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Volume 47 (2017)

Pennsylvania Bulletin  
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# PENNSYLVANIA BULLETIN

Volume 47  
Saturday, January 7, 2017 • Harrisburg, PA  
Number 1  
Pages 1—170

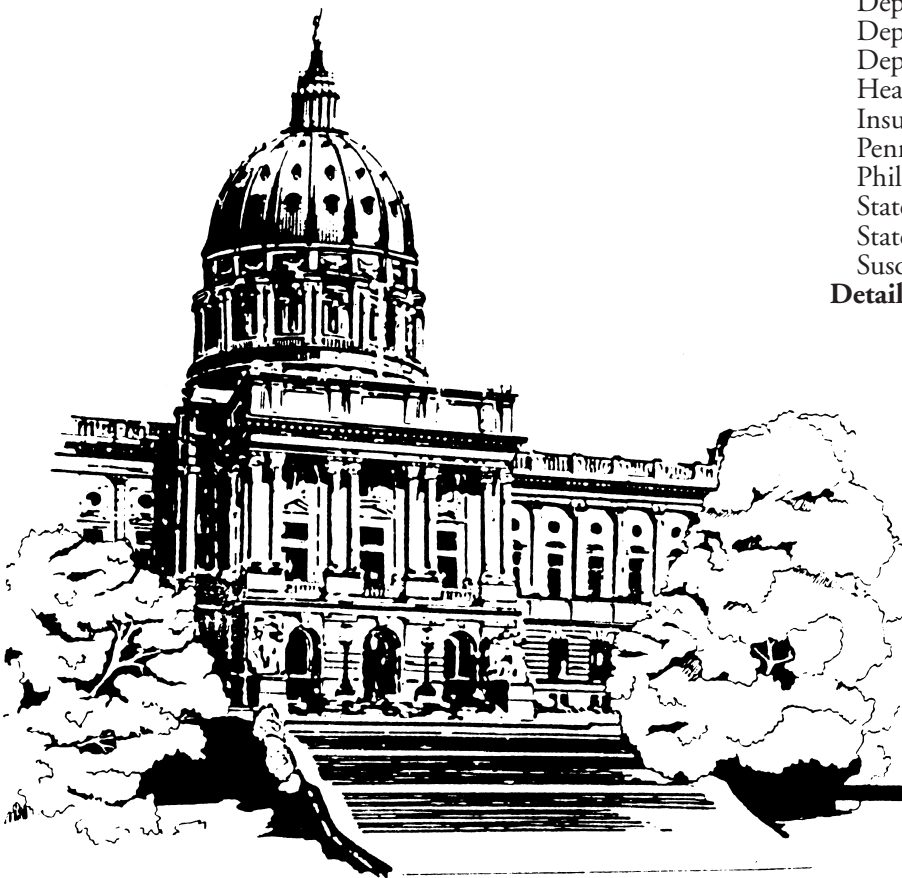
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January—December 2016

## Part I

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Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
State Board of Massage Therapy  
State Board of Pharmacy  
Susquehanna River Basin Commission

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

**No. 506, January 2017**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

Source Notes give 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](http://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](http://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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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2017.

**52 Pa. Code (Public Utilities)**

**Proposed Rules**

59 ..... 19

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

**Proposed Rules**

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

Unclassified .....8, 9, 12, 14, 15, 17, 18

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 1 ]

#### Proposed Amendments to Pa.R.A.P. 126

The Appellate Court Procedural Rules Committee seeks comments on its proposal to amend generally applicable Rule of Appellate Procedure 126 to permit citation to unpublished memorandum decisions of Pennsylvania's appellate courts for persuasive value only, and to locate citation practices and conventions for citation of authorities in a single rule of general application rather than in court-specific rules or internal operating procedures, for the reasons contained in the accompanying Explanatory Comment. If adopted by the Supreme Court, the proposal would change the current practice in the Superior Court that prohibits citation to unpublished memorandum decisions and standardize practices for the citation of authorities in all three appellate courts.

The Committee invites all interested persons to submit comments, suggestions, or objections.

Comments should be provided to:

Appellate Court Procedural Rules Committee  
 Pennsylvania Judicial Center  
 601 Commonwealth Ave., Suite 6200  
 P.O. Box 62635  
 Harrisburg, Pennsylvania 17106-2635  
 FAX: (717) 231-9551  
 appellaterules@pacourts.us

All communications in reference to the proposal should be received by February 9, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any emailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

An Explanatory Comment follows the proposed amendments and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
 Procedural Rules Committee*

KEVIN J. McKEON,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### DOCUMENTS GENERALLY

#### Rule 126. Citations of Authorities.

(a) **General Rule.**—A party citing authority that is not readily available **and any unpublished non-precedential memorandum decision or unreported opinion** shall attach the authority as an appendix to its filing. When citing authority, a party should direct the

court's attention to the specific part of the authority on which the party relies **and, if the authority is an unpublished non-precedential memorandum decision or unreported opinion, the party must identify it as such when citing it.**

(b) **Memorandum Decisions and Unreported Opinions.**—Except as provided in paragraph (d), an unpublished non-precedential memorandum decision of the Superior Court filed after ### and an unreported opinion of the Commonwealth Court filed after January 15, 2008 may be cited to any court but only for its persuasive value.

(c) **Single judge opinions of the Commonwealth Court may be cited only for persuasive value, except that a reported opinion of a single judge filed after October 1, 2013, in an election law matter may be cited as the court's binding precedent in an election law matter only.**

(d) **Law of the Case and Related Doctrines.**—Any unpublished non-precedential memorandum decision or unreported opinion may be cited if relevant to the doctrine of law of the case, *res judicata*, or collateral estoppel, or when the authority is relevant to a criminal action or proceeding because it recites issues raised and reasons for a decision affecting the same defendant in a prior action or proceeding.

**Official Note:** Pa.R.A.P. 126 is intended to ensure that cited authority is readily available to the court and parties. [ **This rule is not intended to supersede any internal operating procedure of an appellate court regarding the citation to memorandum decisions or unreported opinions. See, e.g., Superior Court Internal Operating Procedure § 37, 210 Pa. Code § 65.37; Pa.R.A.P. 3716 and Commonwealth Court Internal Operating Procedure § 414, 210 Pa. Code § 69.414. ]**

The second sentence of the rule encourages parties to provide pinpoint citations for cases and section or subsection citations for statutes or rules.

Although the rule does not establish rules for citation, the following guidelines regarding the citation of Pennsylvania cases and statutes are offered for parties' benefit:

Regarding cases, the rule does not require parallel citation to the National Reporter System and the official reports of the Pennsylvania appellate courts. Parties may cite to the National Reporter System alone.

Regarding statutes, Pennsylvania has officially consolidated only some of its statutes. Parties citing a statute enacted in the Pennsylvania Consolidated Statutes may use the format "1 Pa.C.S. § 1928." Parties citing an unconsolidated statute may refer to the Pamphlet Laws or other official collection of the Legislative Reference Bureau, with a parallel citation to *Purdon's Pennsylvania Statutes Annotated*, if available, using the format, "Act of February 14, 2008, P.L. 6, 65 P.S. §§ 67.101—67.3104" or "Section 3(a) of the Act of May 16, 1923, P.L. 207, as amended, 53 P.S. § 7106(a)." Parties are advised that *Purdon's* does not represent an official version of Pennsylvania statutes. *In re Appeal of Tenet HealthSystems Bucks Cnty., LLC*, 880 A.2d 721, 725-26 (Pa. Cmwlth. 2005), appeal denied, 897 A.2d 1185 (Pa. 2006).



Prior to Pa.R.A.P. 126, the format for citation was discussed only in Pa.R.A.P. 2119(b), a rule applicable to briefs. The format guidelines above are not mandatory, and a party does not waive an argument merely by failing to follow the format. The guidelines above do, however, provide assistance to parties looking for generally acceptable citation format in Pennsylvania.

#### EXPLANATORY COMMENT

The Committee is proposing to amend Pa.R.A.P. 126 to permit citation of all panel or full-court decisions after the effective date of the rule. Any decision designated as “non-precedential memorandum” or “unpublished” would, however, be citable only for the persuasive value that the court chooses to attribute to it. Commonwealth Court would continue to allow citation from 2008 forward, and would continue to restrict citation to single-judge opinions, but the Committee is proposing to integrate the Commonwealth Court’s practice, currently found at Pa.R.A.P. 3716, into Pa.R.A.P. 126, in order to have a single rule that governs the citation of authority in the appellate courts.

Prior to 2015, the only rule of appellate procedure that addressed the citation of authorities was Pa.R.A.P. 2119(b), which by its terms addressed only the argument section of briefs. The only other discussions of authority were in the internal operating procedures of the Superior and Commonwealth Courts. That year, however, Rules 126 and 3716 were adopted. Pa.R.A.P. 126 made the principles that had applied to arguments in briefing applicable whenever authority is cited to an appellate court. Pa.R.A.P. 3716 took what had been an internal operating procedure and made it a rule.

When Pa.R.A.P. 126 was adopted, there was a conscious decision not to address the differences among the appellate courts. The Committee now proposes to amend Pa.R.A.P. 126 to establish a more uniform protocol for the citation of decisions in the appellate courts. This proposal reflects several value judgments as to which the Committee desires the input of the bench and bar:

*First*, there is a value in being able to cite unpublished memorandum decisions. At the least, it is important to be able to draw to the attention of the appellate courts matters that have been addressed in unpublished memorandum decisions but not in published opinions, or matters that appear to have been resolved inconsistently in unpublished memorandum decisions.

*Second*, the value of the opportunity to cite to unpublished memorandum decisions is somewhat offset by the determination of the panel that the decision did not warrant a published opinion; accordingly, the intermediate appellate courts should be able to decide for themselves whether to give an unpublished memorandum decision no weight, some weight, or persuasive weight.

*Third*, given the volume of decisions and the longstanding tradition of non-citation in the Superior Court, the method that the Commonwealth Court employed—*i.e.*, making citation available going forward from the date of adoption of the rule permitting citation—is sensible.

*Fourth*, the bar (and the bench of the Court of Common Pleas) should be able to look to a rule and not to an internal operating procedure to understand how and when they can cite decisions.

*Fifth*, there should be a single rule that governs the citation of authorities.

The current proposal attempts to balance several competing values. On the one hand, the current proposal

recognizes that it is important that lawyers and Courts of Common Pleas have the opportunity to raise to the appellate courts unpublished memorandum decisions that appear to answer the question presented, or that appear to have reached a conclusion contrary to another opinion of the same court. On the other, the current proposal seeks to accommodate the desire for courts to be able to write less and other panels of that court to pay correspondingly less attention to decisions that a panel thinks do not warrant published opinions.

[Pa.B. Doc. No. 17-1. Filed for public inspection January 6, 2017, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules of Administration Governing Court Reporting and Transcripts; No. 10013 of 2016

##### Administrative Order

It is hereby Ordered and Directed that, effective thirty (30) days following publication in the *Pennsylvania Bulletin*, the Court of Common Pleas of Beaver County adopts the following Local Rules Governing Court Reporting and Transcripts for the 36th Judicial District.

The Beaver County District Court Administrator is Ordered and Directed to:

1. file one (1) copy of the Local Rules with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
2. file two (2) paper copies and one (1) electronic copy of the Local Rules in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. publish the Local Rules on the Court of Common Pleas of Beaver County website at <http://www.beavercountypa.gov/courts>.
4. incorporate the Local Rules into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*.
5. file one (1) copy of the Local Rules in all appropriate filing offices and the Beaver County Law Library for public inspection and copying.

##### Local Rules of Judicial Administration

#### LR4007. Requests for Transcripts.

A. Rough draft transcripts shall not be available in this Court.

B. In accordance with Pa.R.J.A. 4007, the party requesting either a full or partial transcript of any proceeding shall file the original request, on the “Transcript Request Form” which has been adopted by the Court Administrator of Pennsylvania, with the District Court Administrator’s Office, and the requesting party is also required to serve copies of the completed “Transcript Request Form” on:

1. Chambers of the Judge who presided over the proceeding to be transcribed;
2. the office of the Court Reporters;

3. all counsel involved in the proceeding, and

4. all parties who were not represented by counsel in the proceeding, who appeared as self-represented litigant(s).

C. Any request for transcript shall only be processed and approved by Order of the presiding Judge.

D. Upon receipt of a Transcript Request Form approved by the presiding Judge, the District Court Administrator shall obtain an estimate of transcription costs from the Court Reporters and shall communicate the estimated costs of transcription to the requesting party. The requesting party shall be required to deposit a partial payment representing ninety (90%) percent of the estimated cost, which shall be totally nonrefundable. Payments shall be made payable to and shall be delivered to the appropriate filing office involved in the proceeding (i.e., Prothonotary, Clerk of Courts, Register of Wills, Clerk of the Orphans' Court) for deposit.

E. Upon receipt of the required deposit, the appropriate filing office will notify the office of the Court Reporters. The Court Reporters' Supervisor will then direct preparation of the transcript.

F. The office of the Court Reporters will notify the requesting party and the office Supervisor upon completion of the transcript, together with the balance due, if any.

G. Final balance due shall be made payable to and shall be delivered to the appropriate filing office. Upon payment of the balance owed, the Court Reporter will obtain the signature of the presiding Judge on the original transcript and file the original transcript in the appropriate filing office with the original Court records. The Court Reporter shall then deliver copies as required by Local Rule 4008.1.

H. Any requests for a transcript pursuant to Local Rule 4008.1(B) alleging an inability to pay, in full or in part, due to economic hardship, must be directed to the presiding Judge for determination, as set forth at Local Rule 4008.1(B).

**LR4008. Transcript Costs Payable by the Commonwealth or a Subdivision Thereof.**

*A. Costs payable (paper format only)*

1. For an ordinary transcript—\$1.75 per page;
2. For an expedited transcript—\$2.75 per page; and
3. For a daily transcript—\$3.75 per page.

**LR4008.1. Transcript Costs Payable by Requesting Party, Other Than the Commonwealth or a Subdivision Thereof.**

*A. Costs payable (paper format only)*

1. For an ordinary transcript—\$2.75 per page;
2. For an expedited transcript—\$3.75 per page; and
3. For a daily transcript—\$4.75 per page.

*B. Economic hardship—minimum standards*

1. Transcript costs for ordinary transcripts, in matters under appeal or where the transcript is necessary to advance the litigation, shall be waived for a litigant who has been permitted by the Court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

2. Transcript costs for ordinary transcripts, in matters under appeal or where the transcript is necessary to advance the litigation, shall be reduced by one-half (1/2) for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

3. Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, may be waived at the Court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2), but only upon good cause shown.

4. The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs, submitted with the Request for Transcript and approved by the presiding Judge.

*C. Assignment and allocation of transcripts costs*

1. *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the Court.

2. *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

*D. Copies of transcript*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided at a cost of \$0.75 per page, paper format only.

Said Local Rules of Judicial Administration shall be effective in the 36th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Beaver County website.

*By the Court*

JOHN D. McBRIDE,  
*President Judge*

[Pa.B. Doc. No. 17-2. Filed for public inspection January 6, 2017, 9:00 a.m.]

**BERKS COUNTY**

**Rule of Judicial Administration; No. 4000; No. 16-94 Prothonotary; No. CP-06-AD-41-2016 Clerk of Courts**

**Order**

*And Now*, this 7th day of December, 2016, Berks County Rule of Judicial Administration No. 4000 is hereby ordered to read as set forth in the following form and made a part hereof. Said Rule as set forth is hereby approved and adopted for use in the Court of Common Pleas of Berks County, Pennsylvania, and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. Berks County Rule of Judicial Administration Rule No. 5000.7 is rendered null, void, deleted, and replaced by the following Berks County Rule of Judicial Administration No. 4000.

The District Court Administrator is *Ordered* and *Directed* to:

1. File one (1) copy of this Order, including the newly adopted rules, with the Administrative Office of Pennsylvania Courts.

2. File two (2) paper copies of this Order, including the newly adopted rules, and one (1) electronic copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) copy of this Order, including the newly adopted rules, with the Rules Committee of the Supreme Court of Pennsylvania.

4. File one (1) copy of this Order, including the newly adopted rules, with the Berks County Law Library.

5. Keep continuously available for public inspection and copying one (1) copy of this Order, including the newly adopted rules, in the Office of the Prothonotary, Clerk of Courts, Office of the Register of Wills/Clerk of the Orphans' Court of Berks County.

The County of Berks is *Ordered* and *Directed* to keep a copy of the newly adopted rules posted on the County's official website.

*By the Court*

HONORABLE PAUL M. YATRON,  
*President Judge*

#### **Berks County Rule of Judicial Administration**

##### **No. 4007.1. Requests for Transcripts.**

(A) Obtain a Transcript Request Form from any courtroom, from Court Administration, from the Official Court Reporters' Office, or online at [www.co.berks.pa.us](http://www.co.berks.pa.us).

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original Transcript Request Form with the appropriate filing office of the court. The requesting party shall also serve copies of the request to the judge presiding over the matter, the court reporter, the district court administrator, and opposing counsel, but if not represented, the opposing party.

(C) Where daily, expedited, same day, or rough draft transcripts are requested, requests for these transcripts shall be filed in writing in the appropriate filing office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by Subsection (B). In the event of an emergency, a party may request by oral motion a daily, expedited, or rough draft transcript.

(D)(1) When a litigant requests a transcript, the litigant ordering a transcript shall make payment in the amount of one-half payment to the appropriate filing office of the court;

(2) Upon authorization by the court, the court reporter shall prepare the transcript;

(3) Upon completion of the transcript, the court reporter shall notify the ordering party of the completion of the transcript with a notice of the balance due and lodge and file the original and one (1) copy of the transcript (if a copy was requested) to the appropriate filing office and a copy to the presiding judge.

(4) Upon payment of any balance due and owing by the ordering party, the appropriate filing office shall deliver the copy of the transcript to the ordering party. Checks for the final balance due shall be delivered to and made payable to the appropriate filing office.

(E) When a litigant requests a transcript but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Rule 4008.2.

(F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter shall prepare the transcript without the necessity of a deposit.

##### **No. 4008.1. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.**

(A) Where a person or entity other than the Commonwealth or a subdivision thereof has requested an ordinary original transcript:

(1) Any person or entity who obtains a Transcript Request Form shall pay to the appropriate filing office one-half the estimated cost for the transcript calculated at the rate of \$2.75 for each page of bound ordinary transcript and shall pay the balance upon completion of the transcript. The court reporter shall not be required to start the transcription until such one-half advance payment has been made.

(2) Upon completion of the transcript, the court reporter shall lodge and file the ordinary original transcript with the filing office along with a notice of the balance due to the person or entity who obtained the Transcript Request Form. Checks for the final balance due shall be made payable to the filing office and shall be delivered to the filing office.

(3) Where any person or entity other than the Commonwealth or a political subdivision thereof requests a copy of the transcript previously ordered, transcribed, and filed of record, such person or entity must complete a Request for Copy of Transcript form and may purchase the same by paying the filing office \$0.75 for each page of bound paper format. Where any person or entity other than the Commonwealth or a political subdivision thereof requests a copy of the transcript in electronic format (if available), such person or entity must complete a Request for Copy of Transcript form and may purchase the same by paying the filing office \$0.50 for each page of transcript.

(4) Where the Commonwealth or any political subdivision requests a copy of the transcript, the court reporter shall provide the Commonwealth or any political subdivision thereof with a copy without charge.

(5) Where a litigant requests a copy of the transcript and has been approved for representation by a legal aid service, the court reporter shall provide the legal aid client with a copy without charge.

(B) The filing office shall pay the monies received for original transcript and for copies to the county promptly. The county shall thereupon pay therefrom:

(a) to the court reporter, the sum of \$2.75 for each page of bound ordinary original transcript;

(b) to the court reporter, the sum of \$.0.75 for each page of copy in bound paper format or \$0.50 for each page of copy in electronic format;

(c) to the court reporter, the sum of \$3.75 for each page of bound original expedited transcript;

(d) to the court reporter, the sum of \$4.75 for each page of bound original daily transcript;

(e) to the court reporter, the sum of \$6.75 for each page of bound original same-day delivery transcript.

**Rule 4008.2. Economic hardship—minimum standards.**

(A) Transcript costs for ordinary original transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(B) Transcript costs for ordinary original transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(C) Transcript costs for ordinary original transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, may be waived at the court's discretion for parties who qualify for economic hardship under (A) or (B) and upon good cause shown.

(D) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure.

**No. 4008.3. Transcript Costs Payable by the Commonwealth (including the County of Berks) or a Subdivision Thereof.**

(A) Where the Commonwealth or a subdivision thereof is liable for the cost of an ordinary original transcript:

(1) Upon receipt of the Transcript Request Form, the court reporter shall immediately begin the transcription of his or her notes as directed by the Transcript Request Form without the necessity of a deposit.

(2) Upon completion of the transcript, the court reporter shall lodge and file the ordinary original transcript and shall deliver one (1) complete copy to each of the following:

(a) to the District Attorney of Berks County if said District Attorney of Berks County is a party to the action or is representing the Commonwealth in said action;

(b) to the County Solicitor of Berks County if the County Solicitor is a party to the action or is representing the County in said action;

(c) to any party proceeding in forma pauperis;

(d) to any person or entity, including but not limited to the Commonwealth or any of its political subdivisions.

(B) Upon completion of the transcript, the County of Berks shall pay to the court reporter the sum of \$2.25 for each page of ordinary original transcript.

(C) Any judge of the Court of Common Pleas, the District Attorney, and the County Solicitor shall each be entitled to request an ordinary original transcript in any proceeding upon request without charge. In such case, the County of Berks shall be liable for the cost of preparing the ordinary original transcript whenever no other person or entity is otherwise liable for the cost therefor and shall pay to the court reporter the sum of \$2.25 for each page of ordinary original transcript.

Nothing in this rule shall authorize delivery of an ordinary original transcript, or a copy thereof, in a proceeding where the record is sealed to any person or entity not otherwise entitled to the same.

**No. 4008.4. Additional costs.**

(A) In cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for court reporters to significantly expand their dictionary, a trial judge may impose a surcharge of \$0.50 per page for ordinary original transcript.

(B) In cases of a non-technical nature where a secure electronic feed is requested to instantaneously deliver the translated notes from the court reporter to a laptop or other portable electronic device via cable, wifi, router, or Bluetooth to the parties, a fee of \$1.00 per page per hookup shall be charged. There shall be no charge to the court for such a connection.

(C) In cases such as mass tort, medical malpractice, or other unusually complex litigation where a secure electronic feed is requested to instantaneously deliver the translated notes from the court reporter to a laptop or other electronic device via cable, wifi, router, or Bluetooth to the parties, a fee of \$1.50 per page shall be charged. There shall be no charge to the court for such a connection.

(D) In cases where a rough draft transcript is requested by the court and/or the parties of all or part of a proceeding while utilizing a secure electronic feed, a fee of \$1.50 per page of rough draft shall be charged.

**Rule 4009.1. Fees and Procedures.**

(A) All transcripts of official court proceedings shall be prepared only upon written authorization or order of Court. No transcript of any official court proceeding may be prepared without the written consent of the Common Pleas Court judge assigned to the respective case. In the event that the assigned judge cannot be contacted by all exhaustive means, the authorization must be made by the respective Administrative Judge or the President Judge of the Court of Common Pleas.

(B) The following are step-by-step guidelines for ordering transcripts from the Official Court Reporters of the Court of Common Pleas of Berks County, Pennsylvania:

(a) Obtain a Transcript Request Form from any courtroom, from Court Administration, from the Official Court Reporters' Office, or online at [www.co.berks.pa.us](http://www.co.berks.pa.us);

(b) Contact the official court reporter that was present at the proceeding that you desire to have transcribed and request the amount of the estimated cost of one-half payment of the transcript. If you don't know the name or contact number of the official court reporter, contact the chief court reporter at 610-478-6467;

(c) Fill out the Transcript Request Form Sections I, II, III, and IV. Sign and date the Transcript Request Form. **YOU MUST MAKE ADDITIONAL COPIES OF THE TRANSCRIPT REQUEST FORM FOR DISTRIBUTION;**

(d) Take the unauthorized Transcript Request Form and all copies along with a check payable to the appropriate office (not the official court reporter) in the amount of the estimated cost of one-half payment of transcript to one of the following offices: Criminal to the Clerk of Courts, Civil/Family/Equity to the Prothonotary, Orphans' Court to the Register of Wills. **NEITHER THE CLERK OF COURTS' OFFICE, THE PROTHONOTARY'S OFFICE, NOR THE REGISTER OF WILLS' OFFICE WILL ACCEPT THE TRANSCRIPT REQUEST FORM IF THE APPROPRIATE PAYMENT IS NOT INCLUDED AT THE TIME OF FILING;**

(e) The Clerk of Courts' Office, Prothonotary's Office, and the Register of Wills' Office will forward the unau-

thorized Transcript Request Form to the appropriate Court of Common Pleas judge for authorization and signature and will make the appropriate distribution of the copies of the Transcript Request Form.

**Rule 4010.1. Format of Transcript.**

(A) All paper transcripts except orders dictated from the bench are prepared as follows:

(1) No fewer than 25 typed lines on standard 8 1/2" × 11" paper;

(2) No fewer than nine or ten characters to the typed inch;

(3) Left-hand margin to be set at no more than 1 3/4";

(4) Right-hand margin to be set at no more than 3/8"

(5) Each question and answer to begin on a separate line;

(6) Each question and answer to begin no more than five spaces from the left-hand margin with no more than five spaces from the Q and A to the text;

(7) Carry-over Q and A lines to begin at the left-hand margin;

(8) Colloquy material to begin no more than 15 spaces from the left-hand margin, with carry-over colloquy to the left-hand margin;

(9) Quoted material to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 10 spaces from the left-hand margin;

(10) Parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 15 spaces from the left-hand margin.

(B) Electronic transcripts shall comply with the format standards set forth in Rule 4010(A)(3) through (10) for paper transcripts and, in addition, shall be in PDF format with the following settings:

(1) functions disabled: content changes; and

(2) functions enabled: search, select, copy, paste, and print.

**Rule 4011.1. Deadline for Delivery of Transcript.**

(A) Unless otherwise ordered by the court, the official court reporter shall deliver the transcript for those cases under appeal within 14 days of receiving notice from the District Court Administrator or the court's designee as required by Pa.R.A.P. 1922(a).

(B) Unless otherwise ordered by the court, the official court reporter shall deliver transcripts for all other requests within thirty (30) calendar days of receiving notice from the District Court Administrator or the court's designee.

(C) For requests made by a party required to post a deposit under Rule 4009.1(B)(d), the 14-day period for those cases under appeal or the 30-day period for delivery of the transcript shall not commence until the deposit is received by the court. In those cases involving economic hardship, the 14-day period for those cases under appeal or the 30-day period for delivery of the transcript shall not commence until disposition of the application for waiver or reduction of costs. In cases where a reduction of costs is granted, the time frame commences once the reduced deposit is received by the court.

(D) The court reporter, upon showing of good cause to the president judge, may request an extension of the

deadline for a period of time not to exceed an additional 30 days. In no case shall more than one extension be granted.

(E) Transcripts prepared pursuant to the Children's Fast Track Appeal program shall be given priority.

(F) Requests for transcripts unrelated to cases under appeal or in cases where no court order has been entered directing transcription shall not be given priority. However, such transcripts shall be filed and delivered within 45 days, absent an extension for good cause approved by the president judge.

[Pa.B. Doc. No. 17-3. Filed for public inspection January 6, 2017, 9:00 a.m.]

**BLAIR COUNTY**

**Administrative Order; No. 2016 MD 146**

**Order**

*And Now*, this 21st day of December, 2016 it is hereby Ordered, Directed and Decreed, the Blair County Court of Common Pleas adopts the following local rules governing court reporting and transcripts for the 24th Judicial District.

The Blair County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via e-mail to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

2. File two (2) paper copies and one (1) computer diskette containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. Publish these Rules on the Blair County website at [www.blairco.org](http://www.blairco.org);

4. Incorporate these rules into the set of local rules on [www.blairco.org](http://www.blairco.org) within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*;

5. File a copy of the local rules, which shall be continuously available for inspection and copying, in the Office of the Prothonotary.

6. These local rules shall become effective not less than 30 days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

ELIZABETH A. DOYLE,  
*President Judge*

**Blair County Local Rules of Judicial Administration 4007.1 and 4008.1**

**Rule 101. Title and Citation.**

These Rules shall be known as the Blair County Local Rules of Judicial Administration and may be cited as "Bl.C.L.R.J.A. . . ."

**Rule 4007.1. Requests for Transcripts.**

(A) All requests for transcripts shall be submitted on a form provided by the Court Administrator which will include rates charged for transcripts. The form can be downloaded from the Blair County website at [www.blairco.org](http://www.blairco.org).

(B) For an ordinary transcript, defined as necessary for an appeal or to otherwise advance litigation, the party requesting the full or partial transcript of a trial or other proceeding shall file the original request with the District Court Administrator's Office at 423 Allegheny Street, STE 239, Hollidaysburg, PA 16648.

(C) Requests for daily, expedited or same day transcripts shall be filed in the District Court Administrator's Office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (B). In the event of an emergency, a party may request by oral motion a daily or expedited transcript.

(D) When a litigant requests a transcript,

(1) The litigant ordering the transcript shall make payment in the amount of 90% of the estimated total cost of the transcript which will be communicated to them by the court reporting personnel or District Court Administrator's Office within 10 days of the request. Payment by self-represented litigants shall be made by money order only.

Checks or money orders are to be made payable to the County of Blair and shall be delivered to the District Court Administrator's Office. Cash shall not be accepted by the District Court Administrator's Office.

(2) The court reporting personnel assigned to the proceeding shall be directed by the District Court Administrator or designee to prepare the transcript.

(3) The court reporting personnel shall notify the ordering party and the District Court Administrator or designee upon completion of the transcript and shall indicate the balance due if any.

(4) Checks or money orders for the final balance are to be made payable to the County of Blair and shall be delivered to the District Court Administrator's Office.

Upon payment of the balance owed, the court reporting personnel shall file the original transcript in the appropriate filing office with copies made and delivered to the appropriate litigants.

(E) When a litigant requests an ordinary transcript, but cannot pay for the transcript because of alleged economic hardship, the President Judge shall determine economic hardship pursuant to Bl.C.L.R.J.A. 4008.1(B). In cases of economic hardship where there is no appeal pending or a transcript is not needed to advance litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

**Rule 4008.1. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.**

(A) *Costs Payable*

(1) *Electronic Format.* The costs payable by the initial ordering party for a transcript delivered via electronic format shall be:

(a) For an ordinary transcript, \$2.50 per page;

(b) For an expedited transcript, \$3.50 per page, if the court reporter is able to accommodate within seventy-two (72) hours of an official request, not including weekends or official court holidays;

(c) For a daily transcript, \$4.50 per page, if the court reporter is able to accommodate within eighteen (18) hours of an official request, not including weekends or official court holidays; and

(d) For same-day delivery, \$6.50 per page, if the court reporter is able to accommodate the request within 6 hours of the close of the court session.

(2) *Paper Format.* The costs payable by the initial ordering party for a transcript delivered via paper format shall be:

(a) For an ordinary transcript, \$2.75 per page;

(b) For an expedited transcript, \$3.75 per page, if the court reporter is able to accommodate within seventy-two (72) hours of an official request, not including weekends or official court holidays;

(c) For a daily transcript, \$4.75 per page, if the court reporter is able to accommodate within eighteen (18) hours of an official request, not including weekends or official court holidays;

(d) For same-day delivery, \$6.75 per page, if the court reporter is able to accommodate the request within 6 hours of the close of the court session.

*Comment:* When a condensed paper transcript, meaning that more than one page of transcript is included on a single sheet of paper, is ordered by a party, the cost will be per sheet of paper, regardless of the number of pages of transcript on the sheet.

(B) *Economic Hardship*

(1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the court to proceed in forma pauperis or whose income is less than 125 percent of the poverty guidelines as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript cost for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(4) Any request to waive all or a portion of costs for ordinary transcripts based on economic hardship must be attached to the request for transcript and in the form of a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240.

Counsel for a represented party must provide the President Judge with a letter of certification verifying, as provided in Pa.R.J.A. 4008(B), that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

(C) *Assignment and allocation of transcript costs*

(1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the costs of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(D) *Copies of Transcripts*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

(1) No more than \$0.75 per page bound, paper format; and

(2) No more than \$0.50 per page electronic copy.

Any requests for copies shall be addressed to and produced by the Blair County Prothonotary Office, Clerk of Courts or Blair County Orphans Court as applicable at 423 Allegheny Street, STE 144, Hollidaysburg, PA 16648.

(E) *Additional Costs*

The presiding judge may impose a reasonable surcharge for transcripts in cases of mass tort, medical malpractice, or any other complex litigation, where there is a need for a court reporter to expand their dictionary. Such determination is at the discretion of the presiding judge.

[Pa.B. Doc. No. 17-4. Filed for public inspection January 6, 2017, 9:00 a.m.]

**FAYETTE COUNTY**

**Clerk of Courts Fee Bill; 42 PCS 1725.4 (Pursuant to Act 36-2000); MD-381-2016**

Effective January 1, 2017, the fees to be charged and collected by the Clerk of Courts in counties of the second class A and the third through eighth, or equivalent officer in home rule counties of the same class, shall be as listed on the following Fee Bill.

The amount of any fee or charge increased pursuant to paragraph (1) of 42 PCS section 1725.4 may be increased every three years, provided that the amount of the increase may not be greater than the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three years preceding the increase in the fee or charge.

In addition to any other fee authorized by law, an automation fee of not more than \$5.00 may be charged and collected by the Clerk of Courts of counties of the second class A and the third through eighth class, including home rule counties of the same class, for the initiation of any action or legal proceeding. The automation fee shall be deposited into a special Clerk of Courts automation fund established in each county. Monies in the special fund shall be used solely for the purpose of automation and continued automation updates of the Office of the Clerk of Courts.

JOHN F. WAGNER,  
*President Judge*

**Fayette County Clerk of Courts Fee Bill  
Effective January 1, 2017**

**Criminal Case Filings**

Felony, Misdemeanor	154.00
PFA Indirect Criminal Contempt	138.00
Non-Jury, Plea, ARD, PWOV	138.00
Summary	51.00
Out of County Courtesy Supervision	45.50
Summary Appeal	45.50

**Bail Bonds**

Percentage Cash Bail Administrative Fee 30% on amount paid	
Agent Qualifying Power of Attorney	52.00
Bail Piece (Application and Order)	16.50
Bail Forfeitures	28.50
Posting Property Bond	25.50

**Filings**

Appeals (Higher Court: state fee not included)	57.00
Issuance of Bench Warrants	19.00
Constable Bond/Oath/Card	22.00
Deputy Constable Appointment/Card	22.00
Expungement (Miscellaneous Cases)	52.00
ARD Motion and Expungement	67.00
Miscellaneous Matters	22.00
Municipal School Tax Report	18.00
Petitions/Motions generally (following dispositions)	22.00
Petitions for Parole/Release etc.	22.00
Private Detective (Individual) Bond/License— 2 years	227.00
Private Detective (Corporate) Bond/License— 2 years	327.00
Revocation of ARD, PWOV, Probation/Parole	22.00
Roads (Including Certification)	22.00
Summary Appeal (Non-refundable filing fee)	45.50
Tax Collector Bond/Oath	22.00
Tax Collector Report	18.00

**Miscellaneous Fees**

Certification	10.00
Copies (per page)	.25
Clerk of Courts Automation Fee	5.00
Computer Printouts	1.00
Exemplification	22.00
Fax Fees (per page)	1.75
License Suspension/Reinstatement	22.00
Postage (per case)	15.25
Record Search	11.00
Subpoena (sign/seal)	5.50

[Pa.B. Doc. No. 17-5. Filed for public inspection January 6, 2017, 9:00 a.m.]

**LAWRENCE COUNTY**

**Adoption of Local Rules of Judicial Administration  
Governing Court Reporting and Transcripts; No.  
90183 of 2016, A.D.**

**Administrative Order**

And Now, this 8th day of December, 2016, it is hereby *Ordered* and *Decreed* that effective January 1, 2017, the Lawrence County Court of Common Pleas adopts the following local rules governing court reporting and transcripts for the Fifty-Third Judicial District.

The Lawrence County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these rules on the Lawrence County Court website at www.co.lawrence.pa.us.
4. Incorporation of the local rule into the set of local rules on www.co.lawrence.pa.us within thirty (30) days after publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

*By the Court*

DOMINICK MOTTO,  
*President Judge*

### Local Rules of Judicial Administration

#### Rule L101.

These rules shall be known as the Lawrence County Rules of Judicial Administration and may be cited as "L.C.R.J.A. . ." and shall be effective January 1, 2017.

#### Rule L4007. Request for Transcripts.

(B) For an ordinary transcript, the party requesting the full or partial transcript of a trial or other proceeding shall file the original request with the Clerk of Courts, Prothonotary, or Orphans Court.

The requesting party shall serve copies of the formal request to:

1. The Presiding Judge.
2. The Court Reporter assigned to the proceeding.
3. The District Court Administrator
4. Opposing counsel or party, if party is unrepresented.

(D) Private litigant requests & payment of costs.

1. The litigant ordering the transcript shall make payment in the amount of 95% of the estimated total cost of the transcript.

Deposit checks are to be made payable to the County of Lawrence and shall be delivered to the District Court Administrator.

2. Upon receipt of the 95% deposit, the Court Reporter(s) assigned to the proceeding shall be directed by the District Court Administrator to prepare the transcript.

3. The Court Reporter(s) shall notify the ordering party and the District Court Administrator upon completion of the transcript and shall indicate the balance due.

4. Checks for the final balance are to be made payable to the County of Lawrence and shall be delivered to the District Court Administrator.

Upon payment of the balance owed, the Court Reporter(s) shall obtain the signature of the Presiding Judge on the original transcript and shall deliver the original transcript to the appropriate filing office. After the original transcript has been delivered to the appropriate filing office, copies shall be delivered to all parties pursuant to Pa.R.J.A. 4007(D)(4).

(E) Any request by a litigant for a transcript pursuant to Pa.R.J.A. 4007(E) alleging inability to pay due to economic hardship must be directed to the President Judge for determination as provided in L.C.R.J.A. 4008(B).

#### Rule L4008.

Transcript Costs Payable by private-party litigants and by the Commonwealth or a subdivision thereof, shall be governed as follows:

(A) *Costs payable.*

1. For an ordinary transcript: \$2.75 per page (paper); \$2.50 per page (electronically filed).

2. For an expedited transcript \$3.75 per page (paper); \$3.50 (electronically filed).

3. For a daily transcript: \$4.75 per page (paper); \$4.50 per page (electronically filed).

4. For same-day delivery with court approval: \$6.75 per page (paper); \$6.50 (electronically filed).

#### Rule L4009. Fees and Procedures.

(A) The fees to be paid for all Court Reporters for all court reporting products shall be the fees above set forth in L.C.R.J.A.L. 4008.

(B) Transcripts requested in accordance with Pa.R.J.A. 4008(B)(1) shall have fees and costs and waived for the requesting party and imputed to the Court for payment.

(C) For transcripts requested in accordance with Pa.R.J.A. 4008(B)(2) the cost of the transcript to the requesting party shall be one-half of the costs above set forth in L.C.R.J.A. 4008 but with the Court Reporter to be paid the full fee as set forth in L.C.A.R.P. 4008, the balance of the fee being imputed to the Court for payment. Unless a party has been granted in forma pauperis status, requests for waiver or reduction of costs shall be made by motion to the Presiding Judge of record.

(D) The original of a transcript requested by the Commonwealth through the Office of the District Attorney or Attorney General in a criminal proceeding shall be paid by the county with the copy to be paid by the requesting party.

(E) Legal aid services must provide the Presiding Judge with a letter of certification verifying, as provided in Pa.R.J.A. 4008(B) that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

(F) Any requests for copies of filed transcripts shall be directed to the Court Administrator and produced by the Court Reporter. The charge for copies of the transcript shall be as set forth in Pa.R.J.A. 4008(D), and payable to Lawrence County. The Court Reporter shall be paid for the production of the copies at the same rate as set forth in Pa.R.J.A. 4008(D).

[Pa.B. Doc. No. 17-6. Filed for public inspection January 6, 2017, 9:00 a.m.]

### MIFFLIN COUNTY

#### Local Rule 4007 and Local Rule 4008 of Judicial Administration; CP-44-CV-2-2016

#### Order of Court

And now, December 19th, 2016, the Court hereby adopts the following new Local Rules of Judicial Administration:

#### Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be submitted on a form provided by the District Court Administrator which will include the current rates charged for transcripts.

(B) The request for transcript form may be downloaded from the Mifflin County Court website at [www.co.mifflin.pa.us/dept/courts](http://www.co.mifflin.pa.us/dept/courts). A copy may also be obtained from the Office of Court Administration. For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with Court Administration. The requesting party shall also serve copies of the formal request upon the:



- (1) Judge presiding over the matter;
- (2) District Court Administrator;
- (3) Court Reporter or transcriptionist;
- (4) Opposing counsel, but if not represented, the opposing party.

(C) Daily, expedited, same day or rough-draft transcripts are not available except in extreme circumstances approved by the presiding Judge.

(D) When a litigant requests a transcript:

(1) the litigant ordering a transcript shall make payment of the estimated transcript cost. Payments are to be made payable to County of Mifflin and shall be delivered to the Office of Court Administration. Court Administration staff will forward same to the Prothonotary/Clerk of Court. Payment by private parties shall be made by money order or cashier's check. Personal checks and cash shall NOT be accepted by the Office of Court Administration.

(2) the Court Reporter or transcriptionist shall prepare the transcript upon direction of the District Court Administrator after approval by the presiding Judge.

(3) the Court Reporter or transcriptionist shall notify the ordering party and the Office of Court Administration of the completion of the transcript and deliver the original to the presiding Judge for approval of the transcript.

(4) the Court Reporter or transcriptionist shall deliver the original transcript to the Prothonotary/Clerk of Court for filing with copies for distribution to the requesting party and any other parties who may have requested copies. Copies of the transcript and filing of the original will be made upon payment in full.

(E) When a litigant requests a transcript but cannot pay for the transcript because of alleged economic hardship, the Court shall determine economic hardship pursuant to the procedure set forth in Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the Court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the Court shall waive or adjust the cost of obtaining the transcript.

(F) When a transcript is requested for which the Court or County is responsible for the cost, the Court Reporter or transcriptionist shall prepare the transcript at the direction of the District Court Administrator after approval by the presiding Judge who will determine the priority of the request.

**Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.**

(A) *Costs:*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

- (a) ordinary transcript, \$2.50 per page;
- (b) expedited transcript, \$3.50 per page, if the court reporter is able to accommodate;
- (c) daily transcript, \$4.50 per page, if the court reporter is able to accommodate;

(d) same day delivery, \$6.50 per page, if the court reporter is able to accommodate.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(B) *Economic hardship—minimum standards:*

(1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the Court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, may be waived at the Court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and submitted with the request for transcript.

(C) *Assignment and allocation of transcripts costs:*

(1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(D) *Copies of transcript:*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- (1) \$0.75 per page bound, paper format; and,
- (2) \$0.50 per page electronic copy.

(E) *Additional Costs:*

A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge.

Said Local Rules of Judicial Administration shall be effective in the 58th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Mifflin County website.

*By the Court*

DAVID W. BARRON,  
*President Judge*

[Pa.B. Doc. No. 17-7. Filed for public inspection January 6, 2017, 9:00 a.m.]

## PIKE COUNTY

### Promulgation of Local Rules of Judicial Administration No. 4007 and No. 4008; No. 1595-2016-Civil

#### Order

*And Now*, this 16th day of December 2016, the Court Orders the following:

1. Local Rules of Judicial Administration 4007 and 4008, is hereby adopted effective January 1, 2017.

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File one (1) copy of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts via email at adminrules@pacourts.us;

b. File two (2) paper copies and one (1) electronic copy to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. Publish on the Pike County Court website at court.pikepa.org

d. Incorporate into the set of local rules located at court.pikepa.org within thirty (30) days of the publication of the local rule at the *Pennsylvania Bulletin*.

e. Provide one (1) copy to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

f. File and keep continuously available for public inspection, copies of this Order and the Local Rules.

*By the Court*

HONORABLE JOSEPH F. KAMEEN,  
*President Judge*

#### Local Rules of Judicial Administration

##### Local Rule 4007. Request for Transcripts.

A. All requests for transcripts shall be set forth on a standardized form provided by the Pike County Court Administrator. The form shall be found at court.pikepa.org

B. For an ordinary transcript, the party requesting a full or partial transcript of a trial, Hearing or other proceeding shall file the original request with the Prothonotary, Clerk of Court or Clerk of the Orphans' Court. Copies of the formal request shall be delivered to:

- (1) the judge presiding over the matter;
- (2) the court reporters' Office;
- (3) the district court administrator; and
- (4) opposing counsel, but if not represented, the opposing party.

#### D. Private Litigants

(1) the litigant ordering a transcript shall make payment in the amount of 50% of the estimated cost of the transcript as deposit. Deposit checks are to be made payable to the County of Pike and delivered to the Pike County Court Administrator.

(2) Upon receipt of the 50% deposit, the assigned court reporter or court transcriptionist shall be directed by the Pike County Court Administrator to prepare the transcript.

(3) The court reporter or court transcriptionist shall notify the ordering party and the Pike County Court Administrator of the completion of the transcript and shall indicate the balance due. Checks for the final balance are to be made payable to the County of Pike.

(4) Upon payment of the final balance owed, the court reporter or court transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties pursuant to L.R.J.A 4008.

E. When a transcript is requested by the Court, the Commonwealth or a County agency, the court reporter or court transcriptionist shall prepare the transcript upon receipt of the request form, at no cost.

#### Local Rule 4008. Transcript Costs Payable by the Requesting Party.

##### (A) Costs

(1) When a transcript is requested by the Court, the Commonwealth or a County agency, no cost shall be assessed.

(2) The costs payable by the initial requesting party for a paper copy transcript shall not exceed:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page; and
- (c) for a daily transcript, \$4.50 per page.

##### (B) Economic hardship

(1) Transcript costs for ordinary transcripts shall be waived for a litigant who has been permitted by the court to proceed in forma pauperis. Self-Represented litigants claiming economic hardship, who have not been previously granted in forma pauperis status, must attach to their transcript request form, a fully and In Forma pauperis Petition.

##### (C) Assignment and allocation of transcript costs

(1) *Assignment of costs.* The requesting party shall be responsible for the cost of the transcript.

(2) *Allocation of costs.* When more than one party requests the transcript, the cost shall be divided equally among the parties.

##### (D) Copies of transcript

(1) A paper copy of the transcript shall be provided to all parties other than the requesting party at a rate of \$0.25 per page

[Pa.B. Doc. No. 17-8. Filed for public inspection January 6, 2017, 9:00 a.m.]

## YORK COUNTY

## Amendment of Local Rules of Judicial Administration; CP-67-AD-33-2016; 2016-MI-000558

## Administrative Order Amending York County Local Rules of Judicial Administration

And Now, this 12th day of December, 2016, it is Ordered that York County Local Rule of Judicial Administration 4007 is amended as indicated, effective January 1, 2017.

The District Court Administrator shall publish this order as may be required.

By the Court

JOSEPH C. ADAMS,  
President Judge

## York R.J.A. 4007. Requests for Transcripts.

(A) All requests for transcripts shall be submitted to the appropriate filing office utilizing a form prescribed by the district court administrator, which shall include all elements required in the form provided by the state court administrator. **The district court administrator may adopt an alternative procedure for use by the district attorney, public defender and court-appointed counsel since no costs will be charged to those parties.**

...

(C) Any required costs for transcripts, including deposits, shall be paid by or on behalf of the requestor to the appropriate filing office. All checks, money orders and other non-cash conveyances shall be made payable [ **to the "County of York"** ] as directed by the appropriate filing office in accordance with their standard business procedures for collecting other costs and fees. All collected costs shall become the property of the County of York for deposit to the county's general fund and shall be transferred from the filing offices to the county no less frequently than once each month.

...

(E) Upon completion of the transcript, the court reporter shall provide the transcript to the presiding judge. The court reporter shall calculate final total costs and notify the filing office of the amount.

(1) If no balance is due from the requestor, the court reporter shall provide the transcript to the filing office. The filing office shall provide copies of the transcript to the requestor [ **and all other parties to the case,** ] and shall return to the requestor any refund due from deposit.

(2) If a balance is due from the requestor, the filing office shall notify the requestor. Upon receipt of payment from the requestor, the filing office shall notify the court reporter, who shall provide the transcript to the filing office. The filing office shall provide copies of the transcript to the requestor [ **and all other parties to the case** ]. If the requestor fails to pay any remaining balance due, the court reporter shall not file the transcript and the filing office shall not refund any deposit.

[Pa.B. Doc. No. 17-9. Filed for public inspection January 6, 2017, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that Marc D'Arienzo (# 68625), having been suspended from the practice of law for a period of three months by Order of Supreme Court of New Jersey dated July 20, 2016, the Supreme Court of Pennsylvania issued an Order dated December 21, 2016 suspending Marc D'Arienzo from the practice of law in this Commonwealth for a period of three months, effective January 20, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 17-10. Filed for public inspection January 6, 2017, 9:00 a.m.]

## Notice of Suspension

Notice is hereby given that Adam David Gelof (# 77390), having been suspended from the practice of law for a period of thirty days by Order of Supreme Court of the State of Delaware decided June 10, 2016, the Supreme Court of Pennsylvania issued an Order dated December 21, 2016 suspending Adam David Gelof from the practice of law in this Commonwealth for a period of thirty days, effective January 20, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 17-11. Filed for public inspection January 6, 2017, 9:00 a.m.]

## Notice of Suspension

Notice is hereby given that Eva L. Plum a/k/a Eva Lavonne Stephenson Plum (# 73629) having been suspended from the practice of law in the State of Virginia by Order of the Virginia State Bar Disciplinary Board dated September 26, 2008; the Supreme Court of Pennsylvania issued an Order dated December 21, 2016 suspending Eva L. Plum a/k/a Eva Lavonne Stephenson Plum from the practice of law in this Commonwealth for a period of one year and one day, effective January 20, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 17-12. Filed for public inspection January 6, 2017, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 59 ]

### Standards for Changing a Customer's Natural Gas Supplier; Advance Notice of Proposed Rule- making

Public Meeting held  
December 22, 2016

*Commissioners Present:* Gladys M. Brown, Chairperson;  
Andrew G. Place, Vice Chairperson; John F. Coleman,  
Jr.; Robert F. Powelson; David W. Sweet

*Rulemaking to Amend the Provisions of 52 Pa. Code,  
Chapter 59 Regulations Regarding Standards For  
Changing a Customer's Natural Gas Supplier;  
L-2016-2577413*

#### Advance Notice of Proposed Rulemaking Order

*By the Commission:*

The Commission adopts this Advance Notice of Proposed Rulemaking Order to solicit comments about amending and adding to our regulations at 52 Pa. Code §§ 59.91—59.99. These regulations address the process for transferring a customer's account from a service of last resort (SOLR) provider to a competitive natural gas supplier (NGS or supplier), from one supplier to another supplier and from a supplier to SOLR service. The proposed regulatory changes are intended to accelerate this process while preserving safeguards to prevent the unauthorized switching of a customer's account, also known as "slamming."

The current NGS switching regulations were adopted on July 7, 2000 and became effective July 8, 2000.<sup>1</sup> Due to changes in the competitive retail gas and electric markets since the adoption of these regulations, the Commission has reviewed these regulations, previous relevant orders, and comments from interested parties regarding an accelerated switching process. With this Order, the Commission seeks comments on its proposals to revise its regulations to facilitate accelerated switching without endangering safeguards to protect customers against unauthorized switching.

#### *Background*

The Commission's statutory authority for the existing switching regulations arises from Section 2206(b) of the Public Utility Code, 66 Pa.C.S. § 2206(b). This Section requires:

The commission shall, by order or regulation, establish procedures to ensure that a natural gas distribution company does not change a retail gas customer's natural gas supplier without direct oral confirmation from the customer of record or written evidence of the customer's consent to a change of supplier.

66 Pa.C.S. § 2206(b).

Following this statutory directive, the Commission promulgated regulations in 2000 to address the supplier switching process and to guard against "slamming." These

regulations are found at 52 Pa. Code §§ 59.91—59.99 (relating to standards for changing a customer's natural gas supplier) and set forth the following timeframes for the switching process:

- Section 59.93(1) requires the NGS to notify the NGDC of the customer's selection "by the end of the next business day following completion of the application process."

- Section 59.93(2) requires the NGDC to mail a 10-day confirmation letter to the customer "by the end of the next business day following the receipt of the notification of the customer's selection of a NGS." This regulation also states that "[t]he 10-day waiting period shall begin on the day the letter is mailed." Id. This 10-day waiting period is intended to give the customer time to contact the NGDC to cancel the switch of supplier in cases where the customer did not authorize the switch of supplier. Notably, this 10-day waiting period is made available to cancel switches in instances of slamming and not intended to act as a contract rescission period. See Re: Nor Am Energy Management, Inc., Docket No. P-00981625, 1999 WL 632769 (Order entered Feb. 12, 1999). As explained in more detail later, this 10-day waiting period was reduced to 5 days by the Commission through the Final Order in the October 2012 Interim Guidelines, Docket M-2011-2270442.<sup>2</sup>

- Section 59.94 requires the NGDC to "make the change at the beginning of the first feasible billing period following the 10-day waiting period."

Customer information regulations at 52 Pa. Code §§ 62.75 (relating to disclosure statement for residential and small business customers) also include timeframes that can affect the switching process for residential and small commercial customers:

- Section 62.75(d) requires that customers be provided "a 3-day rescission period following receipt of the disclosure statement."

- Sections 62.75(d)(1) and (2) state that the 3-day rescission period is "3 business days" and "begins when the customer receives the disclosure statement from the NGS."

The Commission's supplier marketing regulations at 52 Pa. Code §§ 111.1—111.14 also include guidance as to the disclosure statement and the relevant timeframes—specifically 111.11 (relating to receipt of disclosure statement and right to rescind transaction):

(a) When a transaction is completed by a customer without the presence of or interaction with an agent and is not submitted to the verification process, a supplier shall provide the customer with a copy of its disclosure statement as soon as it is practical. A customer shall have the right to rescind the transaction within 3 business days after receiving the disclosure statement. See § 54.5(d) (relating to disclosure statement for residential and small business customers), which applies to EGSs, and § 62.75(d) (relating to disclosure statement for residential and small business customers), which applies to NGSs.

(b) After a transaction that involved an agent has been completed and verified, a supplier shall provide the customer with a copy of its disclosure statement.

<sup>1</sup> See Final Rulemaking Order re: Rulemaking Establishing Procedures to Ensure Customer Consent To A Change of Natural Gas Supplier, Docket L-00990145 (Order entered May 12, 2000).

<sup>2</sup> See Interim Guidelines Regarding Standards For Changing A Customer's Electricity Generation Supplier, Docket M-2011-2270442 (Order entered October 25, 2012).

The disclosure statement may be provided in-person or by United States mail. The disclosure statement may be provided electronically if the customer consents to electronic delivery. A customer shall have the right to rescind the transaction within 3 business days after receiving the disclosure statement.

(c) There shall be a rebuttable presumption that a disclosure statement correctly addressed to a customer with sufficient first class postage attached shall be received by the customer 3 days after it has been properly deposited in the United States mail. If delivered in-person, the disclosure will be considered received by the customer on the date of delivery. If delivered electronically, the disclosure will be considered received by the customer on the date it was transmitted electronically.

All of the above requirements can impact the time it takes a consumer to switch suppliers and must be taken into account when establishing switching procedures.

#### *History Of The Commission's Review Of Its Supplier Switching Regulations*

Our efforts to accelerate NGS switching begins with reviewing our past efforts to accelerate EGS and NGS switching. Based on customer complaints and supplier concerns and at the request of the Commission, in 2011 the Office of Competitive Market Oversight (OCMO) started exploring options to shorten the timeframe for switching a customer to another supplier. Switching timeframes were the result of a variety of Commission regulations as noted above, as well as supplier and utility procedures that were established in large part to guard against slamming. The delay in transferring a customer's account has been perceived by consumers to be a lost "savings opportunity" that results in customer frustration, disappointment, and a less than favorable opinion of the competitive retail market. Because customer satisfaction is key to the success of any retail market, OCMO became concerned that the length of the switching timeframes had become an impediment to achieving an effective competitive retail energy market in Pennsylvania.

To understand the mechanics behind the current switching process, OCMO had informal discussions with a number of utilities. OCMO also consulted informally with regulators from Texas and Maryland to learn about their enrollment timeframes and any steps they have taken to accelerate the switching process. Finally, OCMO presented this topic to the CHARGE<sup>3</sup> working group on March 24, 2011, in order to obtain the perspectives of the suppliers, OCA, and other interested parties. With the initiation of the Electric Retail Markets Investigation (Electric RMI) in 2011, it was decided to bring this issue to that forum as well and to give Electric RMI participants an opportunity to present their perspectives and concerns.<sup>4</sup> OCMO's working group met 19 times between March 24, 2011 and February 7, 2013 to discuss, among other topics, the issue of accelerating supplier switching timeframes.<sup>5</sup>

OCMO examined utility procedures, some of which were adopted to comply with the above-cited regulations but also impact the time needed for a customer to switch

suppliers. Supplier switches were traditionally executed based on meter read dates according to the customer's regular meter-reading schedule for billing purposes. The possibility of using mid-cycle, off-cycle, or estimated meter reads was considered as a means to shorten the switching timeframe. The diversity of metering capabilities and practices among utilities complicates any attempt to develop a mid-cycle read protocol. Some utilities have advanced metering systems,<sup>6</sup> while others still utilize traditional basic meters that require field visits and manual readings to obtain metering information. In fact, some utilities only read customer meters on a bi-monthly basis and issue estimated bills during the non-read months. In the electric industry, the implementation of smart meter technology offers the ability to support off-cycle reads and short-period bills.

Supplier procedures were also examined by OCMO to determine if changes could be made to shorten the switching timeframe. Some supplier practices may adversely affect the switching process timeframes. For example, the practice of batching enrollments before sending them to the utility instead of sending enrollments to the utility one at a time may unnecessarily delay transfers.

#### *Shortening the 10-Day Confirmation Period to 5-Days in 2011:*

OCMO's initial exploration of these issues culminated in a November 10, 2011 Tentative Order, which proposed several options to accelerate switching timeframes. Interim Guidelines Regarding Standards For Changing a Customer's Electricity Generation Supplier, Docket M-2011-2270442 (Order entered Nov. 14, 2011). In the Tentative Order we declared that changing the 3-business day rescission period at 52 Pa. Code § 54.5 is not feasible because it reflects existing Pennsylvania consumer contract law. Id. at 9; see Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1—201-9.3. Federal law also requires a 3-business day "cooling off period" for door-to-door transactions. Rule Concerning Cooling-Off Period for Sales Made at Homes or at Certain Other Locations, 16 CFR Part 429. Further, we saw no point in changing the "first feasible billing period" language in 52 Pa. Code § 57.174 unless we first changed all of the other timeframes and requirements that necessitate the current switching timeline.

Instead, we focused on the confirmation waiting period during which the utility holds the enrollment request in order to give the customer an opportunity to respond to the confirmation letter. In our November 10, 2011 Tentative Order, we proposed to eliminate the 10-day waiting period. We also raised the possibility of off-cycle meter readings to effectuate switching.

Seventeen parties filed comments in response to the Tentative Order.<sup>7</sup> In the comments to this Order, the parties generally supported reducing customer wait time for switching suppliers. Utilities commented that enacting changes would be better facilitated through the rule-

<sup>6</sup> Note that these advanced meters are generally not classified as "smart meter technology" as defined at 66 Pa.C.S. § 2807(g) (relating to duties of electric distribution companies), but have a capability to be read remotely.

<sup>7</sup> Those parties were AARP/Pennsylvania Utility Law Project/Community Legal Services Inc. (AARP/PULP/CLS); Columbia Gas of Pennsylvania (Columbia Gas); DTE Energy Supply Inc. (DTE Energy); Duquesne Light Company (Duquesne); Energy Association of Pennsylvania (EAP); FirstEnergy Solutions Corp. (FE Solutions); Industrial Customer Groups; Metropolitan Edison, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power (collectively FirstEnergy); National Energy Marketers Association (NEMA); Office of Consumer Advocate (OCA); PA Energy Marketers Coalition (PEMC); PECO Energy Company (PECO); Philadelphia Gas Works (PGW); PPL Electric Utilities (PPL); Retail Energy Supply Association (RESA); Verde Energy USA (Verde Energy); and Washington Gas Energy Services, Inc. (WGES).

<sup>3</sup> CHARGE (Committee Handling Activities for Retail Growth in Electricity) participants include EDCs, EGSs, industry trade organizations, consumers, the Office of Consumer Advocate (OCA), and the Office of Small Business Advocate (OSBA).

<sup>4</sup> RMI participants include EDCs, EGSs, residential, small business and industrial consumer representatives and other interested parties. For more information on the Commission's RMI, see the Commission's web page at [http://www.puc.pa.gov/utility\\_industry/electricity/retail\\_markets\\_investigation.aspx](http://www.puc.pa.gov/utility_industry/electricity/retail_markets_investigation.aspx).

<sup>5</sup> See Master List of CHARGE Agenda Items. Pa. Public Utility Commission, OCMO, at 16. Available at [http://www.puc.pa.gov/electric/pdf/OCMO/CHARGE\\_Issues-Master\\_List.pdf](http://www.puc.pa.gov/electric/pdf/OCMO/CHARGE_Issues-Master_List.pdf).

making process (as we are doing here) instead of through guidelines issued via Commission order. Suppliers noted that shortening the switching timeframe is important because the current switching process is out of line with standards for service in other industries.

After careful review and consideration of the comments, we decided that instead of the complete elimination of the 10-day confirmation period at 52 Pa. Code § 57.17, we would retain the confirmation period but shorten it to five days. We would then gauge the impact of this change before considering the elimination of the confirmation period altogether. We also decided not to require the use of off-cycle readings at that time. As such, we issued a Final Order<sup>8</sup> (Interim Guidelines Final Order) that provided interim guidelines to shorten the confirmation waiting period from 10 to 5 days. *Id.* at 12–14. We believed that a 5-day period provided sufficient notice for customers while also shortening supplier switching timeframes. At the same time, we reserved taking more substantial actions until after we observed the impact of the change from 10 to 5 days.

Also in the Interim Guidelines Final Order, concerning the natural gas industry, we agreed that the operational differences between the two industries warranted a separate proceeding involving the broader issues that will be focused solely on that industry. However, at the same time, we saw no reason not to apply to the natural gas industry the shortened 5-day confirmation period. This also made sense in that it kept the rules for electric and gas as similar as possible—especially important for suppliers and utilities that sell both electric and gas—and for their customers who shop for both electric and gas. Having a 10-day confirmation period for gas and a 5-day period for electric would simply invite confusion and frustration. Accordingly, we waived 52 Pa. Code § 59.93(2) to the extent necessary to provide for a 5-day waiting period instead of a 10-day period:

Upon receipt of the notification required by 52 Pa. Code § 59.93(1), the NGDC shall send the NGDC ratepayer of record a confirmation letter noting the proposed change of NGS. This letter should include notice of a 5-day waiting period in which the order may be canceled before the change of the NGS takes place. The notice shall include the date service with the new NGS will begin unless the customer contacts the NGDC to cancel the change. The 5-day waiting period shall begin on the day the letter is mailed. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of a NGS.

By an October 5, 2015 Final Order,<sup>9</sup> these guidelines were extended for the natural gas industry for an additional three years (through October 25, 2018) with the waivers of 52 Pa. Code §§ 59.93(2) and 59.94 remaining in place as to allow the five-day waiting period to continue. It was envisioned that this extended waiver would allow time for permanent changes to the natural gas switching rules to be promulgated via a formal rulemaking process.

#### *Accelerating EGS Switching in 2014*

The next initiative in the Commission's ongoing efforts to accelerate supplier switching occurred in the wake of the January 2014 Polar Vortex. At its February 20, 2014

Public Meeting, the Commission opened a proceeding<sup>10</sup> to examine current rules, policies and consumer education measures regarding variable rate retail electric products. (Variable Rate Order). In the Variable Rate Order, the Commission expressed particular concern for customers receiving their electric supply service from an EGS under a contract with a monthly adjusted variable rate. Therefore, the Commission sought to learn about and facilitate mid-cycle supplier switching so that customers could respond more rapidly to retail market price offers and mitigate potential price increases associated with variable-priced contracts.

In an effort to obtain more feedback from stakeholders on proposed changes to the standards for changing a customer's electric generation supplier, the Commission issued a Secretarial Letter on March 18, 2014, alerting affected parties of the Commission's intent to promulgate a Final-Omitted Rulemaking that would amend the existing EGS switching regulations at 52 Pa. Code, Chapter 57. In an Annex attached to the Secretarial Letter, the Commission included proposed language changes to 52 Pa. Code §§ 57.172–57.179.

In an April 3, 2014 Final-Omitted Rulemaking Order<sup>11</sup> that followed careful review and consideration of the comments filed in response to the Secretarial Letter,<sup>12</sup> the Commission adopted revised regulations that require EDCs to accelerate switching time frames through off-cycle meter readings that will allow consumers to switch suppliers in as little as three business days once the EDC has been notified. The revisions to the EGS switching regulations included the following:

- § 57.172: An exception was created allowing for the EDC to change a customer's EGS in the context of a Commission-approved program (the Standard Offer Program, for example). Language was also added clarifying that the customer can contact the default service provider directly to drop from an EGS to default service.

- § 57.173: The EGS is now directed to submit the customer's enrollment to the EDC at the expiration of the 3-day rescission period provided for by 52 Pa. Code § 54.5(d). However, the EGS can submit sooner, or later, with the consent of the customer. The EDC still sends the customer a confirmation letter—but the confirmation letter no longer includes a "waiting period."

- § 57.174: The EDC is now expected to switch the customer's EGS within three business days of receiving the enrollment from the EGS. The EDC is to obtain a meter reading to effectuate the switch. If the EDC does not have advanced metering capability, the EDC has the option of obtaining a meter reading; or using an estimated meter reading; or obtaining a meter reading from the customer to effectuate the switch.

- § 57.179: The EDC has to maintain for three years slamming dispute records concerning switching to both EGSs and to default service.

EDCs were required to implement the changes within six months of the new regulations becoming final. Cost

<sup>10</sup> See Review of Rules, Policies and Consumer Education Measures Regarding Variable Rate Retail Electric Products, Docket No. M-2014-2406134 (Order entered March 4, 2014).

<sup>11</sup> See Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 57 Regulations Regarding Standards For Changing a Customer's Electricity Generation Supplier, Docket No. L-2014-2409383 (entered April 3, 2014).

<sup>12</sup> Comments to the March 18, 2014 Secretarial Letter were filed by the Office of Small Business Advocate (OSBA); NEMA; the Industrial Customer Groups; the Public Utility Law Project (PULP); UGI Utilities, Inc.—Electric Division (UGI Electric); NRG Retail Northeast (NRG); RESA; EAP; PPL; OCA; the Electronic Data Exchange Working Group (EDEWG); WGES; Citizens' Electric Company of Lewisburg, PA and Wellsboro Electric Company (Citizens and Wellsboro); FE Solutions; FirstEnergy; PECCO; UGI Energy Services, LLC (UGI Energy); Pike County Light & Power Co. (Pike County); Duquesne; and Anna Perederina.

<sup>8</sup> See Final Order on Interim Guidelines Regarding Standards For Changing a Customer's Electricity Generation Supplier. Docket No. M-2011-2270442 (Public Meeting of October 24, 2012).

<sup>9</sup> See Investigation of Pennsylvania's Retail Natural Gas Supply Market—Interim Guidelines Regarding Standards For Changing a Customer's Natural Gas Supplier, Docket No. I-2013-2381742, (Order entered October 5, 2015).

recovery for implementation was to be addressed in each EDC's subsequent base rate proceeding.

In December of 2014, the Commission issued a series of Orders<sup>13</sup> addressing various waiver requests filed by the EDCs seeking to delay and/or modify elements of the revised switching regulations. In general, the EDCs were permitted an extended period of time to implement fully compliant 3-business day switching on the condition that they had some limited 3-business day switching available to customers in the interim. These interim capabilities usually consisted of making available one on-cycle and/or off-cycle switch per billing period; plus the ability to drop to default service upon customer request. Throughout the course of 2015, most of the major EDCs implemented fully compliant 3-day switching—and as of July 2016, 3-business day switching is available for all but a limited handful of customers at the major EDCs.

*Natural Gas Retail Markets Investigation:*

On December 18, 2014, the Commission issued the Final Order in the Investigation of Pennsylvania's Retail Natural Gas Supply Market (Gas RMI Final Order)<sup>14</sup> announcing specific topics and issues that were to be the focus of the investigation (Natural Gas RMI). The investigation was intended to examine several aspects of the competitive natural gas market to see what can be done to improve the market for the ultimate benefit of consumers. Through the Natural Gas RMI Final Order, we outlined our priorities and finalized specific action plans to be undertaken by OCMO, including the establishment of working groups and our intent to propose regulations on specific issues. Included in these priorities was a review of natural gas switching timeframes. OCMO was directed to explore this issue and provide recommendations to the Commission.<sup>15</sup>

In the summer of 2015, OCMO invited interested parties to participate in an Accelerated Switching Working Group (Working Group). On August 31, 2015, OCMO distributed to the Working Group a discussion document and invited parties to file informal comments in response. The document asked nine specific questions, plus a tenth question where the parties were free to raise any issue not specifically addressed in the nine questions provided. The questions included:

- Should 52 Pa. Code § 59.92 be revised to create an exception for Commission-approved programs that requires the NGDC to initiate a change in NGS service (for example—Standard Offer Programs)? Should we also create an exception for when a customer wants to return to SOLR (upon a reminder to the customer from the SOLR provider of possible early-termination penalties from their current supplier)?

- Should 52 Pa. Code § 59.93 be revised to create an exception for the NGS to hold the enrollment for the 3-business day rescission period under 52 Pa. Code § 62.75 unless the customer insists otherwise? Should we create an exception for, with customer consent, the NGS to hold the enrollment for a distant, future start date?

<sup>13</sup> See Petition of PECO Energy Company for Temporary Waiver of Regulations Related to the Required Days in a Billing Period, Docket P-2014-2446292 (Order entered December 4, 2014); Petition of PPL Electric Utilities Corporation for Temporary Waivers from Certain Technical Requirements of 52 Pa. Code §§ 57.174 and 57.179, Docket P-2014-2445072 (Order entered December 4, 2014); Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Temporary Waiver of Technical Requirements of 52 Pa. Code § 57.174, Dockets P-2014-2449010; P-2014-2449015; P-2014-2449017; P-2014-2449027 (Order entered December 4, 2014); Petition of Duquesne Light Company For A Waiver Of The Three Business Day Switching Requirements Under 52 Pa. Code § 57.174, Docket P-2014-2448863 (Order entered December 4, 2014).

<sup>14</sup> See Investigation of Pennsylvania's Retail Natural Gas Supply Market, Docket No. I-2013-2381742 (Order entered December 18, 2014).

<sup>15</sup> *Id.* at 26.

- Noting that the 10-day confirmation period has already been shortened to five days (See Investigation of Pennsylvania's Retail Natural Gas Supply Market—Interim Guidelines Regarding Standards For Changing a Customer's Natural Gas Supplier, Order Entered October 5, 2015. Docket No. I-2013-2381742.), should this confirmation period be shortened further or eliminated altogether? Should we make this requirement similar to the electric requirement at 52 Pa. Code § 57.173(2)—which requires a confirmation letter—but no confirmation “hold” period? Or is this contingent upon how much we are able to shorten the gas switching process?

- Should 52 Pa. Code § 59.94 be revised to be more specific than “first feasible billing period?” Should a specific number of days be required—analogueous to the “3-business days” in the electric rules at 52 Pa. Code § 57.173—even if that means switching suppliers off-cycle? If we maintain on-cycle switching only, should new rules and timeframes be required? How many days prior notice before the “next billing period” are needed? Are there utility tariff provisions regarding “blackout dates” or “monthly enrollment deadlines” that are inconsistent with the desire to accelerate the switching process?

- Should 52 Pa. Code § 59.95 be removed since it is not relevant to current NGS switching protocols (NGDCs do not “police” the switching process—they simply act on the directions they receive from NGSs via electronic protocols. They are not expected to, nor do they, screen supplier enrollments for “authorization.”)?

- We noted that 52 Pa. Code § 59.97 has been questioned in that it does not designate which party is responsible for switching the customer “back to the original NGS.” Under current protocols, one NGS cannot “switch” a customer to another NGS. In keeping with the rules requiring that customers have to authorize their switch of supplier—it is the customer who has to initiate this—by either contacting their preferred NGS or the default supplier. We asked if this section should be removed or revised for better clarity.

Nine parties submitted informal comments in response to the discussion document.<sup>16</sup> In addition to the Working Group discussion document and comments, OCMO had informal one-on-one discussions with various NGSs and NGDCs about the switching process and the possibility of making it faster for consumers.

As apparent from the above questions to the Working Group, there are several issues involved in NGS switching to address, but the fundamental issue remains the use of off-cycle switching to accelerate the process. An off-cycle switch is a switch where the NGDC makes a switch effective at any point in the billing cycle, not just at the usual monthly billing point. To accelerate NGS switching to be anywhere analogueous with the timeframes in the electric industry, off-cycle switching would be necessary.

In general, NGDCs expressed strong objections to off-cycle switching. They discussed differences in metering technology, back office systems and the gas nomination process that they suggested will limit the extent to which accelerated supplier switching regulations in the electric and natural gas industries can be aligned. Many of the objections concerned the manner in which wholesale gas markets operate. NGDCs opined that off-cycle switching for gas is inefficient from a market perspective as it runs counter to the rest of the business that operates on a

<sup>16</sup> Columbia; the Energy Association of Pennsylvania (EAP); NFG; OCA; PECO; Peoples; PGW; RESA; and UGI.

“first of the month” basis. Additionally, they averred that any shortening of this timeframe will disrupt their ability to provide advance notice of capacity requirements ahead of “bid week”—that period when wholesale purchases are arranged. NGDCs believe that off-cycle switching would also complicate capacity assignments and the proper allocation of capacity between NGSs to meet customer needs and would require quantities of released capacity to be adjusted much more frequently. Finally, NGDCs note the “significant expense” that would be required to implement off-cycle switches for gas customers, opining that the benefits may not justify the costs.

In their informal comments, NGSs were generally united in their desire to accelerate the switching process, noting that the current timeframes can lead to customer frustration, delayed savings and dissatisfaction with the competitive gas market. Accordingly, NGSs asked the Commission to explore off-cycle switching. However, some NGSs were uncertain about shortening the switching timeframe to three business days as has occurred in the electric industry, pointing to the same need to make capacity assignment nominations that the NGDCs discussed. NGSs also expressed concerns relating to timing of wholesale market purchasing similar to the concerns expressed by the NGDCs. NGSs expressed varying opinions to OCMO as to the minimum amount of time that is needed for them to make capacity assignment nominations and effectuate a switch. Regardless, NGSs would like to see faster switching, even using temporary solutions until advanced metering infrastructure is available. One possibility cited is allowing one off-cycle switch per month, with the meter information either: (1) being read off-cycle by the NGDC; (2) being read by the customer and reported to the NGDC; or (3) being estimated by the NGDC.

In their informal comments, consumer representatives expressed general support for accelerating the switching process, but noted that the cost of doing so should be commensurate with the benefits. Further, they were firm in their opinion that any shortening of the switching timeframe should not interfere with a consumer’s right to the three-business day rescission period found in 52 Pa. Code § 62.75.

#### *Discussion*

##### *The Customer Experience*

Before moving forward with any regulatory changes, we must first carefully scrutinize the current customer experience with switching suppliers and the impact of the change from a 10-day to a 5-day confirmation period. Mindful that the primary objective of these regulations is to effectuate efficient switching of suppliers while protecting consumers from unauthorized switching, we will first examine “slamming” in the current marketplace.

While the Commission is extremely concerned with and takes seriously any allegation of slamming, we believe that slamming incidents are relatively rare, when considering that hundreds of thousands of Pennsylvania consumers have been shopping for some time.<sup>17</sup> Regardless, we again reiterate our long-standing “zero-tolerance” policy on slamming that we first enunciated in May 1998 upon adoption of our EGS switching regulations:

Today, we set in place the ‘rules of the road’ by which customers’ requests to switch electric generation suppliers will be processed. We have observed other industries in which unauthorized customer switching,

known as “slamming”, has occurred. We wish to state now, up front and for the record: this Commission will have zero tolerance for slamming by any means and in any form.<sup>18</sup>

In that same statement, the Commission continued:

Customer slamming is among the most serious violations of our rules and regulations. There is no grace period. There is no ‘transition period’ as far as slamming is concerned. You can count on this Commission imposing commensurate penalties quickly and without hesitation.<sup>19</sup>

Additionally, Commission staff has been monitoring the impact of the October 2012 Interim Guidelines that reduced the confirmation period from ten days to five days. OCMO’s discussions with the utilities and its review of informal complaints filed since 2012 have revealed no significant problems resulting from the shortened confirmation period. One of the mechanisms available to gauge the level of slamming in the marketplace is the number of informal complaints filed with the Commission’s Bureau of Consumer Services (BCS) that allege slamming. In the years 2012 through 2016, there have been just over 147 such complaints; an average of 29 annually. This represents approximately 18 percent of all informal complaints against NGSs. In most of these cases, after reviewing a customer’s complaint and the NGS’s supporting documentation, BCS determined that the slamming allegation was either unfounded and/or there was insufficient evidence to support the slamming allegation. Some of the allegations are the results of customer confusion, such as a customer misunderstanding the distinctions between the NGS and the utility.

Finally, we invite the parties to submit, along with their comments, any data they may have regarding the occurrences of slamming they may be aware of. This will allow us to comprehensively evaluate the level of slamming in the marketplace before we adopt final regulations.

##### *Proposals to Revise the NGS Switching Regulations*

We thank the parties that participated in the Working Group’s exploration of these issues for their helpful contributions along with everyone else who has assisted with our examination of supplier switching going back to 2011. Through the numerous initiatives and proceedings since 2011, all parties have gained important experience and insight into these matters. Using the knowledge and experience we have all gained, we now think it is time to propose permanent changes to the NGS switching timeframes.

Given the diversity of opinion and the serious concerns raised by several parties during this process to date, we believe that the initiation of a formal rulemaking subsequent to receipt of comments on the regulation changes proposed in this order is the appropriate mechanism for the exploration of accelerating switching in the natural gas industry. Guidelines or a Tentative Order/Final Order process would not be appropriate in this instance where the Commission is proposing industry-wide norms that may require significant and permanent changes to NGDC systems.

Using the feedback received during the Working Group’s exploration of this issue, we are proposing sub-

<sup>17</sup> See natural gas shopping statistics on the PaGasSwitch.com website at [http://www.pagaswitch.com/sites/default/files/GasSwitch\\_shoppingnumbers\\_8\\_31\\_16.pdf](http://www.pagaswitch.com/sites/default/files/GasSwitch_shoppingnumbers_8_31_16.pdf)

<sup>18</sup> Statement of Chairman Quain, Vice Chairman Bloom, Commissioner Hanger, Commissioner Rolka and Commissioner Brownell in Pennsylvania Electric Association Petition for Reconsideration of Rulemaking Order Establishing Standards for Changing Electric Suppliers, Docket No. L-00970121 (Public Meeting of May 21, 1998).

<sup>19</sup> Id.



stantial changes to the NGS switching regulations. While we think the NGDCs and NGSs in the Working Group raised and discussed several important issues, we also have to keep in mind the consumer's perspective and also consider the need for consistency with switching timeframes in the electric industry. We believe that accelerating the switching process is essential in creating a more consumer-driven marketplace. With faster supplier switching, consumers can respond more quickly to attractive offers—meaning that suppliers have to work harder to attract and retain customers. Faster switching also allows consumers to escape price increases—especially in the context of variable-price contracts.

Faster switching in the electric industry has created a more flexible, responsive market—benefits we now want to bring to natural gas consumers. We also believe that we need to make timeframes and procedures across the electric and natural gas industries as consistent as possible to avoid customer confusion and frustration. This is important for those consumers and suppliers that participate in both markets—and is especially relevant for those consumers who may obtain both services from the same supplier. Keeping timeframes similar between the two industries may also make the bundling of electric and natural gas service more feasible—providing greater product diversity for consumers to choose from. Accordingly, we are proposing for comment changes to shorten the NGS switching timeframes, such as modifying enrollment windows, tightening notice timeframes, and the use of off-cycle switching. We are also proposing changes to bring the NGS rules into as much alignment with the EGS rules as possible, including allowing consumers to contact the supplier of last resort (SOLR) directly to request a drop to SOLR service.

As mentioned earlier, the Working Group did identify a number of operational concerns for migrating to a faster switching schedule. For instance, the primary concerns of the working group originated around the time it takes to procure natural gas and meter reading data and the potential for stranded commodity. However, we propose that those operational issues as well as others can largely be negated through various strategies and a commitment to eliminate delays within the gas marketplace.

#### § 59.91. Definitions.

The definitions currently found in § 59.91:

The following words and terms, when used in this section and §§ 59.92—59.99, have the following meanings, unless the context clearly indicates otherwise:

*Customer*—A retail gas customer as defined by 66 Pa.C.S. § 2202 (relating to definitions). The term includes all persons identified by the NGDC ratepayer of record, under § 59.95 (relating to persons authorized to act on behalf of a customer), as authorized to act on behalf of the NGDC ratepayer of record in changing the NGS for the account.

*Data element*—One or more characters that represent numeric or alphanumeric fields of data.

*NGDC—Natural Gas Distribution Company*—An NGDC as defined by 66 Pa.C.S. § 2202.

*NGS—Natural gas supplier*—A supplier as defined by 66 Pa.C.S. § 2202.

We propose minor additions to this section. Since we propose using the term “supplier of last resort” in the revised regulations, we think it is important to include a definition of this term. We propose using the definition as

found in the NGS licensing regulations at § 62.101 (relating to definitions). We also propose using the term “current NGS” and “selected NGS” in the revised regulations as we did in the revised electric switching regulations relating to EGSs. Accordingly, as we did with those regulations, we propose defining these terms. We propose revising 59.91 as follows:

#### § 59.91. Definitions.

The following words and terms, when used in this section and §§ 59.92—[ 59.99 ] 59.100, have the following meanings, unless the context clearly indicates otherwise:

***Current NGS*—The NGS at the time of the customer contact.**

*Customer*—A retail gas customer as defined by 66 Pa.C.S. § 2202 (relating to definitions). The term includes all persons identified by the NGDC ratepayer of record, under § 59.95 (relating to persons authorized to act on behalf of a customer), as authorized to act on behalf of the NGDC ratepayer of record in changing the NGS for the account.

*Data element*—One or more characters that represent numeric or alphanumeric fields of data.

*NGDC—Natural Gas Distribution Company*—An NGDC as defined by 66 Pa.C.S. § 2202.

*NGS—Natural gas supplier*—A supplier as defined by 66 Pa.C.S. § 2202.

***Selected NGS*—The NGS from which the customer seeks new natural gas supply service.**

***Supplier of last resort*—The term as defined in 66 Pa.C.S. § 2207(a) (relating to obligation to serve).**

#### § 59.92. Customer contacts with the NGDC:

This section currently reads as follows:

When a customer orally contacts the NGDC to request a change of NGS, the NGDC shall notify the customer that the selected NGS shall be contacted directly to initiate the change.

We propose to revise this section to make it similar to the analogous electric regulation at 52 Pa. Code § 57.172:

(a) When a customer orally contacts the NGDC to request a change of NGS, the NGDC shall notify the customer that the selected NGS shall be contacted directly to initiate the change. **This notification requirement does not apply when a Commission-approved program requires the NGDC to initiate a change in NGS service.**

(b) **When a customer contacts the supplier of last resort service provider to request a change from the current NGS to supplier of last resort service, the supplier of last resort service provider shall notify the customer that there may be a cancellation penalty to cancel service with the current NGS. Subsequent to this notice and upon express oral or written consent from the customer, the supplier of last resort service provider shall enroll the customer in supplier of last resort service.**

The proposed changes to (a) will facilitate programs like the Standard Offer Program (SOP) found in the electric industry where the utility is directed to enroll customers with a supplier. The Working Group generally supported this proposal—however—some utilities thought it was unnecessary because this is something the Com-

mission could direct via Order when and if any such programs are initiated. While this may be true, we believe that since this involves establishing an industry-wide norm, incorporating this in a regulation is more appropriate and transparent.

The proposed changes to (b) will provide another mechanism for consumers who want to drop their NGS service. In the Working Group, consumer representatives and utilities generally supported this proposal while suppliers opposed it because they fear it inappropriately allows a utility to interfere with consumer supplier choices. While we agree that ideally a consumer should first contact their current NGS to drop their supplier service, we recognize that this may not always be possible. One of the lessons of the January 2014 Polar Vortex is that supplier call centers can be overwhelmed—making contacting them difficult if not impossible in some instances. Allowing consumers to drop their NGS by contacting the utility provides an important safety mechanism for consumers in such situations.

### § 59.93. Customer contacts with NGSs.

This section currently reads as:

When a contact occurs between a customer and an NGS to request a change of the NGS, upon receiving direct oral confirmation or written authorization from the customer to change the NGS, the customer's new NGS shall:

(1) Notify the NGDC of the customer's NGS selection by the end of the next business day following completion of the application process. The NGDC shall verify the accuracy of the information provided by the NGS by matching at least two data elements such as name and account number, or address and account number, with NGDC records.

(2) Upon receipt of this notification, the NGDC shall send the NGDC ratepayer of record a confirmation letter noting the proposed change of NGS. This letter shall include notice of a 10-day waiting period in which the order may be canceled before the change of the NGS takes place. The notice shall include the date service with the new NGS will begin unless the customer contacts the NGDC to cancel the change. The 10-day waiting period shall begin on the day the letter is mailed. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of a NGS.

We propose the following changes to this section:

When a contact occurs between a customer and an NGS to request a change of the NGS, upon receiving direct oral confirmation or written authorization from the customer to change the NGS, the **[ customer's new NGS ] following actions shall be taken by the selected NGS and the customer's NGDC:**

(1) **[ Notify ] The selected NGS shall notify the NGDC of the customer's NGS selection [ by the end of the next business day following completion of the application process ] at the end of the 3-business day rescission period under § 62.75(d) (relating to disclosure statement for residential and small business customers) or a future date specified by the customer. The selected NGS may notify the NGDC by the end of the next business day following the customer contact upon customer consent. [ The NGDC shall verify the accuracy of the information**

**provided by the NGS by matching at least two data elements such as name and account number, or address and account number, with NGDC records. ]**

(2) Upon receipt of this notification, **the NGDC shall verify the accuracy of the information provided by the NGS by matching at least two data elements such as name and account number, or address and account number, with NGDC records. [ the ]** The NGDC shall send the NGDC ratepayer of record a confirmation letter noting the proposed change of NGS **or change to supplier of last resort provider. [ This letter shall include notice of a 10-day waiting period in which the order may be canceled before the change of the NGS takes place. ]** The notice shall include the date service with the new NGS **or supplier of last resort provider** will begin **[ unless the customer contacts the NGDC to cancel the change. The 10-day waiting period shall begin on the day the letter is mailed ]**. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of a NGS **or change to the supplier of last resort provider**.

The revisions to this section are intended to reflect the language in the analogous electric regulations at 52 Pa. Code 57.173. The changes to (1) are intended to accommodate the 3-business day right of rescission. No opposition to this proposal was voiced in the Working Group—with many noting that this would simply reflect current industry practice. However, the proposed changes also allow for flexibility; the switch can be processed sooner—or later—if the customer and the supplier agree. We note that even if the supplier and customer agree to submit the enrollment immediately, the customer still retains their 3-business day right of rescission. Per the regulation and law, a consumer cannot waive their right of rescission.

As for the shortening or elimination of the waiting period in paragraph (2), the Working Group was divided. Several parties suggested that shortening or eliminating the waiting period was contingent upon just how much we are able to shorten the switching period. These parties noted that if switching can be done quickly then a waiting period may not be necessary since customers will be able to quickly reverse any unauthorized switch. Some utilities advocated keeping the waiting period at five days while suppliers generally advocated eliminating the waiting period altogether. Suppliers noted that there are other means that the Commission can use to address unauthorized switching.

We note that in 2012 the Commission adopted the Chapter 111 supplier marketing regulations.<sup>20</sup> These regulations contain a number of requirements intended to ensure that the customer understands who they are dealing with, what they are doing, and have consented to the transaction. Section 111.8 requires door-to-door agents and agents that operate in public locations to prominently wear an identification badge clearly identifying the agent and the supplier they are representing. The agent must, upon first contact, identify the supplier they are working for and has to state that they are not working for and is independent of the customer's local utility. Agents are also not permitted to suggest to a customer that they are required to choose a supplier. Section 111.10 has similar provisions applicable to telemarketing agents.

<sup>20</sup> See 52 Pa. Code §§ 111.1—111.14.

Further, section 111.7 requires suppliers to verify all sales conducted by door-to-door or telemarketing agents. This verification has to be separate from the sales transaction process, with the customer having the right to have it performed without the sales agent being present. Suppliers have to retain the verification record for at least six billing cycles and provide the verification to the Commission upon request in case of a subsequent dispute. This verification process appears to be an effective mechanism for helping minimize slamming disputes and makes addressing any slamming disputes easier.

Additionally, we have recently revised the NGS disclosure regulations in Chapter 62 to make pricing information—especially for variable products—more transparent and understandable.<sup>21</sup> Further, the revised regulation no longer requires the NGS to place NGDC information (contact information, universal service information, etc.) on the disclosure—something that was possibly causing consumers to confuse the NGS with the NGDC. The revised regulations also require that a plain-language contract summary accompany the disclosure—with the expectation being that consumers are more likely to read a brief simple summary than an entire disclosure.<sup>22</sup>

Finally, in another Natural Gas RMI initiative, the Commission directed NGDCs to develop and implement an NGDC-NGS “Joint Bill.”<sup>23</sup> The “Joint Bill” is intended to make NGS billing information more prominent on the NGDC bill—in effect creating a bill that looks as if it comes from both the NGDC and the NGS (this is obviously only for consumers who are billed for both NGDC and NGS services on the NGDC consolidated bill, which is the case for most residential consumers). This includes placing the NGS logo on the bill. The intent is to make it very apparent to the consumer that their supply service is being provided by an NGS. Along with strengthening the connection between the consumer and the NGS, this heightened visibility of NGS information also helps guard against the possibility of the customer being served by an NGS they did not choose. The fact that the customer is receiving service from an NGS and the identity of the NGS is apparent simply by glancing at the bill.

We also again mention, as we did above, the Commission’s zero-tolerance policy for slamming. If needed, the Commission can and will punish a supplier that enrolls customers without proper customer authorization, including the possible suspension and revocation of the supplier’s license.

#### § 59.94. Time frame requirement.

The current regulation reads as follows:

When a customer has provided the NGS with oral confirmation or written authorization to change NGSs, the NGDC shall make the change at the beginning of the first feasible billing period following the 10-day waiting period, as prescribed in § 59.93 (relating to customer contacts with NGSs).

This section gets to the heart of the matter—what should be the timeframe for switching the NGS service? There were concerns expressed in the Working Group that the 3-business day standard we put in place for the electric industry in 2014 may pose some operational

difficulties in the natural gas industry at this time. This is because of a lack of advanced metering, back-office processes, and gas nomination timeframes. However, there was disagreement over just how short the timeframe should be and whether off-cycle switching should be used. In the Working Group, utilities were united in their opposition to any movement to off-cycle switching as being too disruptive of current billing systems and procedures and pointed to the expense of modifying these systems to accommodate off-cycle activity. They also point to the lack of metering information to support off-cycle switching—with many NGDCs having traditional analog meters that require a field visit to read. In general, suppliers pointed out that there are alternatives to a field visit to obtain a meter reading. The utility can estimate a reading or ask the customer for a reading—options that the analogous electric regulations provide for when advanced metering is not available.<sup>24</sup> We also note that NGDCs are required to conduct off-cycle reads when customers move or terminate service and with the advent of automated meter reading devices the cost to perform an off-cycle read has been reduced. Suppliers urged the Commission to consider off-cycle switching, noting that without off-cycle switching, some consumers end up waiting as long as 45 days for a switch to take effect. Consumer representatives in the Working Group supported shortening switching timeframes as long as any shortening does not interfere with the customer’s right of rescission and that any changes to the process be cost-effective.

This is a complex matter with many things to consider. As suppliers pointed out in the Working Group, with on-cycle only switching, coupled with NGDC notification deadlines, a customer’s switch can take several weeks. For example, some NGDCs require a 15-day prior notice to perform a switch—meaning that if the NGDC does not get notified at least 15 days prior to the next meter read, the customer’s switch must wait for the following meter read. This could result in a 45-day switching period. This extended timeframe may be unacceptably long; a customer requesting a switch to NGS service at the beginning of winter could still be with their previous supplier or SOLR for a substantial amount of the winter, seriously eroding possible savings.

We are proposing that NGS switching should take no longer than EGS switching: 3-business days. We recognize that this will require, in most cases, off-cycle switching but we agree with those parties that pointed out that there are options available if an off-cycle switch is needed and advanced metering is not available—special meter reading, estimated meter readings and customer-supplied meter readings. These are the same alternative options made available to EDCs when executing a supplier switch. We believe, as mentioned previously, that there are important consumer benefits in keeping the switching timeframe as short and as similar to the electric timeframes as possible. With short switching timeframes, the customer will begin accruing the benefits of shopping, be it cost savings, value-added services or special products, as soon as possible. As already discussed, this consideration is especially relevant in the winter-time where each day can matter. It is also important to keep in mind that from the consumer’s perspective, it is not 3-day switching. As noted in our discussion of § 59.93, in most cases, the supplier will hold the customer’s enrollment until the expiration of the customer’s § 62.75(d) 3-day rescission period. It is only after this initial 3-day period expires and the NGS forwards the enrollment to the

<sup>21</sup> See Final Rulemaking Order re: Customer Information Disclosure Requirements for Natural Gas Suppliers Providing Natural Gas Supply to Residential and Small Business Customers, Docket No. L-2015-2465942 (Order entered April 21, 2016).

<sup>22</sup> See 52 Pa. Code § 62.75.

<sup>23</sup> See Final Order re: Investigation of Pennsylvania’s Retail Natural Gas Market: Joint Natural Gas Distribution Company—Natural Gas Supplier Bill, Docket No. M-2015-2474802 (Order entered August 20, 2015).

<sup>24</sup> See 52 Pa. Code § 57.174.

NGDC that the 3-business day clock to switch the account starts ticking. So from a consumer's perspective, even under the accelerated procedure being proposed, the switch will likely take up to six days (if not longer in the case of intervening holidays or weekends).

We also recognize that off-cycle switching will necessitate a change in NGDC billing procedures. We will not specify the billing procedure changes that may be necessary, but point to the fact that in the electric industry, different EDCs have handled this differently, and we expect to maintain the same flexible approach for the NGDCs. Some EDCs maintain the regular monthly bill, placing multiple suppliers on the same bill if a switch is performed off-cycle. Another EDC instead issues a new bill each time a supplier is switched regardless of what point in the billing cycle the switch occurs.

We still have not addressed all operational concerns related to accelerated switching and offer the opportunity for the industry to propose innovative ways to make three day switching work. One such mention may be a collaborative approach between all parties involved in a switch (i.e., the previous supplier and the new supplier). First, it is important to note that capacity and, to a lesser extent, the nomination schedule for the customer follows the customer at all NGDCs. This structure eliminates a hurdle but sets a rigid requirement that purchased commodity (i.e., natural gas) must align with in order to serve the customer. However, we know that the previous supplier would have already contracted for the commodity (at least until the end of the contract term) that perfectly aligns with that customer's capacity and nomination. Therefore, we know that there is at least one option capable of serving the customer on a quick timescale.

Naturally, any interface would need to be market driven (i.e., based upon cost, spot price, hub price, etc.) but the current NGS commodity could be established as a right of first refusal to the selected NGS supplier for a specified period of time after the switch in order to serve the customer. For instance, the commodity or services from the current NGS could be offered for a period of no more than 10 days unless both parties agree to a longer term. Meanwhile, we could marry this right of first refusal to the 3 day customer right of rescission where the selected NGS would need to let the current NGS know their intent of using the right of first refusal. This dynamic would necessitate real time communication between all parties involved and in the case of an NGS to NGS switch would also require NGDC involvement. For these reasons, the NGDC would likely have to serve as a clearinghouse for these dynamics on their individual systems and foster this real time communication between all parties. In addition, these types of features may require NGSs to become more creative with their products to compensate for any costs for accelerated switching. If done properly this sort of clearinghouse could aid further competition within the marketplace, ultimately leading to more shopping opportunities or lower costs for consumers.

These types of marketplace changes may necessitate corresponding regulations. We have not proposed those here as the above discussion may be just one way to accelerate switching. Therefore, we invite interested parties to propose regulation changes consistent with such mechanisms that would accelerate switching.

We also note that, unlike the electric industry where Electronic Data Interchange (EDI) is used uniformly, various NGDCs use different electronic protocols in communicating customer information with NGSs. Nothing in

our proposed rule changes nor is intended to alter this. We prefer, as we did with the electric industry, not to prescribe the mechanics of the switching process—and instead leave that up to the discretion of the NGDCs and NGSs. However, we invite comments from the parties if they believe there are electronic protocol issues they think we need to address in the context of NGS switching.

We propose a revised § 59.94 for comment as follows:

**§ 59.94. Time frame requirement.**

(a) When a customer has provided the NGS with oral confirmation or written authorization to change NGSs or provided the NGDC with oral confirmation or written authorization to change to supplier of last resort service, consistent with electronic data transfer and exchange standards, the NGDC shall make the change [at the beginning of the first feasible billing period following the 10-day waiting period, as prescribed in § 59.93 (relating to customer contacts with NGSs)] within 3 business days of the receipt by the NGDC of the electronic enrollment transaction.

(b) The NGDC shall obtain a meter read to effectuate the switch of service within the time period provided for in subsection (a). In instances when the NGDC does not have advanced or automated metering capability, the NGDC shall obtain an actual meter read, use an estimated meter read or use a customer-provided meter read. When an estimated meter read is used, the estimated meter read shall be updated when an actual meter read is obtained.

**§ 59.95. Persons authorized to act on behalf of a customer.**

This section currently reads as follows:

A customer may identify persons authorized to make changes to the customer's account. To accomplish this, the customer shall provide the NGDC with a signed document identifying by name those persons who have the authority to initiate a change of the customer's NGS.

We propose to eliminate this section in its entirety. As we discussed in the Working Group, we propose its elimination since it is not relevant to current NGS switching protocols. When this provision was originally promulgated, it was envisioned that NGDCs might have more of a role in "policing" the switching process. However, as the switching process evolved, NGDCs do not "police" the switching process—they simply act on the directions they receive from NGSs via electronic protocols. They are not expected to, nor do they, screen supplier enrollments for "authorization." This is not even possible, given that the electronic data submitted by the NGS to the NGDC does not include who the NGS talked to at the customer's household (and with enrollment transactions that do not involve person-to-person contact, such as direct mail or online enrollments, the NGS has no way of knowing who actually submitted the written or online enrollment form). We fear that retaining this section risks giving too many the false impression that NGDCs police the switching process—or that NGDCs are obligated to police the process.

In the Working Group, utilities generally supported removing this section—noting that "policing" the switching process is not a role they are seeking. Suppliers

likewise supported removing the section—again noting that it would be inappropriate to have NGDCs “policing” the process—and that suppliers have no feasible method currently to obtain from the NGDC the “authorized person(s).” Suppliers further noted that in practice, they routinely ask the individual they are talking to if they are authorized to act on the account. Consumer representatives generally supported retaining this section in the belief that in case of a subsequent dispute, a document on file at the utility that identifies the names of individuals who have the authority to initiate a switch might be helpful.

**§ 59.97. Customer dispute procedures.**

This section currently reads as:

(a) When a customer contacts an NGDC or an NGS and alleges that the customer’s NGS has been changed without consent, the company contacted shall:

(1) Consider the matter a customer registered dispute.

(2) Investigate and respond to the dispute consistent with the requirements in §§ 56.151 and 56.152 (relating to utility company dispute procedures).

(b) When the customer’s dispute has been filed within the first two billing periods since the customer should reasonably have known of a change of NGSs and the dispute investigation establishes that the change occurred without the customer’s consent, the customer is not responsible for NGS charges rendered during that period. If the customer has made payments during this period, the company responsible for initiating the change of supplier shall issue a complete refund within 30 days of the close of the dispute. The refund or credit provision applies only to the natural gas supply charges.

(c) A customer who has had a NGS changed without having consented to that change shall be switched back to the original NGS for no additional fee. Charges involved in the switch back to the prior NGS shall be the responsibility of the company that initiated the change without the customer’s consent.

(d) If a customer files an informal complaint with the Commission alleging that the customer’s NGS was changed without the customer’s consent, the Bureau of Consumer Services will issue an informal decision that includes a determination of customer liability for any NGS bills or administrative charges that might otherwise apply, rendered since the change of the NGS.

(e) In addition to customer-specific remedies, the Commission may, after investigation and decision, assess fines under 66 Pa.C.S. Chapter 33 (relating to violations and penalties), and initiate proceedings to revoke the license of any NGS that demonstrates a pattern of violating this chapter. The Commission may order a particular NGS that has a pattern of violating this chapter to obtain written authorization from every new customer as a condition of providing service in this Commonwealth. Nothing in this section limits the Commission’s authority.

This section provides important consumer protections against slamming and we are proposing only limited changes to it. This section is key to the Commission’s role in policing the switching process—specifically the provisions in (1) and (2) that require all slamming allegations to be treated as disputes under Chapter 56 and thus

referred to the Commission. However, as discussed in the Working Group, there are some practical concerns with subsection (c) that requires a customer that has been “slammed” to be returned to their original NGS. The current regulation fails to specify who is responsible for making this happen; the customer, the NGDC, the NGS that slammed the customer, or the NGS that lost the customer? How the switching process has evolved has made some of these possibilities problematic if not impossible. An NGS cannot switch a customer to another NGS. And NGSs and NGDCs are not to switch anyone without oral or written authorization from the customer. Further, there may be instances where the customer’s former NGS is no longer able, willing or allowed to take back a customer they may have lost. In general, for a customer to be switched to any NGS, both the customer and the NGS must be aware of the switch and both must authorize it. This makes any kind of “automatic” switch back to the previous NGS problematic.

The Working Group generally agreed that some additional guidance in this section would be helpful, but had difficulty in identifying which entity should be responsible for switching the customer back to their original NGS. There was consensus that the process ideally should be as seamless and burden-free upon the customer as possible—but there was also recognition that the customer may have to be involved in the process. Suppliers generally proposed that the customer should contact their original NGS and seek re-enrollment as to ensure that this is indeed what the customer wants and that the NGS is still in a position to serve the customer.

Accordingly, we propose to clarify in subsection (c) that to be switched back to their previous supplier, a customer should contact that supplier and seek to re-enroll with that NGS or contact the supplier of last resort to enroll in SOLR service. While we dislike placing this obligation on the slamming victim, we believe that it is the safest option available—one that ensures that the customer has indeed consented and wants to return to their previous NGS—and that the NGS is willing and able to take them back. This preserves the fundamental principle that all switching should be done only upon the request and authorization of the customer. However, we invite parties to suggest any alternatives that may be preferable, keeping in mind that any alternative has to comply with the switching regulations.

While not specifically discussed in the Working Group, we also ask parties to comment on the adequacy of the language in subsection (b) concerning reimbursing the customer for charges that accrued upon being slammed. The current rule states that “The refund or credit provision applies only to the natural gas supply charges.” Should this language be broadened to include refund and reimbursement for things like early cancellation fees or enrollment fees that the customer may have been charged as a result of a slam?

We propose to revise this section accordingly; see subsections (c) and (d):

**§ 59.97. Customer dispute procedures.**

(a) When a customer contacts an NGDC or an NGS and alleges that the customer’s NGS has been changed without consent, the company contacted shall:

(1) Consider the matter a customer registered dispute.

(2) Investigate and respond to the dispute consistent with the requirements in §§ 56.151 and 56.152 (relating to utility company dispute procedures).

(b) When the customer's dispute has been filed within the first two billing periods since the customer should reasonably have known of a change of NGSs and the dispute investigation establishes that the change occurred without the customer's consent, the customer is not responsible for NGS charges rendered during that period. If the customer has made payments during this period, the company responsible for initiating the change of supplier shall issue a complete refund within 30 days of the close of the dispute. The refund or credit provision applies only to the natural gas supply charges.

(c) A customer who has had a NGS changed without having consented to that change [ **shall be switched back to** ] **may contact the original NGS to arrange for re-enrollment with the original NGS** for no additional fee, **provided that the original NGS agrees**. Charges involved in the switch back to the prior NGS shall be the responsibility of the company that initiated the change without the customer's consent. **The customer may also contact the supplier of last resort and request enrollment into supplier of last resort service.**

(d) If a customer files an informal complaint with the Commission alleging that the customer's NGS **or supplier of last resort service** was changed without the customer's consent, the Bureau of Consumer Services will issue an informal decision that includes a determination of customer liability for any NGS bills or administrative charges that might otherwise apply, rendered since the change of the NGS **or supplier of last resort service**.

(e) In addition to customer-specific remedies, the Commission may, after investigation and decision, assess fines under 66 Pa.C.S. Chapter 33 (relating to violations and penalties), and initiate proceedings to revoke the license of any NGS that demonstrates a pattern of violating this chapter. The Commission may order a particular NGS that has a pattern of violating this chapter to obtain written authorization from every new customer as a condition of providing service in this Commonwealth. Nothing in this section limits the Commission's authority.

§ 59.98. *Provider of last resort.*

We propose minor, non-substantial word changes to this section to replace the term "provider of last resort" with "supplier of last resort." "Supplier of last resort" is the preferred term which we propose defining at § 59.91 and reflects the long-standing definition in the NGS licensing regulations at § 62.101 (relating to definitions). Accordingly, we propose the following revisions to this section:

§ 59.98. [ **Provider** ] **Supplier** of last resort.

Sections 59.91—59.99 do not apply in instances when the customer's service is discontinued by the NGS and subsequently provided by the [ **provider** ] **supplier** of last resort because no other NGS is willing to provide service to the customer.

§ 59.99. **Record maintenance.**

This section currently states:

Each NGDC and each NGS shall preserve all records relating to unauthorized change of NGS disputes for 3 years from the date the customers filed the dis-

putes. These records shall be made available to the Commission or its staff upon request.

This is an important regulation that enables the Commission to police the switching process to guard against slamming. Because we are proposing a revision to § 59.92 allowing customers to contact the supplier of last resort and request a return to SOLR service, we think it is appropriate to add switching to SOLR service to this record maintenance requirement. This is the same revision we made in 2014 to the analogous electric switching regulation at § 57.179. Accordingly, we propose the following revisions to this section:

§ 59.99. **Record maintenance.**

Each NGDC and each NGS shall preserve all records relating to unauthorized change of NGS **and supplier of last resort** disputes for 3 years from the date the customers filed the disputes. These records shall be made available to the Commission or its staff upon request.

*Timeframe For Implementation*

When we revised the EGS switching regulations in 2014, we placed in the regulation a new section specifying the implementation date for the new switching procedures.<sup>25</sup> Due to the urgent need to get new switching timeframes in place for the following winter, EDCs were provided approximately six months to implement the new rules. However, as noted previously, almost all the EDCs obtained various waivers of some sort to delay full implementation until later in 2015. In effect and in most cases, the EDCs had approximately an entire year to fully implement the new rules.

We propose a similar requirement in these regulations and invite comments from the parties as to the practicality of the deadline proposed:

§ 59.100. **Implementation.**

**Each NGDC and NGS shall implement §§ 59.91—59.99 within one year of the final regulation appearing in the *Pennsylvania Bulletin*.**

When commenting, we ask that parties be as specific as possible as to the reasons the proposed timeline is reasonable or not, and to propose alternatives.

*Costs And Cost Recovery*

We acknowledge that there will be costs incurred by the NGDCs in adapting their metering and billing systems to accommodate off-cycle meter readings to effectuate off-cycle NGS switching. We expect NGDCs to implement these new requirements in the most cost-effective manner possible. In the 2014 EGS switching proceeding,<sup>26</sup> EDCs were directed to seek recovery of reasonable costs in a future base-rate filing, which would provide the usual full scrutiny of review by the Commission and interested parties. Also, we determined that base-rate recovery was appropriate because accelerated supplier switching is something all utility customers benefit from and have access to.

We invite parties to comment on the costs of the mechanisms and procedures proposed in this order, and the costs of any alternatives they may propose. Finally, we ask parties to comment on the preferable cost recovery mechanism; NGDC base-rate proceedings; pass-through riders; or any other possible alternatives.

<sup>25</sup> See 52 Pa. Code § 57.180.

<sup>26</sup> See Final-Omitted Rulemaking Order Regarding Standards for Changing a Customer's EGS, Docket No. L-2014-2409383 (Public Meeting of April 3, 2014).

### Conclusion

The Commission has deliberated extensively on its electric and natural gas switching regulations over the past several years. We believe the changes to the electric switching rules in 2014 have created a more fluid and responsive electric marketplace, and it is now time to do the same with the natural gas market. We have moved deliberately and cautiously—acknowledging that there are some fundamental differences in technology and wholesale market structures between electric and natural gas. Throughout this order and the attached Annex, we discuss various issues and carefully craft new rules to accelerate the supplier switching process for retail natural gas customers in Pennsylvania. Importantly, we propose to revise our regulations to facilitate accelerated switching without endangering safeguards to protect customers against slamming or unauthorized switching.

We invite parties to comment on all of the matters discussed in this order and on any other issue related to NGS switching that they think we may have overlooked. We urge parties to submit, along with their comments, any data they may have to support their position. This includes any cost data, along with cost data for any alternatives they may propose. Where parties oppose the proposed regulations, we encourage them to offer alternative solutions. These proposed changes to switching are intended to complement our recently completed disclosure rulemaking—forming a comprehensive response to the possibility of price spikes in the natural gas market—as we did in 2014 for the electric market. Faster supplier switching provides a key tool empowering consumers to protect themselves if so needed.

Upon careful review and consideration of the comments received in response to this Advance Notice of Proposed Rulemaking, the Commission intends to issue a formal Notice of Proposed Rulemaking with proposed revised regulations; *Therefore*,

#### *It Is Ordered That:*

1. The Secretary shall duly certify this Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

2. Written comments referencing Docket No. L-2016-2577413 be submitted within 45 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments may also be filed electronically through the Commission's e-File System.

3. This Order and Annex A proposing to revise the regulations appearing in Title 52 of the *Pennsylvania Code* Chapter 59 (relating to Standards for Changing a Customer's Natural Gas Supplier), be served on all jurisdictional natural gas utilities, all licensed natural gas suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

4. The Office of Competitive Market Oversight shall electronically send a copy of this Advance Notice of Proposed Rulemaking Order and the Annex to all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity; and to all persons on the contact list for the Investigation of Pennsylvania's Retail Natural Gas Market, order entered December 18, 2014 at Docket No. I-2013-2381742.

5. A copy of this Order and Annex A shall be posted on the Commission's website at the Office of Competitive Market Oversight web page and on the web page for the Retail Markets Investigation—Natural Gas.

6. The contact persons for this matter are Daniel Mumford, Office of Competitive Market Oversight, (717) 783-1957, dmumford@pa.gov; Matthew Hrivnak in the Bureau of Consumer Services, (717) 783-1678, mhrivnak@pa.gov; and Kriss Brown in the Law Bureau, (717) 787-4518, kribrown@pa.gov.

ROSEMARY CHIAVETTA,  
*Secretary*

### Annex A

#### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

#### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 59. GAS SERVICE

#### STANDARDS FOR CHANGING A CUSTOMER'S NATURAL GAS SUPPLIER

#### § 59.91. Definitions.

The following words and terms, when used in this section and §§ 59.92—[ 59.99 ] 59.100, have the following meanings, unless the context clearly indicates otherwise:

**Current NGS**—The NGS at the time of the customer contact.

**Customer**—A retail gas customer as defined by 66 Pa.C.S. § 2202 (relating to definitions). The term includes all persons identified by the NGDC ratepayer of record, under § 59.95 (relating to persons authorized to act on behalf of a customer), as authorized to act on behalf of the NGDC ratepayer of record in changing the NGS for the account.

**Data element**—One or more characters that represent numeric or alphanumeric fields of data.

**NGDC**—*Natural Gas Distribution Company*—An NGDC as defined by 66 Pa.C.S. § 2202.

**NGS**—*Natural gas supplier*—A supplier as defined by 66 Pa.C.S. § 2202.

**Selected NGS**—The NGS from which the customer seeks new natural gas supply service.

**Supplier of last resort**—The term as defined in 66 Pa.C.S. § 2207(a) (relating to obligation to serve).

#### § 59.92. Customer contacts with the NGDC.

(a) When a customer orally contacts the NGDC to request a change of NGS, the NGDC shall notify the customer that the selected NGS shall be contacted directly to initiate the change. **This notification requirement does not apply when a Commission-approved program requires the NGDC to initiate a change in NGS service.**

(b) **When a customer contacts the supplier of last resort service provider to request a change from the current NGS to supplier of last resort service, the supplier of last resort service provider shall notify the customer that there may be a cancellation penalty to cancel service with the current NGS. Subsequent to this notice and upon express**

oral or written consent from the customer, the supplier of last resort service provider shall enroll the customer in supplier of last resort service.

**§ 59.93. Customer contacts with NGSs.**

When a contact occurs between a customer and an NGS to request a change of the NGS, upon receiving direct oral confirmation or written authorization from the customer to change the NGS, the [ customer's new NGS ] following actions shall be taken by the selected NGS and the customer's NGDC:

(1) [ **Notify** ] The selected NGS shall notify the NGDC of the customer's NGS selection [ **by the end of the next business day following completion of the application process** ] at the end of the 3-business day rescission period under § 62.75(d) (relating to disclosure statement for residential and small business customers) or a future date specified by the customer. The selected NGS may notify the NGDC by the end of the next business day following the customer contact upon customer consent. [ The NGDC shall verify the accuracy of the information provided by the NGS by matching at least two data elements such as name and account number, or address and account number, with NGDC records. ]

(2) Upon receipt of this notification, the NGDC shall verify the accuracy of the information provided by the NGS by matching at least two data elements such as name and account number, or address and account number, with NGDC records. [ the ] The NGDC shall send the NGDC ratepayer of record a confirmation letter noting the proposed change of NGS or change to supplier of last resort provider. [ This letter shall include notice of a 10-day waiting period in which the order may be canceled before the change of the NGS takes place. ] The notice shall include the date service with the new NGS or supplier of last resort provider will begin [ unless the customer contacts the NGDC to cancel the change. The 10-day waiting period shall begin on the day the letter is mailed ]. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of a NGS or change to the supplier of last resort provider.

**§ 59.94. Time frame requirement.**

(a) When a customer has provided the NGS with oral confirmation or written authorization to change NGSs or provided the NGDC with oral confirmation or written authorization to change to supplier of last resort service, consistent with electronic data transfer and exchange standards, the NGDC shall make the change [ at the beginning of the first feasible billing period following the 10-day waiting period, as prescribed in § 59.93 (relating to customer contacts with NGSs) ] within 3 business days of the receipt by the NGDC of the electronic enrollment transaction.

(b) The NGDC shall obtain a meter read to effectuate the switch of service within the time period provided for in subsection (a). In instances when the NGDC does not have advanced or automated metering capability, the NGDC shall obtain an actual meter read, use an estimated meter read or use a customer-provided meter read. When an esti-

mated meter read is used, the estimated meter read shall be updated when an actual meter read is obtained.

**§ 59.95. [ Persons authorized to act on behalf of a customer ] Reserved.**

[ **A customer may identify persons authorized to make changes to the customer's account. To accomplish this, the customer shall provide the NGDC with a signed document identifying by name those persons who have the authority to initiate a change of the customer's NGS. ]**

**§ 59.96. Valid written authorization.**

A document signed by the customer whose sole purpose is to obtain the customer's consent to change NGSs shall be accepted as valid and result in the initiation of the customer's request. Documents not considered as valid include canceled checks, signed entries into contests and documents used to claim prizes won in contests.

**§ 59.97. Customer dispute procedures.**

(a) When a customer contacts an NGDC or an NGS and alleges that the customer's NGS has been changed without consent, the company contacted shall:

(1) Consider the matter a customer registered dispute.

(2) Investigate and respond to the dispute consistent with the requirements in §§ 56.151 and 56.152 (relating to utility company dispute procedures).

(b) When the customer's dispute has been filed within the first two billing periods since the customer should reasonably have known of a change of NGSs and the dispute investigation establishes that the change occurred without the customer's consent, the customer is not responsible for NGS charges rendered during that period. If the customer has made payments during this period, the company responsible for initiating the change of supplier shall issue a complete refund within 30 days of the close of the dispute. The refund or credit provision applies only to the natural gas supply charges.

(c) A customer who has had a NGS changed without having consented to that change [ **shall be switched back to** ] may contact the original NGS to arrange for re-enrollment with the original NGS for no additional fee, provided that the original NGS agrees. Charges involved in the switch back to the prior NGS shall be the responsibility of the company that initiated the change without the customer's consent. **The customer may also contact the supplier of last resort and request enrollment into supplier of last resort service.**

(d) If a customer files an informal complaint with the Commission alleging that the customer's NGS or supplier of last resort service was changed without the customer's consent, the Bureau of Consumer Services will issue an informal decision that includes a determination of customer liability for any NGS bills or administrative charges that might otherwise apply, rendered since the change of the NGS or supplier of last resort service.

(e) In addition to customer-specific remedies, the Commission may, after investigation and decision, assess fines under 66 Pa.C.S. Chapter 33 (relating to violations and penalties), and initiate proceedings to revoke the license of any NGS that demonstrates a pattern of violating this



chapter. The Commission may order a particular NGS that has a pattern of violating this chapter to obtain written authorization from every new customer as a condition of providing service in this Commonwealth. Nothing in this section limits the Commission's authority.

§ 59.98. [ **Provider** ] **Supplier** of last resort.

Sections 59.91—59.99 do not apply in instances when the customer's service is discontinued by the NGS and subsequently provided by the [ **provider** ] **supplier** of last resort because no other NGS is willing to provide service to the customer.

§ **59.99. Record maintenance.**

Each NGDC and each NGS shall preserve all records relating to unauthorized change of NGS **and supplier of last resort** disputes for 3 years from the date the customers filed the disputes. These records shall be made available to the Commission or its staff upon request.

§ **59.100. Implementation.**

**Each NGDC and NGS shall implement §§ 59.91—59.99 within one year of the final regulation appearing in the *Pennsylvania Bulletin*.**

[Pa.B. Doc. No. 17-13. Filed for public inspection January 6, 2017, 9:00 a.m.]

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# NOTICES

## 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 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 December 27, 2016.

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 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

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-27-2016	Firstrust Savings Bank Conshohocken Montgomery County  Application for approval to purchase assets and assume liabilities of one branch of MB Financial Bank, Rosemont, IL, located at:  7918 Bustleton Avenue Philadelphia Philadelphia County	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-20-2016	Lafayette Ambassador Bank Bethlehem Northampton County	1928 Hamilton Street Allentown Lehigh County	Filed
12-21-2016	Mid Penn Bank Millersburg Dauphin County	689 West Main Street New Holland Lancaster County	Approved
12-27-2016	AmeriServ Financial Bank Johnstown Cambria County	1213 Scalp Avenue Johnstown Cambria County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-21-2016	Mid Penn Bank Millersburg Dauphin County	<i>To:</i> 2148 Market Street Camp Hill Cumberland County  <i>From:</i> 2101 Market Street Camp Hill Cumberland County	Approved
12-27-2016	Mifflinburg Bank & Trust Mifflinburg Union County	<i>To:</i> 7874 State Route 304 Mifflinburg Union County  <i>From:</i> 214 Vine Street New Berlin Union County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
12-27-2016	Prudential Savings Bank Philadelphia Philadelphia County	Filed
Amendment to Section 1 of the institution's Articles of Incorporation provides for change in corporate title from Prudential Savings Bank to "Prudential Bank."		

**CREDIT UNIONS**

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-14. Filed for public inspection January 6, 2017, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Manufactured Home Community Rights Act; Maximum Relocation Fees Payable in the Event of Community Closure

Section 11.2(c) of the Manufactured Home Community Rights Act (act) (68 P.S. § 398.11.2(c)) requires that the Department of Community and Economic Development annually adjust relocation fees that may be owed to manufactured home owners in the event that the community closes. The fees are adjusted based on an increase on the Consumer Price Index.

The base amount of this fee in effect for calendar year 2013 was \$4,000 for single section manufactured homes and \$6,000 for multisection manufactured homes. The Consumer Price Index Inflation Calculator as provided by the United States Department of Labor adjusts the fees for calendar year 2017 as follows:

- \$4,144.16 for single section manufactured homes
- \$6,216.25 for multisection manufactured homes

Inquiries regarding the act should be directed to the Office of the Attorney General.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 17-15. Filed for public inspection January 6, 2017, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTANT 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.

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

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

**PA0027154**, Sewage, SIC Code 4952, **Phoenixville Borough**, 140 Church Street, Phoenixville, PA 19460-3457. Facility Name: Phoenixville Borough STP. This existing facility is located in Phoenixville Borough, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from Phoenixville Borough STP.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.0 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	834	1,334	XXX	25	40	50
May 1 - Oct 31	667	1,000	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,000	1,500	XXX	30	45	60
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	1,000	XXX
Ultraviolet light transmittance (%)	XXX	XXX	Report	Geo Mean XXX	Max XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	400	XXX	XXX	12	XXX	24
May 1 - Oct 31	267	XXX	XXX	8	XXX	16

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
PCBs Dry Weather Analysis (pg/L) (Year 1)	XXX	XXX	XXX	Report	XXX	XXX
PCBs Wet Weather Analysis (pg/L) (Year 1)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
Toxicity, Chronic—Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
Reproduction (TUc)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
Toxicity, Chronic—Pimephales Survival (TUc)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
Growth (TUc)	XXX	XXX	XXX	Daily Max Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a storm event.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Small Stream Discharge
- Notification of Responsible Owner
- High Flow Maintenance Plan
- Fecal Coliform Reporting
- Develop O&M Manual
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is not in effect.

**PA0244856 A-1**, Storm Water, SIC Code 4953, **Waste Management of Fairless, LLC**, 1000 New Ford Mill Road, Morrisville, PA 19067. Facility Name: Fairless Landfill. This existing facility is located in Falls Township, **Bucks County**.

Description of Existing Activity: The application is for an NPDES permit for an existing discharge of treated Industrial Stormwater. Permit amendment to add outfall 004.

The receiving stream(s), Unnamed Tributary to Delaware River and Unnamed Tributary of Delaware River, is located in State Water Plan watershed 2-E and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001, 002, 003 and 004 are:

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Minimum	Average Quarterly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units) (Pt-Co Units)	XXX	XXX	XXX	Report	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Barium, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	XXX	XXX	XXX	Report	Report	XXX
Cyanide, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Magnesium, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Magnesium, Total	XXX	XXX	XXX	Report	Report	XXX
Mercury, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Tritium, Total (pCi/L)	XXX	XXX	XXX	Report	Report	XXX
1,4-Dioxane	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Total Organic Carbon	XXX	XXX	XXX	Report	Report	XXX

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

- Benchmark value for some parameters
- BMPs 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.

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

**PA0264709**, Sewage, SIC Code 8800, **Suzanne Dado**, 115 Pleasant Hill Road, Harmony, PA 16037. Facility Name: Hammond SRSTP. This proposed facility is located in Conewango Township, **Warren County**.

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

The receiving stream, an Unnamed Tributary to Jackson Run, is located in State Water Plan watershed 16-B and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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

- Prohibition of Stormwater Discharges
- Right of Way
- Department Revocation of Permit
- Septic Tank Pumping Requirement
- Abandonment of the Treatment System
- Requirement to Submit Annual Maintenance & Discharge Monitoring Reports
- Chlorine Minimization
- Solids Handling

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 in effect.

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

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

**WQM Permit No. WQG01251610**, Sewage, **Crystal & Richard Pratt**, 12446 Sulphur Springs Road, North East, PA 16412.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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

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*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150004	Immaculata University 1145 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Valley Creek EV
PAD510005	Hightop Washington LLC 1845 Washington Street Suite 1500 Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Delaware Estuary WWF-MF
PAI014616002	Renaissance Land Associates II, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Montgomery	Upper Merion Township	Matsunk Creek WWF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth, PA 18064-9211.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480005	LURRS Attn: Mr. Mark Leuthe 499 Riverview Drive Walnutport, PA 18088	Northampton	Lehigh Township	Bertsch Creek (CWF, MF) EV Wetlands
PAD480004	Keystone Food Products, Inc. Attn: Bill Corriere P.O. Box 326 3767 Hecktown Road Easton, PA 18042	Northampton	Lower Nazareth Township	Bushkill Creek (HQ-CWF, MF) Shoeneck Creek (CWF, MF)

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

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAG02002216027	Londonderry Township 783 S. Geyers Church Road Middletown, PA 17057	Dauphin	Londonderry Township	4 UNT Susquehanna River (WWF) 2 UNT Conewago Creek (TSF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD140008	Potter Township 124 Short Road Spring Mills, PA 16875	Centre Cnty	Potter Twp	Potter Run CWF, MF Sinking Creek CWF, MF

**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.

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/New
Peach Glen Farms, LLC Gary Pariseau 367 Georgetown Road Gardners, PA 17324	Cumberland	1	546.54	Swine, Turkeys	Tagg Run, HQ	Renewal
Brian Hummer 501 Columbia Hill Rd. Danville, PA 17821	Montour	56.6	382.37	Turkeys	NA	New



## 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

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

##### Permit No. 0916524, Public Water Supply.

Applicant	<b>Doylestown Township Municipal Authority</b>
Township	Doylestown
County	<b>Bucks</b>
Responsible Official	Richland E. John 425 Wells Road Doylestown, PA 18901
Type of Facility	PWS
Consulting Engineer	S.C. Engineers, Inc. P.O. Box 407 Fort Washington, PA 19034
Application Received Date	December 2, 2016
Description of Action	Construction Permit application for upgrading existing Ridings Wells having increase capacity of Well NW-5 and improve disinfection facility.

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

##### Application No. 5416503MA, Public Water Supply.

Applicant	<b>Aqua PA, Inc.</b> 1 Aqua Way White Haven, PA 18661
[Township or Borough]	East Union Township <b>Schuylkill County</b>
Responsible Official	Patrick R. Burke, PE Aqua PA, Inc. 204 E. Sunbury Street Shamokin, PA 17872
Type of Facility	PWS
Consulting Engineer	Steven C. Roselle, PE GHD 1240 North Mountain Road Harrisburg, PA 17112 (814) 643-8260
Application Received Date	12/16/2016
Description of Action	Construction of a new transmission main.

##### Application No. 5216503, Public Water Supply.

Applicant	<b>PA American Water</b> 800 W. Hershey Park Drive Hershey, PA 17033
[Township or Borough]	Westfall Township <b>Pike County</b>
Responsible Official	Mr. David Kaufman Vice President-Engineering
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Daniel Rickard, PE PA American Water Company 2699 Stafford Avenue Scranton, PA 18505
Application Received Date	12/20/2016
Description of Action	Construction of new Well No. 5A as a replacement for existing Well No. 5.

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

##### Permit No. 5616506, Public Water Supply.

Applicant	<b>Confluence Borough Municipal Authority</b> 711 Logan Place Confluence, PA 15424
[Township or Borough]	Lower Turkeyfoot Borough
Responsible Official	Ed Nace, Operator Confluence Borough Municipal Authority 711 Logan Place Confluence, PA 15424
Type of Facility	Water system
Consulting Engineer	CME Engineering, LP 165 East Union Street Suite 100 Somerset, PA 15501
Application Received Date	December 15, 2016

Description of Action Relocation of the corrosion control chemical feed.

**Application No. 2616510**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Dunbar Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Returned Date December 8, 2016

Description of Action Switch between the existing potassium permanganate and sodium permanganate.

**Application No. 3216509**, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Township or Borough] Canoe Township

Responsible Official Michael Duffalo, Executive Director

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Returned Date December 16, 2016

Description of Action Painting and installation of a mixing system at the Rossiter water storage tank.

**Application No. 3216510**, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Township or Borough] Green Township

Responsible Official Michael Duffalo, Executive Director

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Returned Date December 16, 2016

Description of Action Installation of a new water storage tank with mixing system which will replace the existing Uniontown water storage tank.

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**MINOR AMENDMENT**

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

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

**Application No. 0414505GWR—returned, Minor Amendment.**

Applicant **Lakeview Personal Care**  
498 Lisbon Road  
Darlington, PA 16115

[Township or Borough] Ohioville Borough

Responsible Official Eric Trehar, Administrator  
Lakeview Personal Care  
498 Lisbon Road  
Darlington, PA 16115

Type of Facility Water system

Consulting Engineer

Application Returned Date December 20, 2016

Description of Action Demonstration of 4-log treatment for groundwater sources.

**Application No. 0407507-T1—returned, Minor Amendment.**

Applicant **Lakeview Personal Care**  
498 Lisbon Road  
Darlington, PA 16115

[Township or Borough] Ohioville Borough

Responsible Official Eric Trehar, Administrator  
Lakeview Personal Care  
498 Lisbon Road  
Darlington, PA 16115

Type of Facility Water system

Consulting Engineer

Application Returned Date December 20, 2016

Description of Action Transfer of the water system from Outlook Pointe Commons to Lakeview Personal Care.

**Application No. 6516514MA, Minor Amendment.**

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Penn Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672
Application Received Date	December 19, 2016
Description of Action	Installation of approximately 2,200 feet of waterline to serve the Sterling Oaks Development.
<b>Application No. 0416507MA, Minor Amendment.</b>	
Applicant	<b>Creswell Heights Joint Authority</b> 3961 Jordan Street PO Box 301 South Heights, PA 15081
[Township or Borough]	South Heights Borough
Responsible Official	<b>Daniel J. Losco, General Manager</b> Creswell Heights Joint Authority 3961 Jordan Street PO Box 301 South Heights, PA 15081
Type of Facility	Water system
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Application Received Date	December 14, 2016
Description of Action	Installation of back pressure altitude valve at the Harper and Longview booster stations.

#### WATER ALLOCATIONS

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

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

**WA30-587H, Water Allocations. Southwestern  
Pennsylvania Water Authority**, 1442 Jefferson Road,  
Jefferson, PA 15344, **Greene County**. The applicant a  
service area expansion to include Monongahela Township,  
Greensboro Borough, Jackson Township and Morris Town-  
ship, all located in Greene County, to their current water  
allocation permit.

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

##### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-  
mental Remediation Standards Act (act) (35 P.S.  
§§ 6026.302—6026.305) require the Department to pub-  
lish 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 remedia-  
tion measures for the site and a description of the  
intended future use of the site. A person who demon-  
strates 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 con-  
tamination identified in reports submitted to and ap-  
proved 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 pub-  
lished in a newspaper of general circulation in the area of  
the site. For the following site, proposed for remediation  
to a site-specific standard or as a special industrial area,  
the municipality, within which the site is located, may  
request to be involved in the development of the remedia-  
tion and reuse plans for the site if the request is made  
within 30 days of the date specified as follows. During  
this comment period, the municipality may request that  
the person identified as the remediator of the site develop  
and implement a public involvement plan. Requests to be  
involved and comments should be directed to the  
remediator of the site.

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

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

*Southwest Region: Environmental Cleanup & Brown-  
field Development Program Manager, 400 Waterfront  
Drive, Pittsburgh, PA 15222-4745.*

**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 (NIR)  
to meet the non-residential Statewide Health standard con-  
cerning site soils and groundwater contaminated with  
benzene, ethylbenzene, naphthalene, 1,2,4 & 1,2,5-  
Trimethylbenzene. The intended future use of the prop-  
erty is non-residential. Notice of the NIR was published  
in the *Tribune-Review* on November 24, 2016.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 100403. Seneca Landfill, Inc.,** 421 Hartmann Road, Evans City, PA 16033; Jackson Township, **Butler County.** A major permit modification to the existing municipal waste. This application is a major modification to consolidate the existing Seneca Transfer Station and existing municipal waste landfill permits into one permit. The application was submitted to the DEP on April 30, 2014. Notices of the submission were printed in *The Butler Eagle*, a local newspaper, on April 27th, May 4th, and May 11th 2014.

Persons interested in commenting on the permit may contact John Guth, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## 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.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**62-032L: Ellwood National Forge Company** (1 Front Street, Irvine, PA 16329) for the installation of two (2) 22 MMBtu/hr natural gas-fired annealing furnaces at their facility in Brokenstraw Township, **Warren County.** This is a Title V facility.

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

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-03034B: Purina Animal Nutrition, LLC** (3029 Hempland Road, Lancaster, PA 17601) for the installation of a new pellet cooler and cyclone on System # 2 at the

Hempfield facility located in East Hempfield Township, **Lancaster County**. The expected potential emissions as a result of the changes proposed are: 7.9 tpy of PM and 3.9 tpy of PM<sub>10</sub>. The facility is a State Only facility. 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 contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 63 Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing. 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.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**30-00077D: Texas Eastern Transmission, L.P.** (PO Box 1642, Houston, TX 77251) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Pennsylvania Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-30-00077D to allow the physical change and change in method of operation of all compressor engines and one turbine to allow for bidirectional gas flow at Holbrook Compressor Station located in Richhill Township, **Greene County**. The Plan Approval also includes operational hour restrictions on each compressor engine, and memorializes the gas release event volatile organic compound (VOC) potential to emit (PTE) from TV-30-00077.

PTE changes from the physical changes and operational hour restrictions on previously authorized sources are calculated to be decreases of 1,048 tons of nitrogen oxides (NO<sub>x</sub>), 310.3 tons of carbon monoxide (CO), 191.6 tons of VOC, 23.58 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), 23.58 tons of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), 9.67 tons of sulfur oxides (SO<sub>x</sub>), 86.95 tons of formaldehyde, 122.95 tons of total hazardous air pollutants (HAP), and 136,364 tons of carbon dioxide equivalents (CO<sub>2</sub>e) per year. Air contamination sources included in this authorization are subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.31, 129.97 and 129.100; and Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart GG for stationary gas turbines and 40 CFR Part 60 Subpart KKKK for stationary combustion turbines; and National Emission Standards for Hazardous Air Pollutants (NESHAP) including 40 CFR Part 63 Subpart ZZZZ for stationary reciprocating internal combustion engines. Most of these requirements are already included in TV-30-00077. Plan Approval has been conditioned to ensure compliance with all applicable requirements not already included in TV-30-00077. This includes presumptive Reasonably Available Control Technology (RACT) standards; operational hour restrictions; and testing, work practice, monitoring, recordkeeping, and reporting conditions where applicable. Once compliance with the Plan Approval is demonstrated,

the applicant will subsequently submit a Title V Operating Permit administrative amendment application or renewal application as appropriate in accordance with 25 Pa. Code Subchapters F and G. Holbrook Compressor Station remains a Title V facility based upon its PTE for NO<sub>x</sub>, CO, VOC, and CO<sub>2</sub>e. PTE from the facility will be 175.56 tons of NO<sub>x</sub>, 133.22 tons of CO, 104.40 tons of VOC, 12.66 tons of PM<sub>10</sub>, 12.66 tons of PM<sub>2.5</sub>, 24.31 tons of sulfur oxides SO<sub>x</sub>, 7.77 tons of formaldehyde, 17.51 tons of HAP, and 286,130 tons of CO<sub>2</sub>e per year.

Texas Eastern Transmission's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact the Department at 412-442-4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-30-00077D) and a concise statement of the objections to the plan approval modification and the relevant facts upon which the objections are based.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

For additional information you may contact Alan Binder at 412-442-4168.

**63-00999A: Rice Poseidon Midstream, LLC** (400 Woodcliff Drive, Canonsburg, PA 15317) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Pennsylvania Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-63-00999A to allow the installation and initial temporary operation of one Caterpillar G3612 lean-burn natural gas-fired compressor engine rated at 3,550 bhp, controlled by an oxidation catalyst, and equipped with an ADEM3 controller; four Caterpillar G3616 lean-burn natural gas-fired compressor engines rated at 5,000 bhp, controlled by oxidation catalysts, and equipped with ADEM4 controllers; two tri ethylene glycol dehydrators controlled by flash tanks with emissions capture and routing to the reboilers and enclosed flare, 200 MMscf/day each; four produced water storage tanks, 400 barrel capacity each; three low pressure pig receivers; one high pressure pig launcher; miscellaneous storage tanks containing new and used lubrication oil; and piping components in natural gas service at the Blue Moon Compressor Station located in West Pike Run Township, **Washington County**.

Additional sources currently operating under GP5-63-00999A include five Caterpillar G3612 lean-burn natural gas-fired compressor engines rated at 3,550 bhp, controlled by oxidation catalysts, and equipped with ADEM3 controllers; two tri ethylene glycol dehydrators controlled by flash tanks with emissions capture and routing to the reboilers and enclosed flare, 200 MMscf/day each; four produced water storage tanks, 400 barrel capacity each; miscellaneous storage tanks containing new and used lubrication oil; and piping components in natural gas service. However, upon issuance of PA-63-00999A, Blue Moon Compressor Station would become a Title V facility and no longer eligible to use the Department's GP5. Therefore, GP5-63-00999A sources, controls, and requirements will be incorporated into PA-00999A for temporary operation.

Potential to emit (PTE) from the facility after installation of the new sources and controls is 176.65 tons of nitrogen oxides (NO<sub>x</sub>), 92.91 tons of carbon monoxide (CO), 50.80 tons of volatile organic compounds (VOC), 13.09 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), 13.09 tons of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), 12.10 tons of formaldehyde, 2.30 tons of acetaldehyde, 1.40 ton of acrolein, 0.69 ton of methanol, 16.87 tons of total hazardous air pollutants (HAP), and 229,334 tons of carbon dioxide equivalents (CO<sub>2</sub>e) per year. Best available technology (BAT) for the proposed lean-burn engines includes good combustion practices including combustion with the proper air/fuel ratio, installation and operation of oxidation catalysts, and proper maintenance and operation. BAT for the proposed dehydrators includes the capture and routing of flash tank and still vent emissions to the reboiler as fuel or an enclosed flare. Other proposed air contamination sources meet criteria for exemption from plan approval requirements. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2 and 123.31; New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart JJJJ for stationary spark ignition internal combustion engines and 40 CFR Part 60 Subpart OOOOa for crude oil and natural gas facilities; and National Emission Standards for Hazardous Air Pollutants (NESHAP) including 40 CFR Part 63 Subpart HH for oil and natural gas production facilities and 40 CFR Part 63 Subpart ZZZZ for stationary reciprocating internal combustion engines. The reporting of greenhouse gas (GHG) emissions in the form of CO<sub>2</sub>e and on a mass basis has also been included in this Plan Approval. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, particulate matter, formaldehyde, and visible emission limits; and testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit a Title V Operating Permit application in accordance with 25 Pa. Code Subchapters F and G.

Rice Poseidon Midstream's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact the Department at 412.442.4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed modified Plan Approval (PA-63-00999A) and a concise statement of the objections to the plan approval modification and the relevant facts upon which the objections are based.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

For additional information you may contact Alan Binder at 412-442-4168.

### OPERATING PERMITS

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

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

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

**09-00014: Northeast Foods Inc./Bake Rite Rolls Division** (2945 Samuel Drive, Bensalem, PA 19020) located in Falls Township, **Bucks County**. This action is a renewal of the Title V Operating Permit. Based on its potential-to-emit volatile organic compounds the facility is a Title V facility. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05142: Mars Chocolate NA, LLC** (295 Brown Street, Elizabethtown, PA 17022) for operation of their snack food processing plant in Elizabethtown Borough, **Lancaster County**. The subject facility emits about 87 tons per year (tpy) of VOCs, 70 tpy of PM<sub>10</sub>/PM<sub>2.5</sub>, 14 tpy of NO<sub>x</sub>, 10 tpy of CO, and 1.4 tpy of SO<sub>2</sub>. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include applicability to the RACT 2 requirements of 25 Pa. Code §§ 129.96—129.100, 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 64 Compliance Assurance Monitoring (CAM) requirements, and 40

CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

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

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**06-03053: Hamburg Manufacturing, Inc.** (221 South Fourth Street, P.O. Box 147, Hamburg, PA 19526) for their Plant 2 located at 1021 South Fourth Street in Hamburg Borough, **Berks County**. The actual emissions from the facility in 2015 year are estimated at 12 tons of particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**12-00005: Pennsylvania Department of Transportation** (70 PennDOT Drive, Clearfield, PA 16830) for issuance of a renewal State-Only Operating Permit for operation of its Cameron Regional Repair Facility located in Lumber Township, **Cameron County**. The facility's main sources of air contamination are a sandblasting operation and a small surface coating operation. This facility has the potential to emit sulfur oxides, (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and particulate matter less than 10 microns (PM<sub>10</sub>) below the major emission thresholds. The proposed renewal operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping, and reporting conditions regarding compliance with all applicable requirements are included. 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.

**59-00027: UGI Storage Company** (1 Meridian Blvd., Suite 2C01, Wyomissing, PA 19610) for an operating permit revision for the Palmer Compressor Station located in Farmington Township, **Tioga County**. The primary sources at the Palmer Compressor Station are the three compressors driven by natural gas-fired reciprocating internal combustion engines. The facility has potential emissions of 21.2 tons/year (TPY) of NO<sub>x</sub>, 6.8 TPY of CO, 1.4 TPY of PM<sub>2.5</sub>, 6.7 TPY of VOCs, 0.2 TPY of SO<sub>x</sub>, 1.5 TPY of formaldehyde, 3.4 TPY of HAPs, and 21,534 TPY of greenhouse gases. UGI Storage has submitted the operating permit revision application to modify the allowable formaldehyde emission rates from the compressor engines at the facility from 0.21—0.22 g/bhp-hr to 0.05 g/bhp-hr. Additionally, the proposed revision includes changes to the size of the line preheater and emergency generator located at the facility, as well as an update to the potential emissions from the facility based on the

proposed revisions and an updated gas analysis. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements pertaining to these sources have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. Several permit conditions have been derived from the applicable requirements of 40 CFR Parts 60 and 63 and 25 Pa. Code Chapters 121—145. 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: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**TV-65-00693:** (625 Cherrington Parkway, Moon Township, PA 15108) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit renewal to USA Valley Landfill, Inc. for their facility located in Penn Township, **Westmoreland County**.

USA Valley Landfill, Inc. operates a municipal solid waste landfill. Sources and the control devices at this facility include Landfill Gas (waste), Paved and Unpaved Roads, Landfill Fugitives Gas, Diesel Generator, 2,500 cfm Enclosed Flare (Primary), 4,500 cfm Flare (Backup) and Water Sprays.

This facility has the potential emit per year of the following type and quantity of air contaminants: 10.42 tons of carbon monoxide, 24.45 tons of nitrogen oxides, 56.46 tons of particulate matter, 5.74 tons of sulfur oxides, 6.22 tons of volatile organic compounds and 4.77 tons of HAPs. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 40 CFR Parts 63 and 25 Pa. Code Chapters 121—145.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to nnaharr@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TV-65-00693) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

USA Valley Landfill's Title V Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the USA Valley Landfill's Title V Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

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

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

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

The City of Philadelphia, Air Management Services (AMS) intends to issue a Minor State Only Operating Permit for the following facility:

**OP16000029: AstraZeneca PA** (3001 Red Lion Road, Philadelphia, PA 19114) for the operation of a biological products manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 3.985 MMBTU/hr boilers firing natural gas; two (2) 2.0 MMBTU/hr boilers firing natural gas; and two (2) emergency generators firing ultra low sulfur diesel, each 749 horsepower or less.

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

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

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the

applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

### *Coal Applications Received*

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

**30031301 and NPDES No. PA0235610. Dana Mining Company of Pennsylvania, LLC**, (103 Corporate Drive, Suite 102, Morgantown, WV 26501). To revise the permit for the 4-West Mine in Dunkard, Perry and Whiteley Townships, **Greene County** and related NPDES permit for construction of Big Shannon Portal. Surface Acres Proposed 49.4. No additional discharges. The application was considered administratively complete on December 19, 2016. Application received October 18, 2016.

**30743704. Duquesne Light Company**, (1800 Seymour Street, S-Loft, Pittsburgh, PA 15233). To renew the permit for the Warwick No. 2 Coal Refuse Disposal Area in Monongahela Township, **Greene County**. No discharges. The application was considered administratively complete on December 20, 2016. Application received May 20, 2016.

**63723707 and NPDES No. PA0215520 and GP12-63723707. Maple Creek Mining, Inc.**, (46226 National Road, St. Clairsville, OH 43950). To renew the permit for the Ginger Hill Refuse Area II in Nottingham and Carroll Townships, **Washington County** and related NPDES permit. Includes renewal of Air Quality GPA/GP-12 Authorization. No additional discharges. The application was considered administratively complete on December 21, 2016. Application received March 4, 2016.

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

**Permit No. 05060101 and NPDES No. PA0262226. Forcey Coal, Inc.**, 475 Banion Road, Madera, PA 15722, permit renewal for reclamation only of a bituminous surface mine located in Broad Top Township, **Bedford County**, affecting 95.0 acres. Receiving streams: Six Mile Run, classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 12, 2016.

**Permit No. 56920113 and NPDES No. PA0212300. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301



Market Street, Kittanning, PA 16201 located in Summit and Elk Lick Townships, **Somerset County**, affecting 108.0 acres. Receiving streams: unnamed tributaries to/and Casselman River classified for the following uses: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016.

**Permit No. 56120114 and NPDES No. PA0269158. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Elk Lick and Summit Townships, **Somerset County**, affecting 353.0 acres. Receiving streams: unnamed tributary to/and Casselman River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016.

**Permit No. 56130105 and NPDES No. PA0269298. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Elk Lick Township, **Somerset County**, affecting 95.0 acres. Receiving streams: unnamed tributary to/and Casselman River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016.

**Permit No. 56030106 and NPDES No. PA0249513. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Summit Township, **Somerset County**, affecting 353.0 acres. Receiving streams: unnamed tributaries to/and Casselman River and unnamed tributaries to/and Elk Lick Creek classified for the following uses: warm water fishes and cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016.

**Permit No. 56010101 and NPDES No. PA0248924. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Elk Lick Township, **Somerset County**, affecting 81.0 acres. Receiving streams: unnamed tributary to Casselman River and unnamed tributaries to Elk Lick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016.

**Permit No. 56663069 and NPDES No. PA0120944. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface and auger mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Elk Lick and Summit Townships, **Somerset County**, affecting 3,040.0 acres. Receiving streams: unnamed tributary to/and Casselman River unnamed tributary to/and Elk Lick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016.

**Permit No. 5679123 and NPDES No. PA0599166. Heritage Coal & Natural Resources, LLC**, 550 Beagle

Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Southampton Township, **Somerset County**, affecting 247.0 acres. Receiving streams: unnamed tributary to Shoemaker Run classified for the following use: high quality—cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016.

**Permit No. 56950101 and NPDES No. PA0213012. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface and auger mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Brothersvalley Township, **Somerset County**, affecting 106.5 acres. Receiving streams: unnamed tributary to Piney Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016.

**Permit No. 56860104 and NPDES No. PA0597601. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Brothersvalley and Summit Townships, **Somerset County**, affecting 507.0 acres. Receiving streams: unnamed tributaries to/and blue Lick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016.

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

**17050104 and NPDES PA0256200. RES Coal LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Revision to permit boundary adding 8.8 acres and deleting 8.8 acres of unaffected area to a bituminous surface and auger mine in Chest Township, **Clearfield County** affecting 295.9 acres. Receiving streams: North Camp Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 20, 2016.

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

**Permit No. 54960201R4. Northeast Power Company**, (PO Box 7, McAdoo, PA 18237), renewal of an existing anthracite coal refuse disposal operation in Kline, Hazle and Banks Townships, **Schuylkill, Luzerne and Carbon Counties** affecting 429.1 acres, receiving stream: Catawissa Creek, classified for the following uses: cold water and migratory fishes. Application received: December 6, 2016.

**Permit No. 54-305-026GP12R. Northeast Power Company**, (PO Box 7, McAdoo, PA 18237), renewal 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. 54960201 in Kline, Hazle and Banks Townships, **Schuylkill, Luzerne and Carbon Counties**. Application received: December 6, 2016.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**41100301 and NPDES PA0257486. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803-1649). NPDES renewal for continue operation and reclamation of a large noncoal surface mining site located in Armstrong Township, **Lycoming County** affecting 100.6 acres. Receiving stream(s): Hagermans Run. Application received: December 2, 2016.

### 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.

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 limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If addi-

tional 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 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and

Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0259691 (Permit No. 16150302). Amerikohl Aggregates, Inc** (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a large industrial minerals surface mine in Richland Township, **Clarion County**, affecting 232.5 acres. Receiving streams: Unnamed tributaries to Turkey Run, classified for the following uses: HQ-CWF. TMDL: Lower Clarion River. Application received: October 5, 2016.

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

The outfall(s) listed below requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y
TP2	Y
TP3	Y

The outfall(s) listed below requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	Y
SP2	Y
SP3	Y
SP4	Y

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E40-785. Transcontinental Gas Pipe Line Company, LLC**, Park Place Center Two, Pittsburgh, PA 15275, in Bear Creek Township, **Luzerne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments to provide temporary access to the existing “Leidy A” natural gas pipeline for the purpose of recoating and maintenance:

1) To place temporary timber matting through 312-LF of PEM/PSS wetlands within the Little Shades Creek (HQ-CWF, MF) watershed (Pleasant View Summit, PA Quadrangle Latitude: 41° 12’ 9.1” Longitude: -75° 56’ 48”) in Bear Creek Township, Luzerne County.

2) To place temporary timber matting through 176-LF of PEM wetlands within the Meadow Run (HQ-CWF, MF) watershed (Pleasant View Summit, PA Quadrangle Latitude: 41° 12’ 9.1” Longitude: -75° 56’ 48”) in Bear Creek Township, Luzerne County.

tude: 41° 12' 31.77" Longitude: -75° 43' 11.51") in Bear Creek Township, Luzerne County.

3) To place temporary timber matting through 347-LF of PEM/PSS wetlands within the Meadow Run (HQ-CWF, MF) watershed (Pleasant View Summit, PA Quadrangle Latitude: 41° 12' 39.47" Longitude: -75° 43' 23.65") in Bear Creek Township, Luzerne County.

The midpoint of the project is located approximately 2.21 miles east of the intersection of Route 2008 (Meadow Run Road) and Thornhurst Road (Pleasant View Summit, PA Quadrangle, Latitude: 41°12'28.88"; Longitude: -75°43'6.25").

**E40-786. PA Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, in Dennison Township, Luzerne County, U.S. Army Corps of Engineers, Baltimore District.

To remove an existing gravel roadway within the floodway of Nescopeck Creek (HQ-CWF, MF) and to construct and maintain a 14-foot wide, 50-foot long wood/steel bridge crossing of Nescopeck Creek (HQ-CWF) having a 4-foot underclearance and concrete abutments. The project is located within Nescopeck State Park, approximately 2.3 miles west of the intersection of I-80 and Route 41 (Honey Hole Road) (Freeland, PA Quadrangle, Latitude: 41°04'35.26"; Longitude: -75°53'36.85").

**E39-549. Township of South Whitehall**, 4444 Walbert Avenue, Allentown, PA 18104, in South Whitehall Township, Lehigh County, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments within the floodway of Jordan Creek (TSF, MF) associated with the Jordan Creek Greenway Trail project:

1. a 10-foot wide single-span, prefabricated pedestrian bridge with concrete abutments, having a 120-foot span and a 6-foot underclearance, across Jordan Creek (TSF, MF);

2. fill in various locations within the floodway of Jordan Creek (TSF, MF) for the construction of a 9,700 linear foot segment of the pedestrian trail;

3. four outfall structures to Jordan Creek (TSF, MF). The stormwater outfalls each consist of an 18-inch HDPE pipe with a concrete headwall and riprap apron.

The encroachments are located along the north side of Jordan Creek (Allentown West and Cementon, PA Quadrangle, Latitude: 40.622616; Longitude: -75.584682).

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E34-137: PennDOT Engineering District 2.0**, 70 PennDOT Drive, P.O. Box 342, Clearfield, PA 16830 in Monroe Township, Juniata County, U.S. Army Corps of Engineers Baltimore District.

The project proposed to remove existing structure and to (1) install and maintain a 30 L.F. 11 foot x 5-foot box culvert with 1-foot uniform depression in Cocolamus Creek (TSF, MF) with R-6 choked with R-4 scour protection and (2) relocate 225 linear feet of UNT Cocolamus Creek (TSF, MF). The project proposed a total of 89 linear feet of temporary stream channel impacts, 280 linear feet of permanent impacts, 0.1 ac of temporary, and 0.1 ac of permanent wetland impacts for the purpose of improving roadway safety. The project is located in Monroe Township, Juniata County. (40° 40' 19.6", -77° 10' 28.2")

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1732, Festival Fun Parks, LLC**, 4800 Kenywood Blvd., West Mifflin, PA 15122, City of Duquesne and West Mifflin Borough, Allegheny County, Pittsburgh ACOE District.

The applicant is proposing to:

1.) Construct and maintain an aerial crossing over 0.01 acre of a PEM wetland aka WL-D,

2.) Construct and maintain an aerial crossing over 0.01 acre of a PEM wetland aka WL-E,

3.) Reconstruct and stabilize 281 linear feet of an Unnamed Tributary (UNT) to the Monongahela River (aka Stream 1) affected by a landslide,

4.) Temporarily impact 0.09 acre of floodway to a UNT to the Monongahela River (aka Stream 2),

5.) Temporarily impact 0.06 acre of floodway to a UNT to the Monongahela River (aka Stream 3),

6.) Realign and construct 187 linear feet of a UNT to the Monongahela River (aka Stream 4),

7.) Construct and maintain an aerial crossing over 48 linear feet of a UNT to the Monongahela River (aka Stream 6),

8.) Construct and maintain an aerial crossing over 14 linear feet of a UNT to the Monongahela River (aka Stream 6),

9.) Construct stream bank stabilization for 290 linear feet of the aforementioned UNT (aka Stream 6) as a result of the stream relocation of another aforementioned UNT to the Monongahela River (aka Stream 4),

10) Relocating stream flow from 1,318 linear feet of a UNT to the Monongahela River (aka Stream 7) into Stream 6,

For the purpose of creating a new amusement attraction located near the intersection of Duquesne Boulevard and Hoffman Boulevard (Quadrangle: Braddock Latitude: 40° 23' 9"; Longitude: -79° 51' 37"; Sub-basin: 19A), in the City of Duquesne, Allegheny County. The project will cumulatively permanently impact 2,138 linear feet of stream, temporarily impact 0.71 acre of associated floodways and permanently impact 0.01 acre of PEM wetland. Permanent stream impacts are being mitigated for onsite.

**E65-980, Latrobe Municipal Authority**, 104 Guerrier Rd., P.O. Box 88, Latrobe, PA 15650, Unity Township, Westmoreland County, Pittsburgh ACOE District.

The applicant is proposing to:

1) Temporarily excavate approximately 0.80 acre of floodway of Loyalhanna Creek (WWF);

2) Temporarily excavate approximately 4.19 acres of the floodplain of the aforementioned waterway;

3) Place and maintain fill, a 140 ft diameter tank and a building in approximately 2.62 acres of floodplain of the aforementioned waterway; and

4) Construct and maintain an outfall within the aforementioned waterway;

For the purpose of constructing a combined sewage outflow equalization tank and pump station approximately 1.5 mile northeast of the intersection of Lincoln Highway (Route 30) and Clearview Drive (Route 981) (Quadrangle: Latrobe, PA; Latitude: 40° 18' 19"; Longitude: -79° 22' 54"; N: 9.8 inches; W: 1.1 inches; Sub-basin 18C) in Unity Township, Westmoreland County.

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**ACTIONS**


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**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**
**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS602204 (Storm Water)	SR Recycling Inc. 400 Daniels Road (Route 946) Nazareth, PA 18064-8753	Northampton County Bushkill Township	Unnamed Tributary of East Branch Monocacy Creek (2-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0027316	Lebanon City Authority 2321 Ridgeview Rd Lebanon, PA 17042-9431	North Cornwall Township, Lebanon County	Quittapahilla Creek in Watershed(s) 7-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0031879 (Sewage)	Mt Chestnut Nazarene Retreat Center 177 North Road Butler, PA 16001	Butler County Franklin Township	Unnamed Tributary of Mulligan Run (20-C)	Yes

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

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

**NPDES Permit No. PA0275875**, SIC Code 0252, **Heislars Egg Farm**, 757 Valley Road, Tamaqua, PA 18252.

This proposed facility is located in Walker Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of an NPDES CAFO Permit Renewal for an existing facility with a proposed expansion.

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

**NPDES Permit No. PA0264725**, Sewage, SIC Code 8800, **Richard A Edwards**, 476 Methodist Road, Greenville, PA 16125.

This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0264750**, Sewage, SIC Code 4952, 8800, **Jamie Fitch**, 1470 Brown Hill Road, Youngsville, PA 16371.

This proposed facility is located in Brokenstraw Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. 4692417**, Sewage, Transfer, **Ladislav & Sonja Kotoulek**, 132 Middle Creek Road, Gilbertsville, PA 19525-8601.

This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Permit transfer from Mark & Justine Amarnek to Ladislav & Sonja Kotoulek.

**WQM Permit No. 1508411**, Sewage, Renewal, **London Grove Municipal Authority**, 372 Rose Hill Road, Suite 300, West Grove, PA 19468.

This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Approval for renewal to allow the continued operation of a sewage treatment plant with spray irrigation.

**WQM Permit No. 2316402**, Sewage, **Middletown Township Sewer Authority**, P.O. Box 9, Lima, PA 19037.

This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Extension of existing Chester Creek Interceptor.

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

**WQM Permit No. 6700416**, Sewerage, **Shrewsbury Borough Sewer System**, 35 West Railroad Avenue, Shrewsbury, PA 17361.

This proposed facility is located in: Shrewsbury Borough, **York County**.

Description of Proposed Action/Activity: Applicant applied for construction of a new a 36" sewer line and two manholes to increase pumping volume at the Deer Creek pump station.

**WQM Permit No. 3691201**, Industrial Waste, **Valley Proteins & Rendering Plant Terre Hill**, 151 ValPro Drive, PO Box 3588, Winchester, VA 22604-2586.

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

Description of Proposed Action/Activity: This amendment approves the construction of industrial wastewater facilities consisting of: Approximately 868' of 8" PVC pipe to Muddy Creek for the relocation of the outfall.

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

**WQM Permit No. 2574407 A-3**, Sewage, **Middleboro Municipal Authority**, PO Box 189, McKean, PA 16426-0189.

This existing facility is located in McKean Borough, **Erie County**.

Description of Proposed Action/Activity: Amendment for modifications to existing WWTP to rerate plant to 112,000 GPD.

**WQM Permit No. 4316406**, Sewage, **Richard A Edwards**, 476 Methodist Road, Greenville, PA 16125.

This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 6216407**, Sewage, **Jamie Fitch**, 1470 Brown Hill Road, Youngsville, PA 16371.

This proposed facility is located in Brokenstraw Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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

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*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915, (814) 274-8411, X 4.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045316001	Big Level Wind LLC 155 Fleet Street Portsmouth, NH 03801	Potter	Harrison & Hector Townships	Baldwin Hollow, HQ-CWF Big Widger, HQ-CWF Little Widger, HQ-CWF Foy Hollow, HQ-CWF Swartz Hollow, HQ-CWF Lehman Hollow, HQ-CWF Genesee Forks, HQ-CWF Dodge Hollow, EV Moore Hollow, CWF, MF Teld Hollow, CWF, MF

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020003	Pittsburgh Field Club 121 Field Club Road Pittsburgh, PA 15238	Allegheny County	Fox Chapel Borough	Squaw Run (HQ-WWF)
PAI056314010-1	First Pennsylvania Resource, LLC 33 Terminal Way Suite 431 Pittsburgh, PA 15219	Washington County	West Finley Township	Robinson Fork (WWF); Beham Run (WWF)
PAI056515005	Tanya Simchick 1213 Twelve Oaks Court Murrysville, PA 15668	Westmoreland County	Murrysville Borough	Haymakers Run (HQ-CWF)

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

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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).

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#### List of NPDES and/or Other General Permit Types

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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 Petroleum Product Contaminated Groundwater 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 Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
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*

*Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAC510005	Parks & Recreation City of Philadelphia 1515 Arch Street 11th Floor Philadelphia, PA 19102	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510010	Provco Good MCB Byberry LP Building No. 2 Suite 200 795 East Lancaster Avenue Villanova, PA 19085	Walton Run WWF and Poquessing Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
West Manchester Township York County Issued	PAG02006714048-1	York Adams Transportation Authority Richard M. Farr 1230 Roosevelt Avenue York, PA 17404	UNT to Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
York Township York County Issued	PAG02006716054	Cape Horn Crossing LP Richard Nardo 755 Hemenway St Marlborough, MA 01752	Mill Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Shrewsbury Township York County Issued	PAG02006716026	Phil Robinson 18147 Amanda Lane New Freedom, PA 17349	Deer Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
York City York County Issued	PAC670021	Giambalvo Family Limited Partnership John Giambalvo 1390 Eden Road York, PA 17402	UNT to Willis Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
East Manchester Township York County Issued	PAC670026	Columbia Gas of Pennsylvania Jonathan M. Kilmer 1600 Colony Road York, PA 17408	UNT to Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Chanceford Township York County Issued	PAC670028	Stone Fence Acres LP Kris Small 2758 Furnace Road Red Lion, PA 17356	Green Branch (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Snyder Township Blair County Issued	PAG02000715017(1)	Carney Unlimited (Federal Carbide) Craig Avedesian One Eagle Ridge Road Tyrone, PA 16686	Bald Eagle Creek (TSF)	Blair Count Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877 x5

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
City of Monessen	PAC650002	PennDOT District 12-0, 625 North Gallatin Avenue Extension Uniontown, PA 15401-2105	Monongahela River (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Penn Township	PAC650006	Peoples TWP, LLC 1201 Pitt Street Pittsburgh, PA 15221	Bushy Run (TSF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
South Huntingdon Township	PAC650009	Tenaska Pennsylvania Partners 14302 FNB Parkway Omaha, NE 68154-5212	UNT to Barren Run (WWF); UNT to Youghioghney River (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Upper Burrell Township	PAC650010	Alcoa, Inc. 201 Isabella Street Pittsburgh, PA 15212-5827	UNT to Pine Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township	PAC650014	Ridilla Delmont, III P.O. Box 472 Latrobe, PA 15650	Ninemile Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Youngwood Borough	PAG02006514001(1)	BFS Foods, Inc. 1768 Mileground Road Morgantown, WV 26505	Jacks Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Penn Township	PAG02006516007	PennDOT District 12-0 825 North Stormwater Outfalls SW-07 & SW-08 Gallatin Avenue Extension Uniontown, PA 15401-2105	UNT to Brush Creek (TSF); Byers Run (TSF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Rostraver Township	PAG02006516012	Dale Kimberly 1821 Ray Avenue Sutersville, PA 15083	UNT to Becketts Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Derry Township	PAG02006516024	Industrial Development, LLC P.O. Box 365 Youngstown, PA 15696	Saxman Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Municipality of Murrys ville	PAG02006516027	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Turtle Creek (TSF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township	PAG02006516032	Commonwealth of Pennsylvania Department of General Services 1800 Herr Street Harrisburg, PA 17103-1540	Jacks Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Upper Burrell Township	PAG02006516034	P. I. Tower Development, LLC 2855 LeJeune Road Fourth Floor Coral Gables, FL 33134	UNT to Little Pucketa Creek (TSF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Sadsbury Township Chester County	PAR110055 A-1	Helicopter Support, Inc. d.b.a. Sikorsky Commercial, Inc. 110 East Steward Hudson Drive Coatesville, PA 19320-1646	Buck Run 3-H	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Lower Chichester Township Delaware County	PAR800104	Federal Express Corporation 3620 Hacks Cross Road Building B 2nd Floor Memphis, TN 38125	Unnamed Tributary to Middle Creek 3-G	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Luzerne Borough Luzerne County	PAR202228	KMS Fab LLC 100 Parry Street Luzerne, PA 18709	Toby Creek—5-B	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Burrell Township Indiana County	PAR316109	C & J Energy Service 555 Route 119 North Blacklick, PA 15716	Unnamed Tributary to Blacklick Creek—18-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Tulpehocken Township, Berks County	PAG123824	Leonard Hoover 6188a Old Route 22 Bernville, PA 19506-8457	Applicant is hereby authorized to operate a Concentrated Animal Feeding Operation (CAFO) located in Upper Tulpehocken Township, Berks County in Watershed 3-C	Southcentral Region Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 Daniel Martin 717-705-4918
East Fallowfield Township Crawford County	PAG128301 A-1	Sperry Farms Inc. 11420 Sperry Road Atlantic, PA 16111	Inlet Run—16-D	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

**STATE CONSERVATION COMMISSION  
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU’s</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Arlin Weaver 201 Bullshead Road Newville, PA 17241	Cumberland	411.7	687.41	Swine, Beef	NA	Approved

**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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create 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.*

**Comprehensive Operation Permit No. 7010049** issued to: **Capital Region Water (PWS ID No. 7220049)**, Harrisburg, **Dauphin County** on 12/20/2016 for the operation of facilities submitted under Application No. 2216509 MA.

**Comprehensive Operation Permit No. 7361334** issued to: **Kitchen Kettle Foods, Inc. (PWS ID No. 7361334)**, Leacock Township, **Lancaster County** on 12/20/2016 for the operation of facilities approved under Construction Permit No. 3616503.

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

**Permit No. 4116504—Construction and Operation—Public Water Supply.**

Applicant	<b>Lycoming County Water &amp; Sewer Authority</b>
Township/Borough	Fairfield Township
County	<b>Lycoming</b>
Responsible Official	Ms. Christine Weigle Lycoming County Water & Sewer Authority 380 Old Cement Road P.O. Box 186 Montoursville, PA 17754
Type of Facility	Public Water Supply
Consulting Engineer	Erin Threet, P.E. HRG, Inc. 776 Bull Run Crossing Suite 200 Lewisburg, PA 17837
Permit Issued	12/14/16
Description of Action	Increase in the maximum pumping rate of Halls Station Well PW-1 from the previously permitted 60 gallons per minute (gpm) to 110 gpm.

**Permit No. 1716505-MA—Construction—Public Water Supply.**

Applicant	<b>Treasurer Lake Division</b>
Township/Borough	Sandy Township
County	<b>Clearfield</b>
Responsible Official	Mr. James S. Willard Western Area Manager Aqua PA—Treasure Lake Division 665 South Dock Street Sharon, PA 16146

Type of Facility	Public Water Supply
Consulting Engineer	Robert Horvat Entech Engineering, Inc. 400 Rouser Road Building 2, Suite 200 Coraopolis, PA 15108
Permit Issued	12/16/16
Description of Action	Conversion of disinfection system at Well N-23 Station from injecting gaseous chlorine to injecting liquid 12.5% sodium hypochlorite into post-Greensand Plus filtration piping, continuous regeneration of Greensand Plus filter media by injecting liquid 12.5% sodium hypochlorite into piping upstream of a static mixer prior to Greensand Plus filters, and installation of: a Hach CL17 free chlorine analyzer to monitor free residual across the filters and a Hungerford and Terry color analyzer to mitigate the risk of potentially overfeeding potassium permanganate.

**Permit No. 4116507-MA—Construction—Public Water Supply.**

Applicant	<b>Lycoming County Water &amp; Sewer Authority</b>
Township/Borough	Fairfield Township
County	<b>Lycoming</b>
Responsible Official	Ms. Christine Weigle Lycoming County Water & Sewer Authority P.O. Box 186 Montoursville, PA 17754
Type of Facility	Public Water Supply
Consulting Engineer	Charles W. Stover, P.E. HRG, Inc. 474 Windmere Drive State College, PA 16801
Permit Issued	12/20/16
Description of Action	Construction of a partially buried 300,000 gallon finished water storage tank with an AWWA D110 Type III wire or strand wound, prestressed, concrete circular core wall, approximately 4,400 linear feet of waterlines to interconnect the new water storage tank to the existing LCWSA Village Water system and appurtenances.

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

**Permit No. 0216534, Public Water Supply.**

Applicant	<b>Wilksburg-Penn Joint Water Authority</b> 2200 Robinson Boulevard Pittsburgh, PA 15221
[Borough or Township]	North Huntingdon Township

County **Westmoreland**  
 Type of Facility Trafford tank  
 Consulting Engineer Chester Engineers  
 501 McKean Avenue  
 Third Floor  
 Charleroi, PA 15022  
 Permit to Construct December 14, 2016  
 Issued

**Permit No. 0216535**, Public Water Supply.

Applicant **Wilkesburg-Penn Joint  
 Water Authority**  
 2200 Robinson Boulevard  
 Pittsburgh, PA 15221

[Borough or Township] Pitcairn Borough

County **Allegheny**

Type of Facility Pitcairn standpipe

Consulting Engineer Chester Engineers  
 501 McKean Avenue  
 Third Floor  
 Charleroi, PA 15022

Permit to Construct December 14, 2016  
 Issued

**Permit No. 0216525**, Public Water Supply.

Applicant **Wilkesburg-Penn Joint  
 Water Authority**  
 2200 Robinson Boulevard  
 Pittsburgh, PA 15221

[Borough or Township] Penn Hill Township

County **Allegheny**

Type of Facility Mission Crest tank

Consulting Engineer Chester Engineers  
 501 McKean Avenue  
 Third Floor  
 Charleroi, PA 15022

Permit to Construct December 14, 2016  
 Issued

**Permit No. 0216532**, Public Water Supply.

Applicant **Moon Township Municipal  
 Authority**  
 1700 Beaver Grade Road  
 Suite 200  
 Moon Township, PA 15108

[Borough or Township] Moon Township

County **Allegheny**

Type of Facility Airport Tank No. 5

Consulting Engineer KLH Engineers, Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205

Permit to Construct December 19, 2016  
 Issued

**Permit No. 3016509**, Public Water Supply.

Applicant **Southwestern Pennsylvania  
 Water Authority**  
 1442 Jefferson Road  
 Jefferson, PA 15344

[Borough or Township] Cumberland Township

County **Greene**

Type of Facility Plate settler clarifiers  
 Consulting Engineer Bankson Engineers, Inc.  
 Permit to Construct December 19, 2016  
 Issued

**Permit No. 0216537**, Public Water Supply.

Applicant **Pennsylvania American  
 Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033

[Borough or Township] North Strabane Township

County **Washington**

Type of Facility Fox Ridge booster station

Consulting Engineer Lennon, Smith, Souleret  
 Engineering, Inc.  
 846 Fourth Avenue  
 Coraopolis, PA 15108

Permit to Construct December 19, 2016  
 Issued

**Operations Permit** issued to: **Ford City Borough**, 1000 Fourth Avenue, Ford City, PA 16226, (**PWSID # 5030005**) Ford City Borough, **Armstrong County** on December 15, 2016 for the operation of facilities approved under Construction Permit # 0316504MA.

**Operations Permit** issued to: **Center Township Water Authority**, 224 Center Grange Road, Aliquippa, PA 15001, (**PWSID # 5040007**) Potter Township, **Beaver County** on December 20, 2016 for the operation of facilities approved under Construction Permit # Emergency.

**Operations Permit** issued to: **Patton Municipal Authority**, 800 4th Avenue, PO Box 175, Patton, PA 16668, (**PWSID # 4110024**) Patton Borough; Clearfield and Elder Townships, **Cambria County** on December 22, 2016 for the operation of facilities approved under Construction Permit # 1116503.

**Permit No. 0216529MA**, Minor Amendment. Public Water Supply.

Applicant **Western Allegheny County  
 Municipal Authority**  
 403 Virginia Avenue  
 Oakdale, PA 15071

[Borough or Township] North Fayette Township

County **Allegheny**

Type of Facility Steubenville Pike waterline project

Consulting Engineer Nichols & Slagle Engineering,  
 Inc.  
 333 Rouser Road  
 Airport Office Park  
 Building 4  
 Suite 600  
 Moon Township, PA 15108

Permit to Construct December 19, 2016  
 Issued

**Permit No. 5616505MA**, Minor Amendment. Public Water Supply.

Applicant **Hidden Valley Utility  
 Services, L.P.**  
 811 Russell Avenue  
 Suite F  
 Gaithersburg, MD 20879

[Borough or Township] Jefferson Township  
 County **Somerset**  
 Type of Facility Water system  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501  
 Permit to Construct December 22, 2016  
 Issued

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

**Operation Permit issued to Marion Township, PWSID No. 5100099, Marion Township, Butler County.** Permit Number 1011507-T1 issued December 22, 2016 for the operation of the new water treatment plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on October 27, 2016. This permit also is issued for the operation of 4-Log treatment of viruses for Entry Point 101.

**WATER ALLOCATIONS**

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

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

**WA26-1008, Water Allocations. Belle Vernon Municipal Authority,** 10 Main Street, Belle Vernon, PA 15012, **Fayette County.** The right to purchase up to 1,000,000 gallons of water per day, (peak month, 30-day average) from the Municipal Authority of Westmoreland County.

**WA-170A-resubmittal, Water Allocations. Borough of Monaca,** 928 Pennsylvania Avenue, Monaca, PA 15061, **Beaver County.** The right to withdraw up to 2,000,000 gallons of water per day from wells along the Ohio River (wells 12, 13, 14, 15 and 16).

**WA-159A, Water Allocations. Municipal Authority of the Borough of Berlin,** 700 North Street, PO Box 115, Berlin, PA 15530, **Somerset County.** The right to withdraw 83,400 gallons of water per day (annual average) combined from Boose Spring, Spring # 1, Spring # 2 and Spring # 4.

**WA2-1017, Water Allocations. Monroeville Municipal Authority,** 219 Speelman Lane, Monroeville, PA 15146, **Allegheny County.** The right to purchase up to 5,000,000 gallons of water per day, (peak month, 30-day average) from the Municipal Authority of Westmoreland County.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Towamensing Township	595 Hans Dairy Road Palmerton, PA 18071	Carbon

*Plan Description:* The Plan provides for the construction of a wastewater collection and conveyance system to initially serve approximately 1,227 Equivalent Dwelling Units (EDU) (306,750 GPD) located in the Aquashicola, Walkton, Little Gap and Blue Mountain Ski Area portions of the Township. Wastewater from these areas will be conveyed to the existing wastewater treatment facility currently owned and operated by the Tuthill Corporation located near the Blue Mountain Ski Area (BMSA).

The existing BMSA wastewater treatment facility will be initially expanded and upgraded by its current owner, Tuthill Corporation, from a permitted capacity of 0.060 MGD to 0.390 MGD to provide adequate capacity for the proposed service area's existing sewage disposal needs. This approval also permits the future expansion of the BMSA wastewater treatment facility to a capacity of 0.500 MGD to accommodate future development at the BMSA previously approved in the Department's December 8, 2006 Sewage Facilities Planning Module approval correspondence to the Township (copy attached) and now described in this Plan. This planning approval supersedes the Department's December 8, 2006 sewage planning approval, but does not effectively change the intent of the December 8, 2006 approval. The remaining wastewater planning flows available to the BMSA property, not previously constructed at the BMSA wastewater treatment facility, under the December 8, 2006 planning approval are 0.240 MGD out of the newly-approved total BMSA wastewater treatment facility capacity of 0.500 MGD. The facility's treated wastewater will continue to be discharged to Aquashicola Creek.

The Plan also provides for the construction of a wastewater collection and conveyance system to initially serve approximately 59 Equivalent Dwelling Units (EDU) (14,750 GPD) located in Weiner Mobile Estates and 5 EDU's (1,250 GPD) located in the Red Hill Road areas of the Township. The proposed collection system's service areas are delineated on Drawing 37 found in the Plan. Wastewater from these areas will be conveyed to the existing Palmerton Borough Wastewater Treatment Facility for treatment with ultimate discharge to Aquashicola Creek.

The Plan also addresses the future ownership and operation of the existing, unplanned and unpermitted private pumping station and tributary collection system located in the vicinity of the intersection of Forest Inn Road and Little Gap Road. The Department will require that ownership of this station be transferred to the Township. The Township will provide for the adequate operation and maintenance of this station. This pumping station will continue to discharge its wastewater to the Borough of Palmerton's wastewater collection system as discussed on page V-1 in the Plan.

The Plan also proposes the establishment of an on-lot sewage disposal management program in the remaining areas of the Township that will not be serviced by the proposed wastewater collection and conveyance systems.

Financing of the proposed wastewater collection and conveyance system is to be provided by the United States Department of Agriculture's Rural Development Program.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Bradford Township	1385 Campus Drive Downingtown, PA 19335	Chester

On December 20, 2016, the Southeast Regional Office approved a revision to the West Bradford Township Official Sewage Facilities Plan for the Mayfair Subdivision. The project is located off of Boulder Road, on Tax Map Parcel 50-1-31.36, in West Bradford Township, Chester County. The revision provides for adequate sewage facilities planning to permit the construction of 112 townhouse units.

This project will be served by a new sewage pumping station on the property, which will be owned by Utilities, Inc. of Pennsylvania (UIP). The pumping station will convey flows to the existing UIP sewerage system. The project will generate 29,400 gallons of sewage per day to be treated at the UIP Broad Run Wastewater Treatment Facility. UIP must secure a DEP permit for the construction and operation of the proposed sewage pumping station.

Capacity for this project is provided, in part, by a reduction in the number of units at the Bright Glade Subdivision, as described below, and a transfer of sewage capacity from the Bright Glade Subdivision to the Mayfair Subdivision.

The Bright Glade Subdivision was approved by DEP under DEP Code No. 1-15959-350-3J on February 21, 2012. The project proposed a 64-lot residential subdivision (63 new dwelling units and 1 existing dwelling unit). The number of units in this subdivision has been reduced. The Bright Glade Subdivision will now consist of 38 single-family dwellings. This project will be connected to the UIP collection system and will generate 9,975 gallons of sewage per day to be treated at the UIP Broad Run Wastewater Treatment Facility.

Planning approval was also granted through this revision for an expansion of UIP Chestnut Lane Pumping Station. The expanded pumping station will have average design flows of 168,900 gallons per day. UIP must secure a DEP permit for the construction and operation of the proposed sewage pumping station.

Complete copies of this Plan are available for review, upon request, at the Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

## 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Landis Homes**, 1001 East Oregon Pike, Lititz, PA 17543, Manheim Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Landis Homes, 1001 East Oregon Road, Lititz, PA 17543, submitted Final Report concerning remediation of site soil contaminated with hydraulic oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Heath Oil Incident (Mullet & Mattis Properties)**, 24504—24540 State Route 27, East Mead Township, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Heath Oil, Inc., P.O. Box 1128, Oil City, PA 16301, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with benzene, ethylbenzene, isopropylbenzene, methyl-tert-butyl-ether, naphthalene, toluene, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene, and total xylenes. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**757 Hickory Road**, 757 Hickory Road, Manheim, PA 17545, Penn Township, **Lancaster County**. GCI Environmental Services, 1250 King Street, Lancaster, PA 17602, on behalf of Latsha, Davis & McKenna, 350 Eagleview Boulevard, Suite 100, Exton, PA 19341, sub-

mitted a Remedial Investigation and Final Report concerning remediation of site groundwater and soil contaminated with #2 fuel oil. The combined report demonstrated attainment of the Site Specific Standard, and was approved by the Department on December 20, 2016.

**CNH America LLC/Belleville**, 36 Maple Street, Belleville, PA 17004, Union Township, **Mifflin County**. TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, PA 19103; and CNH Industrial America LLC, 700 State Street, Racine, WI 53404, on behalf of William Dancy, William Dancy, LLC, 36 Maple Street (Lots 1 and 4), Belleville, PA 17004; Thomas C. Daubert, T.C. Daubert LLC, 36 Maple Street (Lot 2), Belleville, PA 17004; and Mathew and Jane Fisher, Lakeview LLC, 36 Maple Street (Lot 3), Belleville, PA 17004, submitted Final Report concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs and Inorganics. The Final Report did not demonstrate attainment of the Site Specific Standard, and was disapproved by the Department on December 20, 2016.

**Dorma Door USA**, 1 Dorma Drive, Reamstown, PA 17567, East Cocalico Township, **Lancaster County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 202, Lancaster, PA 17603, on behalf of Dormakaba, 1 Dorma Drive, Drawer AC, Reamstown, PA 17567, submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with Chlorinated Solvents. The report was approved by the Department on December 21, 2016.

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

**Damascus Tube (Off-Property Ditches)**, 795 Reynolds Industrial Park Road, Pymatuning Township, **Mercer County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Marcegaglia USA, Inc., 1001 East Waterfront Drive, Munhall, PA 15120, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil and site groundwater contaminated with arsenic, chromium, lead, manganese, nickel, trichloroethene (TCE) tetrachloroethene (PCE), vinyl chloride, 1,1-dichloroethane, 1,1-dichloroethylene, cis-1,2-dichloroethylene, 1,1,1-trichloroethane, methylene chloride, cobalt, aluminum, antimony, cadmium, copper, zinc, benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, bis[2-ethylhexyl]phthalate, chrysene, fluoranthene, indeno[1,2,3-cd]pyrene, pyrene, phenanthrene, Aroclor-1254, and Aroclor-1260. The Report was approved by the Department on December 21, 2016.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 300870, Buck Company, Inc.**, 897 Lancaster Pike Quarryville, PA 17566-9783. (Residual Waste Landfill) The permit for Buck Company, Inc. Residual Waste Landfill, which expires on August 28, 2017, was renewed until August 28, 2027. The permit renewal was issued on December 20, 2016 for Solid Waste



Permit No. 300870 for the operation of the residual waste 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.

**Permit No. 100113, Republic Services of Pennsylvania, LLC**, 4400 Mount Pisgah Road, York, PA 17406 (Modern Landfill) The permit for Modern Landfill, which expires on July 1, 2017, was renewed until December 7, 2024. The permit renewal was issued on December 20, 2016 for Solid Waste Permit No. 100113 for the operation of Modern 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.

**Permit No. 400556, Stericycle, Inc.**, (Medical Waste Processing Facility) 1525 Chestnut Hill Road, Morgantown, PA 19543-9508. The permit for Stericycle, Inc., which expires on August 13, 2017, was renewed on December 7, 2016 until August 13, 2027 for Solid Waste Permit No. 400556 for the operation of the Stericycle, Inc. Medical Waste Processing Facility in accordance with Article V of the Solid Waste Management Act, 35 P.S. Sections 6018.101, et seq. In addition to the renewal, minor changes to the Preparedness Prevention Contingency Plan (PPC), Operations Plan, process equipment, updated Radiation Protection Action and Monitoring Plan, and bonding amounts were approved.

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.**

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP9-21-05038B: Holy Spirit Hospital** (503 North 21st Street, Camp Hill, PA 17011-2288) on December 19, 2016, for installation and operation under GP9, of a 2206 bhp emergency generator at the hospital facility located in East Pennsboro Township, **Cumberland County**.

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

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

**GP14-59-202: Twin Tiers Cremation Services, LLC** (17 West Pulteney Street, Corning, NY 14830) on December 20, 2016 to authorize the operation of a US Cremation Equipment "Classic" human crematorium pursuant to the General Plan Approval and General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14) at their facility in Lawrence Township, **Tioga County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**GP5-24-185A: K.C. Midstream Solutions Overbek Compressor Station** (424 S 27th Street, Suite 304, Pittsburgh, PA 15203) on December 14, 2016, for the authority to construct and/or operate a Caterpillar G3516BLE engine, a Caterpillar G3408TALE engine, a Cummins model KTA19 engine, a reconditioner, a reconcentrator, storage tanks, glycol boiler, miscellaneous natural gas combustion, and fugitive emissions (BAQ-GPS/GP5) located at their facility in Millstone Township, **Elk County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**15-0110B: Pepperidge Farm Inc.** (421 Boot Road, Downingtown, PA 19335) On December 22, 2016 the extension for manufacturing bread, cake and salted products at an existing facility in Downingtown Borough, **Chester County**.

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

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

**19-00007A: Transcontinental Gas Pipe Line Company, LLC.** (PO Box 1396, Houston, TX 77251-1396) on December 12, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from December 25, 2016 to June 23, 2017, at their Compressor Station 517 located in Jackson Township, **Columbia County**. The plan approval has been extended.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**PA-03-00246B: Bedrock Mines LP** (111 Freeport Road, Aspinwall, PA 15215-2943), on December 20, 2016, to extend the plan approval to facilitate shake-down sources and to obtain Operating Permit for their coal blending facility located in Plumcreek Township, **Armstrong County**.

**PA-04-00699G: National Gypsum Company, Inc.** (P.O. Box 346, Shippingport, PA 15077-0346) Plan Approval Extension issuance date effective December 20, 2016, for 180 days to obtain Plan Approval and Operating Permit for their NGC facility located in Shippingport Borough, **Beaver County**.

**PA-32-00432A: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201-9642), on December 19, 2016, to extend the period of temporary operation for 180 days for their coal prep plant located in Center Township, **Indiana County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**37-023F: NRG Power Midwest LP—New Castle Plant** (2189 State Route 168 South, West Pittsburg, PA 16160) on December 13, 2016, effective December 31, 2016, will issue a plan approval extension for the gas addition project for the 3 existing coal fired boilers at their facility in **Lawrence County**. This will expire on June 30, 2017. This is a Title V facility.

**43-373A: Ellwood Crankshaft & Machine** (2575 Freedland Rd., Hermitage, PA 16148) on December 13, 2016, effective December 31, 2016, will issue a plan approval extension to construct a crankshaft manufacturing facility consisting of horizontal multi-directional hot forging, heat treatment, and machining at their facility in **Mercer County**. This will expire on June 30, 2017. This is a State Only facility.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**21-05053: EPP Renewable Energy, LLC** (1605 N. Cedar Crest Blvd., Suite 509, Allentown, PA 18104) on December 20, 2016, for the landfill gas-to-energy facility associated with the Cumberland County Landfill located in Hopewell Township, **Cumberland County**. The Title V permit was renewed.

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

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

**41-00006 High Steel Structures, Inc.** (1853 William Penn Way, Lancaster, PA 17605-0008) on December 13, 2016, for the Williamsport facility located in Williamsport, **Lycoming County**. The facility's sources include a surface coating operating, several natural gas-fired heater, welding operation, three (3) diesel-fired emergency generators and two (2) parts washers. 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.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**09-00141: Lower Bucks County Joint Municipal Authority/Kenwood Station** (7811 New Falls Road, Levittown, PA 19058) On December 22, 2016 issued the renewal of a State-Only Operating Permit in Bristol Township, **Bucks County**.

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**54-00087: D.G. Yuengling & Sons, Inc.** (310 Mill Creek, Pottsville, PA 17901) issued on 9/6/16 for the operation of a brewery in Pottsville City, **Schuylkill County**. The sources include three (3) boilers, material transfer, brewing, and finishing processes. The Operating Permit includes applicable emission limits and work practice standards along with applicable monitoring, recordkeeping and reporting requirements to ensure the facility complies with the air quality regulations.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**06-05084: Electro Space Fabricators, Inc.** (300 West High Street, Topton, PA 19562) on December 19, 2016, for the steel and aluminum enclosure fabricating facility located in Topton Borough, **Berks County**. The State-only permit was renewed.

**36-03098: Steel Fab Enterprises, LLC** (625 Baumgardner Road, Lancaster, PA 17603-9649) on December 21, 2016, for the structural steel manufacturing facility located in Pequea Township, **Lancaster County**. The State-only permit was renewed.

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

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

**41-00003: Martins Creek, LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101) on December 14, 2016, was issued a state only operating permit for their Williamsport Combustion Turbine Site located in the City of Williamsport, **Lycoming County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**18-00003: Martins Creek, LLC** (835 Hamilton St., Suite 150, Allentown, PA 18101) on December 14, 2016, was issued a state only operating permit for their Lock Haven Combustion Turbine Site located in Bald Eagle Township, **Clinton County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**60-00002: NGC Industries, LLC** (PO Box 210, West Milton, PA 17886-0210) on December 19, 2016, was issued a state only "synthetic minor" operating permit for its Milton Plant located in White Deer Township, **Union County**. The facility's main emission sources are a 162.5 MMBtu/hr natural gas-fired boiler and a 68.9 MMBtu/hr natural gas/# 2 fuel oil dual-fuel boiler. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**60-00020: Pik Rite, Inc.** (60 Pik Rite Lane, Lewisburg, PA 17837-6840) on December 21, 2016 issued a state only operating permit for their facility located in Buffalo Township, **Union County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**43-00034: Dunbar Asphalt Products, Incorporated Wheatland Plant** (PO Box 477, Wheatland, PA 16161) on December 21, 2016, the Department issued the renewal of the Synthetic Minor Permit to operate an asphalt paving mixtures and block manufacturing facility. The facility's emitting sources include the Rotary Dryer Barber Greene Plant 2 Batch Mix Asphalt (BMA) plant with the associated asphalt handling and storage and the Rotary dryer McCarter Plant 4 BMA plant with the associated asphalt handling and storage. The facility is located in Wheatland Borough, **Mercer County**. The facility is a synthetic minor based on limiting CO emissions. The CO emissions are limited based on a production restriction of 495,000 tons product per year based on 12-month rolling total for the facility-wide production. The actual emissions reported by the facility for 2015 were 35.8 TPY CO, 2.0 TPY NO<sub>x</sub>, 14.2 TPY PM<sub>10</sub>, 0.5 TPY SO<sub>x</sub>, and 2.1 TPY VOC.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**09-00006: U.S. Steel Corp.—Mon Valley Works** (400 Berdis Boulevard, Fairless Hills, PA 19030) On December 22, 2016 issued a Minor Modification/Administrative Amendment, pursuant to 25 Pa. Code §§ 127.462 and 127.450 respectively, of Title V Operating Permit (TVOP) No. 09-00006 for its Fairless Plant, which is located in Falls Township, **Bucks County**. The Minor Modification adds a natural gas consumption restriction of 244,630 mcf/yr for the miscellaneous natural gas usage source grouping (Source ID 426) at the facility, as well as a nitrogen oxides (NO<sub>x</sub>) emission rate restriction of less than 100 tons/yr, calculated monthly as a 12-month rolling sum to escape the requirements of RACT Phase II. The Administrative Amendment changes the name of the responsible official for the facility.

**46-00046: Accellent/Collegeville**, (200 W 7th Ave, Collegeville, PA 19426) On December 22, 2016 for the amendment to incorporate the requirements of Plan Approval No. 46-0046A into the Title V Operating Permit in Trappe Borough, **Montgomery County**.

**15-00037: Oberthur Technologies**, (523 James Hance Court, Exton, PA 19341) On December 22, 2016 for an Administrative Amendment to incorporate Plan Approval Nos. 15-0037F and 15-0037G into Title V Operating Permit No. 15-00037. This facility is located in West Whiteland Township, **Chester County**.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05029: High Steel Structures, Inc.** (1853 William Penn Way, PO Box 10008, Lancaster, PA 17605-0008) on December 21, 2016, for the structural steel fabrication

facility located in East Lampeter Township, **Lancaster County**. The Title V permit underwent a minor modification to add a 2.7 tpy limit for the paint line cleaning operations, to clarify the fuel rating and throughput of Source 101 Space Heaters and to incorporate presumptive RACT 2 requirements for the paint line cleaning operations.

**34-05002: Texas Eastern Transmission LP** (PO Box 1642, Houston, TX 77251-1642) on December 21, 2016, for the Perulack natural gas compressor station located in Lack Township, **Juniata County**. The Title V permit underwent a minor modification to add VOC emission caps for certain equipment, plus associated recordkeeping. Also, the presumptive RACT requirement of 25 Pa. Code § 129.97(c) was added as applicable to certain equipment.

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

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

**41-00074: Bayard Printing Group** (1 Maynard Street, Williamsport, PA 17701) on December 13, 2016, for their Webb Communications facility located in Williamsport, **Lycoming County** to utilize an alternate fountain solution in their printing operations incorporated in Source P101 of State Only operating permit 41-00074. All revised requirements including monitoring, recordkeeping and reporting conditions of Revision # 1 of the State Only operating permit: NMOP 41-00074, became effective on December 13, 2016. The State Only operating permit will expire on July 9, 2018.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**SOOP-63-00943: Dominion Gathering and Processing, Inc.** (5000 Dominion Blvd., Glenn Allen, VA 23060) Administrative Amendment, issued on December 16, 2016, to change the name of the Owner/Operator and the Permit Contact on the permit. The name of the Owner/Operator was Dominion Transmission, Inc. The name of the Permit Contact is now Judi Fox. The Charleroi Propane Station is located in Fallowfield Township, **Washington County**.

**SOOP-04-00714: Valvoline LLC** (501 Railroad Street, Rochester, PA 15074) Administrative Amendment issued on December 19, 2016 to change the names of the Owner/Operator, Responsible Official, and Permit Contact on the permit. The name of the Owner/Operator was Ashland Inc. The name of the Responsible Official is now Michael Critchlow. The name of the Permit Contact is now Jeremy Hurt. The Rochester Plant is located in Rochester Borough, **Beaver County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**24-00120: Dominion Transmission Ardell Station** (5000 Dominion Blvd., Glen Allen, VA 23060-3308) on December 15, 2016 for the natural gas transmission facility located in Benezette Township, **Elk County**. The Title V permit underwent a minor modification in order to add presumptive RACT 2 requirements for certain sources.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-05042: Hanover Foods Corp.** (PO Box 334, Hanover, PA 17331). Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for de minimis emissions increases of 0.6 TPY CO; 0.7 TPY NO<sub>x</sub>; 0.1 TPY PM<sub>10</sub>; 0.1 TPY VOC; and 0.1 TPY SO<sub>x</sub> resulting from the construction of a second anaerobic digester that will increase the WWTP's overall anaerobic digestion efficiency at its Hanover Cannery located in Penn Township, **York County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

**67-05042: Hanover Foods Corp.** (PO Box 334, Hanover, PA 17331). Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for de minimis emissions increases of 1.4 TPY CO; 0.9 TPY NO<sub>x</sub>; 0.1 TPY PM<sub>10</sub>; 0.1 TPY VOC; and 0.0 TPY SO<sub>x</sub> resulting from the construction of a digester gas/No. 2 fuel oil-fired WWTP boiler having a maximum rated heat input capacity of 5.6 mmBTU/hr that will replace the existing digester gas/No. 2 fuel oil-fired boiler having a maximum rated heat input capacity of 6.3 mmBTU/hr at its Hanover Cannery located in Penn Township, **York County**. This is the second de minimis emissions increase at the facility during the term of the current operating permit.

**67-05001: Magnesita Refractories Company** (425 South Salem Church Road, York, PA 17408). Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for a de minimis emissions increase of 0.45 TPY PM<sub>10</sub> resulting from the modification of the Press 0 fabric collector, which collects fugitive dust generated by material feeding Press 0 and currently is indoor-exhausting, by exhausting it outdoors at its Brick Plant located in West Manchester Township, **York County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**OP-26-00488: Laurel Aggregates of Delaware, LLC** (1600 Market Street, Floor 38, Philadelphia, PA 19103-7244). Per Title 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Laurel Aggregates of Delaware, LLC, Lake Lynn Quarry, located in Springhill Township, **Fayette County**:

Project to install a Fisher Industries Air Separator and new Conveyor # C-51 at 2.1 tph. This will result in the addition of five new transfer points (# 63, # 64, # 79, # 80, and # 81 as identified in the RFD application) and one new stockpile handling and storage source (# 65). It will also result in the increase of emissions from existing transfer points # 67, # 74, and # 75 as well as stockpile handling and storage source # 76. Total emissions from this project will not exceed 0.21 tpy PM<sub>10</sub>. Any affected facility installed under this approval will comply with all applicable provisions of 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

The list of de minimis increases for this facility includes only this project.

## ACTIONS ON COAL AND NONCOAL MINING 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.*

**32051301 and GP12-32051301-R18. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Barrett Deep Mine in Buffington and Brush Valley Townships, **Indiana County**. A new Bureau of Air Quality GP12 Permit is being issued in conjunction with the permit renewal. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-32051301-R18. No discharges. The application was considered administratively complete on August 25, 2015. Application received February 28, 2014. Permit issued December 20, 2016.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit for installation of a degas borehole. Surface Acres Proposed 2.9. No additional discharges. The application was considered administratively complete on July 27, 2016. Application received March 4, 2016. Permit issued December 20, 2016.

**NPDES No. PA0235610. Dana Mining Company of PA, LLC**, (308 Dents Run Road, Morgantown, WV 26501). To renew the NPDES permit for the 4-West Mine in Dunkard, Perry and Whiteley Townships, **Greene County**. No additional discharges. The application was considered administratively complete on July 29, 2016. Application received October 24, 2014. Permit issued December 22, 2016.

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

**24980102 and NPDES Permit No. PA0227781. Tamburlin Brothers Coal Company, Inc.** (P.O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous surface and auger mine and associated NPDES permit in Fox Township, **Elk County**, affecting 196.0 acres. Receiving streams: Limestone Run. Application received: August 28, 2014. Permit Issued: December 20, 2016.

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

**17150103 and NPDES PA0269697. RES Coal LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Commencement, operation and restoration of a bituminous surface mine in Sandy Township, **Clearfield County** affecting 97.7 acres. Receiving stream(s): Unnamed Tributaries to Sandy Lick Creek classified for the following use(s): CWF. This application also includes a stream encroachment for crossing over Unnamed Tributary 4 and to follow existing access road within 100 feet of Unnamed Tributary 5. There are no portable water supply intakes within 10 miles downstream. Application received: January 8, 2016. Permit issued: December 19, 2016.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**03130103 and NPDES Permit No. PA0278114. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Permit issued for commencement, operation and restoration of a bituminous surface mine and auger mining, located in Kiskiminetas Township, **Armstrong County**, affecting 41.3 acres. Receiving streams: Carnahan Run and unnamed tributary to Carnahan Run. Application received: February 13, 2015. Permit issued: December 19, 2016.

**65960107 and NPDES Permit No. PA0201618. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Renewal permit issued for continued treatment of discharge and restoration of a bituminous surface mine, located in Mt. Pleasant Township, **Westmoreland County**, affecting 460 acres. Receiving stream: Laurel Run. Renewal application received: May 18, 2016. Permit issued: December 21, 2016.

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

**Permit No. 40940101R4. Pioneer Aggregates, Inc.**, (215 East Saylor Avenue, Laffin, PA 18702), renewal of an existing anthracite surface mine, coal refuse reprocess and refuse disposal operation in Laffin Borough and Plains Township, **Luzerne County** affecting 64.2 acres, receiving stream: Gardner Creek. Application received: November 13, 2014. Renewal issued: December 20, 2016.

**Permit No. PAM11280R. Pioneer Aggregates, Inc.**, (215 East Saylor Avenue, Laffin, PA 18702), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40940101 in Laffin Borough and Plains Township, **Luzerne County**, receiving stream: Gardner Creek. Application received: December 10, 2014. Renewal issued: December 20, 2016.

**Permit No. 49861303R6. Bear Gap Coal Company**, (PO Box 64, Spring Glen, PA 17978), renewal of an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 1.9 acre, receiving stream: Zerbe Run. Application received: May 6, 2016. Renewal issued: December 20, 2016.

**Permit No. PAM116019. Bear Gap Coal Company**, (PO Box 64, Spring Glen, PA 17978), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 49861301 in Zerbe Township, **Northumberland County**, receiving stream: Zerbe Run. Application received: May 6, 2016. Permit issued: December 20, 2016.

#### *Noncoal Permits Issued*

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

**37140301 and NPDES Permit No. PA0259551. Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an existing large industrial minerals mine and associated NPDES permit to add 14.3 acres in Wayne Township, **Lawrence County**, affecting 239.4 acres. Receiving streams: Unnamed tributaries to Connoquenessing Creek and Squaw Run; all classified for the following uses: WWF. Application received: June 29, 2016. Permit Issued: December 22, 2016.

**10960304. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of NPDES No. PA0227218, Washington Township, **Butler County**. Receiving streams: Unnamed tributaries to South Branch Slippery Rock Creek. Application received: September 19, 2016. Permit Issued: December 22, 2016.

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

**Permit No. 7775SM6C11 and NPDES Permit No. PA0119121. Glen-Gery Corp.**, (P.O. Box 7001, Wyomissing, PA 19610), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Perry Township, **Berks County** affecting 115.0 acres, receiving stream: unnamed tributary to Schuylkill River. Application received: September 13, 2012. Renewal issued: December 22, 2016.

**Permit No. 7775SM9A2C10 and NPDES Permit No. PA0595659. Glen-Gery Corp.**, (P.O. Box 7001, Wyomissing, PA 19610), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Perry Township, **Berks County** affecting 225.0 acres, receiving stream: unnamed tributary to Schuylkill River. Application received: September 13, 2012. Renewal issued: December 22, 2016.

**Permit No. 06070301C and NPDES Permit No. PA0224588. Glen-Gery Corp.**, (P.O. Box 7001, Wyomissing, PA 19610), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Perry Township, **Berks County** affecting 184.2 acres, receiving stream: unnamed tributaries to Schuylkill River. Application received: October 16, 2013. Renewal issued: December 22, 2016.

**Permit No. 67990301C3 and NPDES Permit No. PA0223999. Glen-Gery Corp.**, (P.O. Box 7001, Wyomissing, PA 19610), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County** affecting 39.8 acres, receiving stream: unnamed tributary to Fox Run. Application received: June 9, 2014. Renewal issued: December 22, 2016.

**Permit No. 4875SM2A2C11 and NPDES Permit No. PA0119563. Glen-Gery Corp.**, (P.O. Box 7001, Wyomissing, PA 19610), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County** affecting 156.6 acres, receiving streams: Fox Run and unnamed tributary to Fox Run. Application received: April 20, 2016. Renewal issued: December 22, 2016.

**Permit No. PAM112052R. Earth Conservancy**, (101 Main Street, Ashley, PA 18706), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40070301 in City of Nanticoke, **Luzerne**

**County.** Receiving stream: Susquehanna River Watershed. Application received: November 4, 2016. Permit issued: December 22, 2016.

**Permit No. PAM112020R. New Enterprise Stone & Lime Co., Inc., d/b/a Eastern Industries, Inc.,** (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 6175SM3 in Coal Township, **Northumberland County.** Receiving stream: Shamokin Creek. Application received: November 4, 2016. Permit issued: December 22, 2016.

#### 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.*

**14164110. Douglas Explosives, Inc.** (2052 Philipsburg-Bigler Highway, Philipsburg, PA 16866). Blasting for residential development in Harris Township, **Centre County** with expiration date of December 30, 2017. Permit issued: December 21, 2016.

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

**Permit No. 45164111. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting for Eagle Ridge in Smithfield Township, **Monroe County** with an expiration date of December 14, 2017. Permit issued: December 19, 2016.

#### 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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also

available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create 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

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E23-533. PA Department of Transportation,** 7000 Geerdes Blvd, King of Prussia, Concord, Bethel and Upper Chichester Townships, **Delaware County;** ACOE Philadelphia District.

To perform the below-listed water obstruction and encroachment activities associated with the Pennsylvania Department of Transportation's (PennDOT) proposal to address deficiencies associated of the existing U.S. Route 322 (U.S. 322) roadway in Concord, Bethel, and Upper Chichester Townships, Delaware County. The overall planned improvement is for three sections (101, 102, and MIT) along the project corridor. This Permit Application Package is for the improvements and associated impacts along Section 101 which involves the widening of the existing two lane roadway to four lanes from its intersection with U.S. Route 1 to just beyond Featherbed Road in the vicinity of Clayton Park for a distance of 2.92 miles. Specific Water Obstructions and Encroachment are:

1. To replace and maintain the existing bridge carrying S.R. 322 (Conchester Road) over SEPTA rail and Webb Creek (WWF/MF).
2. To replace, extend, and maintain eight existing stream crossings at several points along the proposed design segment of the route that do not require Hydrology and Hydraulics Analysis.
3. To permanently impact 0.21-acre of wetlands and temporarily impact 0.413-acre of wetlands at several points along the proposed route as per the wetland delineation submission.
4. Reconstruct and maintain an existing stormwater outfall.

The proposed project will permanently impact 0.24-acre of wetlands and 1,991 linear feet of watercourses, and temporarily impact 0.13-acre of wetlands and 423 linear feet of watercourses. The project commences from intersection U.S. Route 322 and U.S. Route 1 to just beyond Featherbed Road in the vicinity of Clayton Park, and passes through Concord, Bethel, and Upper Chichester Townships, Delaware County (USGS Quadrangle, PA Marcus Hook—Latitude: 40°04'17", Longitude: 75°17'50").

Wetland Mitigation will be provided at the Patterson Tract site located along the East Branch of Chester Creek in Thornbury Township. Stream Mitigation will be provided through a cooperative effort with the Pennsylvania Fish and Boat Commission to fund the removal of the Downing Ridge Dam on the East Branch of Brandywine Creek near Downingtown. Details regarding the wetland and watercourse resources and impacts are described in the Environmental Assessment Form and details regarding the proposed mitigation are provided in the Wetland and Stream Mitigation Report. The mitigation sites were permitted under the S.R. 0322, Sec MIT section of this project (E23-505).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

The project proposes to have the following impacts

ID	Stream Name	Chapter 93 Class.	Temporary Wetland Impact area	Permanent Wetland Impact area	Temporary Stream Impact area	Permanent Stream Impact area	Latitude/ Longitude
Building in Floodway	WB Susquehanna River	WWF	0 SF	0 SF	0 SF	0 SF	41° 14' 10" 76° 57' 3"

The project will have approximately 3,353 SF of permanent floodway impacts.

The proposed crossings will not permanently impact cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Susquehanna River is classified with a designated use of Warm Water Fishery (WWF).

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E03-464, South Buffalo Township**, 384 Iron Bridge Road, Freeport, PA 16229, South Buffalo Township, **Armstrong County**, Pittsburgh ACOE District.

Has been given consent to:

Remove a portion of the existing T-372 (White Rocks Road), approximately 18 x 330 Ft., and restore the area as a riparian buffer. Remove the existing 15 L.F. of 24 Inch Corrugated Plastic Pipe and stabilize it with rock. Construct, Operate, and Maintain a new section of T-372, located north of the existing T-372, partially located in the floodplain of the Allegheny River. Construct, Operate, and Maintain a 52 L.F. 5 x 5 Ft. Single Cell Concrete Box Culvert. The proposed Box Culvert will have a Normal Span of 5 Ft., Skew of 85°, Low Chord of 777.10 Ft., Underclearance of 4.0 Ft., and a Roadway Width of 18 Ft. The proposed Concrete Box Culvert will be depressed one foot and include baffles in accordance with the BD-632M. The project will include R-6 Rip Rap Scour Protection at the inlet and outlet. The outlet Scour Protection will extend downstream through the area of restored T-372. Construct, Operate, and Maintain 90 L.F. of 24 Inch Corrugated Plastic Pipe on a slope of 5.21% with 12 L.F. of R-4 Rip Rap outlet Scour Protection. The project is located within the Floodplain of the Allegheny River over two Unnamed Tributaries to the Allegheny River. The proposed project will impact 0.19 Acre of Jurisdictional

**E41-677. Sunoco Pipeline, LP**, 535 Fritztown Road, Sinking Spring, PA 19608-1509. Williamsport DRA Project in Armstrong Township, **Lycoming County**, ACOE Baltimore District (Montoursville, South, PA Quadrangle Lat: 41° 14' 10"; Long: -76° 57' 3").

Sunoco has applied for a Small Projects-Joint Permit Application to construct, operate and maintain existing pump station along West Branch Susquehanna River in Armstrong Township, Lycoming County. The project will include an access drive, pipes and piping equipment and associated buildings. The proposed project involves elevating and connecting a drag reducing agent (DRA) injection unit that will inject DRA into the pipelines to improve flow conditions within the pipeline. The unit will be contained in a 20' x 8' housing inside the fenced pump station and will be installed six feet above an existing gravel pad. The unit will be installed above the flood elevation in compliance with the local floodplain management ordinance.

Wetlands, which will be mitigated at the Armstrong County Wetland Mitigation System. The Unnamed Tributaries to the Allegheny River are classified as a Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards. (Leechburg, PA Quadrangle, N 40° 42' 20" W -79° 35' 48").

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

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

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

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX16-059-0012  
 Applicant Name Chevron Appalachia, LLC  
 Contact Person Branden Weimer  
 Address 800 Mountain View Drive  
 City, State, Zip Smithfield, PA 15478  
 County Greene County  
 Township(s) Jefferson Township  
 Receiving Stream(s) and Classification(s) UNTs to Muddy Creek (WWF), Pumpkin Run

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

ESCGP-2 # ESX11-065-0027—Renewal—Gustafson Pad  
 Applicant EXCO Resources PA LLC  
 Contact Brian Rushe  
 Address 260 Executive Drive, Suite 100  
 City Cranberry Township State PA Zip Code 16066  
 County Jefferson Townships Snyder and Washington  
 Receiving Stream(s) and Classification(s) Rattlesnake Run/Rattlesnake Creek

ESCGP-2 # ESG14-019-0031D & ESG14-019-0031E  
 Applicant EM Energy Pipeline, Pennsylvania, LLC  
 Contact Tom Glisson  
 Address 7000 Stonewood Drive, Suite 351  
 City Wexford State PA Zip Code 15090  
 County Butler Township(s) Jackson, Forward, Connoquenessing, Bulter, Center, Oakland & Concord  
 Receiving Stream(s) and Classification(s) Connoquenessing Creek, Unnamed Tributaries (UNTs) to Connoquenessing Creek, Little Connoquenessing Creek, UNTs to Little Connoquenessing Creek, Crooked Run,

UNT to Crooked Run, Stony run, UNT to Stony Run, Sullivan Run, Pine Run, UNT to Pine Run

ESCGP-2 # ESG15-019-0050A—Major Modification  
 Applicant Mountain Gathering, LLC  
 Contact Dewey Chalos  
 Address 810 Houston Street  
 City Fort Worth State TX Zip Code 76102  
 County Butler Township Penn Township  
 Receiving Stream(s) and Classification(s) Thorn Creek (CWF)/Connoquenessing Creek

ESCGP-2 # ESX16-031-0001  
 Applicant Laurel Mountain Production, LLC  
 Contact Mr. Joel Hoffman  
 Address 61 McMurray Road, Suite 300  
 City Pittsburgh State PA Zip Code 15241  
 County Clarion Township(s) Perry  
 Receiving Stream(s) and Classification(s) UNT to Dunlap Creek (WWF) Allegheny River (WWF) UNT to Allegheny River (WWF) Allegheny River (WWF)

ESCGP-2 # ESG15-019-0059  
 Applicant Clarion Midstream LLC  
 Contact David Nicklas  
 Address 61 McMurray Road, Suite 300  
 City Pittsburgh State PA Zip Code 15241-01633  
 County Butler Township(s) Parker  
 County Clarion Township(s) Perry  
 County Armstrong Township(s) Perry Township & Parker City  
 Receiving Stream(s) and Classification(s) UNT to N Branch Bear Creek CWF, UNT to Bear Creek CWF, UNT to Allegheny River WWF, UNT to Dunlap Creek WWF, N Branch Bear Creek CWF, Bear Creek CWF, Dunlap Creek WWF, Allegheny River WWF

**STORAGE TANKS  
 SITE-SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16-02-040	Buckeye Terminals, LLC One Greenway Plaza, Suite 600 Houston, TX 77046 Attn: John Sydlowski	Allegheny	Moon Township	1 AST storing biodiesel	102,800 gallons
16-40-013	Moxie Freedom LLC 565 Fifth Avenue, 29th Floor New York, NY 10017 Attn: Thomas A. Grace	Luzerne	Salem Township	3 ASTs storing hazardous substances and petroleum products	22,150 gallons total

**SPECIAL NOTICES**

**Mining; Request for an Informal Conference**

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

**Amerikohl Aggregates, Inc., C & K Mine, Surface Mining Application No. 16150302,** Richland Township, Clarion County: Knox District Mining Office has received a request for an informal conference concerning the application for the C & K Mine. An informal conference has been scheduled for January 25, 2017 at 1:00 pm at the Knox District Mining Office, 310 Best Avenue, Knox, PA. A copy of the application, plans and other data concerning the permit are available at the Clarion County Conservation District, 214 South 7th Avenue, Room 106A, Clarion, PA and at the Knox District Mining Office during regular business hours of 8:00 am to 4:00 pm, Monday through Friday.

[Pa.B. Doc. No. 17-16. Filed for public inspection January 6, 2017, 9:00 a.m.]



### Bid Opportunity

**EC 259159516, Environmental Cleanup Project, Removal and Disposal of One Underground Storage Tank, Moon Meadows, Greenfield Township, Erie County.** The principal items of work and approximate quantities include: Department of Environmental Protection-certified "UMR" oversight; excavation and removal of tank and piping; removal and disposal of residual liquids two drums; disposal of steel tank with FRP jacket one tank; soil sampling five samples; water sampling (if encountered) two samples; backfill 100 tons; and closure report completion.

This bid issues on January 20, 2017, and bids will be opened on February 23, 2017, at 2 p.m.

There will be a mandatory prebid site inspection at 11 a.m. on February 7, 2017, at 9915 Station Road, Erie, PA 16510. Failure to attend the mandatory prebid site inspection will be cause for rejection of the bid.

Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection's web site at [www.dep.pa.gov/ConstructionContracts](http://www.dep.pa.gov/ConstructionContracts). Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-17. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Bid Opportunity

**D23:009-101.1, Broomall Lake Dam Breach Project, Borough of Media, Delaware County.** The principal items of work and approximate quantities include: mobilization and demobilization lump sum; E & S sediment pollution control plan lump sum; clearing and grubbing lump sum; steam diversion and dewatering lump sum; contractor adjustments lump sum; excavation 4,314 cubic yards; removal of concrete/masonry structures 100 cubic yards; removal of existing pavement 730 square yards; causeway construction 2,100 tons; R-4 rip rap 519 square yards; R-8 dumped rock 907 tons; geotextile 944 square yards; erosion control blanket 1,031 square yards; topsoil 344 cubic yards; seeding lump sum; and traffic control lump sum.

This bid issues on January 6, 2017, and bids will be opened on February 7, 2017, at 2 p.m.

There is a mandatory prebid conference that all bidders are required to attend on January 25, 2017, at 10 a.m. at the Media Swimming and Rowing Club parking lot, Media Borough, Delaware County. The parking lot entrance is located at the intersection of West Street and West Third Street. A Mapquest address for the site is 501 West 3rd Street, Media, PA 19063. Failure to attend the prebid conference will be a cause for rejection of the bid.

Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection's web site at [www.dep.pa.gov/](http://www.dep.pa.gov/)

ConstructionContracts. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-18. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Technical Advisory Committee on Diesel-Powered Equipment Rescheduled Meeting

The Technical Advisory Committee on Diesel-Powered Equipment meeting originally scheduled for Wednesday, January 11, 2017, is rescheduled for Wednesday, January 18, 2017, at 10 a.m. in the Department of Environmental Protection, New Stanton Office Building, 131 Broadview Road, New Stanton, PA.

Questions concerning the meeting can be directed to Peggy Scheloske, Bureau of Mine Safety at (724) 404-3143 or [mscheloske@pa.gov](mailto:mscheloske@pa.gov). The agenda and meeting materials will be available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Technical Advisory Committee on Diesel Powered Equipment").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Peggy Scheloske directly at (724) 404-3143, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-19. Filed for public inspection January 6, 2017, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Lawrence County

The Department of General Services (Department) will accept bids for the purchase of the former New Castle Youth Development Center, consisting of 143.34 ± acres of land and 13 buildings totaling 236,444 ± square feet, located at 1745 Frew Mill Road, New Castle, Shenango Township, Lawrence County. Bids are due Wednesday, March 22, 2017. Interested parties wishing to receive a copy of Solicitation No. 94864 should view the Department's web site at [www.dgs.pa.gov](http://www.dgs.pa.gov) or call Andrew Lick at (717) 772-8842.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 17-20. Filed for public inspection January 6, 2017, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Medical Marijuana Program; Availability of Permit Applications, Number and Locations of Permits to be Issued in Phase I

Notice is hereby given that the Department of Health (Department) intends to implement Phase I of the Medical Marijuana Program (Program), which includes the availability of permit applications for growers/processors and dispensaries, the time frame during which permit applications will be accepted by the Department, and the number and location of permits in each medical marijuana region.

#### *Availability of Permit Applications and Submission Deadline*

Notice is hereby given, as required by 28 Pa. Code § 1141.29(a) (relating to initial permit application), that on January 17, 2017, the Department intends to make available, on its web site, grower/processor and dispensary permit applications to implement Phase I of the Program. The Department will accept grower/processor and dispensary permit applications that are complete, including the required fees, starting on February 20, 2017, through March 20, 2017. The Department will consider any application sent by United States Mail to be received on the date it is deposited in the mail as long as a stamped United States Postal Form 3817 Certificate of Mailing is included with the application. The Department will return a permit application that is postmarked after the March 20, 2017, deadline. An applicant must submit a permit application by mail in an electronic format that is listed in the instructions of the permit application to the Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forester Street, Harrisburg, PA 17120.

#### *Total Number of Permits to be Issued in Phase I*

Under section 616 of the Medical Marijuana Act (35 P.S. § 10231.616), the Department may not initially issue permits to more than 25 growers/processors and more than 50 dispensaries. A person who is issued both a grower/processor permit and a dispensary permit by the Department has permits that are vertically integrated.

The Department, in Phase I of the implementation of the Program, intends to issue the following total number of permits:

1. Up to 12 grower/processor permits.
2. Up to 27 dispensary permits.

For Phase I, the Department will not issue a person more than one grower/processor permit. The Department also will not issue a person more than one dispensary permit.

#### *Number and Locations of Permits in Each Medical Marijuana Region*

Notice is hereby given, as required by 28 Pa. Code § 1141.33(b) (relating to review of initial permit applications), that the Department intends to issue, in Phase I, the following number of permits in the following targeted locations in each medical marijuana region:

1. The Department intends to issue no more than two grower/processor permits for each of the six medical marijuana regions.
2. The Department intends to issue up to 27 dispensary permits, with at least 1 dispensary permit being issued in each of the 6 medical marijuana regions. Each

dispensary permit that is issued will list the primary dispensary location. The Department intends to issue the following number of dispensary permits in the following targeted counties within each medical marijuana region:

#### *Medical Marijuana Region 1—The Southeast District*

<i>Counties</i>	<i>Number of Permits—10</i>
Berks	1
Bucks	1
Chester	1
Delaware	1
Lancaster	1
Montgomery	2
Philadelphia	3

#### *Medical Marijuana Region 2—The Northeast District*

<i>Counties</i>	<i>Number of Permits—4</i>
Lackawanna	1
Lehigh	1
Luzerne	1
Northampton	1

#### *Medical Marijuana Region 3—The Southcentral District*

<i>Counties</i>	<i>Number of Permits—4</i>
Blair	1
Cumberland	1
Dauphin	1
York	1

#### *Medical Marijuana Region 4—The Northcentral District*

<i>Counties</i>	<i>Number of Permits—2</i>
Centre	1
Lycoming	1

#### *Medical Marijuana Region 5—The Southwest District*

<i>Counties</i>	<i>Number of Permits—5</i>
Allegheny	2
Butler	1
Washington	1
Westmoreland	1

#### *Medical Marijuana Region 6—The Northwest District*

<i>Counties</i>	<i>Number of Permits—2</i>
Erie	1
McKean	1

An applicant has the option of listing two additional dispensary locations on the permit application for approval by the Department. The second and third dispensary locations must be located within the same medical marijuana region as the primary dispensary location listed in the dispensary permit. The second and third dispensary locations are not permitted to be located in the same county as the primary dispensary location listed in the dispensary permit. In addition, the second and third dispensary locations are not permitted to be located in the same county.

With respect to Region 1 (Southeast District), for each of the seven dispensary permits that are located outside of Philadelphia County, a dispensary applicant may only

identify either a second or third dispensary location within Philadelphia County.

With respect to Region 5 (Southwest District), for each of the three dispensary permits that are located outside of Allegheny County, a dispensary applicant may only identify either a second or third dispensary location within Allegheny County.

Interested persons are invited to submit written comments, suggestions or objections regarding this notice to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forester Street, Harrisburg, PA 17120, (717) 787-4366, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding the issuing of permits and permit applications or who require an alternative format of this notice (for example, large print, audiotope, Braille), may do so by using the previous contact information, or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-21. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Medical Marijuana Program; Establishment of Medical Marijuana Regions

Notice is hereby given, as required by section 604 of the Medical Marijuana Act (act) (35 P.S. § 10231.604), of the establishment of medical marijuana regions. The Department of Health (Department) may issue grower/processor permits and dispensary permits as set forth in the act in each of six medical marijuana regions. The six medical marijuana regions are as follows:

*Region 1*—The Department's Southeast District comprised of the following counties: Berks, Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia and Schuylkill.

*Region 2*—The Department's Northeast District comprised of the following counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Susquehanna, Wayne and Wyoming.

*Region 3*—The Department's Southcentral District comprised of the following counties: Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Perry and York.

*Region 4*—The Department's Northcentral District comprised of the following counties: Bradford, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union.

*Region 5*—The Department's Southwest District comprised of the following counties: Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland.

*Region 6*—The Department's Northwest District comprised of the following counties: Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren.

The Department may change the number or geographical boundaries of the medical marijuana regions every 2 years upon publication of notice of the adjustment in the *Pennsylvania Bulletin*.

Interested persons are invited to submit written comments, suggestions or objections regarding this notice to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forester Street, Harrisburg, PA 17120, (717) 787-4366, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding this notice or who require an alternative format of this notice (for example, large print, audiotope, Braille) may do so by using the previous contact information, or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-22. Filed for public inspection January 6, 2017, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, January 11, 2017—Executive Committee meeting at 1:30 p.m. and Thursday, January 12, 2017—Council meeting at 10 a.m.

The meetings will be accessible at 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 17-23. Filed for public inspection January 6, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Transamerica Life Insurance Company; Doc. No. RT16-11-012

Under sections 307—315 of the Accident and Health Filing Reform Act (40 P.S. §§ 3801.307—3801.315), Transamerica Life Insurance Company has filed an application for a hearing seeking review of the disapproval of its rate increase filing. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A hearing shall occur on April 24, 2017, through April 28, 2017, beginning at 9:30 a.m. each morning in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative proceeding and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-24. Filed for public inspection January 6, 2017, 9:00 a.m.]

**Fernando Arturo Suarez; License Denial Appeal;  
Doc. No. AG16-12-015**

Under sections 601-A—699.1-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Fernando Arturo Suarez has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for February 1, 2017, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before January 30, 2017. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 17, 2017, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before January 30, 2017.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-25. Filed for public inspection January 6, 2017, 9:00 a.m.]

**Increase in the Accident Surcharge Dollar Threshold (Cap) to \$1,700; Notice 2017-01**

Insurers writing private passenger automobile insurance in this Commonwealth may not, by law, penalize their policyholders (for example, apply rate surcharges or otherwise increase premiums) whose aggregate claim cost over a 3-year period does not exceed a certain threshold (cap). This threshold (cap) applies to any person injured or property damaged, and is measured in excess of any deductible or self-insured retention. Effective July 1, 2017, the Insurance Department (Department) has increased the threshold (cap) to \$1,700.

Section 1799.3(a) of 75 Pa.C.S. (relating to limit on cancellations, refusals to renew, refusals to write, sur-

charges, rate penalties and point assignments) does not allow an insurer to “cancel or refuse to renew a policy or apply any surcharge, rate penalty or driver record point assignment” when the threshold (cap) is not exceeded.

By law, the Department is required to adjust the amount of the threshold (cap) at least once every 3 years. Section 1799.3(e) of 75 Pa.C.S. stipulates the adjustment be made relative to changes in the Consumer Price Index for medical care and automobile maintenance and repair costs, and may be rounded to the nearest \$50. The previous adjustment to the threshold (cap) was effective July 1, 2014, when the threshold (cap) increased to \$1,550.

Each individual insurer and rating organization should file the previously-discussed change for prior approval by April 1, 2017, and specify an effective date of no later than July 1, 2017.

To expedite the review process, companies are advised to limit their rate/rule filings to the required threshold revision only. Any unrelated changes, revisions and manual pages should not be included in the filing. Additionally, “surcharge disclosure plan(s)” required under 75 Pa.C.S. § 1793(b) (relating to special provisions relating to premiums) do not require the Department's review and prior approval and should not be submitted in response to this notice.

Questions regarding this notice may be directed to James Di Santo, Actuarial Review Division, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2118, jadisanto@pa.gov.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-26. Filed for public inspection January 6, 2017, 9:00 a.m.]

**Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Robert E. Krall; File No. 16-116-201801; Lititz Mutual Insurance Company; Doc. No. P16-11-010; February 2, 2017, 10 a.m.

The following hearings will be held at Strawbridge and Clothier, Justice Hearing Room No. 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Gary and Linda Brock; File No. 16-130-200833; Bankers Standard Insurance Company; Doc. No. P16-10-009; February 6, 2017, 11 a.m.

Appeal of Carol Fratrick and James Tyksinski; File No. 16-116-201874; State Farm Fire & Casualty Insurance Company; Doc. No. P16-10-013; February 7, 2017, 2 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 17-27. Filed for public inspection January 6, 2017, 9:00 a.m.]

**Walter R. Johnson; Order to Show Cause; Doc. No. SC16-12-001**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for February 14, 2017, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before February 9, 2017. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 26, 2017, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before February 9, 2017.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 17-28. Filed for public inspection January 6, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security

Public Meeting held  
December 22, 2016

*Commissioners Present:* Gladys M. Brown, Chairperson;  
Andrew G. Place, Vice Chairperson; John F. Coleman,  
Jr.; Robert F. Powelson; David W. Sweet

*Electric Generation Supplier License Cancellations of  
Companies with an Expired Financial Security;  
M-2015-2490383*

#### Tentative Order

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of December 13, 2016, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond as noted in the table below.

#### Supplier Table—List of Electric Generation Suppliers

Docket Number	Company Name	Exp. Date
A-2011-2257348	5LINUX ENTERPRISES, INC.	12/8/16
A-2015-2516193	BPO GREEN, LLC	11/30/16
A-2015-2513618	GERM PATROL, LLC	11/1/16
A-2012-2337856	NORTHEASTERN ENERGY CONSULTANTS, LLC	11/4/16

<i>Docket Number</i>	<i>Company Name</i>	<i>Exp. Date</i>
A-2010-2151569	PLATINUM ADVERTISING II, LLC	12/1/16
A-2009-2150016	RELIABLE POWER ALTERNATIVES CORPORATION	12/1/16
A-2010-2211708	ROSENTHAL ENERGY ADVISORS, INC.	11/30/16
A-2010-2214106	TRANE ENERGY CHOICE, LLC	11/1/16
A-2009-2146207	TYBEC ENERGY MANAGEMENT SPECIALISTS, INC.	11/30/16
A-2013-2341976	US POWER TRADE, LLC	12/1/16

\*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 60-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for each EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-29. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 23, 2017. 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-2016-2578830. Regional EMS and Critical Care, Inc., t/a Regional Community Transit** (P.O. Box 191, Lehighon, Carbon County, PA 18235-0191) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, in wheelchairs or in need of mobility assistance, or both, from points in the Counties of Carbon, Lancaster, Lebanon, Lehigh, Monroe, Northampton and Schuylkill, in the City of Hazleton and west of Route 309 and south of Interstate 80 in Luzerne County, and to or from the Laurel Center (or any future facility located at 125 Holly Road, Tilden Township), Berks County, to points in Pennsylvania, and return; *Subject to the following conditions and limitations:* That no right power or privilege is sought or shall be granted: 1) to originate service within the Boroughs of Wilson and West Easton, the Townships of Palmer and Bethlehem, and the City of Easton, all in Northampton County; 2) to provide any service to or from any point in Luzerne County that is located within an airline distance of 10 statute miles of the limits of the Borough of Berwick, Columbia County; or 3) to originate service in the following communities, located in Lancaster County—Adams-town Borough, Akron Borough, Brecknock Township, Caernarvon Township, Terre Hill Borough, Denver Borough, East Cocalico Township, Ephrata Borough, Ephrata Township, Clay Township, West Cocalico Township, West Earl Township, Manheim Township and west of the Conestoga River in Earl Township. *Attorney:* Christina M. Mellott, Esquire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**A-2016-2580985. Compassion Transport Services, LLC** (6100 Old Hanover Road, Spring Grove, York County, PA 17362) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service,

from points in Adams County, to points in Pennsylvania, and return; *As follows*: limited to persons whose personal convictions prevent them from owning or operating motor vehicles from Adams County; persons on work release from Adams County correctional facilities; and persons 18 years of age or older with special needs who are unable to drive from Adams County.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-30. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Telecommunications

**A-2016-2580806. Commonwealth Telephone Company, LLC d/b/a Frontier Communications and US LEC of Pennsylvania, LLC.** Joint petition of Commonwealth Telephone Company, LLC d/b/a Frontier Communications and US LEC of Pennsylvania, LLC for approval of an interconnection opt-in agreement under section 252(i) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, LLC d/b/a Frontier Communications and US LEC of Pennsylvania, LLC, by their counsel, filed on December 21, 2016, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection opt-in 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 Commonwealth Telephone Company, LLC d/b/a Frontier Communications and US LEC of Pennsylvania, 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](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-31. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Wastewater System Assets and Service

**A-2016-2580061. Aqua Pennsylvania Wastewater, Inc.** Application of Aqua Pennsylvania Wastewater, Inc., for approval of: 1) the acquisition by Aqua Pennsylvania Wastewater, Inc. of the wastewater system assets of the New Garden Township and the New Garden Township Sewer Authority situated within portions of New Garden and Kennett Townships, Chester County; 2) the right of Aqua Pennsylvania Wastewater, Inc. to begin to offer, render, furnish and supply wastewater service to the public in portions of New Garden and Kennett Townships, Chester County; and 3) for an order approving the acquisition that includes the ratemaking rate base of the

New Garden wastewater system assets under 66 Pa.C.S. § 1329(c)(2) (relating to valuation of acquired water and wastewater systems).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 23, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* Aqua Pennsylvania Wastewater, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esq., Thomas, Niesen and Thomas, LLC, 212 Locust Street, Suite 600, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-32. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Water Service

**A-2016-2580791. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Charlestown Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 23, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esq., Thomas, Niesen and Thomas, LLC, 212 Locust Street, Suite 600, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-33. Filed for public inspection January 6, 2017, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Request for Bids

The Philadelphia Parking Authority will accept sealed bids for Bid No. 16-32, Proposed Parking Lots at Ben Franklin Bridge and Third Street, on Friday, February 3, 2017. Information and important dates for this procurement can be obtained from the web site [www.puc.pa.gov](http://www.puc.pa.gov).

philapark.org or by contacting Mary Wheeler, (215) 683-9665, mwheeler@philapark.org.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-34. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Request for Bids

The Philadelphia Parking Authority will accept sealed bids for Bid No. 16-33, Ticketing Rolls, Paper Tickets and Ticketing Envelopes, until 2:30 p.m. on Friday, February 3, 2017. Information can be obtained from the web site www.philapark.org or by calling Mary Wheeler at (215) 683-9665.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-35. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Request for Information

The Philadelphia Parking Authority will accept responses to this request for information, RFI No. 16-36, Single Space Parking Meters, until 2 p.m. on Friday, February 3, 2017. Information can be obtained from the web site www.philapark.org or by calling Mary Wheeler at (215) 683-9665.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-36. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than January 23, 2017. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant.

**Doc. No. A-16-11-01. Road Trans, Inc.** (13039 Blakeslee Court, Philadelphia, PA 19116): An application for a medallion taxicab certificate of public convenience (CPC) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* David R. Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

**Doc. No. A-16-11-02. D&I Cab, Inc.** (13039 Blakeslee Court, Philadelphia, PA 19116): An application for a

medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* David R. Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

**Doc. No. A-16-11-03. D&I Cab, Inc.** (13039 Blakeslee Court, Philadelphia, PA 19116): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* David R. Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-37. Filed for public inspection January 6, 2017, 9:00 a.m.]

### Service of Notice of Transportation Network Company Applications in the City of Philadelphia

The following applications to render service as a transportation network company in the City of Philadelphia under 53 Pa.C.S. Chapter 57A (relating to transportation network companies) have been filed with the Philadelphia Parking Authority's Taxicab and Limousine Division. Protests or objections to the following applications are prohibited. See 53 Pa.C.S. § 57A05(f) (relating to license issuance and appeal of denial).

**Doc. No. A-16-12-03. Lyft, Inc.:** An application for a transportation network company license to provide transportation network service in the City of Philadelphia using a digital network through the Lyft, Inc. application that matches a passenger and transportation network driver in advance of a prearranged ride. *Attorney:* Calli J. Padilla, Esq., Cozen O'Connor, One Liberty Place, 1650 Market Street, Philadelphia, PA 19103.

**Doc. No. A-16-12-04. Rasier-PA, LLC:** An application for a transportation network company license to provide transportation network service in the City of Philadelphia using a digital network through the Uber Technologies, Inc. application that matches a passenger and transportation network driver in advance of a prearranged ride. *Attorney:* David P. Temple, Esq., Gallagher & Turchi, PC, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-38. Filed for public inspection January 6, 2017, 9:00 a.m.]

## STATE BOARD OF MASSAGE THERAPY

### Bureau of Professional and Occupational Affairs v. Shixin Zhang; Doc. No. 1271-72-14

On October 19, 2016, Shixin Zhang, unlicensed, last known of Reading, Berks County, was ordered to cease and desist employing unlicensed individuals to perform massage therapy and assessed a \$1,000 civil penalty plus \$553.12 costs of investigation.



Individuals may obtain a copy of the order by writing to Jacqueline A. Wolfgang, Board Counsel, State Board of Massage Therapy, P.O. Box 69523, Harrisburg, PA 17106-9523.

BECKY D. LESIK, LMT,  
*Chairperson*

[Pa.B. Doc. No. 17-39. Filed for public inspection January 6, 2017, 9:00 a.m.]

## STATE BOARD OF PHARMACY

**Bureau of Professional and Occupational Affairs v.  
Osaru Chiamaka Okoro, RPh; Doc. No. 2241-54-  
16; File No. 16-54-13979**

On December 6, 2016, the State Board of Pharmacy issued a final order reinstating the license of Osaru Chiamaka Okoro, RPh, Pennsylvania license No. RP442520, last known of Irving, TX, due to his payment of the civil penalty that was assessed to him.

Individuals may obtain a copy of the order of suspension by writing to Kerry Maloney, Board Counsel, State Board of Pharmacy, P.O. Box 69523, Harrisburg, PA 17106-9523.

JANET GETZEY HART, RPh,  
*Chairperson*

[Pa.B. Doc. No. 17-40. Filed for public inspection January 6, 2017, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from November 1, 2016, through November 30, 2016.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

#### *Approvals by Rule Issued Under 18 CFR 806.22(f)*

1. Inflection Energy (PA), LLC, Pad ID: Stunner, ABR-201111037.R1, Gamble and Eldred Townships, Lycoming

County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 7, 2016.

2. Inflection Energy (PA), LLC, Pad ID: Nature Boy East, ABR-201203010.R1, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 7, 2016.

3. EXCO Resources (PA), LLC, Pad ID: Farnsworth Unit 1H Pad, ABR-201111038.R1, Franklin Township, Lycoming County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: November 9, 2016.

4. SWEPI, LP, Pad ID: Chappell 855, ABR-201110009.R1, Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 9, 2016.

5. Chief Oil & Gas, LLC, Pad ID: King Drilling Pad # 1, ABR-201205007.R1, Towanda Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: November 10, 2016.

6. Chief Oil & Gas, LLC, Pad ID: Ambrosius Drilling Pad # 1, ABR-201205004.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: November 14, 2016.

7. Chief Oil & Gas, LLC, Pad ID: D & J Farms Drilling Pad # 1, ABR-201204004.R1, Sheshequin Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: November 17, 2016.

8. SWN Production Company, LLC, Pad ID: LOCH, ABR-201112031.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 17, 2016.

9. SWN Production Company, LLC, Pad ID: Flicks Run, ABR-201201011.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 17, 2016.

10. Chief Oil & Gas, LLC, Pad ID: Yanavitch Drilling Pad # 1, ABR-201204003.R1, Stevens Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: November 22, 2016.

11. Chief Oil & Gas, LLC, Pad ID: Polowy Drilling Pad # 1, ABR-201205008.R1, Ulster Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: November 28, 2016.

12. Talisman Energy USA, Inc., Pad ID: Bucks Hill, ABR-201112019.R1, LeRaysville Borough, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 28, 2016.

13. Chesapeake Appalachia, LLC, Pad ID: Hart, ABR-201205009.R1, Wyalusing Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 29, 2016.

*Authority:* Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* December 21, 2016.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 17-41. Filed for public inspection January 6, 2017, 9:00 a.m.]