	2,468	4,936	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Acidity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	XXX	XXX
Alkalinity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	XXX	XXX
Alkalinity, Total (as CaCO ₃) Effluent Net	XXX	XXX	0	XXX	XXX	XXX
Total Iron	XXX	XXX	XXX	3.5	XXX	7.0
Sulfate	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX
Radium 226/228, Total	XXX	XXX	XXX	Report	XXX	XXX

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

- Stripper Well Definition
- Limit on the rate of discharge
- Electronic Discharge Monitoring Reporting requirement

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

The EPA Waiver is not in effect.

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

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

WQM Permit No. WQM4514402, Sewage, **Easton Area Joint Sewer Authority**, 50a S Delaware Dr, Easton, PA 18042-9405.

This proposed facility is located in Easton City, **Northampton County**.

Description of Proposed Action/Activity: Centrifuge replacement of existing sludge belt filter presses and other various improvements.

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

WQM Permit No. 1014402, Sewage, **Joseph Albright**, 126 Purvis Road, Butler, PA 16001.

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

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

WQM Permit No. WQG01201402, Sewage, **Denise L. & James E. Nichols**, 22922 Highway 27, Meadville, PA 16335.

This proposed facility is located in East Mead Township, **Crawford County**.

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

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown PA 18104

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023914019	Tom Yen Yen Family Limited Partnership 1728 Jonathan Street Ste. 101 Allentown, PA 18104	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024510012(1)	CB H20 P.O. Box 168 Tannersville, PA 18372	Monroe	Pocono Township	Pocono Creek (HQ-CWF, 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033614009	Old Dominion Electric Cooperative 4201 Dominion Boulevard Glen Allen, VA 23060	Lancaster	Fulton Township	UNT's Conowingo Creek (HQ-CWF) Conowingo Creek (CWF) UNT Susquehanna River (HQ-CWF) Susquehanna River/Conowingo Reservoir (WWF)

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

Butler Conservation District, 122 McCune Drive, Butler PA 16001-6501

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061014002	Kevin Zediker 176 Glenford Village Chicora PA 16025	Butler	Fairview Township	UNT Buffalo Creek HQ-CWF UNT Sugar Creek WWF

**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.

**CAFO NMP
PUBLIC NOTICE SPREADSHEET—APPLICATIONS (Submission)**

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Morning Dew Farm, LLC— Wendy Carpenter 266 Piatt Road, Shunk, PA 17768	Sullivan	0	620.25	Swine	HQ	Renewal
Pine Hurst Acres 3036 Sunbury Road, Danville, PA 17821	Northumberland	2,455.1	658.53	Finishing Swine, Beef Cow/Calves, Beef finishers, Beef bulls	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: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 3614517 MA, Minor Amendmant, Public Water Supply.

Applicant	Ephrata Area Joint Authority
Municipality	Ephrata Borough
County	Lancaster

Responsible Official Thomas Natarian, Director of Operations
124 South State Street
Ephrata, PA 17522

Type of Facility Public Water Supply

Consulting Engineer Timothy J. Glessner, P.E.
Gannett Fleming, Inc.
PO Box 67100
Harrisburg, PA 17106-7100

Application Received: 10/10/2014

Description of Action The use of Delta-Floc 801 as the primary coagulant at the Ephrata Water Treatment Plant.

Permit No. 3614515, Public Water Supply.

Applicant **Urban Outfitters, Inc.**

Municipality Salisbury Township

County **Lancaster**

Responsible Official David Ziel, Chief Development Officer
5000 South Broad Street
Philadelphia, PA 19012

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
York, PA 17401

Application Received:

Description of Action Two new wells, cation exchange softening, anion exchange nitrate treatment, sodium hypochlorite disinfection, finished water storage, and finished water pump station.

Permit No. 3614515 MA, Minor Amendmant, Public Water Supply.

Applicant **Columbia Water Company**

Municipality Lancaster

County **Lancaster**

Responsible Official David T. Lewis, General Manager
220 Locust Street
Columbia, PA 17512

Type of Facility Public Water Supply

Consulting Engineer David T. Lewis, P.E.
Columbia Water Company
220 Locust Street
Columbia, PA 17512

Application Received: 10/1/2014

Description of Action New bulk water loading station at the Walnut Street Treatment Plant.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448

Application No. 1714503—Construction Public Water Supply.

Applicant **Brady Township—Troutville Borough Water Assoc., Inc.**

[Township or Borough] Brady Township

County **Clearfield**

Responsible Official Lester G. Wachob, President
Brady Township—Troutville Borough Water Assoc., Inc.
3309 Shamokin Trail
Luthersburg, PA 15848

Type of Facility Public Water Supply

Consulting Engineer Charles R. Meier, P.E.
Geotech Engineering, Inc.
90 Beaver Drive, Suite 120-D
DuBois, PA 15801

Application Received: October 20, 2014

Description of Action Replacing the existing Beatty 4 Well iron & manganese filter & housing it in a 16 ft. x 21 ft. addition to the Luthersburg-Salem water treatment plant along with an addition to the plant for storage of softener salt.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 8372W-T1-MA3, Minor Amendment.

Applicant **Johnsonburg Municipal Authority**

Township or Borough Johnsonburg Borough and Ridgway Township

Responsible Official Mr. Edward Gapinski

Type of Facility Public Water Supply

Consulting Engineer Mark V. Glenn, P.E.
Gwin, Dobson and Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602

Application Received Date: September 25, 2014

Description of Action Installation of a tank mixing system within the existing Blaine Ave/Dill Hill 204,000 gallon, welded-steel, water storage tank. The tank mixing system shall consist of a GridBee GS-12 120V electric mixer.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment

noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Stroup/Gehres Property, 599 Cleveland Street, City of Hazleton, **Luzerne County**, James P. Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407, has submitted a Notice of Intent to Remediate on behalf of his clients (Dale Stroup and Kathryn Gehres), concerning the remediation of fuel oil #2 found to be present in soil at the property location cited above as a result of a release due to the legs of the storage tank failing. The applicant proposed to remediate the site to meet the Residential Statewide Health Standard for soils. The intended future use of the site is residential. A summary of the Notice of Intent to remediate was published in *The Standard Speaker* on October 10, 2014.

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

XTO Energy- Luther S. Williams #4, Old Route 119 Highway North, White Township, **Indiana County**. Groundwater & Environmental Services, 301 Commerce Park, Cranberry Township, PA 16066 on behalf of XTO Energy, Inc., 395 Airport Road, Indiana PA 15701 has submitted a Notice of Intent to Remediate to meet a combination of Statewide Health and Site Specific Standards concerning site soils contaminated from a spill from a tank overflow of production water at the well site containing primarily chlorides and aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, silver, thallium, vanadium, zinc. The site is expected to remain a natural gas production well. Notice of the NIR was published in the *Indiana Gazette* on October 14, 2014.

Forest Hills Transfer (former CA Walters Transfer), 740 Stanton Street, Southwest Greensburg Borough, **Westmoreland County**. Cribbs and Associates, Inc., P.O. Box 44 Delmont, PA 15626 on behalf of Forest Hills Transfer, 2101 Ardmore Boulevard, Pittsburgh, PA 15221 has submitted a Notice of Intent to Remediate to meet the non-residential Statewide Health standard concerning site soils and groundwater contaminated with benzene, ethylbenzene, naphthalene, 1,2,4 & 1,2,5-Trimethylbenzene. The intended future use of the property is non-residential. This notice was published in the *Tribune-Review* on September 29, 2014.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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 general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit

number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P. S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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.

PLAN APPROVALS

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

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

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

60-00002A: NGC Industries, LLC (PO Box 210, West Milton, PA 17886-0210) for modifications to an existing 68.9 MMBtu/hr boiler in order to allow for the combustion of #2 fuel oil instead of #6 fuel oil, at their Milton Plant located in White Deer Township, **Union County**.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226.

11-00533A: Starprint Publications, Inc. (722 Dulancy Drive, Portage, PA 15946) to install and operate one Regenerative Thermal Oxidizer (RTO) to control emissions from 3 offset web heat-set lithographic printing presses and associated web dryers for the purpose of commercially producing printed advertising materials at their publishing facility in Portage Borough, **Cambria County**. This is an initial minor facility Plan Approval application submittal.

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

Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940

42-004J: American Refining Group (77 North Kendall Avenue, Bradford, PA 16701), for the construction of a new multi-fuel-fired boiler which will replace an existing coal-fired boiler in Bradford City, **McKean County**. This is a Title V facility.

42-028F: Ardagh Glass—Port Allegany Facility (One Glass Place, Port Allegany, PA 16743), for establishing CO and VOC emission limits for Furnace 1 as a result of plan approval 42-004B in Port Allegany Borough, **McKean County**. This is a Title V facility.

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

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

23-0038C: Delaware County Regional Water Authority (DELCOA), (100 East 5th Street, PA 19016) for the addition of applicable Boiler MACT requirements from 40 C.F.R. Part 63, Subpart DDDDD to Source ID No. 030, which includes four existing small boilers located at their facility in the City of Chester, **Delaware County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

36-05106B: Premier Custom Built, Inc. (110 Short Street, New Holland, PA 17557) for the installation of three (3) spray booths at their cabinet manufacturing facility in East Earl Township, **Lancaster County**. Plan Approval No. 36-05106B is for installation of three (3) spray booths. Two (2) booths will be Global Finishing Solutions model IDBG-1275-S open-face spray booths. Each booth will have an airflow of 10,500 scfm and will be controlled by dry panel filters. The pressure drop across each booth will be measured through the use of a manometer weekly. Additionally, each booth will be equipped with a 1.021 mmBtu/hr direct fired gas heated make-up air unit. The make-up units will be fired on natural gas. The third booth will be a 7,950 scfm Stiles Maker Q-One Reciprocating Spraying Machine. The enclosed machine will be equipped with 4 automatic spray guns and have an operating speed of 8-16 feet per minute. Coatings will be applied using HVLP guns that will ensure high transfer efficiency. Projected actual emissions from this project are estimated to be 8.98 tpy VOC, 1.69 tpy of a single HAP (toluene), 2.94 tpy combined HAPs. Potential emissions from the facility will not change since the facility is currently limited to 50 tpy VOC, 10 tpy of a single hazardous air pollutant (HAP) and 25 tpy of combined HAPs. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contami-

nants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1, 127.12, 129.52 and 129.101—129.107. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

42-158Q: Georgia Pacific—Mt Jewett Facility (149 Temple Drive, Kane, PA 16735), for the renewal of the NO_x Plantwide Applicability Limit (PAL) in Sergeant Township, **McKean County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 42-158Q is for the proposed renewal of the NO_x Plantwide Applicability Limit (PAL). This project will result in the renewal of the NO_x PAL of 171.14 tpy. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- The PAL as established for NO_x emissions from all affected sources at the facility is 171.14 TPY calculated as a 12-month rolling total.

- The owner or operator of the facility shall perform NO_x emissions tests within 6 months of issuance of the revised PAL permit and every three years thereafter for the MDF Fiber Dryer RTO exhaust and the MDF Press / Unloader TCO exhaust to determine a site-specific emission factor.

- The facility shall convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month.

- The owner or operator shall monitor all emissions units in accordance with the provisions under 25 Pa. Code § 127.218(m) and 40 CFR 52.21(aa)(12).

- The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in 25 Pa. Code § 127.218(m)(5) and 40 CFR 52.21(aa)(12)(ii)(a) through (d) and must be approved.

- Mass balance calculations for activities using coatings or solvents

- CEMS

- CPMS or PEMS

- Emission factors

- The monitoring approach selected by the company and approved by the Department is emission factors. When using the emission factors for monitoring the

following will be the order of which emission factors will be used, if one of these factors is not available the next factors will be used:

- Current emission testing emission factors;

- Existing emission factors used in Plan Approval 42-158H issued by the Department on June 9, 2003;

- NCASI emission factors;

- AP-42

- Emission factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

- All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

- The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

- If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the Administrator determines that testing is not required.

- Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved in writing by the Administrator. Such testing must occur at least once every 5 years after issuance of the PAL permit.

- The owner or operator shall retain the records required under 25 Pa. Code § 127.218(n) and 40 CFR 52.21(aa)(13). Such records may be retained in an electronic format and be retrievable onsite.

- The owner or operator of the facility shall retain a copy of the records necessary to determine compliance with any requirement of 25 Pa. Code § 127.218 and 40 CFR 52.21(aa), including a determination of the 12-month rolling total emissions for each emission unit, for 5 years from the date of such record.

- The company shall maintain an emission tracking system to document compliance with the NO_x PAL for the facility. The tracking system shall record on a monthly basis from all the sources at the facility:

- Fuel usage

- Production rates

- NO_x Emission rates

- Total NO_x monthly emissions

- The owner or operator shall submit the reports required under 25 Pa. Code § 127.218(o) and 40 CFR 52.21(aa)(14) by the required deadlines.

- The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports in accordance with the Title V operating permit requirements of Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

- The company shall submit semi-annual reports to the Department within 30 days of the end of each reporting period. The semi-annual report shall contain the following information:

- The identification of owner and operator and the permit number.

- Total annual emissions (expressed on a mass-basis in tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to 25 Pa. Code § 127.218(n)(1) and 40 CFR 52.21(aa)(13)(i).

- All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data in calculating the monthly and annual PAL pollutant emissions.

- A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

- The number, duration and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks) and the corrective action taken.

- A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by the method included in the permit under 25 Pa. Code § 127.218(m)(10) and 40 CFR 52.21(aa)(12)(vii).

- A signed statement by the responsible official (as defined by the applicable Title V operating permit) certifying the truth, accuracy and completeness of the information provided in the report.

- The owner or operator shall promptly submit reports of deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted under Subchapter G and 40 CFR 70.6(a)(3)(iii)(B) satisfies this reporting requirement. The report shall contain the following information:

- The identification of owner or operator and the permit number.

- The PAL requirement that experienced the deviation or that was exceeded.

- Emissions resulting from the deviation or the exceedance.

- A signed statement by the responsible official (as defined by the applicable Title V operating permit) certifying the truth, accuracy and completeness of the information provided in the report.

- The owner or operator shall submit the results of any revalidation test or method within 3 months after completion of the test or method.

- The company shall perform an annual adjustment and/or tune-up on the combustion sources as per manufacturer specifications.

- All conditions from the facility operating permit revised on October 24, 2013, remain in effect unless modified in this plan approval.

- The PAL is effective from the date of issuance of this plan approval and expires after 10 years from the date of issuance of this approval.

- The owner or operator shall submit a timely application to request renewal of a PAL permit. A timely application is one that is submitted at least 6 month prior to, but not earlier than 18 months prior to the date of permit expiration. If the owner or operator submits a complete application to renew the PAL permit within this time period, the PAL continues to be effective until the revised permit with the renewed PAL is issued. The

renewal application shall be submitted in accordance with the requirement of 25 Pa. Code § 127.218(k) and 40 CFR 52.21(aa)(10).

- The company shall show that the sum of the monthly emissions from each source including emissions from start-ups, shutdowns, and malfunctions under the PAL for the previous 12 consecutive months is less than or equal to the PAL (a 12-month total, rolled monthly). To determine the compliance with the PAL, the calculated pollutants emissions for the month shall be added to the previous 11 months calculated pollutant emissions for the total facility.

- A PAL permit that is not renewed in accordance with the requirements in 25 Pa. Code § 127.218(k) & 40 CFR 52.21(aa)(10) shall expire at the end of the PAL effective period and is subject to 25 Pa. Code § 127.218(j) and 40 CFR 52.21(aa)(9).

- The emissions from a new source that requires a plan approval shall be the minimum attainable through the use of BAT. A physical change or change in method of operation at an existing emissions unit will not be subject to BAT requirements unless the emissions unit is modified so that the fixed capital cost of new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new emissions unit.

- At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under Subchapter E and 40 CFR 51.165(a)(3)(ii) unless the level of the PAL is reduced by the amount of emissions reductions and the reductions would be creditable in the absence of the PAL.

- The following requirements apply to reopening of the PAL permit:

- During the effective period, the Department will reopen the PAL permit to:

- Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL.

- Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets.

- Revise the PAL to reflect an increase in the PAL as provided in 25 Pa. Code § 127.218(l) and 40 CFR 52.21(aa)(11).

- The Department may reopen the permit to:

- Reduce the PAL to reflect newly applicable Federal requirements with compliance dates after the PAL effective date.

- Reduce the PAL consistent with any other requirement that is enforceable as a practical matter and that the Department may impose on the major stationary source.

- Reduce the PAL if the Department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

- Except for the permit reopening for the correction of typographical/calculation errors that do not increase the PAL level, other reopening shall be carried out in

accordance with the public participation requirements [25 Pa. Code § 127.218(e) & 40 CFR 52.21(aa)(5)].

- To increase the PAL during the effective period, the owner or operator shall submit a complete application to request an increase in the PAL limit for a PAL major modification.

- The NSR requirements in 25 Pa. Code Chapter 127, Subchapter E do not apply to an owner or operator at which a physical change or change in the method of operation still maintains its total facility-wide emissions below the PAL, meets the requirements in 25 Pa. Code § 127.218 (relating to PALs) and complies with the PAL permit. Any increase in NO_x emissions above this PAL will subject the facility to the major NSR requirements.

- The PSD requirements in 25 Pa. Code Chapter 127, Subchapter D do not apply to any major stationary source for a PAL for a regulated NSR pollutant, as long as the major stationary source complies with the requirements under 40 CFR 52.21(aa). Any increase in NO_x emissions above this PAL will subject the facility to the PSD requirements.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [42-158Q] 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 Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

16-132K: Clarion Boards, Inc. (143 Fiberboard Road, Shippensburg, PA 16254), for exhausting the 2nd and 3rd stage dryers to atmosphere through baghouses, for re-

moval of the press enclosure, and for inclusion of existing sources not included in the facility operating permit in Paint Township, **Clarion County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 16-132K is for the proposed exhausting of the 2nd stage dryer to atmosphere through baghouses, for removal of the total press enclosure while still capturing emissions from the press area, for removal of the 2nd and 3rd stage fiber conditioning system as a source, and for inclusion of existing sources not included in the facility operating permit. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 101 (EPI ENERGY UNIT & FIBER DRYING SYSTEM)

- All the conditions from the facility operating permit revised on January 27, 2012, remain in effect unless superseded in this plan approval.

- Source 119 (SYSTEM 19—DRY DUST HANDLING & FUEL FEED SYSTEM)

- Emissions shall not exceed the following for Source 119:

- PM: 3.34 tpy based on a 12-month rolling total
- PM₁₀: 3.34 tpy based on a 12-month rolling total
- PM_{2.5}: 3.34 tpy based on a 12-month rolling total

- Source 121 (SYSTEM 21—CHIPS/SAWDUST RECYCLING SYSTEM)

- Emissions shall not exceed the following for Source 121:

- PM: 2.12 tpy based on a 12-month rolling total
- PM₁₀: 2.12 tpy based on a 12-month rolling total
- PM_{2.5}: 2.12 tpy based on a 12-month rolling total

- Source 122 (ASH HANDLING SYSTEM)

- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 & 123.41 for fugitive, odor, and visible emissions respectively.

- No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (both filterable and condensable) in the effluent gas exceeds 0.0040 grain per dry standard cubic foot.

- Emissions shall not exceed the following:

- PM: 0.495 tpy based on a 12-month rolling total
- PM₁₀: 0.495 tpy based on a 12-month rolling total
- PM_{2.5}: 0.495 tpy based on a 12-month rolling total

- Source 126 (SECOND STAGE DRYER)

- Emissions shall not exceed the following for Source 126:

- PM: 9.9 tpy based on a 12-month rolling total

- PM₁₀: 9.9 tpy based on a 12-month rolling total
- PM_{2.5}: 9.9 tpy based on a 12-month rolling total
- VOC: 1.242 tpy based on a 12-month rolling total
- The facility shall conduct testing for total particulate matter (both filterable and condensable) using EPA Methods 5d and 202 or other methods approved by the Department and for VOC using Methods 25A and 320 (FTIR) or other methods approved by the Department.
- The facility shall conduct additional testing 6 to 12 months prior to operating permit renewal for total particulate matter (both filterable and condensable) using EPA Methods 5d and 202 or other methods approved by the Department and for VOC using Methods 25A and 320 (FTIR) or other methods approved by the Department.
- Source 119 (SYSTEM 19—DRY DUST HANDLING & FUEL FEED SYSTEM) & Source 121 (SYSTEM 21—CHIPS/SAWDUST RECYCLING SYSTEM) & Source 126 (SECOND STAGE DRYER)
- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 & 123.41 for fugitive, odor, and visible emissions respectively.
- No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (both filterable and condensable) in the effluent gas exceeds 0.0040 grain per dry standard cubic foot.
- The permittee shall maintain a record of all preventive maintenance inspections of the control device. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.
- The permittee shall record the following operational data from the baghouse (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
 - Pressure differential—daily defined as once per calendar day
 - Visible emission check—daily defined as once per calendar day (weekly defined as once per calendar week or monthly defined as once per calendar month)
 - Verification of bag leak detection system is operating (not applicable to Source 126)
- The permittee shall perform a daily operational inspection of the control device. As part of this operational inspection the facility shall monitor the pressure drop across the baghouse, verify the bag leak detection system is operating, and shall conduct a visible emission (VE) observation of the baghouse stack. The VE observation shall be 60 seconds in length with reading every 15 seconds and if any visible emissions are observed, a Method 9 observation (30 minutes in duration) shall be conducted to determine compliance with the opacity limitations.
- The permittee shall install and operate a bag leak detection system. (not applicable to Source 126)
- The permittee shall perform a monthly preventive maintenance inspection of the control device.
- A magnehelic gauge or equivalent shall be maintained and operated to monitor the pressure differential across the baghouse. All gauges employed shall have a scale such that the expected normal reading shall be no

less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full scale reading.

- The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

- Pressure drop: 1.0 to 7.0 inches water gage or as established during compliant testing

- Opacity greater than 20%

- The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new pressure drop range. Within 24-hours of discovery of a reading outside of the prescribed range the permittee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by case basis.

- The permittee shall operate the control device at all times that the source is in operation.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [16-132K] 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 Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

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

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

09-00165: Boekel Industries, Inc. (855 Pennsylvania Blvd., Feasterville, PA 19053) located in Lower Southampton Township, **Bucks County**, for a renewal of State Only (Synthetic Minor) Operating Permit No. 09-00165. The main source of air contaminant emissions at the facility is a batch vapor degreaser. The degreaser uses trichloroethylene (TCE), a hazardous air pollutant (HAP), as the cleaning solvent. While TCE emissions from the degreaser are restricted to 9.5 tons/yr, the average annual TCE emissions from the degreaser over the previous five calendar years (i.e., 2009-2013) have been 0.86 ton/yr.

Since the State Only Operating Permit (SOOP) was renewed in 2009, no physical changes have occurred at the facility. The degreaser continues to be subject to the Maximum Achievable Control Technology (MACT) standard for halogenated solvent cleaning [40 C.F.R. Part 63, Subpart T].

The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Raymond Kempa, NSR Chief—Telephone: 570-826-2531.

48-00012: American Nickeloid Company (131 Cherry Street, Walnutport, PA 18088-1608) for plating and polishing manufacturing in Walnutport Borough, **Northampton County**. The primary sources consist of two (2) 16.8 MMBtu/hr. boilers, copper plating, nickel plating, and chrome plating tanks. The control devices are evaporators and mist eliminators. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

36-05160: Morgan Truck Body, LLC (1656 Dry Tavern Road, Denver, PA 17517) to issue a State Only Operating Permit for their spray paint operations at the Denver Plant in Brecknock Township, **Lancaster County**. The facility's potential emissions include 1.43 tpy of CO, 2.48 tpy of NO_x, 0.45 tpy of particulate matter (PM₋₁₀), 31.8 tpy of VOCs, and 3.14 tpy of 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.

67-03145: Weldon Machine Tool Inc. (425 East Berlin Road, York, PA 17408) to issue a State Only Operating Permit for operation a coating booth at the facility in West Manchester Township, **York County**. The potential emissions are 0.3 ton per year of CO, 1.5 tons per year of NO_x, 0.01 ton per year of SO_x, 11 tons per year of VOC, 0.2 ton per year of PM, and 7 tons per year of Total 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.

31-03035: Sunoco Pipeline LP (525 Fritztown Road, Sinking Spring, PA 19608) to issue a State Only Operating Permit for the natural gas liquid (ethane, propane, butane or a mixture of these) pumping station located in Penn Township, **Huntingdon County**. The potential emissions from the facility are estimated at 0.25 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.

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

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

55-00024: Conestoga Wood Specialties Corporation (PO Box 158, East Earl, PA 17519) to issue a renewal state only operating permit for their Beaver Springs facility located in Spring Township, **Snyder County**. The facility is currently operating under State Only Operating Permit 55-00024. The facility's significant emissions source is the various woodworking activities occurring at the facility. The facility has potential emissions of 0.2 ton per year of carbon monoxide, 0.9 ton per year of nitrogen oxides, 3.0 tons per year of sulfur oxides, 49.9 tons per year of particulate matter, 2.8 tons per year of volatile organic compounds, and 916 tons per year of carbon dioxide equivalents (greenhouse gases). The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 60 and 63.

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, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

47-00005: Geisinger Medical Center (100 North Academy Avenue, Danville, PA 17822) to issue a renewal state only "synthetic minor" operating permit for their facility located in Mahoning Township, **Montour County**. The facility is currently operating under State Only Operating Permit 47-00005. The significant emissions sources at the Geisinger Medical Center are the boilers and emergency generators located throughout the facility. The facility has potential emissions of 81.3 tons per year of carbon monoxide, 99.9 tons per year of nitrogen oxides, 99.9 tons per year of sulfur oxides, 10.1 tons per year of particulate matter, 13.9 tons per year of volatile organic compounds, 2.6 tons per year of total Hazardous Air Pollutants, and 99,999 tons per year of carbon dioxide equivalents (greenhouse gases). The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 60 and 63.

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 570-327-0550.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226.

32-00424: Western Allegheny Energy, LLC (301 Market Street, Kittanning, PA 16201) for bituminous coal underground mining activities at the Brush Valley Mine Coal Prep Plant in Center Township, **Indiana County**. This is an initial State-Only Operating Permit application submittal.

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

Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940

33-00151: Oak Heritage, Inc. (124 Industrial Park Drive, Brockway, PA 15824-9001). The Department intends to re-issue the Natural Minor Operating Permit for this wood furniture manufacturing and coating facility. The facility's primary emissions are from surface coating operations. The potential VOC emissions from this facility are limited to no more than 20 tons per year. Actual VOC emissions are typically less than 10 tons per year. Emissions of all other criteria pollutants are well below major source levels. This facility is located in Brockway Borough, **Jefferson County**.

33-00156: National Fuel Gas Supply Corporation, Reynoldsville Compressor Station (1100 State Street, Erie, PA 16512-2081) for renewal of a Natural Minor Permit to operate a natural gas compressor station. The facility is located in Winslow Township, **Jefferson County**. The facility's emitting sources include 1) 150 Compressor Unit #1 and, 2) Natural Gas Dehydration

Unit. The facility is a Natural Minor because the emissions of pollutants from the facility are less than Title V threshold limits. The 150 HP compressor engine is subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ have been included in the source level of the permit. The emissions of the pollutants from the engine are limited to the following: CO: 2.63 Tons per year (TPY), NO_x: 2.63TPY, PM₋₁₀: 0.060 TPY, NMHC—1.42 TPY and Sulfur Dioxide: .003 TPY.

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 (35 P. S. §§ 4001—4015) 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: Raymond Kempa, NSR Chief—Telephone: 570-826-2531

48-00104A: Kranos Corp DBA Schutt Reconditioning (710 South Industrial Drive, IL 62056) for their facility located in Palmer Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Kranos Corp DBA Schutt Reconditioning (710 South Industrial Drive, IL 62056) for their facility located at (8 McFadden Road, Easton, PA 18043) in Palmer Township, Northampton County. This Plan Approval No. 48-00104A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00104A is the installation and operation of a spray booth paint systems at their location. The main emissions from the source is VOCs. The new sources will meet all applicable requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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.: 48-00104A 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

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

Permit No. 56080104 and NPDES PA0262625, Rosebud Mining Co., 301 Market Street, Kittanning, PA 16201, renewal for the continued operation and restoration of a bituminous surface and auger mine in Paint and Adams Townships, **Somerset and Cambria Counties**, affecting 252.9 acres. Receiving stream: unnamed tributary to/and Paint Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 30, 2014.

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

Permit No. 54890102R5. White Pine Coal Co., Inc., (PO Box 115, Ashland, PA 17921), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Cass, Foster and Reilly Townships, **Schuylkill County** affecting 729.78 acres, receiving stream: Muddy Branch and unnamed tributary to Swatara Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: September 29, 2014.

Permit No. 54840105R6 and GP104R. Olde Buck Run Coal Co., Inc., (PO Box 4210, Seltzer, PA 17974), renewal of an existing anthracite surface mine operation and GP104 in Cass Township, **Schuylkill County** affecting 372.2 acres, receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: September 30, 2014.

Permit No. 40-305-014GP12. Susquehanna Coal Company, (PO Box 27, Nanticoke, PA 18634), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40920102 in Newport Township, **Luzerne County**. Application received: September 30, 2014.

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

NPDES No. PA0235474 (Mining Permit No. 30031601), AMD Reclamation, Inc., (308 Dents Run Road, Morgantown, WV 26501). A renewal to the NPDES and mining activity permit for the Shannopin Mine Dewatering

Project in Dunkard Township, **Greene County**. Receiving stream: Dunkard Creek, classified for the following use WWF. Monongahela River Watershed. The application was considered administratively complete on July 8, 2008. Application received March 10, 2008.

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: Dunkard Creek

The proposed effluent limits for Outfall 001 (Lat: 39° 45' 20" Long: 80° 00' 38") are:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instant Maximum</i>
Flow (mgd)	-	13.0	-
Iron (mg/l)	1.5	2.9	3.6
Manganese (mg/l)	1.0	1.9	2.4
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Sulfates (mg/l)	250	250	250
Osmotic Pressure (mos/kg)	50	50	50
Total Dissolved Solids (mg/l)	2672	5344	6680
Chlorides (mg/l)	-	-	REPORT
Bromide	-	-	REPORT
Specific Conductance (umho)	-	-	REPORT

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

NPDES No. PA0600555 (Mining permit no. 26840105), Boyle Land & Fuel Co., P.O. Box 400, Laughlintown, PA 15655, renewal NPDES permit for a bituminous surface mine in Wharton Township, **Fayette County**, affecting 69.6 acres. Receiving stream: unnamed tributary to Stony Fork, classified for the following use: HQ-CWF. This receiving stream is included in the Cheat and Monongahela River TMDL. Application received: May 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 treated wastewater outfall(s) listed below discharge to unnamed tributary to Stony Fork:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
09	N	Passive Treatment

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.5	1.0	1.3
Total Suspended Solids (mg/l)	35	70	90
Total Dissolved Solids	2,000	4,000	5,000
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. PA0251381 Mining permit no. 63080101, S&K Energy, Inc., 5945 Pudding Stone Lane, Bethel Park, PA 15102, renewal NPDES permit for a bituminous surface mine in Smith Township, **Washington County**, affecting 124 acres. Receiving stream(s): unnamed tributaries to Raccoon Creek and Raccoon Creek, classified for the following use(s): WWF. This receiving stream is included in the Raccoon Creek TMDL. Application received: September 11, 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 outfall(s) listed below discharge to unnamed tributaries to Raccoon Creek and Raccoon Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
004, 005, 006	No	MDT

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributaries to Raccoon Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001, 002, 003	No	SW

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90

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

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900

E46-1110. Springfield Township, 1510 Paper Mill Road, Wyndmoor, PA 19038, Springfield Township, **Montgomery County**, ACOE Philadelphia District.

To demolish and remove the flood damaged dwelling and to restore and maintain about 0.28 acre area along the floodplain of Sunnybrook Creek, associated with the floodplain site restoration.

The site is located at 2012 Carolton Way (Germantown, PA USGS Quadrangle, Latitude: 40.1118; Longitude: -75.2088).

E15-852. North Coventry Township, 845 S. Hanover Street, Pottstown, PA 19465, North Coventry Township, Chester, PA 19465

To demolish the existing house in and along the 100-year floodplain of the Schuylkill River for the purpose of reducing the flooding concerns.

The house is located at 231 S. Hanover Street (Pottstown, PA USGS map (Lat.40.14.25 N; Long. 75.39.07).

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E48-429. Valley Industrial Properties, LLC, P.O. Box 143, Orefield, PA 18069, in East Bangor Borough, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill an existing/abandoned 2.0 acre water-filled, slate quarry for the purpose of eliminating a safety hazard and preparing site for potential future development. The project is located at 2 Capital Boulevard, approximately 0.4 mile northeast of the intersection of Capital Boulevard and West Central Avenue (State Route 512) (Stroudsburg, PA Quadrangle, Latitude: 40°52'55"; Longitude: -75°11'21").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E22-606: Lower Paxton Township, 425 Prince St. Suite 139 Harrisburg, PA 17109 in Lower Paxton Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District

To remove existing structures and to install and maintain the following:

<i>Description of Impact</i>	<i>Resource Name (Classification)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>		<i>Impact area (acres)</i>	<i>Latitude</i>	<i>Longitude</i>
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	14	30	0.010	40° 19' 34"	76° 45' 57"
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	35	30	0.024	40° 19' 34"	76° 46' 00"
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	5	40	0.005	40° 19' 30"	76° 46' 12"
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	7	35	0.006	40° 19' 30"	76° 46' 13"
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	7	50	0.008	40° 19' 30"	76° 46' 13"
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	4	7	0.001	40° 19' 34"	76° 45' 57"
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	8	30	0.006	40° 19' 26"	76° 46' 26"
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	15	30	0.010	40° 19' 25"	76° 46' 29"
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	15	35	0.012	40° 19' 25"	76° 46' 34"
Utility line stream crossing	UNT to Beaver Creek (WWF, MF)	9	30	0.006	40° 19' 24"	76° 46' 36"
Utility line wetland crossing	Wetland A (PSS)	90		0.076	40° 19' 33"	76° 45' 57"
Construction of utility line	Wetland B (PEM)	0		0.005	40° 19' 30"	76° 46' 10"
Construction of utility line	Wetland C (PFO)	0		0.002	40° 19' 30"	76° 46' 12"
Utility line wetland crossing	Wetland D (PEM)	494		0.451	40° 19' 28"	76° 46' 15"
Construction of utility line	Wetland E (PEM)	90	20	0.042	40° 19' 26"	76° 46' 23"
Construction of utility line	Wetland G (PEM)	0		0.002	40° 19' 25"	76° 46' 37"
Construction of MH 231	Wetland D (PEM)			0.0005	40° 19' 28"	76° 46' 15"
Removal of 5, 5 ft. dia. manholes	Wetlands A, D, and E (PSS, PEM)			0.002		
Removal of 4, 5 ft. dia. manholes	Floodway of UNT to Beaver Creek			0.132		
Construction of utility line	Floodway of UNT to Beaver Creek	5,902		5.20		

The project proposes to temporarily impact 209 linear feet of stream channel, 5.20 acres of floodway, and 0.58 acre of wetlands, and permanently impact 0.0005 acre of wetlands

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E19-305. Pennsylvania Department of Transportation, Engineering District 3-0, 715 Jordan Ave, Montoursville, PA 17754. SR 1033 Section 002 Bridge Replacement in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Stillwater, PA Quad-range; Latitude: 41°08'57"; Longitude -76°17'37").

PA DOT Engineering District 3-0 proposes to replace a single span masonry arch culvert with a single cell precast concrete box culvert. The existing bridge has a

span of 18.6 Ft., a skew of 86 degrees, an underclearance of 8.3 Ft., a low chord of 729.17 Ft. and a hydraulic opening of 153.7 Ft². The proposed box culvert has a span of 22 Ft., a skew of 79 degrees, an underclearance of 7.5 Ft., a low chord of 726.17 Ft. and a hydraulic opening of 165 Ft². The proposed box culvert will be widened approximately 15 Ft on one side, which dis-qualifies the project for a general permit. R-8 Rip Rap will be used to correct a scour hole, which is located within the proposed culvert footprint. The project will not impact any jurisdictional wetlands. The Little Pine Creek is classified as a Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards. This project will not require mitigation.

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

MB990620-0001, First Pennsylvania Resource, LLC. Conneauttee Creek Mitigation Bank, in Venango

Township, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 41°, 50', 3"; W: 80°, 6', 18").

To construct the Conneauttee Creek Mitigation Bank site consisting of grading and restoration activities within floodplain and wetland areas of a 40 acre parcel in the Torry Run watershed, located approximately 1000 feet north of the intersection of State Route 99 and Plank Road. The proposed restoration activities include the following: enhancement and rehabilitation of 27.5 acres of PEM/PSS wetland, re-establishment of 6.5 acres of PFO wetland, enhancement of 2,527 linear feet of the floodplain and riparian area of Torry Run, and the rehabilitation of 1,762 linear feet of the stream channel and riparian area of a tributary to Torry Run. Enhancement activities include invasive plant species control and vegetative plantings. The project may provide compensatory mitigation credits within the PA State Water Plan Sub-basin 16 through existing permit MB9915-0001.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E4129-094: Anadarko Marcellus Midstream, LLC, 33 West Third Street, Suite 200, Williamsport, PA 17701, Pine Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch gas pipelines, one 12-inch water pipeline, two 6-inch water pipelines, a fiber optic/electric line, and a timber mat bridge impacting 42 linear feet of Fourmile Run (EV) and 247 square feet of adjacent palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°29'53"N 77°16'49"W);

2) two 6-inch gas pipelines, one 12-inch water pipeline, two 6-inch water pipelines, a fiber optic/electric line, and a timber mat bridge impacting 188 square feet of palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°29'53"N 77°16'50"W);

3) two 6-inch gas pipelines, one 12-inch water pipeline, two 6-inch water pipelines, a fiber optic/electric line, and a timber mat bridge impacting 95 square feet of palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°29'53"N 77°16'56"W);

4) two 6-inch gas pipelines, one 12-inch water pipeline, two 6-inch water pipelines, a fiber optic/electric line, and a timber mat bridge impacting 42 linear feet of Bonnell Run (EV) and 711 square feet of adjacent palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°29'43"N 77°17'28"W);

5) two 6-inch gas pipelines, one 12-inch water pipeline, two 6-inch water pipelines, a fiber optic/electric line, and a timber mat bridge impacting 937 square feet of palustrine forested (PFO) wetland (English Center, PA Quadrangle 41°29'41"N 77°17'31"W);

6) two 6-inch gas pipelines, one 12-inch water pipeline, two 6-inch water pipelines, a fiber optic/electric line, and a timber mat bridge impacting 400 square feet of palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°27'46"N 77°17'25"W).

The project will result in a total of 0.06 acre of wetland impacts and 84 linear feet of stream impacts all for the purpose of installing water line, natural gas gathering line, and access roadway to natural gas well sites for Marcellus well development.

E0829-102: Appalachia Midstream, LLC, 400 IST Center Suite 404, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line and a temporary timber mat bridge impacting 1,119 square feet of a Palustrine Scrub-Shrub Wetland (Colley, PA Quadrangle, Latitude: 41°35'33", Longitude: -76°18'06");

2. a 16 inch diameter natural gas line and a temporary timber mat bridge impacting 2,037 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°35'42", Longitude: -76°18'08");

3. a 16 inch diameter natural gas line and a temporary timber mat bridge impacting 1,767 square feet of a Palustrine Emergent Wetland (EV) and impacting 204 square feet of a Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°35'55", Longitude: -76°17'58");

4. a 16 inch diameter natural gas line and a temporary timber mat bridge impacting 120 linear feet of an unnamed tributary to Foster Branch Sugar Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°36'02", Longitude: -76°18'00");

5. a 16 inch diameter natural gas line and a temporary timber mat bridge impacting 13,400 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°36'38", Longitude: -76°17'42");

The project will result in 120 linear feet or 793 square feet of temporary stream impacts and 17,204 square feet (0.39 acre) of temporary PEM and 1,323 square feet (0.03 acre) of temporary PSS wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Wilmot Township, Bradford County.

Southwest District: Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Permit # E30-07-010. Cumberland Coal Resources LP, PO Box 1020, 158 Portal Road, Waynesburg PA 15370. Wayne Township, **Greene County**, ACOE Pittsburgh District.

To temporarily disturb 0.087 acre of wetland to plug an abandoned well (W-1203) in Wayne Township, Greene County, Pittsburgh ACOE District, State Water Plan Basin 19-G, (Wayne, PA Quadrangle; Latitude: N 39°48'9.48"; Longitude: W -80°16'42.28"). The wetland will be restored to preexisting conditions once the plugging project is completed.

ENVIRONMENTAL ASSESSMENTS

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

D09-247EA. Andrea Lowery, Architectural Supervisor, Pennsylvania Historical and Museum Commission, 400 North Street, Room N118, Harrisburg, PA 17120-0053. Solebury Township, **Bucks County**, USACOE Philadelphia District.

Project proposes to remove Washington Crossing Dam #2 for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The proposed restoration project includes the complete removal of the wood, metal and concrete components of the dam and minor regarding of the stream channel. The project is located across a tributary to Pidcock Creek (WWF) (Lambertville, PA Quadrangle; Latitude: 40.3281, Longitude: -74.9465).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0101516 (Sewage)	Oakland Elementary School 2111 Creek Road, Cooperstown, PA 16317	Venango County Oakland Township	Dry/Intermittant Tributary of Twomile Run (16-D)	Y
PA0034215 (Sewage)	White Haven Campground 4007 Westford Road Jamestown, PA 16134	Crawford County South Shenango Township	Unnamed Tributary to Shenango River (20-A)	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228648 (Sewage)	Jackson Township Municipal Authority Millerton Sewer System STP State Route 328 Millerton, PA 16936	Tioga County Jackson Township	Unnamed Tributary to Seeley Creek (4-B)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228877 (Sewage)	Lazafame SRSTP 15 Stony Brook Road Orangeville, PA 17859	Columbia County Orange Township	Stony Brook (5-C)	Y

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0095834 (Sewage)	Tree Haven MHP STP 2210 Park Avenue Washington, PA 15301	Washington County South Franklin Township	Chartiers Creek (20-F)	Y

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

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

NPDES Permit No. PA0244651, Storm Water, **Shipley Energy**, 415 Norway Street, York, PA 17403.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for a transfer of an NPDES permit to discharge treated sewage from a facility known as Conshohocken PA Bulk Petroleum Storage Facility to Schuylkill River in Watershed 3-F.

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

NPDES Permit No. PA0275638, Stormwater, SIC Code 3715, **Haulmark Industries Inc.**, P.O. Box 147, 6 Banks Ave., McAdoo, PA 18237.

This facility is located in Banks Township, **Carbon County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for a discharge of stormwater from an existing facility.

NPDES Permit No. PA0275620, Stormwater, SIC Code 3479, **Morgan Advanced Ceramics Inc.**, 7331 William Avenue, Allentown, PA 18106.

This facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for a discharge of stormwater from an existing facility.

NPDES Permit No. PA0065579, Storm Water, SIC Code 5093, **USS Achey Inc.**, 355 E Second Mountain Road, Schuylkill Haven, PA 17972.

This proposed facility is located in North Manheim Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for the discharge of Storm Water.

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

PA0272680, Industrial Waste, SIC Code 1389 (Oil & Gas Field Services), **Dannic Energy Corp**, 134 Mill Run Road, Indiana, PA 15701.

Facility Name: Dannic Energy WWTP.

This proposed facility is located in Sugarcreek Borough, **Venango County**.

Description of Proposed Activity: New NPDES permit for a new discharge of treated stripper well wastewater.

PA0272671, Industrial Waste, SIC Code 1389, **John & Lee Gavin D/B/A Leshar Oil & Reid Oil Partnership**, 205 Oak Street, Reno, PA 16343.

Facility Name: Leshar Oil & Reid Oil Partnership WWTP.

This proposed facility is located in Sugarcreek Borough, **Venango County**.

Description of Proposed Activity: New NPDES permit for a new discharge of treated production water from stripper wells from the Reno oil well lease.

NPDES Permit No. PA0272698, Industrial Waste, **Raymond J. Stiglitz**, 896 Victory Church Road, Franklin, PA 16323, Sugarcreek Borough, Venango County.

The following notice reflects changes to the notice published in the June 28, 2014, edition of the *Pennsylvania Bulletin*:

The Outfall moved from Latitude: 41° 25' 2.95", Longitude: 79° 45' 51.38", to Latitude: 41° 24' 59", Longitude: 79° 45' 46".

As a result of moving the Outfall, the Osmotic Pressure limit increased from 1,050 mOs/kg to 4,663 mOs/kg, and the Barium limit increased from 50 mg/l to 223 mg/l.

PA0272787, Industrial Waste, SIC Code 1389, **Dannic Energy Corp**, 134 Mill Run Road, Indiana, PA 15071.

Facility Name: Dannic Energy SGL 47 Panther Run Facility.

This proposed facility is located in President Township, **Venango County**.

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

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

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. 6500202, Amendment No. 1, Industrial Waste, SIC Code 4922, **Texas Eastern Transmission LP**, 5400 Westheimer Court, Houston, TX 77056.

This existing facility is located in Salem Township, **Westmoreland County**.

Description of Proposed Action/Activity: Modification of the facility's spring water collection system and upgrades to water treatment systems.

WQM Permit No. 6575418, Sewage, SIC Code 8661, **Laurelville Mennonite Church Center Association**, 941 Laurelville Lane, Mt Pleasant, PA 15666-2540.

This existing facility is located in Mount Pleasant Township, **Westmoreland County**.

Description of Proposed Action/Activity: To expand and upgrade the existing wastewater treatment facility to accommodate additional flow.

V. NPDES Waiver Stormwater Discharges from MS4 Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI132256	Great Bend Township, P O Box 781, Great Bend, PA 18821	Susquehanna	Great Bend Township	Salt Lick Creek / Unnamed Tributary to Susquehanna River / HQ-CWF, CWF and MF
PAI132258	New Milford Township Susquehanna County, 19730 State Route 11, New Milford, PA 18834	Susquehanna	New Milford Township	Salt Lick Creek / HQ-CWF and MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 1514027	Mr. Vernon L. and Ms. Donna J. Stoltzfus 1304 Reservoir Road Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ—TSF—MF
PAI01 2314003	Harvard Road Development, LLC 2036 Belvedere Avenue Havertown, PA 19083	Delaware	Haverford Township	Naylor's Run WWF

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI025411002(3)	Eagle Rock Resort Company c/o Mr. Dan Durange 1 Country Club Road Hazle Township, PA 18202	Schuylkill	North Union Township	Tomhicken Creek (CWF, MF) Little Crooked Run (HQ-CWF, MF)

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

Erie County Conservation District, 1927 Wager Road, Erie PA 16509

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI062514001	Midwest XV LLC 403 Oak Street Spring Lake MI 49056	Erie	Waterford Township	LeBoeuf Creek TSF

Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 13, P O Box 9205, Harrisburg, PA 17106-9205

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-1010-14-001	BAMR P. O. Box 9205 Harrisburg, PA 17106-9205 717-783-7924	Butler County	Donegal Township	UNT to headwaters of Buffalo Creek (HQ-CWF, Impaired)

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Plumstead Township Bucks County	PAG0200 0904033R	John Werner, Inc. 4952 Gloucester Drive Doylestown, PA 18901	Geddes Run Tohickon Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township and Aston Township Delaware County	PAG0200 2314023	Middletown Township Sewer Authority 27 N. Pennell Road Lima, PA 19037	Chester Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4614049	Baldwin School 701 Montgomery Avenue Bryn Mawr, PA 19010	Unnamed Tributary to Mill Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4614051	Blue Bell Country Club Community Association 1810 Tournament Drive Blue Bell, PA 19422	Stony Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Salisbury Township Lehigh County	PAG02003912006R	David Bonenberger PPL Electric Utilities Corp. 2 N. 9th Street Allentown, PA 18101	Lehigh River (WWF, MF)	Lehigh County Conservation District 610-391-9583
Lehigh and Moore Townships Northampton County	PAG02004814010	Larry Kemmerer Kemmerer Corporation 3220 Valley View Dr. Bath, PA 18014	Hokendauqua Creek (CWF, MF)	Northampton County Conservation District 610-746-1971

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
North Codorus Township York County	PAG02006712033R	Glatfelter 228 South Main Street Spring Grove, PA 17362-1046	Main Stem of Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Wrightsville Borough York County	PAG02006714042	Borough of Wrightsville 601 Water Street Wrightsville, PA 17368	Susquehanna River/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Jackson Township York County	PAG02006714052	H & H General Excavating Company 660 Old Hanover Road Spring Grove, PA 17362	Bunch Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Penn Township York County	PAG02006714001	Hawk Hill, Inc. Frank LeCrone 4741 Hawk Hill Lane Spruce Creek, PA 16683	UNT to Oil Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Monaghan Township York County	PAG02006714044	Messiah College 1 College Avenue Suite 3001 Mechanicsburg, PA 17055	Stony Run, Yellow Breeches Creek/CWF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Penn Township York County	PAG02006708084R	J. A. Myers 107 Little Bridge Road Hanover, PA 17331	Plum Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Lancaster Township Lancaster County	PAG02003609059R	Hogan Herr & Wolf II 616 Paxton Place Lititz, PA 17543	UNT Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Penn Township Lancaster County	PAG02003612066R	The Nissley Family Trust 1966 Newport Road Manheim, PA 17545	Chiques Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Pequea Township Lancaster County	PAG02003614040	Millwood Lanco 1085 Manheim Pike Lancaster, PA 17601	UNT Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Clay Township Lancaster County	PAG02003614064	Glenn B. Martin 300 Weidmansville Road Ephrata, PA 17522	Middle Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Mount Joy Township Lancaster County	PAG02003614073	Dave Rosenberry 3709 North Colebrook Road Manheim, PA 17545	UNT Little Chiques Creek/TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Londonderry Township and Conewago Township Dauphin County	PAG02002205051R	Adrian & Irvette Timms 37 Oakglade Drive Hummelstown, PA 17036 and Joseph & Louise Answine 60 Kirby Drive Elizabethtown, PA 17022	Iron Run/WWF and Brills Run/TSF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
City of Harrisburg Dauphin County	PAG02002214041	Cameron Street Investments 202 East 7th Street Watsontown, PA 17777	Paxton Creek/WWF-MF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Middletown Borough and Lower Swatara Township Dauphin County	PAG02002213044	H T Partners, LLC PO Box 277 Landisville, PA 17538	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Derry Township Dauphin County	PAG02002212025R	The Hershey Company 100 Crystal A Drive Hershey, PA 17033 and The Hershey Trust 100 Mansion Road East Hershey, PA 17033	Spring Creek East/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bradford County Canton Twp	PAG02000814011	Randy Castle 556 Ward Hill Rd Canton PA 17724	UNT to Towanda Creek (Beech Flats Creek) CWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539, X 6
Bradford County Sheshequin Twp	PAG02000814014	Kurt Lafy Sheshequin Township 1771 N Middle Rd Ulster PA 18850	UNT to Snyder Creek WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539, X 6

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Clearfield County Lawrence Twp	PAG02001712015R	Jeff Long Construction 1916 Hileman Rd Tyrone PA 16686	W B Susquehanna River WWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 (814) 765-2629
Clinton County Wayne Twp	PAG02001814006	First Quality Products 121 North Rd McElhattan PA 17748	W B Susquehanna River WWF	Clinton County Conservation District 45 Cooperation Ln Mill Hall PA 17751 (570) 726-3798
Columbia County Town of Bloomsburg Scott Twp	PAG02001914006	Robert W Dillon Dillon Ctr LLC 933 Columbia Blvd Bloomsburg PA 17815	Kinney Run CWF, MF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg PA 17815 (570) 784-1310 X 102
Snyder County West Perry Twp	PAG02005514005	Dale Weaver 4370 Heister Valley Rd Richfield PA 17086	UNT to N B Mahantango Creek TSF	Snyder County Conservation District 403 W Market St Middleburg PA 17842 (570) 837-3000 X110
Snyder County Franklin Twp	PAG02005514007	Ritter Feeds Inc PO Box 306 Paxtonville PA 17861	Middle Creek CWF, MF	Snyder County Conservation District 403 W Market St Middleburg PA 17842 (570) 837-3000 X110
Snyder County Shamokin Dam Boro Monroe Twp	PAG02005514008	Sunbury Generation LP PO Box 514 Shamokin Dam PA 17876	Susquehanna River WWF, MF	Snyder County Conservation District 403 W Market St Middleburg PA 17842 (570) 837-3000 X110

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Middlesex Township Butler County	PAG02001009005R	Gigliotti Holdings LP 11279 Perry Hwy, Ste. 509 Wexford PA 15090	UNT Glade Run WWF	Butler County Conservation District 724-284-5270
Slippery Rock Borough and Slippery Rock Township Butler County	PAG02001009010R	Slippery Rock University Foundation Inc 1 Morrow Way 100 Old Main Slippery Rock PA 16057	UNT Wolf Creek CWF and UNT Slippery Rock Creek CWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001012042R	Cranberry Township 2525 Rochester Rd, Ste. 400 Cranberry Township PA 16066-6499	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Hickory Township Lawrence County	PAG02003714006	County of Lawrence Attn.: Mr. Jim Gagliano County Administrator 430 Court Street New Castle PA 16101	UNT Neshannock Creek TSF	Lawrence County Conservation District 724-652-4512
Canoe Township, Indiana County	PAG02093214007	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed Tributary to Canoe Creek (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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Philadelphia City Philadelphia County	PAG030017	C&E Auto Parts & Service LLC 6796 Essington Avenue Philadelphia, PA 19153	Unnamed Tributary to Schuylkill River—3-F	Southeast Region Clean Water Program 484.250.5970
East Caln Township Chester County	PAR210007	Main Line Concrete & Supply 1001 Boot Road Downingtown, PA 19335	Valley Creek—3-H	Southeast Region Clean Water Program 484.250.5970
Springfield Township Delaware County	PAR210036	A Jon Const Inc. 719 Old Marple Road Springfield, PA 19064	Unnamed Tributary to Hotland Run—3-G	Southeast Region Clean Water Program 484.250.5970
Caln Township Chester County	PAR230019	AGC Chemicals Americas, Inc. 255 South Bailey Road Downingtown, PA 19335	Unnamed Tributary of Beaver Creek 3-H	Southeast Region Clean Water Program 484.250.5970
West Whiteland Township Chester County	PAR230083	SABIC Innovative Plastics US, LLC 475 Creamery Way Exton, PA 19341-2537	Valley Creek 3-H	Southeast Region Clean Water Program 484.250.5970
Middletown Township Bucks County	PAR230091	Silgan Plastics Corp 121 Wheeler Court Langhorne, PA 19047	Mill Creek—2-E	Southeast Region Clean Water Program 484.250.5970
East Pittsburgh Borough Allegheny County	PAR806213	RIDC SW PA 210 Sixth Avenue Suite 3620 Pittsburgh, PA 15222-2602	Turtle Creek—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Jackson Township Butler County	PAG038313	Sysco Pittsburgh LLC 1 Whitney Drive Harmony, PA 16037	Connoquenessing Creek 20-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Richland Township Bucks County	PAG040196	Slifer John 1371 South Old Bethlehem Pike Quakertown, PA 18951	Morgan Creek—2-D	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

General Permit Type—PAG-8

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Contact Office & Telephone No.</i>
Borough of Phoenixville WWTP Chester County Phoenixville Borough	PAG080003	Borough of Phoenixville 351 Bridge Street Phoenixville, PA 19460	Southeast Region Clean Water Program 484.250.5970
Upper Hanover Township Montgomery County	PAG080014	Upper Montgomery Joint Authority 1100 Mensch Dam Road Pennsburg, PA 18073	Southeast Region Clean Water Program 484.250.5970

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: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 2814504, Public Water Supply.

Applicant	Borough of Chambersburg
Municipality	Chambersburg Borough
County	Franklin
Responsible Official	Lance D. Anderson, Wqter superintendent 100 South Second Street Chambersburg, PA 17201
Type of Facility	Upgrades to the Julio D. Lecuona Water Treatment Plant filters. Work will include the replacement of filter media and renovation of existing concrete filter tanks. Air scour piping will also be installed for the ability to include air scour at a later date without disturbing the filter media.
Consulting Engineer	Jacob L. Rainwater, P.E. AECOM 1700 Market Street Philadelphia, PA 17103
Permit to Construct Issued	9/26/2014

Permit No. 2114501 MA, Minor Amendment, Public Water Supply.

Applicant	United States Army Carlisle Barracks
Municipality	Carlisle Borough
County	Cumberland
Responsible Official	Thomas J. Kelly, Director 309 Engineer Avenue AttN; ATZE-DPW Carlisle, PA 17013-5059
Type of Facility	Rehabilitation of existing 200,000 gallon finished water storage tank.
Consulting Engineer	Chi Shing Lee, P.E. Gilbane Federal for the US Army Corps of Engineer 2730 Shadelands Drive Walnut Creek, CA 94598
Permit to Construct Issued	10/9/2014

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 5914501—Construction—Public Water Supply.

Applicant	Tioga Borough Municipal Authority
Township/Borough	Tioga Borough
County	Tioga
Responsible Official	Keith Preston, Chairman Tioga Borough Municipal Authority 18 North Main Street Tioga, PA 16946
Type of Facility	Public Water Supply
Consulting Engineer	Gregory Cummings, P.E. Larson Design Group 1 West Market St., Suite 301 Corning, NY 14830
Permit Issued	October 15, 2014
Description of Action	Replacement of the existing dry lime feed system with a caustic soda pH control system and an upgrade of the sodium hypochlorite chemical feed pumps.

Permit No. 5913501MA (Partial)—Operation—Public Water Supply.

Applicant	Mansfield University of Pennsylvania
Township/Borough	Mansfield Borough
County	Tioga
Responsible Official	Rick Nelson, Utility Plant Manager Mansfield University of Pennsylvania 115 Sherwood Street Brooks Maintenance Building Mansfield, PA 16933
Type of Facility	Public Water Supply

Consulting Engineer	Travis J. Long, P.E. Gwin, Dobson and Foreman, Consulting Engineers 3121 Fairway Drive Altoona, PA 16602
Permit Issued	October 21, 2014
Description of Action	Operation of the new 1.0 MG bolted stainless steel finished water storage tank and associated piping only.

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

Transfer of Operation Permit issued to **Spagnolo Properties, LP**, PWSID No. 6430014, Pine Township, **Mercer County** on October 9, 2014. Action is for change in ownership; the potable water supplier will do business as Glen Lake Estates Mobile Home Park. The new permit number is 4313505-T1.

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:

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

Alan A. Myers Fuel Tanker Spill, Middlebury Center, **Tioga County**. Ms. Erica I. Love, P.G./Project Manager, Tetra Tech, Inc., 661 Anderson Drive, Pittsburgh, PA 15220, on behalf of Mr. Gary Tiller/V.P. Environmental, American Infrastructure/Allen A. Myers, LP, 1805 Berks Road, P.O. Box 98, Worcester, PA 19490, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Cumene, Isopropylbenzene, Ethylbenzene, Methyl tert-butyl ether, Naphthalene, Toluene, Trimethyl benzene 1,2,4, Trimethyl benzene 1,3,5. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Catawese Coach Lines, Inc., Rush Township, **Northumberland County**. Mr. David A. Bogovich, Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Catawese Coach Lines, Inc., 862 Trevorton Road, Shamokin, PA 17872 submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl Tertiary Butyl Ether (MTBE). The report is intended to document remediation of the site to meet the Statewide Health Standard.

A vehicle accident at Beech Creek Road and Route 144, Noyes Township, **Clinton County**. Infinity Oilfield Services, LLC, 460 Market Street, 4th Floor, Williamsport, PA 17701 behalf of GES, 440 Creamery Way, Suite 500 Exton, PA 19341 submitted a Final Report concerning remediation of site soils contaminated with Barium, Iron, Manganese, Aluminum, Boron, Lithium, Selenium, Zinc. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Renovo Industrial Park, 504 Erie Avenue, Renovo Borough, **Clinton County**. Letterle & Associates, LLC, on behalf of Clinton County Economic Partnership, 212 North Jay Street, Lock Haven, PA 17745 submitted a Final Report concerning remediation of site soils contaminated with Tetrachloroethylene (PCE) and groundwater contaminated with Tetrachloroethylene (PCE), Trichloroethylene (TCE), Vinyl Chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Donna Burke Residence, 106 Sponsler Road, Everett, PA 15537, West Providence Township, **Bedford County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Nationwide Agribusiness, 1100 Locust Street, #3011, Des Moines, IA 50391, and Donna Burke, 106 Sponsler Road, Everett, PA 15537, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Destiny Schell Property, 422 North Hanover Street, Hershey, PA 17033, South Hanover Township, **Dauphin County**. Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, on behalf of Destiny Schell, 132 Sparrow Road, Hummels-town, PA 17036 submitted a Final Report concerning remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil. The report is intended

to document remediation of the site to meet the Residential Statewide Health Standard.

CNH America LLC/Former UST L31Buildings 16 & 19, 120 Brubaker Avenue, New Holland, PA 17557, New Holland Borough, **Lancaster County**. Woodard & Curran, Inc., 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235, on behalf of CNH Industrial America LLC, 700 State Street, Racine, WI, 53404, submitted Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

C-B Tool Company, 640 Bean Hill Road, Lancaster, PA 17603, Lancaster Township, **Lancaster County**. Becker Engineering, 115 Millersville Road, Lancaster, PA 17603, on behalf of Estate of William D. & Rosa Lee Beard, c/o John D. Wenzel, Executor, 1340 Manheim Pike, Lancaster, PA 17601; Mr. and Mrs. Daniel Knarr, 636 Bean Hill Road; Kenneth Kauffman, 638 Bean Hill Road; and C-B Tool Company, 640 Bean Hill Road, Lancaster, PA 17603 submitted a Remedial Investigation Report and Final Report concerning remediation of groundwater contaminated with chlorinated solvents from historical machine shop operations. The combined report is intended to document remediation of the site to meet the Site Specific Standard.

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

Patton B Unit No. 7H, 1313 Whitestown Road, Connoquenessing Township, **Butler County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of XTO Energy—Appalachia Division, 395 Airport Road, Indiana, PA 15701, submitted a Final Report concerning the remediation of site soils contaminated with Aluminum, Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Vanadium, Zinc, Chloride, Benzene, Naphthalene, Toluene, Acenaphthene, Acenaphthylene, Anthracene, Benzo[a]anthracene, Bezo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Chrysene, Dibeno[a,h]anthracene, Ethylene Glycol, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Phenanthrene, Phenol, and Pyrene. The report is intended to document remediation of the site to meet a combination of the Site-Specific and Statewide Health Standards.

Leech Tool, 13144 Dickson Road, West Mead Township, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Leech Industries, Inc., 13144 Dickson Road, Meadville, PA 16335, submitted a Final Report concerning the remediation of site groundwater contaminated with Tetrachloroethene, Trichloroethene, cis 1,2-Dichloroethene, trans 1,2-Dichloroethene, 1,1-Dichloroethene, and Vinyl Chloride. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass 484-250-5787

Szabo Residence, 1045 Mowere Road, East Pikeland Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains, Pennsburg, PA 18073, Amy Biehayn, State Farm Insurance, P. O. Box 106110,

Atlanta, GA 30348-6110 on behalf of Michael Szabo, 1045 Mowere Road, Phoenixville, PA 19460 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF775324

Heebner Park, 1721 Valley Forge Road, Worcester Township, **Montgomery County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Eustice Kriebel, 1721 Valley Forge Road, Worcester, PA 19490 has submitted a 90 day Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF778920

Chester Fowler Residence, 6516 North 13th Street, City of Philadelphia, **Philadelphia County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains, Pennsburg, PA 18073, Erin Bydalek, Harleysville Insurance, 355 Maple Street, Harleysville, PA 19438-2297 on behalf of Darlene Chester Fowler, 6516 North 13th Street, Philadelphia, PA 19126-3603 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF778934

Chester Street Property, 1118-1128 Chestnut Street, **Philadelphia County**. Scott Bisbort, Ransom Environmental, 2127 Hamilton Avenue, Hamilton, NJ 08619 on behalf of Greg Helfin, BJP Chestnut Owner, LLC, 701 Market Street, Philadelphia, PA 19106 has submitted a Remedial Investigation/Cleanup Report concerning remediation of site soil contaminated with chlorinated solvents and pah. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF773956

Gillette Residence, 497 Sunnemeade Avenue, Warminster Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains, Pennsburg, PA 18073 on behalf of Robin Sigler, State Farm Insurance, P. O. Box 106110, Atlanta, GA 30348-6110 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF779939

Country Fresh Mushrooms, 8991 Gap Garden Township, **Chester County**. Tripp Fisher, P.G., Brownfield Science & Technology, 3157 Limestone Road Cochranville, PA 19330 on behalf of Ed Leo, Country Fresh Mushroom, Co, 289 Chambers Road, Toughkenamon, PA 19374 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with pce. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF773548

Millevoi Brothers Torresdale, 2075 Byberry Road, City of Philadelphia, **Philadelphia County**. Jim Mullan, Hocage Consulting, Inc., 987 Haddon Avenue, Collingswood, NJ 08108 on behalf of Tim Millevoi, 2075 Byberry Road, Philadelphia, PA 19116 has submitted a Final Report concerning remediation of site soil contaminated with constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF77943

Weggel Residence, 627 Rodman Avenue, Abington Township, **Montgomery County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Richard Weggel 627

Roadman Avenue, Jenkintown, PA 19046 has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF775609

Johnson Residence, 1433 Alexander Way, Bensalem Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of David Johnson, 1433 Alexander Way, Bensalem, PA 19020 has submitted a 90 day Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF777967

Snyder Girotti Elementary School, 450 Beaver Street, Bristol Borough, **Bucks County**. Richard S. Werner, P.G., Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, Charles Groff, Bristol Bough School District, 1776 Faragut Avenue, Bristol, PA 19007 on behalf of Robert White, Redevelopment Authority of the County of Bucks has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil contaminated with lead, arsenic and benzo. The report is intended to document remediation of the site to meet the Site Specific Standard. PF762338

2.42. Acre Property, 400 Block of Newbold Road, Falls Township, **Bucks County**. Henry deH. Conestoga-Rovers & Associates, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Kyle D. Cloman, Waste Gas Fabricating Company, 450 Newbold Road, Fairless Hill, PA 19030 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard. PF776317

Chalfont PA Residence Property, 56 Moyer Road, Chalfont Borough, **Bucks County**. David L. Reusswig, P.G., Groundwater Science Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, Ron Shirley, Premier Real Estate, 252 West Swamp Road, Suite 2, Doylestown, PA 18901 on behalf of Fannie Mae, 14221 Dallas Parkway, Suite 1000, Dallas, TX 75254 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF778400

410 West State, 410 West State, Kennett Square Borough, **Chester County**. Julia Baniewicz, JK Environmental Services, LLC, P. O. Box 509, Lafayette Hill, PA 19444 on behalf of Larry Bosely, LGB—410 West State St LLC, 326 West Cedar Street, Suite 3, Kennett Square, PA 19348 has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF778202

640 North Lewis Road—Turtle Creek North Zone, 640 North Lewis Road, Limerick Township, **Montgomery County**. Jeffrey A. Smith, Langan Engineering & Environmental Services, Inc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Mona Khalil, Telflex Incorporated, 550 East Swedesford Road, Suite 400, Wayne, PA 19087 has submitted a Final Report concerning remediation of site soil contaminated with other organics. The report is intended to document remediation of the site to meet Statewide Health Standard. PF 779749

5716-5754 Baltimore Avenue Property, 5716-5754 Baltimore Avenue City of Philadelphia, **Philadelphia County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 on behalf of Patrick Burns, Philacobbs Development, LP, 5004 State Road, Second floor, Drexel Hill, PA 19026 has submitted a Remedial Investigating Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with voc's. The report is intended to document remediation of the site to meet the Site Specific Standard. PF 619681

TK Budd Company Northern Die Storage Yard, 22950 Roberts Avenue, City of Philadelphia, **Philadelphia County**. Robert Ehlenberger, AMEC E&I, 751 Arbor Way, Suite 180, Blue Bell, PA 19422 on behalf of Larry Cohen, JMDH Real Estate of Hunting Park, 15-29 132nd Street, College Point, NY 11356 has submitted a Final Report concerning remediation of site soil contaminated with pah and pcb. The report is intended to document remediation of the site to meet the Site Specific Standard. PF779716

TK Budd Company Southern Die Storage Yard, 2800 Fox Street, City of Philadelphia, **Philadelphia County**. Robert Ehlenberger, AMEC E&I, 751 Arbor Way, Suite 180, Blue Bell, PA 19422 on behalf of Larry Cohen, JMDH Real Estate of Hunting Park, 15-29 132nd Street, College Point, NY 11356 has submitted a Final Report concerning remediation of site soil contaminated with pah and pcb. The report is intended to document remediation of the site to meet the Site Specific Standard. PF779709

Turksma Residence, 105 Valley Lane, Lower Providence Township, **Montgomery County**. Jeremy W. Bolyn, Environmental Maintenance, 1402 East Mermaid Lane, Glenside, PA 19038, Anthony Turksma, 105 Valley Lane, Norristown, PA 19403 on behalf of Linda Hampton, Valley Forge Group, LP, 1311 Catfish Lane, Norristown, PA 19403 has submitted a 90 day Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF779738

Ellizey Residence, 205 Old Morris Road, Upper Gwynedd Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains, Pennsburg, PA 18073, Clark Miller, State Farm Insurance, P. O. Box 106110, Atlanta, GA 30348-6110 on behalf of James and Kathy Ellzey, 205 Old Morris Road, Lansdale, PA 119446-5655 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF772482

Carolan Residence, 2 June Road, Middletown Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 Mermaid Lane, Glenside, PA 19038 on behalf of Bernard Carolan, 2 June Road, Levittown, PA 190956 has submitted a Final Report concerning remediation of site soil contaminated with no. fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF779735

Townhouse @ Evensburg, Germantown Pike/River Road & Germantown Pike, Crosskeys Road, Lower Providence Township, **Montgomery County**. Walter H. Hungarter, II, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, Lawrence W. Bily, RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher R. Canavan, Prospect Acquisitions, L.P., 404 Sumneytown

Pike, Suite 200, North Wales, PA 19454 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with metals, chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard. PF779739

Umbria Street Property, 4862A & 5024R Umbria Street, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19102, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19102, Dan Lacz, JERC Partners XVII, L.P., 171 State Road 173, Asbury, NJ 08802, on behalf of David Stubbs, Stubbs Enterprises, Inc., 371 Pelham Road, Philadelphia, PA 19119 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard. PF654360

Berwyn Shopping Center, 500 Lancaster Avenue, Easttown Township, **Chester County**. Aaron Epstein, Partner Engineering & Science, 200 Sproul Road, Suite 106, Broomall, PA 19008 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard. PF777168

Delgado Residence, 545 Lemon Street, Warminster Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Clark Miller, State Farm Insurance, P.O. Box, 106110, Atlanta, GA 30348-6110 on behalf of Ramon Delgado, 545 Lemon Street, Warminster, PA 18974 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF 778928

Schaffer Property, 2779 Mechanicsville Road, Bensalem Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Christine Dimmig, State Farm Insurance, P.O. Box, 106110, Atlanta, GA 30348-6110 on behalf of Raymond Schaffer, 2779 Mechanicsville Road, Bensalem, PA 19020 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF778911

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

Ambridge 14 Street and North Property, (14th to north of 16th Street) Ambridge Borough, **Beaver County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of New Economy Business Park, L.P., 700 5th Ave., New Brighton, PA 15066 has submitted a Final Report concerning the remediation of site soil contaminated with PCB's, lead, heavy metals, poly aromatic hydrocarbons (PAH's), volatile & semi-volatile organic compounds and groundwater contaminated with lead, heavy metals, VOC's and SVOC's. The report is intended to document remediation of the site to meet the Site-Specific Standard. Notice of the report was published in the *Beaver County Times* on September 19, 2014.

Former Westinghouse Research and Development Facility, Avenue A and West Street, Forest Hills and Chalfont Boroughs, **Allegheny County**. AMEC Environment & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Forest Hills Borough, 2071 Ardmore Boulevard, Forest Hills, PA 15221 has submitted a Cleanup Plan concerning the remediation of site soils and groundwater contaminated with volatile organic & semi-volatile organic compounds (VOC's & SVOC's), inorganics and PCB's. Notice of the Cleanup Plan was published in the *Pittsburgh Post-Gazette* on September 23, 2014.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

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

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the

appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Catawese Coachlines, Inc., 440 Elysburg Road (SR54E), Rush Township, **Northumberland County**. Mr. David Bogovich, Northridge Group, Inc., P.O. 231, Northumberland, PA 17857 on behalf of Catawese Coachlines, Inc., 440 Elysburg Road (SR54E), Danville, PA 17821, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 18, 2014.

Renovo Industrial Park, 504 Erie Avenue, Renovo Borough, **Clinton County**. Letterle & Associates, LLC, on behalf of Clinton County Economic Partnership, submitted a Final Report concerning the remediation of site soils contaminated with Tetrachloroethylene (PCE) and groundwater contaminated with Tetrachloroethylene (PCE), Trichloroethylene (TCE), Vinyl Chloride. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department of June 24, 2014.

A vehicle accident at Beech Creek Road and Route 144, Noyes Township, **Clinton County**. Infinity Oilfield Services, LLC, 460 Market Street, 4th Floor, Williamsport, Pa 17701, on behalf of GES, 440 Creamery Way, Suite 500, Exton, Pa 19431, submitted a Final Report concerning remediation of site soils contaminated with Barium, Iron, Manganese, Aluminum, Boron, Lithium, Selenium, Zinc. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on February 10, 2014.

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

Bethlehem Commerce Center—Saucon Pump-house, North of Emery Street, City of Bethlehem, **Northampton County**, James Koval, HDR Engineering, has submitted a RIR and Final Report, on behalf of his clients, Kerry Wrobel, Lehigh Valley Industrial Park Inc., concerning the remediation of soil from arsenic, chromium, and manganese due to historical operations at the site. The applicant proposes to remediate the site to meet the Site Specific Standard for soil. The intended use of the site is non-residential. The report was approved on October 10, 2014.

Bray Property, 152 West Central Avenue, East Bangor Borough, **Northampton County**, Tony Dellaria, MEA Inc., 1365 Ackermanville Road, Bangor, PA 18013, has submitted a Final Report on behalf of his client, Ms. Patti Bray, 703 North Main Street, Bangor, PA 18013, concerning the remediation of soil found to have been impacted by #2 fuel oil from a malfunctioning heating oil tank in the basement of the home. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The intended use of the site will be for residential purposes. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on October 14, 2014.

MUNICIPAL WASTE GENERAL PERMITS

Permits Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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

General Permit Number WMGM051. Buerk Septic Service, Elk County, 1039 Bruxelles Street, St. Marys, PA 15857. General permit authorizes temporary storage and gravity separation of residential septage which facilitates the transfer of the septage prior for offsite processing and land application. The general permit was issued by Central Office on October 09, 2014.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, 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.

RESIDUAL WASTE GENERAL PERMITS

Facility Location Change Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Number WMGR020D005, American Ash Recycling Corp. of Pennsylvania, 613 Memory Lane, York, PA 17402. The facility is being relocated from 1072 Roosevelt Avenue York, PA 17402 to the Memory Lane address. General Permit Number WMGM020 is limited to salvage facilities that store and process (shaking, scraping and screening) ferrous/non-ferrous metal coated with ash residue that is recovered from municipal waste incineration facilities. The Department approved the change in location on September 29, 2014.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, 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.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Application No. WMGR029NC002. Appalachian Drilling Services, Inc., 105 Industrial Road, Beech Creek, PA 16822. Beech Creek Township, **Clinton County**. Collection and processing of waste oil for beneficial reuse. The Department issued the determination of applicability from the North Central Regional Office on October 15, 2014.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits renewed 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

Permit No. 100345. Delaware County Solid Waste Authority (Rolling Hills Landfill). 583 Longview Road, Boyertown, PA 19512-7955, located in Earl Township, **Berks County**. The permit for Rolling Hills Landfill located in Earl Township, Berks County, which expires on January 6, 2015, was renewed until January 6, 2017. The permit renewal was issued on October 16, 2014, 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.

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: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP14-09-0139: Veterinary Crematory Services (387 Nina Way, Warminster, PA 18974) On October 14, 2014, was authorized to operate (2) two animal crematories in Warminster Township, **Bucks County**.

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

Contact: Raymond Kempa, NSR Chief—Telephone: 570-826-2531.

GP3-35-004: Bell Mountain Land Development Corp (859 Enterprise Street, Dickson City, PA 18519) on September 30, 2014 to construct and operate a Portable Crushing Operation with water sprays in Dickson City Borough, **Lackawanna County**.

GP9-35-006: Bell Mt Land Development Corp (859 Enterprise Street, Dickson City, PA 18519) on September 30, 2014 to operate two (2) internal combustion engines in Dickson City Borough, **Lackawanna County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

GP1-28-03021A: PA Dept. of Public Welfare, South Mountain Restoration Center (10058 South Mountain Road, South Mountain, PA 17261-0999), on October 17, 2014, for a new 13.5 MMBtu/hr natural gas/#2 oil-fired boiler, under GP1, at the long term care facility in Quincy Township, **Franklin County**. The general permit authorization will also include the three (3) existing natural gas/#2 oil-fired boilers at the facility that were previously covered by GP1-28-03021.

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

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

GP3-18-200: Siri Sand and Stone, LLC (PO Box 169 Watkins Glen, NY 14891) on October 16, 2014, to temporarily construct and operate a 350 ton per hour portable crushing and screening plant with associated water spray dust suppression system pursuant to the General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Salona Quarry site located in Lamar Township, **Clinton County**.

GP9-18-200: Siri Sand and Stone, LLC (PO Box 169 Watkins Glen, NY 14891) on October 16, 2014, to temporarily construct and operate Caterpillar C13 440 bhp diesel-fired engine pursuant to the General Plan Approval and/or General Operating Permit (BAQ-GPA/GP-9): Diesel or #2 Fuel-fired Internal Combustion Engines at the Salona Quarry site located in Lamar Township, **Clinton County**.

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

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

23-0003Y: Monroe Energy, LLC—Monroe (4101 Post Road, Trainer, PA 19061) On October 14, 2014, for installation of a new or reconstructed boiler (Source ID 053) in Upper Darby Township, **Delaware County**. The proposed boiler will be equipped with low NO_x burners and flue gas recirculation to reduce NO_x emissions. NO_x emissions will be further reduced by selective catalytic reduction. CO and VOC emissions will be reduced by an oxidation catalyst. This project will result in annual emission increases of 11.70 tons NO_x, 29.63 tons CO, 12.02 tons SO₂, 10.64 tons PM (filterable), 13.52 tons PM₁₀ (filterable and condensable), 9.9 tons PM_{2.5} (filterable and condensable); and 1.98 tons VOC.

Based on the information provided by Monroe and the Department's own analysis, the contemporaneous NO_x

emission increases make this project subject to the requirements of 25 Pa. Code Chapter 127, Subchapter E—New Source Review. The required NO_x emission reduction credits (ERCs) are 152.28 tons to offset the contemporaneous net NO_x emission increases of 117.04 tons. Monroe must provide the required amount of NO_x ERCs before commencing operation of this boiler. Further details on the installation are available upon request.

The boiler is also subject to the requirements of 40 C.F.R. Part 60 Subpart Db (Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units), and Subpart Ja (Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction Commenced After May 14, 2007), and Part 63 Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial Boilers). The applicable requirements including emission limitations, work practice standards, testing, reporting, recordkeeping requirements are specified in the Plan Approval.

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

Contact: Raymond Kempa, NSR Chief—Telephone: 570-826-2531.

54-00083A: Trans Western Polymers, Inc. (31 Progress Avenue, Tamaqua, PA 18252) on September 25, 2014 for the operation of thirty six (36) ink jet printers at their facility in Rush Township, **Schuylkill County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

36-05017E: Conestoga Wood Specialties Corporation (245 Reading Road, East Earl, PA 17519) on October 15, 2014, for the construction of a new coating line at the wood kitchen cabinet manufacturing facility in East Earl Township, **Lancaster County**. The new coating line will consist of a panel cleaner, infrared preheating units, a reciprocating spray machine with eight (8) spray guns, a flash-off tunnel, a vertical dryer, a hi-velocity infrared heating tunnel, and a cooling tunnel.

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

Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940

25-1026A: Brugger Funeral Homes & Crematory, LLP (845 East 38th Street, Erie, PA 16504) on October 14, 2014, has issued a plan approval for changes in their method of operating one existing human crematory (relating to door opening) at their facility in the City of Erie, **Erie 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.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

06-05069S: East Penn Manufacturing Co., Inc. (Deka Road, PO Box 147, Lyon Station, PA 19536) on October 14, 2014, for modifications to their A-3 facility formation operations at the lead-acid battery assembly facility located in Richmond Township, **Berks County**. The plan approval was extended.

06-05069T: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) on October 14, 2014, for exhausting the air pickup from a COS machine to atmosphere after the air is filtered by Baghouse C416 and HEPA filter C416A. This source is located at the Lyon Station lead-acid battery assembly plant in Richmond Township, **Berks County**. The plan approval was extended.

67-05092H: Starbucks Coffee Company (3000 Espresso Way, York, PA 17406) on October 16, 2014, for construction of the following sources: two coffee roasters controlled by a regenerative thermal oxidizer; two cooling trays controlled by dedicated cyclones; two destoners controlled by dedicated cyclones; and a chaff press controlled by a cyclone at its York Roasting Plant in East Manchester Township, **York County**. The plan approval was extended.

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

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

41-00079B: Eureka Resources, LLC (454 Pine Street, Williamsport, PA 17701) on October 13, 2014 to extend the authorization to operate a gas well water treatment operation at their 2nd Street facility in Williamsport, **Lycoming County** on a temporary basis to April 11, 2015. The plan approval has been extended.

47-00001E: PPL Montour LLC (P.O. Box 128, Washingtonville, PA 17884-0128) on October 9, 2014, to extend the authorization an additional 180 days from November 4, 2014 to May 3, 2015, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the auxiliary boiler used for utility boiler start-up at the Montour Steam Electric Station located in Derry Township, **Montour County**. The plan approval has been extended.

17-00063C: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on October 8, 2014, to extend the authorization an additional 180 days from October 8, 2014 to April 6, 2015, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the ethanol production plant located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

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

Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940

24-083V: Mersen USA (215 Stackpole St., St. Marys, PA 15857) on October 17, 2014, effective November 30, 2014, will issue a plan approval extension for the installation of a seven (7) baking kilns and associated regenerative thermal oxidizers and wet scrubber at their facility in the City of St. Marys, **Elk County**. This is a Title V facility.

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 19401

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

09-00114: Active Brass Foundry, Inc. (330 Progress Drive, Telford, PA 18969) On October 10, 2014, located in Hilltown Township, **Bucks County**, for a renewal of State Only (Natural Minor) Operating Permit No. 09-00114. The facility's main sources of air contaminant emissions are four electric induction furnaces, two No. 2 fuel oil-fired crucible furnaces, and various operations for producing metal castings at the facility. The facility operates several dust collectors to control particulate matter (PM) emissions from each of these sources or operations except the crucible furnaces. No changes have occurred at the facility since the State Only Operating Permit ("SOOP") was last renewed. The renewed SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

09-00183: Donaldson Company, Inc. (85 Railroad Drive, Ivyland, PA 18974) On October 10, 2014, for renewal of a State Only, Natural Minor Operating Permit in North Hampton Township, **Bucks County**. The company has one polytetrafluoroethylene (PTFE) extrusion line controlled by a Regenerative Thermal Oxidizer. The pollutant of concern is volatile organic compounds (VOC). The estimated VOC emissions after control are less than 4.4 tons per year. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

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

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

40-00071: American Asphalt Paving Co. (500 Chase Road, Shavertown, Pa. 18708-9689) A renewal operating permit was issued July 30, 2014, for the Chase Quarry and Asphalt Plant located in Jackson Township, **Luzerne County**.

39-00093: ICO Polymers North America, Inc. (6355 Farm Bureau Road, Allentown, PA 18106) on October 16, 2014 for Plastics Products manufacturing in Upper Macungie Township, **Lehigh County**. The sources consist of Air Mills and Silos. The sources are controlled by fabric collectors. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

39-00023: Allentown Terminals Corporation (P.O. Box 262, Harrisburg, PA 17105-2621) on October 15, 2014 for Petroleum Bulk Stations and Terminals operations in City of Allentown, **Lehigh County**. The sources consist of a gasoline truck loading rack and internal floating and fixed roof tanks. The control device consists of a Vapor Destruction Unit (VDU).

The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO); total suspended particulate (TSP) and VOC's. This is a renewal State-Only Synthetic Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

21-05035: Hempt Bros., Inc. (205 Creek Road, Camp Hill, PA 17011-7418) on October 14, 2014, for their stone crushing, batch asphalt and batch concrete operations at the Locust Point Quarry in Silver Spring Township, **Cumberland County**. The State-only permit was renewed.

67-03046: Cycle Chem, Inc. (550 Industrial Drive, Lewisberry, PA 17339-9537) on October 14, 2014, for their hazardous and residual waste treatment, storage and transfer facility in Fairview Township, **York County**. The State-only permit was renewed.

22-03063: Chemetron Railway Products, Inc. (1600 Progress Drive, PO Box 1037, Albertville, AL 35950) on October 15, 2014, for their rail welding facility in Steelton Borough, **Dauphin County**. The State-only permit was renewed.

22-05054: Highspire Terminals Corp., (PO Box 2621, Harrisburg, PA 17105-2621) on October 15, 2014, for their petroleum products distribution terminal in Lower Swatara Township, **Dauphin 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

49-00005: Hoeganaes Corp. (4330 Paradise Road, Watsontown, PA 17777) issued on October 14, 2014, State Only (Natural Minor) Operating Permit 49-00005 (renewal) for their Watsontown Plant located Delaware Township, **Northumberland County**. All applicable Federal and State regulatory requirements including monitoring, recordkeeping, reporting and work practice conditions in order to demonstrate compliance with the applicable regulatory requirements have been included in the state only operating permit for this facility.

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 Elmer-ton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

06-05061: Cambridge Lee Industries, LLC (PO Box 14026) on October 16, 2014, for their copper tube manufacturing facility in Ontelaunee Township, **Berks**

County. The state-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05061A.

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

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

14-00025: RESTEK Corporation (110 Benner Circle, Bellefonte, PA 16823) On October 3, 2014, for their reference chemical manufacturing facility in Benner Township, **Centre County**. The minor operating permit modification revises the facility wide VOC emissions from 2.7 tons in any 12 consecutive month period to 3.5 tons in any 12 consecutive month period. Minor modification of state only operating permit No. 14-00025 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

24-00016: Keystone Powdered Metal Company (251 State Street, Saint Marys, PA 15857-0313). On October 15, 2014 for a minor operating permit modification of the Title V Operating Permit to incorporate the installation of a dust collector which replaced two existing dust collectors for the dry powder blending operation (Source 2392) which was approved under Request for Determination (RFD) #4414 for the facility located in Saint Marys City, Elk County. The modification is pursuant to the requirements of § 127.462. The RFD was approved on August 18, 2014 and the RFD required the facility to submit a minor operating permit modification to incorporate the new control device into the TV permit.

62-00150: Superior Tire & Rubber Corporation (1818 Pennsylvania Ave. West, PO Box 308, Warren, PA 16365). On October 10, 2014 issued an administrative amendment to the State Operating Permit to incorporate the plan approval 62-150D requirements into the permit for the facility located in Warren City, **Warren County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

03060701 and NPDES No. PA0235661. McVile Mining Company, (301 Market Street, Kittanning, PA 16201-1504). To renew the permit for the McVile Coal Refuse Disposal Area No. 2 in South Buffalo Township, **Armstrong County**. No additional discharges. The application was considered administratively complete on April 27, 2012. Application received: November 3, 2011. Permit issued: October 9, 2014.

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

Permit No. 32110102 and NPDES No. PA0263214. Britt Energies Inc., P.O. Box 515, Indiana, PA 15701, transfer of an existing bituminous surface mine from Rosebud Mining Co., 301 Market St., Kittanning, PA 16201 in Burrell Township, **Indiana County**, affecting 33.8 acres. Receiving stream: unnamed tributaries to Toms Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 17, 2014. Permit issued: September 29, 2014.

Permit No. 56070110 and NPDES No. PA0262498. PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface mine, to approve a variance to the 100 foot barrier to Stonycreek Township Road T-530 North Dominion Road, in Stonycreek Township, **Somerset County**, affecting 249 acres. Receiving streams: Schrock Run and unnamed tributary #2 to Glades Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 28, 2014. Permit issued: October 10, 2014.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

63120103 and NPDES Permit No. PA0252310. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Revision permit issued for stream crossing variance to an existing bituminous surface mine, located in Nottingham Township, **Washington County**, affecting 276.4 acres. Receiving streams: unnamed tributaries to Mingo Creek and Mingo Creek. Revision application received: May 7, 2014. Revision permit issued: October 14, 2014.

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

Permit No. 54830209R6. South Tamaqua Coal Pockets, Inc., (840 West Penn Pike, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in West Penn Township, **Schuylkill County** affecting 37.0 acres, receiving stream: Little Schuylkill River. Application received: July 1, 2014. Renewal issued: October 20, 2014.

Permit No. 54830209GP104. South Tamaqua Coal Pockets, Inc., (840 West Penn Pike, Tamaqua, PA 18252), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54530209 in West Penn Township, **Schuylkill County**, receiving stream: Little Schuylkill River. Application received: July 1, 2014. Permit issued: October 20, 2014.

Noncoal Permits Issued

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

Permit No. 4075SM12 and NPDES Permit No. PA0248860. Penn Pocahontas Coal Company, P.O.

Box 68, Boswell, PA 15531, renewal of an NPDES permit in Summit Township, **Somerset County**. Receiving stream: unnamed tributary to Casselman River, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 20, 2010. Permit Issued: October 14, 2014.

Permit No. 4072SM2 and NPDES Permit No. PA0248878. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, renewal of NPDES permit in Elk Lick Township, **Somerset County**. Receiving stream: unnamed tributary to Meadow Run classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority. Application received: August 20, 2010. Permit issued: October 14, 2014.

Permit No. 4072SM11 and NPDES Permit No. PA0248886. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, renewal of an NPDES permit in Summit Township, **Somerset County**. Receiving stream: unnamed tributary to Miller Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 20, 2010. Permit issued: October 14, 2014.

Permit No. 4072SM22 and NPDES Permit No. PA0248894. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, renewal of an NPDES permit in Somerset Township, **Somerset County**. Receiving stream: unnamed tributary to Kimberly Run, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 20, 2010. Permit issued: October 14, 2014.

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

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

41144104. Brubacher Excavating Inc. (P.O. Box 528, Bowmansville, PA 17507-0528). Blasting for commercial development located in Pine Township, **Lycoming County** with an expiration date of October 13, 2015. Permit issued: October 10, 2014.

57144112. Maurer & Scott Sales, Inc. (122 Thomas Street, Coopersburg, PA 18036-2100). Blasting for natural gas well pad construction located in Shrewsbury Township, **Sullivan County** with an expiration date of April 30, 2015. Permit issued: October 10, 2014.

08144116. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Blasting for a single dwelling foundation located in Tuscarora Township, **Bradford County** with expiration date of December 31, 2014. Permit issued: October 16, 2014.

17145001. Dimension Supply, Inc. (1006 Kathryn Street, Boalsburg, PA 16827). Blasting Activity Permit by Rule for demonstration purposes located in Decatur Township, **Clearfield County** with a one day occurrence of October 26, 2014. Permit issued: October 17, 2014.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

63144107. Wampum Hardware Co. (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for construction at the Meadows Landing Speedway, located in South Strabane Township, **Washington County** with an exploration date of June 30, 2015. Blasting permit issued: October 14, 2014.

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

Permit No. 36144157. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lincoln Christian Home in Ephrata Borough, **Lancaster County** with an expiration date of December 30, 2014. Permit issued: October 16, 2014.

Permit No. 36144158. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lincoln Christian Home in Ephrata Borough, **Lancaster County** with an expiration date of December 30, 2014. Permit issued: October 16, 2014.

Permit No. 38144115. M & J Explosives, Inc., (P.O. Box 608, Carlisle, PA 17013), construction blasting for Lancaster Orthopedics in North Cornwall Township, **Lebanon County** with an expiration date of October 8, 2015. Permit issued: October 16, 2014.

Permit No. 38144116. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Gary Horst field in South Annville Township, **Lebanon County** with an expiration date of December 30, 2014. Permit issued: October 16, 2014.

Permit No. 54144103. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Schaeffers Harley Davidson Project in West Brunswick Township, **Schuylkill County** with an expiration date of December 31, 2014. Permit issued: October 16, 2014.

Permit No. 46144111. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Mountain View Estates in Limerick Township, **Montgomery County** with an expiration date of October 9, 2015. Permit issued: October 17, 2014.

Permit No. 46144112. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Firefox Development in Montgomery Township, **Montgomery County** with an expiration date of October 10, 2015. Permit issued: October 17, 2014.

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.

E54-358. Eagle Rock Resort Co., 1 Country Club Road, Hazle Township, PA 18202. North Union Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Eagle Rock Resort Hidden Forest Phase 1 Project:

1. a roadway crossing of Little Crooked Run (HQ-CWF, MF) consisting of a 62-foot long, 72-inch diameter corrugated metal pipe depressed 6-inches below the existing streambed elevation with riprap aprons (Latitude: 40° 55' 58.39"; Longitude: -76° 08' 55.10");

2. a concrete encased 6-inch diameter PVC water line crossing of Little Crooked Run (Latitude: 40° 55' 58.39"; Longitude: -76° 08' 55.10");

3. a concrete encased 6-inch diameter PVC sanitary line crossing of Little Crooked Run (Latitude: 40° 55' 58.39"; Longitude: -76° 08' 55.10");

4. an outfall structure consisting of an 18-inch diameter HDPE pipe with a flared end section and riprap apron in the floodway of Little Crooked Run (Latitude: 40° 55' 3.14"; Longitude: -76° 08' 57.41");

5. an outfall structure consisting of a 30-inch diameter HDPE pipe with a flared end section and riprap apron in the floodway of Little Crooked Run (Latitude: 40° 55' 1.42"; Longitude: -76° 08' 52.40").

The project is located approximately 0.5 mile south of the intersection of Millers Road and Mountain Road (Nuremburg, PA Quadrangle Latitude: 40° 55' 0.33"; Longitude: -76° 08' 47.18") in North Union Township, **Schuylkill County**. Subbasin: 5E

ENVIRONMENTAL ASSESSMENT

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

EA 49-002. Nottingham Village Retirement Center Associates, LP, 58 Neitz Road, Northumberland, PA 17857-9608. Stream Restoration in Point Township; ACOE Baltimore District.

The project proposes to restore approximately 200 linear feet of first order stream channel. The project will consist of the reestablishment of a natural meander pattern and profile of the Unnamed Tributary to the Susquehanna River, which is designated as a cold water fishery. This work shall remove the existing channel from the previously constructed storm water pond and reestablish the aquatic habitat and flow regime of the natural channel. Associated with this work will be several new meanders, toe protection and a reestablished off stream storm water containment pond. Water quality improvements shall be noted by eliminating stream disturbances associated with future storm water basin maintenance, increases water quality during facility expansions since an "off-stream" storm water basin can be utilized as a sediment basin during construction to control sediment laden water from entering the stream, maintaining hydraulic and hydrologic conditions upslope of the existing seep to ensure there are no secondary impacts to existing wetlands and streams and reduced erosion (head-cutting) in the existing stream channel by diverting existing facility storm water flows into new water quality management facilities. Increased stream channel stabilization by construction of a longer and meandering stream channel will reduce channel slope and be resilient to scour. Bio-retention facilities proposed along the upslope side of the proposed retention basin will promote overall water quality and recharge for the development. The tiered orientation will also help to sustain a permanent pool within the new retention basin. This project is located 1800 feet East on Leeds Drive from the intersection with Strawbridge Road.

Northumberland, PA Quadrangle Latitude: 40° 54' 34.8"; Longitude: -76° 47' 14.6"

DAM SAFETY

Southwest Regional Office, Oil and Gas Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Permit # 95-7-60915-7-A2. Carol Baker Letter of Amendment Impoundment Modification Applicant Range Resources-Appalachia LLC 3000 Town Center Blvd, Canonsburg, PA 15317 proposes to modify Permit # 95-60915-7 to reconstruct, operate and maintain a 14.1 million gallon Centralized Impoundment to collect, store and reuse wastewater for fracturing natural gas wells, Chiarelli Unit 6H permit No. 37-125-27127 and other permitted wells listed in the application. Project is located off Arden Road in Chartiers Township, Washington Co (USGS PA Quadrangle: Canonsburg N: 40° 13' 50.6"; W: -80° 16' 22.1"). Project has disturbed 21.0 acres, with 2.23 acres redisturbed. The stormwater runoff drains to Tributary 37110 of Chartiers Creek, a Warm Water Fishery, State Water Plan Basin 20F Ohio River.

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.

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

ESCGP-2 # ESX09-115-0006 (01)
Applicant Name Chief Oil & Gas LLC
Contact Person Jeffrey Deegan
Address 6051 Wallace Road Ext. Suite 300
City, State, Zip Wexford, PA 15090
County Susquehanna County
Township(s) Lathrop Township
Receiving Stream(s) and Classification(s) Horton Creek (CWF/MF);
Secondary: Tunkhannock Creek

ESCGP-2 # ESX29-115-14-0095
Applicant Name Cabot Oil & Gas Corporation
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276-0120
County Susquehanna County
Township(s) Harford Township
Receiving Stream(s) and Classification(s) Nine Partners Creek (CWF/MF), Butler Creek (CWF/MF)

ESCGP-2 # ESX29-015-14-0072
Applicant Name Talisman Energy USA, Inc.
Contact Person Joseph Katruska
Address 50 Pennwood Place
City, State, Zip Warrendale, PA 15086
County Bradford County
Township(s) Columbia Township
Receiving Stream(s) and Classification(s) UNT to North Branch Sugar Creek (CWF/TSF);
Secondary: North Branch Sugar Creek

ESCGP-2 # ESX29-015-14-0064
Applicant Name Talisman Energy USA, Inc.
Contact Person Joseph Katruska
Address 50 Pennwood Place
City, State, Zip Warrendale, PA 15086

County Bradford County
Township(s) Armenia Township
Receiving Stream(s) and Classification(s) UNT to North Branch Towanda Creek (CWF/MF);
Secondary: North Branch Towanda Creek

ESCGP-2 # ESX10-015-0003(01)
Applicant Name Talisman Energy USA, Inc.
Contact Person Joseph Katruska
Address 50 Pennwood Place
City, State, Zip Warrendale, PA 15086
County Bradford County
Township(s) Wells Township
Receiving Stream(s) and Classification(s) UNT to Beckwith Creek (CWF);
Secondary: Beckwith Creek

ESCGP-2 # ESX10-015-0063 (01)
Applicant Name Talisman Energy USA, Inc.
Contact Person Joseph Katruska
Address 50 Pennwood Place
City, State, Zip Warrendale, PA 15086
County Bradford County
Township(s) Wells Township
Receiving Stream(s) and Classification(s) Seeley Creek (CWF/MF);
Secondary: Chemung River (WWF/MF)

ESCGP-2 # ESX10-015-0073 (01)
Applicant Name Talisman Energy USA, Inc.
Contact Person Joseph Katruska
Address 50 Pennwood Place
City, State, Zip Warrendale, PA 15086
County Bradford County
Township(s) Columbia County
Receiving Stream(s) and Classification(s) UNT to Sugar Creek (TSF/MF)

ESCGP-2 # ESX29-015-14-0016 (01)
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford County
Township(s) Tuscarora Township
Receiving Stream(s) and Classification(s) UNT to Tuscarora Creek (CWF/MF), Dug Road Creek (CWF/MF);
Secondary: Tuscarora Creek

ESCGP-2 # ESX29-015-14-0076
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford County
Township(s) Tuscarora Township
Receiving Stream(s) and Classification(s) UNT Wyalusing Creek (WWF/MF);
Secondary: Wyalusing Creek (WWF/MF)

ESCGP-2 # ESX10-015-0106(1)
Applicant Name Talisman Energy USA, Inc.
Contact Person Joseph Katruska
Address 50 Pennwood Place
City, State, Zip Warrendale, PA 15086
County Bradford County
Township(s) Columbia and Springfield Townships
Receiving Stream(s) and Classification(s) UNT to North Branch Sugar Creek (TSF)

ESCGP-2 # ESX10-015-0064(01)
Applicant Name Talisman Energy USA, Inc.
Contact Person Joseph Katruska
Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086
 County Bradford County
 Township(s) Wells Township
 Receiving Stream(s) and Classification(s) Seeley Creek
 (CWF/MF)

ESCGP-2 # ESX29-081-0036
 Applicant Name Seneca Resources Corporation
 Contact Person Doug Kepler
 Address 5800 Corporate Drive, Suite 300
 City, State, Zip Pittsburgh, PA 15237
 County Lycoming County
 Township(s) McIntyre Township
 Receiving Stream(s) and Classification(s) Helymun Run,
 Splash Dam (HQ-CWF), Lycoming Creek (CWF-EV);
 Lower Branch Susquehanna,
 Secondary: Susquehanna River

ESCGP-2 # ESX12-081-0116 (01)
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Rane Wilson
 Address 33 W. Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming County
 Township(s) Pine Township
 Receiving Stream(s) and Classification(s) UNT Little Pine
 Creek (EV/MF);
 Secondary: Little Pine Creek (EV/MF)

ESCGP-2 # ESX29-015-0074
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford County
 Township(s) Monroe Township
 Receiving Stream(s) and Classification(s) South Branch
 Towanda Creek (CWF/MF);
 Secondary: Towanda Creek (WWF/MF)

*Southwest Region: Oil & Gas Program Mgr. 400 Water-
 front Dr. Pittsburgh PA*

ESCGP-2 No.: ESX14-125-0044
 Applicant Name: Chevron Appalachia LLC
 Contact Person Branden Weimer
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Washington Township: West Bethlehem
 Receiving Stream (s) And Classifications: Tenmile Creek,
 UNTs to Tenmile Creek/Tenmile Creek Watershed;
 Other TSF; Siltation-Impaired

ESCGP-2 No.: ESG14-059-0044
 Applicant Name: Vantage Energy Appalachia II LLC
 Contact Person: John J Moran Jr
 Address: 116 Inverness Drive East Suite 107
 City: Englewood State: CO Zip Code: 80112
 County: Greene Township(s): Center, Gray, Morris
 Receiving Stream(s) and Classifications: UNT Grays Fork
 HQ-WWF South Fork Tenmile Creek, Grays Fork
 HQ-WWF South Fork Tenmile Creek UNT Patterson
 Creek HQ-WWF South Fork Tenmile Creek; HQ;

ESCGP-2 No.: ESX10-051-0051 Major Revision
 Applicant Name: Chevron Appalachia LLC
 Contact Person: Branden Weimer
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): Redstone
 Receiving Stream(s) and Classifications: UNT to Lily Run
 UNT to Dunlap Creek Middle Monongahela River
 Watershed; Other WWF; Siltation-Impaired

ESCGP-2 No.: ESX14-125-0062
 Applicant Name: EQT Production Company
 Contact Person: Mr Todd Klaner
 Address: 455 Racetrack Road Suite 101
 City: Washington State: PA Zip Code: 15301
 County: Greene & Washington Township(s): Morgan &
 West Bethlehem
 Receiving Stream(s) and Classifications: UNT to Barr
 Run (TSF); UNT to Castile Run (WWF); Other TSF &
 WWF

ESCGP-2 No.: ESX14-125-0047
 Applicant Name: MarkWest Liberty Midstream &
 Resources LLC
 Contact Person: Rick Lowry
 Address: 4600 J Barry Court Suite 500
 City: Canonsburg State: PA Zip Code: 15317
 COUNTY Washington Township(s): Amwell
 Receiving Stream(s) and Classifications: UNTs to Redd
 Run, Redd Run; Other TSF

ESCGP-2 No.: ESX13-059-0061 Major Revision
 Applicant Name: Energy Corporation of America
 Contact Person: Travis Wendel
 Address: 101 Heritage Run Road, Suite 1
 City: Indiana State: PA Zip Code: 15701
 County: Greene Township(s): Whiteley
 Receiving Stream(s) and Classifications: UNTs to Frosty
 Run, Frosty Run, UNT to Dutch Run; Other TSF

ESCGP-2 No.: ESX13-125-0049 Major Revision
 Applicant Name: Range Resources Appalachia LLC
 Contact Person: Glenn D Truzzi
 Address: 3000 Town Center Boulevard
 City: Canonsburg State: PA Zip Code 15317
 County: Washington Township(s): Smith
 Receiving Stream(s) and Classifications: UNT to Burgetts
 Fork and Burgetts Fork / Raccoon Creek Watershed;
 Other WWF; Siltation-Impaired

ESCGP-2 No.: ESX12-059-0051 Major Revision
 Applicant Name: Vantage Energy Appalachia LLC
 Contact Person: John J Moran
 Address: 116 Inverness Drive East Suite 107
 City: Englewood State: CO Zip Code: 80112
 County: Greene Township(s): Jefferson
 Receiving Stream(s) and Classifications: UNT to South
 Fork Tenmile Creek / South Fork Tenmile Creek &
 UNT to Muddy Creek / Muddy Creek; Other Warm
 Water Fishes

SPECIAL NOTICES

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

The Clean Streams Law; Public Notice of Proposed Consent Order and Agreement

Steele Shaft Treatment Facility; Treatment of Abandoned Mine Drainage to Dunkard Creek Dunkard Township, Greene County

The Department of Environmental Protection (“Depart-
 ment”), under the authority of the Clean Streams Law, 35
 P. S. §§ 691.1—691.1001, (“CSL”) and other environmen-
 tal statutes, has entered into a proposed Consent Order
 and Agreement (“CO&A”) with Dana Mining Company of
 Pennsylvania, LLC (“Dana”) and AMD Reclamation, Inc.
 (“AMDRI”) to collect and treat acid mine drainage
 (“AMD”) discharges from abandoned underground coal
 mines in the Dunkard Creek watershed. In the CO&A,
 Dana and AMDRI propose to mitigate AMD discharging
 to Dunkard Creek not caused by Dana or AMDRI.

Dunkard Creek is a 36 mile stream that runs through parts of Pennsylvania and West Virginia. The lower 6.2 miles of Dunkard Creek located above the confluence with the Monongahela River have been degraded by mine drainage from abandoned coal mines. These abandoned mines include the Shannopin Mine and the Maiden Mine. Pursuant to a Consent Order and Agreement that DEP entered in 2003 ("2003 COA") with AMDRI and Dana's predecessor, the Steele Shaft treatment facility was constructed to prevent an uncontrolled and imminent discharge of AMD from the Shannopin Mine pool into Dunkard Creek at a location near Bobtown, Pennsylvania and to enable Dana to continue to mine. Under the proposed CO&A, AMDRI and Dana will continue to collect and treat the Shannopin Mine pool at the Steele Shaft treatment facility. In addition, AMDRI and Dana will also capture and collect four (4) additional discharges from the Maiden Mine pool pursuant to the Dunkard Creek Watershed Management Plan ("DCWMP"). Treatment of the AMD under the DCWMP is expected to reduce the iron load into Dunkard Creek by more than 99% (a reduction of 6,618,503 lbs./year), the manganese load by approximately 78% (a reduction of 77,591 lbs./year), and the aluminum load by more than 90% (65,647 lbs./year). Neither Dana nor AMDRI at any time owned or operated the Shannopin Mine, the Maiden Mine or any other abandoned mine in this area. There is no existing person or entity responsible for treating the discharges from the Shannopin Mine Pool or the Maiden Mine Pool, which the Department considers abandoned discharges of AMD.

Dana is a Delaware limited liability company with a business address of 308 Dents Run Road, Morgantown, West Virginia. AMDRI is a Pennsylvania non-profit corporation with a business address of 308 Dents Run Road, Morgantown, West Virginia. Dana is in the business of mining coal in Pennsylvania by surface and underground mining methods. Since 2005, Dana has operated an underground mine in Dunkard and Greene Townships, Greene County, Pennsylvania known as the 4 West Mine. Dana mines the Sewickley coal seam at the 4 West Mine which overlies the abandoned Shannopin Mine. In order to safely operate the 4 West Mine, Dana must dewater the Shannopin mine pool. Pursuant to the 2003 COA, Dana and AMDRI constructed the Steele Shaft treatment facility pursuant to an NPDES permit that contained Best Available Technology ("BAT") limits for pH, iron, manganese and aluminum, but did not contain effluent limits for osmotic pressure, sulfates or total dissolved solids. Subsequent to 2003, watershed changes occurred that prompted the Department to re-evaluate the effluent limits for the Steele Shaft treatment facility and propose water quality based effluent limits ("WQBELs"). Achieving compliance with the proposed WQBELs was not contemplated under the 2003 COA, and Dana has told the Department that treatment of AMD from the abandoned mines in compliance with the WQBELs would require advanced treatment technology with capital and operation costs magnitudes higher than conventional AMD treatment. As an alternative to immediate compliance with the proposed WQBELs, Dana and AMDRI proposed the DCWMP which focuses on treating known abandoned discharges of AMD having a significant impact on aquatic life of Dunkard Creek.

The DCWMP will be implemented in three (3) phases of construction. The first phase will involve reclamation of a mine opening and sinkhole into the Maiden Mine and restoration of an unnamed tributary to Dunkard Creek. The second phase will involve the construction of a

collection system, pipeline and borehole to collect and substantially reduce or eliminate two (2) discharges from the Maiden Mine known as Discharges 2A and 2B. The third phase will involve the construction of a pumping system to collect and substantially reduce or eliminate two (2) additional discharges from the Maiden Mine known as Discharges 7A and 7B. The Department has reviewed the DCWMP and has concluded that the elimination of Discharges 2A, 2B, 7A and 7B to BAT limits would provide sufficient water quality benefits to justify the delay in immediate compliance with the WQBELs for 108 months.

Under the terms of the proposed CO&A, Dana and AMDRI have also agreed to establish a trust fund for the long term operation and maintenance of the Steele Shaft treatment facility by paying \$300,000 annually for 20 years. In addition, in the event that Dana and AMDRI decide to discontinue operation of the Steele Shaft treatment facility, Dana and AMDRI have agreed to transfer the facility to the Commonwealth of Pennsylvania or its designee for one dollar (\$1.00). AMDRI and Dana have calculated the current value of the Steele Shaft treatment facility, along with property rights necessary to operate and maintain it, as \$19,395,461.

The Department is publishing notice of the proposed CO&A and will provide a 30-day period for public comment on the CO&A beginning with the date of this publication. Notice will be published at the same time that the Department provides public notice of the issuance of the proposed NPDES permit for the Steele Shaft treatment facility. Copies of the CO&A can be reviewed or obtained by contacting Joel Koricich, District Mining Manager, California District Office, 25 Technology Drive, Coal Center, PA 15423. Phone: 724.769.1100, Fax: 724.769.1102; jkoricich@pa.gov Persons may submit comments on the proposed CO&A during the 30-day public comment period only. Comments can be sent to Mr. Koricich at the address noted or may be delivered to him in person at the Department's California District Mining Office.

The Department has reserved the right to withdraw its consent to the CO&A if comments submitted during the 30-day public comment period disclose facts or considerations which indicate, in the Department's judgment, that the CO&A is impracticable or not in the public interest. Dana and AMDRI have also reserved the right to withdraw their consent to this CO&A in response to public comments.

[Pa.B. Doc. No. 14-2260. Filed for public inspection October 31, 2014, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at www.eLibrary.dep.state.pa.us. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper

copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 383-3301-106. **Title:** Turbidity and LT2 ESWTR Reporting Instructions for Public Water Systems Using Filtered Surface Water or GUDI Sources. **Description:** The Department provides accredited laboratory and public water supplier staff with the information necessary to properly report filtered surface water or Groundwater Under the Direct Influence of Surface Water (GUDI) turbidity monitoring data and to complete electronic Safe Drinking Water Act (SDWA) form under the safe drinking water program. This Turbidity and LT2 ESWTR Reporting Instructions for Public Water Systems Using Filtered Surface Water or GUDI Sources manual establishes uniform instructions and protocol for completing the electronic forms and for implementing the public drinking water reporting requirements for turbidity and recent additional treatment requirement reporting under the Long Term 2 Enhanced Surface Water Treatment Rule (LT2 ESWTR) for public water systems (PWSs) using surface water or GUDI sources. This guidance will apply to PWSs that are required to submit public drinking water turbidity data, including for the recent requirements for the LT2 ESWTR reporting to the Department.

Written Comments: Interested persons may submit written comments on this draft technical guidance documents by December 1, 2014. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail must include the originator's name and address. Written comments should be submitted to Pauline Risser-Clemens, Department of Environmental Protection, Bureau of Safe Drinking Water, P. O. Box 8467, Harrisburg, PA 17105-8467, prissercle@pa.gov.

Contact: Pauline Risser-Clemens, (717) 772-5970, prissercle@pa.gov.

Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2261. Filed for public inspection October 31, 2014, 9:00 a.m.]

Bid Opportunity

OSM 10(3768)101.1, Abandoned Mine Reclamation Project, Camp Davis, Cherry Township, Butler County. The principal items of work and approximate quantities include mobilization and demobilization; sub-surface drains with cleanouts 1,700 linear feet; grading 74,000 cubic yards; wetland seed mix 2 pounds; channel excavation 200 cubic yards; rock lining 150 square yards; tree planting 2,534 trees; and seeding 9 acres. This bid

issues on October 31, 2014, and bids will be opened on November 20, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2262. Filed for public inspection October 31, 2014, 9:00 a.m.]

Bid Opportunity

OSM 40(2138)103.1, Abandoned Mine Reclamation Project, Curry Hill-Avondale, Plymouth Township, Luzerne County. The principal items of work and approximate quantities include mobilization and demobilization; grading 1,159,400 cubic yards; drainage excavation 14,015 cubic yards; rock lining 9,510 square yards; and seeding 87.6 acres. This bid issues on October 31, 2014, and bids will be opened on November 18, 2014, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2263. Filed for public inspection October 31, 2014, 9:00 a.m.]

Bid Opportunity

OSM 54(1678)202.1, Abandoned Mine Reclamation Project, Bowmans, Mahanoy Township, Schuylkill County. The principal items of work and approximate quantities include mobilization and demobilization; R-5 rock 2,400 tons; AASHTO No. 1 coarse aggregate 500 tons; removal and storage of structures and seeding 1.2 acres. This bid issues on October 31, 2014, and bids will be opened on November 18, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2264. Filed for public inspection October 31, 2014, 9:00 a.m.]

Bid Opportunity

OSM 54(3114)101.1, Abandoned Mine Reclamation Project, Sharp Mountain West, Tremont Township, Schuylkill County. The principal items of work and approximate quantities include mobilization and demobilization; grading 374,400 cubic yards; rock excavation 46,700 cubic yards; drainage excavation 2,285 cubic yards; rock lining 125 square yards; tied concrete block mat ditches 1,420 square yards; and seeding 61.3 acres. This bid issues on October 31, 2014, and bids will be opened on November 20, 2014, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2265. Filed for public inspection October 31, 2014, 9:00 a.m.]

Proposed Request for Delegation of Authority to Implement the Federal Hospital/Medical/Infectious Waste Incinerators Plan; Public Comment Period and Public Hearing

The Department of Environmental Protection (Department) is requesting delegation of authority to implement the Federal Hospital/Medical/Infectious Waste Incinerators (HMIWI) Plan. Section 129 of the Clean Air Act (CAA) (42 U.S.C.A. § 7429) required the United States Environmental Protection Agency (EPA) to establish performance standards for HMIWI under section 111 of the CAA (42 U.S.C.A. § 7411). On September 15, 1997, the EPA promulgated New Source Performance Standards (NSPS) for “new” HMIWI units and Emission Guidelines (EG) for “existing” HMIWI units and updated the standards on October 6, 2009, and April 4, 2011. Under section 129 of the CAA, states must submit to the EPA a plan to implement and enforce the requirements of the EGs. EGs, promulgated under section 111(d) of the CAA, establish criteria for state and local agencies to develop control strategies for “existing” HMIWI units.

Subpart HHH of 40 CFR Part 62 (relating to Federal plan requirements for hospital/medical/infectious waste incinerators constructed on or before December 1, 2008) was promulgated at 78 FR 28066 (May 13, 2013). The Department is proposing to request delegation of authority to implement the HMIWI Federal Plan.

Copies of the Delegation Request may be examined on the Department web site at www.dep.state.pa.us (click “Air”).

The Department is seeking comments on the request for delegation of the Federal HMIWI Plan and will hold a public hearing on Wednesday, November 12, 2014, at 10 a.m. in the Rachel Carson State Office Building, 12th Floor Conference Room, 400 Market Street, Harrisburg, PA 17105-2301.

Persons wishing to present testimony should contact Maisha Webb at P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9702, maiwwebb@pa.gov no less than 24 hours in

advance of the public hearing to reserve a time. Speakers will be limited to 10 minutes and should bring a written copy of their comments.

Written comments may be submitted to the Department no later than December 15, 2014, and should be sent to the attention of Craig Evans, Department of Environmental Protection, P. O. Box 8468, Harrisburg, PA 17105-8468, craevans@pa.gov.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Maisha Webb at (717) 787-9702, maiwwebb@pa.gov. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2266. Filed for public inspection October 31, 2014, 9:00 a.m.]

Water Resources Advisory Committee Meeting Cancellation

The Water Resources Advisory Committee (Committee) meeting scheduled for November 12, 2014, has been cancelled. The next meeting of the Committee will be announced in the *Pennsylvania Bulletin* with the publication of the Department of Environmental Protection’s (Department) board and committee meeting schedules for 2015.

Questions concerning the cancellation or the next meeting of the Committee should be directed to Sean Gimbel, (717) 783-4693, sgimbel@pa.gov. The agenda and materials for the next meeting will be available through the Public Participation Center on the Department’s web site at <http://www.dep.state.pa.us> (DEP Keywords: Public Participation).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-4693 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2267. Filed for public inspection October 31, 2014, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Butler County

Proposals are invited to provide the Department of General Services with 48,969 usable square feet of space for the Office of Attorney General in Butler County. Downtown locations will be considered. For more information on SFP No. 94650, which is due on Wednesday,

December 10, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-2268. Filed for public inspection October 31, 2014, 9:00 a.m.]

**Lease Office Space to the Commonwealth
Montgomery County**

Proposals are invited to provide the Department of General Services with 5,000 to 7,000 usable square feet of office space for the Liquor Control Board in King of Prussia, Montgomery County. For more information on SFP No. 94653, which is due on November 14, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-2269. Filed for public inspection October 31, 2014, 9:00 a.m.]

**Lease Retail Space to the Commonwealth
Chester County**

Proposals are invited to provide the Department of General Services approximately 4,500 to 5,000 usable square feet of retail space for the Liquor Control Board in Malvern, Chester County. For more information on SFP No. 94660, which is due on January 23, 2015, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-2270. Filed for public inspection October 31, 2014, 9:00 a.m.]

**Lease Retail Space to the Commonwealth
Franklin County**

Proposals are invited to provide the Department of General Services with 4,000 to 5,000 usable square feet of retail space for the Liquor Control Board in Franklin County. For more information on SFP No. 94658, which is due on Friday, November 28, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-2271. Filed for public inspection October 31, 2014, 9:00 a.m.]

**Lease Retail Space to the Commonwealth
Montgomery County**

Proposals are invited to provide the Department of General Services with 10,000 to 12,000 usable square feet of retail space for the Liquor Control Board in King of Prussia, Montgomery County. For more information on

SFP No. 94659, which is due on December 12, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-2272. Filed for public inspection October 31, 2014, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Jameson Memorial Hospital for Exceptions

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jameson Memorial Hospital has requested exceptions to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-2273. Filed for public inspection October 31, 2014, 9:00 a.m.]

Application of Penn Highlands Clearfield for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Highlands Clearfield has requested an exception to the requirements of 28 Pa. Code § 135.5 (relating to surgical emergency care).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-2274. Filed for public inspection October 31, 2014, 9:00 a.m.]

Application of Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2014*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.3.4.4(1)(b)(ii) (relating to Phase II recovery rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-2275. Filed for public inspection October 31, 2014, 9:00 a.m.]

Application of Somerset Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Somerset Hospital has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-2276. Filed for public inspection October 31, 2014, 9:00 a.m.]

Application of Valley Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-2277. Filed for public inspection October 31, 2014, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Planning Group Public Meetings

The Statewide HIV Planning Group, 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 Wednesday, November 12, 2014, and Thursday, November 13, 2014, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

Jurisdictional HIV prevention planning is a required activity of the Department's Federal Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. In addition, Part B of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38) requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting, and require an auxiliary aid, service or other accommodation to do so should contact Kenneth McGarvey 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. 14-2278. Filed for public inspection October 31, 2014, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Tel Hai Retirement Community
1200 Tel Hai Circle, P. O. Box 190
Honey Brook, PA 19344
FAC ID # 200102

Valley View Health and Rehabilitation Center
301 Valley View Boulevard
Altoona, PA 16602
FAC ID # 480502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(g) (relating to bathing facilities):

New Eastwood Healthcare and Rehabilitation Center
2125 Fairview Avenue
Easton, PA 18042
FAC ID # 050102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(a) (relating to toilet facilities):

Golden LivingCenter—Kinzua
205 Water Street
Warren, PA 16365
FAC ID # 071402

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of 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. 14-2279. Filed for public inspection October 31, 2014, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Wednesday, November 19, 2014, at 10 a.m. at PA Career Link Westmoreland County, 151 Pavilion Lane, Youngwood, PA 15697.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at www.dli.state.pa.us. Scroll down and click on the link for "Uniform Construction Code" then "UCC Review and Advisory Council."

Questions concerning this may be directed to Joseph P. Marchioni, Jr. at (717) 783-6304.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 14-2280. Filed for public inspection October 31, 2014, 9:00 a.m.]

DEPARTMENT OF STATE

Commonwealth of Pennsylvania, Bureau of Charitable Organizations v. Brecht Forum, Respondent; File No. 14-98-03557; Doc. No. 0003-98-14

Notice to Brecht Forum, Matt Birkhold, Executive Director:

On March 24, 2014, Respondent, Brecht Forum, filed an appeal from a Cease and Desist Order issued by the Secretary of the Commonwealth in the matter captioned: *Commonwealth of Pennsylvania, Bureau of Charitable Organizations v. Brecht Forum*. The Department of State Prothonotary has attempted unsuccessfully to serve a copy of the Notice of Hearing on Respondent at the last registered address on file with the Secretary of the Commonwealth. Therefore, pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process upon you by publication.

Notice

Please take notice that a hearing will be conducted before Hearing Examiner Marc A. Moyer, Esquire, at 9:30 a.m. on February 2, 2015 at 2601 N. Third Street, One Penn Center, Harrisburg, PA 17110.

The hearing will be conducted in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251. You have the right and opportunity to appear in person at the hearing, to be represented by an attorney, and to have an interpreter provided should you request it. A request for an interpreter shall be made in writing no later than 20 days prior to the hearing and shall specify the language required.

Requests for continuance of hearings shall be in writing, timely filed, stating the facts on which the application rests and whether the other participants agree or disagree. Requests for continuance should be made no later than 10 days prior to the hearing except in emergency circumstances. No request for continuance will be granted except for good cause shown. All motions or requests shall be filed with the Prothonotary, P. O. Box 2649, Harrisburg, PA 17105-2649.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 14-2281. Filed for public inspection October 31, 2014, 9:00 a.m.]

Corporation Bureau Advisory Committee Meeting

The Corporation Bureau Advisory Committee (Committee), under 15 Pa.C.S. § 155(c) (relating to disposition of funds), has scheduled a meeting for Tuesday, November 18, 2014, at 11 a.m. for discussion of the Bureau of Corporations and Charitable Organization's budget. The meeting will be held in Room 303/304, Executive Office Conference Room, Department of State, North Office Building, 3rd Floor, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend the meeting should

contact Barbara Kennedy at (717) 783-9210 so that arrangements can be made.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 14-2282. Filed for public inspection October 31, 2014, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, November 14, 2014, 10 a.m. at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Kara N. Templeton will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact John Zimmerman at (717) 783-4534 by Friday, November 7, 2014. These concerns will be discussed during "Items from the Floor" on the agenda, which will open at 12 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact John Zimmerman at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

BARRY J. SCHOCH, PE,
Secretary

[Pa.B. Doc. No. 14-2283. Filed for public inspection October 31, 2014, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Frank R. Zokaites and Group Six Sigma/Sigma Six Associates v. DEP; EHB Doc. No. 2014-144-R

Frank R. Zokaites and Group Six Sigma/Sigma Six Associates have appealed the revocation by the Department of Environmental Protection of the renewal of an NPDES permit to Group Six Sigma/Sigma Six Associates for the Group Six Sigma Development Route 22 Project in Monroeville, Allegheny County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 14-2284. Filed for public inspection October 31, 2014, 9:00 a.m.]

GAME COMMISSION

Temporary Closure of Hunting and Trapping Seasons Within Affected Portions of Wildlife Management Unit 3D and Temporary Closure of Affected Portions of State Game Lands 180, 183 and 221

Addendum Order #2

Whereas, On October 1, 2014, the Commission authorized: 1) the temporary closure of all hunting and trapping seasons within affected portions of Wildlife Management Unit 3D; and 2) the temporary closure of all public access to affected portions of State Game Lands 180, 183 and 221 in an effort to reduce or eliminate possible safety risks to hunters, trappers and to the general public in connection with the ongoing manhunt for the fugitive Eric Matthew Frein; and

Whereas, On October 10, 2014, the Commission rescinded its closure of all hunting and trapping seasons within Lehman and portions of Blooming Grove and Porter Townships, Pike County and also rescinded its closure of portions of State Game Land 180 located within Blooming Grove Township, Pike County; and

Whereas, The Commission has since determined, in consultation with Pennsylvania State Police, that: 1) the closure of all hunting and trapping seasons within the remaining closed portions of Blooming Grove and Porter Townships, Pike County can now be lifted; and 2) the closure of portions of State Game Land 183 located within Blooming Grove Township, Pike County can also be lifted; and

Whereas, Section 322 of the Game and Wildlife Code (34 Pa.C.S. § 322) authorizes the Commission to reduce or close any hunting or trapping season and otherwise take any necessary action to accomplish and assure the purposes of the Game and Wildlife Code, including assuring the health and safety of persons who hunt or take game or wildlife; and

Whereas, Section 135.41 (relating to state game lands) of Title 58 of the *Pennsylvania Code* (58 Pa. Code § 135.41) authorizes the Executive Director to close State Game Lands or portions thereof, when certain specified uses may conflict with the Commission's management or administration of State Game Lands.

Now Therefore, it is hereby ordered that:

1. The October 1, 2014 closure of all hunting and trapping seasons within the remaining closed portions of

Blooming Grove, Porter and Greene Townships, Pike County are rescinded in their entirety.

2. The October 1, 2014 closure of all hunting and trapping seasons within Price, Barrett and Paradise Townships, Monroe County shall remain in full force and effect.

3. The October 1, 2014 closure of those portions of State Game Lands 183 located within Blooming Grove Township, Pike County is rescinded in its entirety.

4. The October 1, 2014 closure of those portions of State Game Land 221 located within Barrett and Paradise Townships, Monroe County shall remain in full force and effect.

5. The October 10, 2014 requirement that all persons participating in any hunting or trapping season within open portions of Pike County wear protective material (daylight fluorescent orange) at all times while hunting or trapping or going to or from hunting or trapping locations is rescinded in its entirety.

6. The requirements of paragraph 5 shall not be construed in any manner to reduce or eliminate any protective material (daylight fluorescent orange) requirements established for any given season as set forth in 58 Pa. Code § 141.20.

7. This Order is effective immediately and shall remain in full force and effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 21st day of October 2014.

R. MATTHEW HOUGH,
Executive Director

[Pa.B. Doc. No. 14-2285. Filed for public inspection October 31, 2014, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, November 5, 2014—Data Systems Committee conference call at 10 a.m. and Thursday, November 6, 2014—Council Meeting at 10 a.m.

The meetings will be held at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend the meeting should contact René Greenawalt at (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 14-2286. Filed for public inspection October 31, 2014, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#7-487	Environmental Quality Board Control of Volatile Organic Compound Emissions from Fiberglass Boat Manufacturing Materials 44 Pa.B. 4502 (July 19, 2014)	09/22/14	10/22/14

Environmental Quality Board Regulation #7-487 (IRRC #3066)

Control of Volatile Organic Compound Emissions from Fiberglass Boat Manufacturing Materials

October 22, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the July 19, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

Section 129.74. Control of VOC emissions from fiberglass boat manufacturing materials.—Clarity.

Subsection (n) requires the owner or operator of a facility subject to this section to perform sampling and testing. The proposed regulation does not provide for how often the testing or sampling is to be done. We recommend that EQB clarify the requirements for sampling and testing.

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-2287. Filed for public inspection October 31, 2014, 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 dates 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.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#16A-649	State Board of Auctioneer Examiners Schedule of Fees	10/17/14	11/20/14
#3-52	Department of Banking and Securities Debt Management Services Continuing Education	10/17/14	11/20/14

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-2288. Filed for public inspection October 31, 2014, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Concordia Lutheran Ministries of Pittsburgh

Concordia Lutheran Ministries of Pittsburgh has applied for a Certificate of Authority to operate a Continu-

ing Care Retirement Community at Concordia of the South Hills in Pittsburgh, PA. The initial filing was received on April 21, 2014, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each

written statement must include 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 to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-2289. Filed for public inspection October 31, 2014, 9:00 a.m.]

Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by Granite State Insurance Company

Granite State Insurance Company, a domestic stock property insurance company, has filed for approval a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to the State of Illinois. The filing was made under 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days 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 Eric P. Baker, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, erbaker@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-2290. Filed for public inspection October 31, 2014, 9:00 a.m.]

Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by New Hampshire Insurance Company

New Hampshire Insurance Company, a domestic stock property insurance company, has filed for approval a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to the State of Illinois. The filing was made under 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days 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 Eric P. Baker, Insurance Company Licensing Specialist, Insur-

ance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, erbaker@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-2291. Filed for public inspection October 31, 2014, 9:00 a.m.]

Application for Designation as a Certified Reinsurer

Hannover Rück SE of Hannover, Germany has applied for designation as a certified reinsurer in this Commonwealth. The application was received on October 6, 2014, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a(c) (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include 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 Kimberly A. Rankin, Director, Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-2292. Filed for public inspection October 31, 2014, 9:00 a.m.]

Application for Designation as a Certified Reinsurer

Underwriters at Lloyd's, London has applied for designation as a certified reinsurer in this Commonwealth. The application was received on October 7, 2014, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a(c) (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include 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 Kimberly A. Rankin, Director, Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-2293. Filed for public inspection October 31, 2014, 9:00 a.m.]

Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action; Notice No. 2014-13

The Insurance Department, Medical Care Availability and Reduction of Error Fund (MCARE), by Theodore G. Otto, III, Acting Executive Director, under section 712 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.712) and the Settlement Agreement between MCARE and the Pennsylvania Medical Society, the Hospital & Healthsystem Association of Pennsylvania and the Pennsylvania Podiatric Medical Association, notifies all basic insurance coverage insurers and self-insured participating health care providers that the annual assessment to be levied for calendar year 2015 shall be 12% applied to the prevailing primary premium for each participating health care provider.

This action is subject to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

THEODORE G. OTTO, III,
Acting Executive Director

[Pa.B. Doc. No. 14-2294. Filed for public inspection October 31, 2014, 9:00 a.m.]

OFFICE OF THE BUDGET

Uniform Method for Determining Net Losses and Gains from Divestitures Required by the Act of July 2, 2010 (P. L. 266, No. 44) for the Period July 1, 2013, through June 30, 2014

Section 9(2) of the Protecting Pennsylvania's Investment Act of July 2, 2010 (P. L. 266, No. 44) (Act 44 of 2010), 72 P. S. § 3837.9(2), requires the Secretary of the Budget to annually establish, in consultation with each of the public funds that are subject to Act 44 of 2010 (State Employees' Retirement Fund; Public School Employees' Retirement Fund; Pennsylvania Municipal Retirement Fund; any fund of which the State Treasurer is the custodian), a uniform method for determining each fund's net gains, net losses, costs and expenses when the funds sell, redeem, divest or withdraw from the funds' direct holdings in the securities of companies that are on the Scrutinized Companies with Activities in Iran List, or on the Scrutinized Companies with Activities in Sudan List.

Each fund subject to Act 44 of 2010 shall calculate its itemized budget request for reimbursement for the period July 1, 2013, through June 30, 2014, as follows:

- Each fund's actual realized net gain or net loss during the reporting period from any sale, redemption, divestiture or withdrawal of each of the fund's direct holdings in the securities of companies that are on the Scrutinized Companies with Activities in Iran List or are on the Scrutinized Companies with Activities in Sudan List, or both, during the 26-month divestiture period mandated by Section 4(c) of Act 44 of 2010 shall be calculated for each trade of such a company's securities by subtracting the fund's actual cost basis in the security from the price at which the fund sold, redeemed, divested or withdrew from the security. The net gain or net loss of each trade shall be reported in chronological order from oldest to most recent trade on the form marked Attachment 1, "Actual Amount Realized on the Sale of Securities." The funds shall report the trades of each company

in United States dollars, and shall group together each company's trades in alphabetical order.

In the event that a trade was not conducted in United States dollars and that the fund has not previously converted that trade into United States dollars, the fund must convert the amount of the trade from the currency in which the trade took place into United States dollars on the date of the trade. The fund shall first convert its actual costs basis in the security on the date(s) of purchase into United States dollars, shall next convert the price received on the date of sale into United States dollars and shall then compute in United States dollars the net gain or net loss on the sale in the manner set out previously.

If the securities of a company sold on a given date were acquired or purchased by the fund on different dates with different acquisition or purchase prices, the fund may average the original acquisition or purchase prices of that company's security sold on that given date, and then use that average as the fund's actual cost basis in the security to determine its net gain or net loss resulting from the trade of that security.

- Each fund shall report on a form marked Attachment 2, "Actual Expenses Incurred Related to the Administration of Act 44," the personnel costs the fund directly incurred by each employee that performed duties and responsibilities connected to Act 44 of 2010 for the fund. The fund may report each employee's personnel cost (including paid benefits) either as a percentage of the gross salary paid to the employee, or by multiplying the number of hours or parts of hours that the employee worked to further the fund's duties and responsibilities under Act 44 of 2010 by the employee's hourly rate of pay.

- Each fund may report on a form marked Attachment 2, "Actual Expenses Incurred Related to the Administration of Act 44," the cost of postage, office supplies and other similar office administration costs incurred by the fund to carry out its duties and responsibilities under Act 44 of 2010.

- Each fund shall report on a form marked Attachment 2, "Actual Expenses Incurred Related to the Administration of Act 44," the amounts paid by the fund for software and software licenses, and to consultants and other third parties retained by the fund, to assist the fund in complying with Act 44 of 2010, including costs paid to: identify companies that must be placed on the Scrutinized Companies with Activities in Iran List or on the Scrutinized Companies with Activities in Sudan List; monitor the business activities of companies on the Scrutinized Companies with Activities in Iran List or on the Scrutinized Companies with Activities in Sudan List; and determine when a company must be removed from the Scrutinized Companies with Activities in Iran List or the Scrutinized Companies with Activities in Sudan List. The fund shall report the name of the software company or licensor, or consultant or other third party, and shall report the amount paid to the company, licensor or third party during the reporting period per invoice issued by the company, licensor or third party to the fund. In the event that payments were not made to a consultant, licensor or third party in United States dollars and that the fund has not previously converted those payments into United States dollars, the fund must convert the amount of each payment from the currency in which the trade took place into United States dollars on the date of each payment.

Each fund shall submit its itemized budget request (including completed Attachments 1 and 2) for reimburse-

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 18, 2014. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2014-2434850. Demetrius Williams t/a DLW Transport Services (434 Edgemore Road, Philadelphia, PA 19151) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to nonambulatory persons to or from doctor and dialysis appointments, also to hospitals and therapy, from points within the City and County of Philadelphia and Delaware County, to points in Pennsylvania and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.*

A-2014-2425987. B & M Moving, LLC (311 Skyview Drive North, Jeannette, Westmoreland County, PA 15644) for the right to begin to transport, as a common carrier, household goods in use, between points in Pennsylvania.

Applications of the following for approval to *begin operating as a broker for transportation of household goods as described under each application.*

A-2014-2444106. Arthur Smith Trucking, Inc. (4177 Morrisdale/Allport Highway, Morrisdale, PA 16858) for the right to operate as a broker of household goods between points in Pennsylvania.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-2296. Filed for public inspection October 31, 2014, 9:00 a.m.]

Telecommunications

A-2014-2448583. Consolidated Communications of Pennsylvania Company and CenturyLink Communications, LLC. Joint petition of Consolidated Communications of Pennsylvania Company and CenturyLink Com-

munications, LLC for approval of an interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

Consolidated Communications of Pennsylvania Company and CenturyLink Communications, LLC, by its counsel, filed on October 20, 2014, at the Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Consolidated Communications of Pennsylvania Company and CenturyLink Communications, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address.

Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-2297. Filed for public inspection October 31, 2014, 9:00 a.m.]

Water Service

A-2014-2448000. Aqua Pennsylvania, Inc. Application of Aqua Pennsylvania, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Mount Jewett Borough situated in Mount Jewett Borough and a portion of Hamlin Township, McKean County; and 2) the right of Aqua Pennsylvania, Inc. to begin to offer, render, furnish or supply water service to the public in Mount Jewett Borough and a portion of Hamlin Township, McKean County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 17, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-2298. Filed for public inspection October 31, 2014, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 14-113.1, PAMT Pavement Improvements Phase 1, until 2 p.m. on Thursday, December 4, 2014. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 14-2299. Filed for public inspection October 31, 2014, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-2165, Multiple Process DC Pulsed Welding Kits for the Metal Fabrication and Welding Program. Multiple process DC welding kits will perform gas tungsten arc welding process, gas metal arc welding process, flux cored arc welding process and shielded metal arc welding process. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King

Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-2300. Filed for public inspection October 31, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-2166, Unpowered (No Fan) Weld Stations with Backdraft Intake Smoke Collection for the Metal Fabrication and Welding Technology Program. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-2301. Filed for public inspection October 31, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-2177, Expand Panasonic WJ-ND400 NVR disk space for video recording. Add and install 11 IP cameras for improved coverage in MAC gymnasium, new computer lab and surrounding outside areas. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-2302. Filed for public inspection October 31, 2014, 9:00 a.m.]