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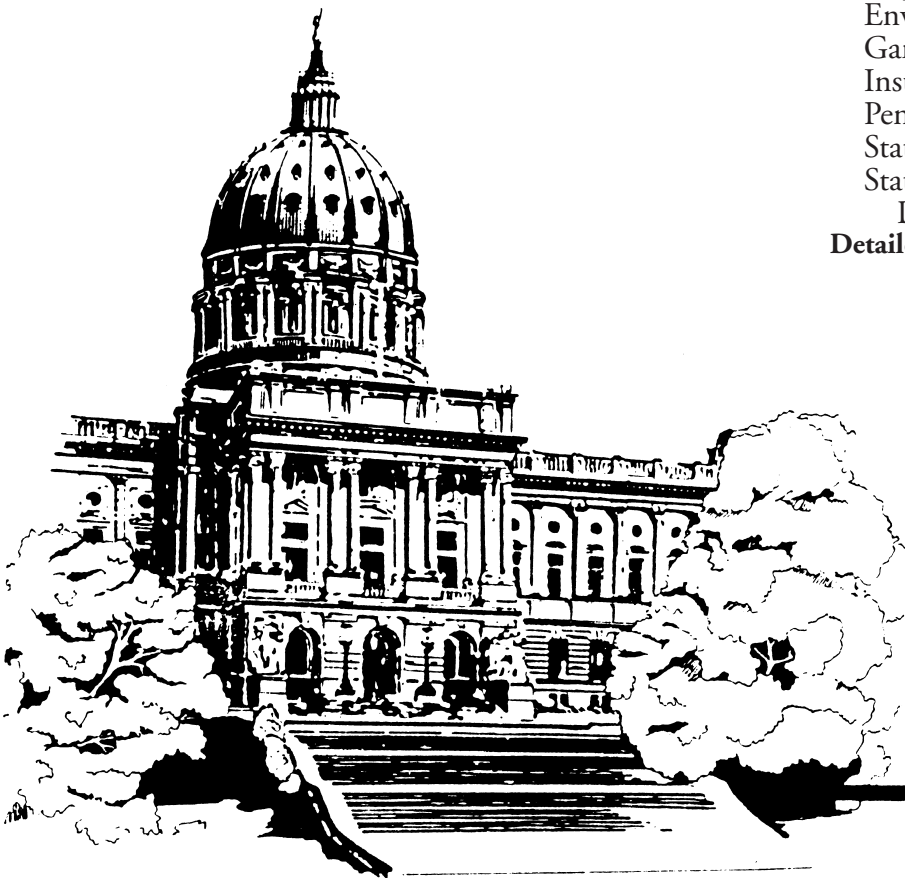
# PENNSYLVANIA BULLETIN

Volume 45  
Saturday, February 7, 2015 • Harrisburg, PA  
Number 6  
Pages 647—758

**Agencies in this issue**

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The Courts  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
Department of Human Services  
Department of Revenue  
Environmental Quality Board  
Game Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
State Board of Cosmetology  
State Board of Vehicle Manufacturers,  
Dealers and Salespersons

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

**No. 483, February 2015**

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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.

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### **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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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 2015.

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2015-02 ]

### Competitive Process for Procurement of Legal Services

January 20, 2015

*Whereas*, Section 515 of the Commonwealth's Procurement Code exempts various categories of "Sole Source" contracts from the requirement of competitive bidding, including when services are to be provided by attorneys or litigation consultants selected by the Office of General Counsel, the Office of Attorney General, the Department of the Auditor General or the Treasury Department; and

*Whereas*, the Office of General Counsel has, in reliance on Section 515 and with the approval of the Governor, engaged private counsel to represent the Commonwealth or its employees in civil or criminal matters without utilizing a competitive bidding process; and

*Whereas*, competitive bidding for legal services should be used to the maximum extent feasible prior to engaging private counsel to represent the Commonwealth or its employees in civil or criminal matters; and

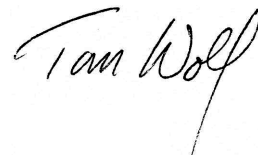
*Whereas*, Section 512.1 of the Procurement Code includes an alternate process for obtaining services through the use of "competitive electronic auction bidding;" and

*Whereas*, Section 518 of the Procurement Code includes an alternative process for lawyers and other professionals under the heading "Competitive Selection Procedures for Certain Services;" and

*Whereas*, in many cases, the need to retain private counsel can be predicted and planned for sufficiently in advance to engage in competitive bidding; and

*Whereas*, procuring legal services through a competitive procurement process wherever possible will provide greater assurance that legal expenditures are efficiently utilized, will result in a more transparent selection process, and will enhance public perception that the process is fair and not influenced by political or other improper considerations.

*Now, Therefore*, I Thomas W. Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct as follows.



Governor

**Fiscal Note:** GOV-15-02. No fiscal impact; (8) recommends adoption.



## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter AAA. COMPETITIVE PROCESS FOR PROCUREMENT  
OF LEGAL SERVICES

Sec.

- 1.801. Contracts conducted on the basis of competitive bidding procedures.
- 1.802. Contracts awarded on a sole source basis.
- 1.803. Request for authorization for outside counsel.
- 1.804. Request for proposals and invitation for bids.
- 1.805. Role of General Counsel.
- 1.806. Effective date.

**§ 1.801. Contracts conducted on the basis of competitive bidding procedures.**

Except as set forth in this subchapter, the awarding of contracts for legal services or legal consultants by the Office of General Counsel or an executive department shall be conducted on the basis of the competitive bidding procedures in 62 Pa.C.S. § 512.1 or § 518 (relating to competitive electronic auction bidding; and competitive selection procedures for certain services).

**§ 1.802. Contracts awarded on a sole source basis.**

Legal service or legal consultant contracts shall be awarded on a sole source basis only when it is clearly not feasible to utilize competitive bidding because of an urgency of need or other documented circumstances.

**§ 1.803. Request for authorization for outside counsel.**

When an executive department determines that the paid services of outside counsel are required, it shall submit to the Office of General Counsel a request for authorization to proceed. The request for authorization must succinctly state:

- (1) A written justification that the department does not have the legal or financial resources to pursue the action on its own.
- (2) A detailed estimate of the time and labor that will be required.
- (3) A description of the specific legal expertise needed.
- (4) A determination that the need for this legal support is both cost-effective and in the public's best interest.

**§ 1.804. Request for proposals and invitation for bids.**

Upon receipt of written authorization to proceed from the General Counsel, the department may issue a request for proposals under 62 Pa.C.S. § 518 (relating to competitive selection procedures for certain services) or an invitation for bids under 62 Pa.C.S. § 512.1 (relating to competitive electronic auction bidding).

**§ 1.805. Role of General Counsel.**

The General Counsel shall, as soon as practicable:

- (1) Identify categories of legal services or types of cases that may be supplied by outside lawyers or law firms, or both.
- (2) Develop a competitively bid list of preapproved outside counsel for emergency situations.
- (3) Identify the circumstances in which the awarding of legal services on a sole source basis is justified based on the criteria in § 1.802 (relating to contracts awarded on a sole source basis) and those that must be subject to competitive bidding under either 62 Pa.C.S. § 512.1 or § 518 (relating to

competitive electronic auction bidding; and competitive selection procedures for certain services).

(4) Implement a system to award those contracts in accordance with those provisions.

**§ 1.806. Effective date.**

This subchapter takes effective immediately.

[Pa.B. Doc. No. 15-218. Filed for public inspection February 6, 2015, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**  
**[ 4 PA. CODE CH. 7 ]**  
**[ EXECUTIVE ORDER NO. 2015-01 ]**  
**Executive Branch Employee Gift Ban**

January 20, 2015

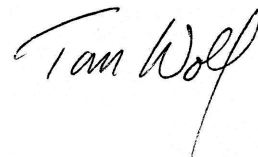
*Whereas*, the citizens of the Commonwealth are entitled to confidence in the integrity of the government, including the process by which decisions and administrative actions are rendered by employees of the Commonwealth; and

*Whereas*, such confidence in the integrity of the government demands that significant contact between Commonwealth Executive Employees and special interests, lobbyists and those who employ lobbyists seeking to influence the decisions and administrative actions of such employees, be regulated and publicly disclosed; and

*Whereas*, the Constitution of Pennsylvania vests supreme executive power in the Governor, which power includes the prerogative to establish practices and proceedings before executive agencies and to regulate actions that may influence, or have the potential to influence, the outcome of decisions and administrative actions of executive branch employees; and

*Whereas*, the Code of Conduct adopted by Executive Order 1980-18, as amended ("Code of Conduct"), restricts and requires disclosure of the receipt by employees, appointees and officials of the Executive Branch of the Commonwealth of gifts, gratuities, favors, entertainment, loans or any other thing of monetary value, including in-kind gifts, from persons doing or seeking to do business with the Commonwealth or with interests that are substantially affected by decisions of Commonwealth officials.

*Now Therefore*, I, Thomas W. Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reaffirm the Code of Conduct for Commonwealth Employees, and promulgate the following amendments to such Code of Conduct to clarify the applicability of the Code of Conduct generally and to strengthen and expand the provisions regarding prohibitions on the receipt of gifts.



Governor

*(Editor's Note:* This Executive Order is effective immediately.)

**Fiscal Note:** GOV-15-01. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter K. CODE OF CONDUCT FOR APPOINTED OFFICIALS  
AND STATE EMPLOYEES

## RESTRICTED ACTIVITIES: CONFLICTS OF INTEREST

## § 7.153. Gifts and favors.

(a) No employee, appointee or official in the Executive Branch of the Commonwealth may solicit or accept for the personal use of the employee or another, a gift, gratuity, favor, entertainment, hospitality, loan or any other thing of monetary value, including in-kind gifts, from a person who:

(1) Is seeking to obtain business from or has financial relations with the Commonwealth.

(2) Conducts operations or activities that are regulated by the Commonwealth.

(3) Is engaged, either as principal or attorney, in proceedings before the Commonwealth or in court proceedings in which the Commonwealth is an adverse party.

(4) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the employee.

(b) The only exceptions are limited to the following instances:

(1) The solicitation or acceptance of something of monetary value from a friend, parent, spouse, child or other close relative under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making a determination include the history of the relationship (for example, does the friendship predate employment by the Commonwealth) and whether the family member or friend pays for the gift.

(2) The acceptance of loans from banks or other financial institutions on customary terms of finance for proper and usual activities, such as home mortgage loans.

(3) Participation in widely attended gatherings free of charge is permissible when officials have been invited and are acting in furtherance of their official duties. But no food or drink can be accepted without payment at market value.

[Pa.B. Doc. No. 15-219. Filed for public inspection February 6, 2015, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**  
**[ 4 PA. CODE CHS. 7 AND 7a ]**  
**[ EXECUTIVE ORDER NO. 2011-03 ]**  
**Public Private Partnership**

May 3, 2011

*Whereas*, Pennsylvania has dramatically low national rankings in areas of key economic indicators, such as job creation, population growth, new business start-ups, patent creation and the average educational attainment for its workforce; and

*Whereas*, the commonwealth's economic development goals include developing an innovation-driven economy, ensuring that all Pennsylvania's children can achieve their full potential through access to a first-class education, increasing wealth-generating job opportunities for all citizens,

encouraging small business growth, significantly reducing the burdens government places on businesses and citizens, expanding Pennsylvania-based business export opportunities, and harnessing Pennsylvania's energy potential; and

*Whereas*, successful economic development must be sustainable, contribute lasting economic benefits, provide a solid education that prepares students to compete in a global economy, and evaluate workforce and education options and opportunities in order to ensure an improved quality of life for Pennsylvania's people and communities; and

*Whereas*, commonwealth taxpayers for too long have been unduly burdened with, and relied upon for, sustaining Pennsylvania's many levels of state and local governments; and

*Whereas*, merely improving government policies and programs is insufficient to surmount the significant economic challenges facing the commonwealth; and

*Whereas*, the use of a public private partnership to bring business, government, community, and education leaders together is essential to accomplishing these goals; and

*Whereas*, Pennsylvania is fortunate in having an abundance of world-class private sector resources and leaders who desire to better their communities and the commonwealth; and

*Whereas*, Team Pennsylvania Foundation is a dynamic resource for Pennsylvania, created as a nonprofit corporation incorporated in 1997, under 15 Pa.C.S. Subpart C (relating to Nonprofit Corporation Law of 1988), in order to assist the commonwealth in increasing job growth, retention and creation within Pennsylvania.

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby recognize, affirm and celebrate the economic development partnership between the commonwealth and the Team Pennsylvania Foundation.



Governor

**Fiscal Note:** GOV-11-03. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 7. MISCELLANEOUS PROVISIONS**

**Subchapter Z. (Reserved)**

§§ 7.361—7.363. (Reserved).

§ 7.367. (Reserved).

**CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS**

**Subchapter I. COMMONWEALTH PARTNERSHIP WITH TEAM PENNSYLVANIA FOUNDATION**

- Sec.
- 7a.101. Purpose.
- 7a.102. Cooperation of State agencies.
- 7a.103. Appointments.
- 7a.104. Applicability.
- 7a.105. Effective date.
- 7a.106. Rescission.

**§ 7a.101. Purpose.**

The purpose of the affirmation of the partnership between the Commonwealth and Team Pennsylvania Foundation is to advance innovation, efficiency and transparency within the government at the State and local levels, stimulate business growth in this Commonwealth, ensure excellent and accessible education options, and help create domestic and international business opportunities for job creators in this Commonwealth.

**§ 7a.102. Cooperation of State agencies.**

Agencies under the Governor's jurisdiction shall recognize the Team Pennsylvania Foundation as a unique and trusted partnership with the Commonwealth and cooperate with and support it to the extent permissible under applicable laws, policies and regulations to assist it in pursuing the common mission of creating and expanding opportunities for businesses and individuals to succeed in this Commonwealth.

**§ 7a.103. Appointments.**

To help ensure private sector engagement and participation, the Governor will endeavor to include Team Pennsylvania Foundation leadership on relevant commissions, boards and appointments to other bodies and positions, as appropriate.

**§ 7a.104. Applicability.**

This subchapter is intended to promote the attainment of the mission and goals of the Team Pennsylvania Foundation insofar as they enhance the economic betterment of this Commonwealth, and is not intended to create any right or benefit, whether substantive or procedural, that is enforceable at law or equity by any party against the Commonwealth, its agencies, officers or employees, or against any other person.

**§ 7a.105. Effective date.**

This subchapter takes effect immediately.

**§ 7a.106. Rescission.**

Effective immediately, Executive Order 2001-4 is rescinded.

[Pa.B. Doc. No. 15-220. Filed for public inspection February 6, 2015, 9:00 a.m.]

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## GOVERNOR'S OFFICE

### Proclamation of Disaster Emergency

January 26, 2015

*Whereas*, A severe winter event is impacting the Commonwealth of Pennsylvania, causing dangerous winter weather conditions including snow and ice accumulation; and

*Whereas*, this emergency event has the potential to cause significant adverse impacts upon the population throughout the Commonwealth; and

*Whereas*, this emergency event may prompt affected county and municipal governments to declare local disaster emergencies because of the winter weather conditions; and

*Whereas*, the emergency event is of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county and municipal emergency response plans.

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section § 7101 et seq.,) I do hereby proclaim the existence of a disaster emergency in the Commonwealth and authorize and direct that the Pennsylvania Emergency Management Agency Director or designee assume command and control of all

statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event.

*Further*, I hereby transfer up to \$250,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency, which amount may be increased or decreased as conditions require. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; and

*Further*, I hereby direct the Pennsylvania Emergency Management Agency to staff the State Emergency Operations Center for the duration of this emergency event and to augment it with personnel from other state agencies and departments. I also authorize the Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other state agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that she deems necessary, to ensure that all state highways in the areas that may be affected by the emergency event are cleared of snow, debris and any other obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of snow, debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in her sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which she is authorized by law to administer or enforce as may be necessary to respond to this emergency event; and

*Further*, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers in the finding and transporting of fuel, food or other commodities across the state to provide emergency relief during this event, I hereby direct the Department of Transportation to waive any laws or Federal or state regulations related to drivers of commercial vehicles; and

*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth (51 Pa.C.S. § 508), I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of this disaster emergency proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by this emergency event; and

*Further*, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Department, in



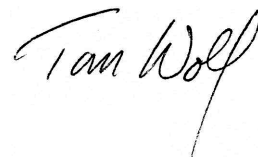
whatever manner he deems necessary, to aid in the recovery aspects related to all interstate, other federal and state highways in the Commonwealth to address this emergency event; and

*Further*, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

*Further*, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

*Still Further*, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency event to act as necessary to meet the current exigencies as legally authorized under this proclamation, including by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, on this twenty-sixth day of January in the year of our Lord two thousand fifteen, and of the Commonwealth the two hundred and thirty-ninth.



Governor

[Pa.B. Doc. No. 15-221. Filed for public inspection February 6, 2015, 9:00 a.m.]



# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 213 ]

#### Proposed Public Access Policy Concerning Case Records of the Appellate and Trial Courts

The Administrative Office of Pennsylvania Courts is planning to recommend that the Supreme Court of Pennsylvania adopt this proposed public access policy concerning official case records of the appellate and trial courts. At my direction, a working group comprised of judges, attorneys, filing office and administrative personnel developed this proposed policy that is being published for public comment. The proposed policy covers official case record information that would be accessible by the public, how requests for access are to be handled, applicable fees, and other pertinent recommendations.

Balancing the public's right of access to official records with an individual's privacy interests is an important public policy issue. This proposal builds upon existing UJS policies governing access to magisterial district court case records, electronic case records and financial records.

The Explanatory Report highlights the working group's considerations in formulating this proposed policy. I request that interested persons submit suggestions, comments, or objections concerning this proposal to the working group through

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

no later than April 8, 2015.

ZYGMONT A. PINES,  
*Court Administrator of Pennsylvania*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### CHAPTER 213. COURT RECORDS POLICIES

Subchap.

D. PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL  
SYSTEM OF PENNSYLVANIA: CASE RECORDS OF THE  
APPELLATE AND TRIAL COURTS

#### Subchapter D. PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA: CASE RECORDS OF THE APPELLATE AND TRIAL COURTS

Sec.

213.81. Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

#### § 213.81. Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

##### Section 1.0. Definitions.

A. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or 42 Pa.C.S. § 62A01 et seq.

B. "Case Records" are (1) pleadings, documents and other legal papers for any unique case filed with and maintained by the applicable court or custodian; (2) dockets, orders, opinions, judgments, decrees, and other legal papers for any particular case created and maintained by the applicable court or custodian. This term does not include notes, memoranda, correspondence, drafts and work product of judges or court personnel. Unless otherwise provided, this definition applies equally to case records maintained in paper and electronic formats.

C. "Court" includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, and Philadelphia Municipal Court, excluding the Traffic Division of Philadelphia Municipal Court.

D. "Court Facility" is the location or locations where case records are filed or maintained.

E. "Custodian" is any person responsible for maintaining case records or for processing public requests for access to case records.

F. "Docket" is a chronological index of filings, actions, and events in a particular case, which may include identifying information of the parties and counsel, and a brief description or summary of the filings, actions, and events.

G. "Financial Account Numbers" are financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.

H. "Financial Source Documents" are:

1. Tax returns;
2. W-2 forms and schedules;
3. Wage stubs, earning statements, or other similar documents;
4. Credit card statements;
5. Financial institution statements;
6. Check registers;
7. Checks or equivalent; and
8. Loan application documents.

I. "Minor" is a person under the age of eighteen.

J. "Party" is one who commences an action or against whom relief is sought in a matter.

K. "Public" is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or employees if acting in their official capacities; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.

L. "Remote Access" is the ability to electronically search, inspect, print or copy information in a case record without the need to physically visit the court facility.

#### Commentary

Regarding Subsection J, *amicus curiae* are not parties. See Pa.R.A.P. 531.

Regarding Subsection K, Unified Judicial System officials or employees include: judicial officers and their personal staff, administrative staff and other central staff, prothonotaries, clerks of the courts, clerks of the orphans' court division, sheriffs, prison and correctional officials, and personnel of all the above.

### Section 2.0. Statement of General Policy.

A. This policy shall govern access by the public to case records.

B. Security, possession, custody, and control of case records shall generally be the responsibility of the proper custodian and designated staff.

C. Facilitating access by the public shall not substantially impede the orderly conduct of court business.

D. A court or custodian may not adopt more restrictive or expansive access protocols than provided for in this policy. Nothing in this policy requires a court or custodian to provide remote access to case records. However, if a court or custodian chooses to provide remote access to any of its case records, access shall be provided in accordance with Section 10.0.

E. This policy shall apply to all case records created on or after the effective date of this policy.

#### Commentary

The Supreme Court of Pennsylvania has adopted other policies governing public access to Unified Judicial System case records: the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* that provides for access to the statewide case management systems' web docket sheets and requests for bulk data and the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* that provides for access to case records of the magisterial district courts maintained in a paper format.

### Section 3.0. Access to Case Records.

All case records shall be open to the public in accordance with this policy.

### Section 4.0. Requesting Access to Case Records.

A. Any person desiring to inspect or copy case records shall make an oral or written request to the proper custodian, unless otherwise provided by court order or rule. If the request is oral, the custodian may require a written request.

B. Written requests shall be substantially in the format designed and published by the Administrative Office of Pennsylvania Courts.

C. Requests shall identify or describe the records sought with specificity to enable the custodian to ascertain which records are being requested.

#### Commentary

Public access requests to the courts and custodians are routinely straightforward and often involve a limited number of records. Therefore, artificial administrative barriers should not be erected so as to inhibit fulfilling these requests in an efficient manner.

Nonetheless, Subsection A provides a custodian with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. This approach is not novel; submission of a written request form has been a longstanding practice under the Unified Judicial System's *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* and *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts*.

Subsection C does not require a requestor to identify a case by party or case number in order to have access to the files, but the request shall clearly identify or describe the records requested so that court personnel can fulfill the request.

### Section 5.0. Responding to Requests for Access to Case Records.

A. A custodian shall fulfill a request for access to case records as promptly as possible under the circumstances existing at the time of the request.

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

C. If a custodian denies a written request for access, the denial shall be in writing.

#### Commentary

Given that most public access requests for case records are straightforward and usually involve a particular case or matter, custodians should process the same in an expeditious fashion.

There are a number of factors that can affect how quickly a custodian may respond to a request. For example, the custodian's response may be slowed if the request is vague, requires compilation of a large amount of information, or involves information that is stored off-site. Ultimately, the goal should be to respond timely to requests for case records.

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

- the request involves such voluminous amounts of information that the custodian is unable to fulfill the same without substantially impeding the orderly conduct of the court or custodian's office;
- records in closed cases are located at an off-site facility;
- a particular file is in use by a judge or court staff. If a judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to Section 6.0 of this policy, associated with the request; and/or
- the requested information is restricted from access pursuant to applicable legal authority.

An aggrieved party may seek relief from a denial of a written request for access consistent with applicable legal

authority (for example, Pa.R.A.P. 123 and pertinent motion practice at the trial court level).

### Section 6.0. Fees.

A. Reasonable fees may be imposed for providing public access to case records pursuant to this policy and in accordance with applicable legal authority.

B. Fees for duplication by photocopying or printing from electronic media or microfilm shall not exceed \$0.25 per page, except as provided by applicable legal authority.

C. A custodian shall establish a fee schedule that is (1) published in the *Pennsylvania Bulletin*, (2) posted in the court facility in an area accessible to the public, and (3) posted on the custodian's website.

#### Commentary

To the extent that the custodian is not the court, approval of the fee schedule by the court may be necessary.

An example of applicable legal authority setting forth photocopying fees is 42 Pa.C.S. § 1725(c)(1)(ii) that provides the clerk of Orphans' Court of the First Judicial District shall charge \$3 per page for a copy of any record. In addition, the copying fees for appellate records are \$1 per page if the appellate prothonotary's office transmits the document to the requestor, or \$0.50 per page if copies are provided to the requestor in person. See 204 Pa. Code § 155. However, copies of most appellate court opinions and orders are available for free on the Unified Judicial System's website, [www.pacourts.us](http://www.pacourts.us).

Subsection B is consistent with the fee structure provided for under the Pennsylvania Right To Know Law (65 P.S. § 67.1307) and promulgated by the Office of Open Records.

### Section 7.0. Confidential Information.

A. Unless required by applicable legal authority or as provided in Subsection C, a party shall not set forth the following information in any pleading, document, or other legal paper that is to be filed with a court or custodian, except on a Confidential Information Form to be filed contemporaneously with the pleading, document, or other legal paper:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable legal authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Information Form.

C. Instead of using the Confidential Information Form, a court may adopt a rule or order permitting the filing of

any pleading, document, or other legal paper in two versions, a "Redacted Version" and "Unredacted Version." The "Redacted Version" shall not include any information set forth in Subsection A, while the "Unredacted Version" shall include the information.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents."

E. A court or custodian is not required to review any filing for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If a filing fails to comply with the requirements of this section, a court may, upon motion or its own initiative, order the filing sealed and/or redacted. A court may also impose appropriate sanctions, including costs necessary to prepare a compliant filing.

#### Commentary

There is legal authority requiring information listed in Subsection A to appear on certain court documents. For example, 23 Pa.C.S. § 6108(b) provides for the inclusion of a defendant's social security number on a protection from abuse order, and Pa.R.C.P. No. 1910.27 provides for inclusion of the plaintiff's and defendant's social security number on a complaint for support.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable legal authority. For example, cases filed under the Juvenile Act that are already protected by 42 Pa.C.S. § 6307, Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable legal authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated documents (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

It is recommended that when a redacted version of a document is prepared the drafter shall indicate where in the document confidential information has been omitted. For example, the drafter could insert minors' initials in the document, while listing full names on the Confidential Information Form. If more than one child has the same initials, a different moniker should be used (e.g. child one, child two, etc.).

While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

With regard to Subsection D, the certification of compliance is required whether the documents are filed in paper form or via an e-filing system. Courts that permit e-filing should consider the development of a compliance "checkbox" whereby e-filers could indicate their compliance with this policy.



Any party may make a motion to the court to cure any defect(s) in any filing(s) that does not comport with this section.

### Section 8.0. Confidential Documents.

A. Unless required by applicable legal authority, the following documents are confidential and shall be filed with a court or custodian under a cover sheet designated “Confidential Documents Form”:

1. Financial Source Documents;
2. Minors’ educational records;
3. Medical/Psychological records;
4. Children and Youth Services’ records; and
5. Marital Property Inventory pursuant to Pa.R.C.P. No. 1920.33.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable legal authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Documents Form.

C. Confidential documents submitted with the required cover sheet shall not be accessible to the public, except as ordered by a court. However, the cover sheet or a copy of it shall be accessible to the public.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form “I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.”

E. A court or custodian is not required to review any pleading, document or other legal paper for compliance with this section. A party’s or attorney’s failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If confidential documents are not submitted with the required cover sheet, a court may, upon motion or its own initiative, order that any such documents be sealed. A court may also impose appropriate sanctions for failing to comply with this section.

#### Commentary

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable legal authority, such as Juvenile Act cases pursuant to 42 Pa.C.S. § 6307, Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable legal authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated documents (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court’s opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public’s access to court records and ability to understand the court’s decision.

With regard to Subsection D, the certification of compliance is required whether the documents are filed in paper

form or via an e-filing system. Courts that permit e-filing should consider the development of a compliance “checkbox” whereby e-filers could indicate their compliance with this policy.

With regard to Subsection E, if the party or party’s attorney fails to use a cover sheet designated “Confidential Document Form” when filing the documents deemed confidential pursuant to this Section, documents which are otherwise inaccessible may be released to the public because they were not properly identified through the use of the Confidential Document Form.

Any party may make a motion to the court to cure any defect(s) in any filing(s) that does not comport with this section.

### Section 9.0. Limits on Public Access to Case Records at a Court Facility.

The following information shall not be accessible by the public at a court facility:

A. Case records under 20 Pa.C.S. § 711(9), including but not limited to records of proceedings with regard to issues concerning recordation of birth and birth records, the alteration, amendment, or modification of such birth records, and the right to obtain a certified copy of the same, except for the docket and any court order or opinion;

B. Case records concerning incapacity proceedings filed pursuant to 20 Pa.C.S. §§ 5501—5555, except for the docket and any final decree adjudicating a person as incapacitated;

C. Transcripts in family court actions, as defined by Pa.R.C.P. No. 1931(a), lodged of record, excepting portions of transcripts when attached to a motion or other legal paper filed with the court;

D. Any Confidential Information Form or any Unredacted Version of any pleading, document, or other legal paper as set forth in Section 7.0;

E. Any document filed with a Confidential Document Form cover sheet as set forth in Section 8.0;

F. Information sealed or protected pursuant to court order;

G. Information to which access is otherwise restricted by federal law, state law, or state court rule; and

H. Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System’s website.

#### Commentary

Unless constrained by applicable legal authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated documents (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court’s opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public’s access to court records and ability to understand the court’s decision.

While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

With respect to Subsection G, Pennsylvania Rule of Appellate Procedure 104(a), Pa.R.A.P. 104(a), provides that the appellate courts may make and amend rules of court governing their practice. The Administrative Office of Pennsylvania Courts shall from time to time publish a list of applicable legal authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System's website and in the *Pennsylvania Bulletin*. In addition, all custodians shall post this list in their respective court facilities in areas accessible to the public and on the custodians' websites.

With respect to Subsection H, the Administrative Office of Pennsylvania Courts shall include any such determinations in the list of applicable legal authorities referenced above.

### **Section 10.0. Limits on Remote Access to Case Records.**

A. The following information shall not be remotely accessible by the public:

1. The information set forth in Section 9.0;
2. In criminal cases, information that either specifically identifies or from which the identity of jurors, witnesses (other than expert witnesses), or victims could be ascertained, including names, addresses and phone numbers;
3. Transcripts lodged of record, excepting portions of transcripts when attached to a motion or other legal paper filed with the court;
4. *In Forma Pauperis* petitions;
5. Case records in family court actions as defined in Pa.R.C.P. No. 1931(a), except for dockets, court orders and opinions;
6. Case records in actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, except for dockets, court orders and opinions; and
7. Original and reproduced records filed in the Supreme Court, Superior Court or Commonwealth Court as set forth in Pa.R.A.P. 2151, 2152, and 2156.

B. With respect to Subsections A(5) and A(6), unless otherwise restricted pursuant to applicable legal authority, dockets available remotely shall contain only the following information:

1. A party's name;
2. The city, state, and ZIP code of a party's address;
3. Counsel of record's name and address;
4. Docket entries indicating generally what actions have been taken or are scheduled in a case; and
5. Court orders and opinions.

### **Commentary**

Remote access to the electronic case record information residing in the Pennsylvania Appellate Court Case Management System (PACMS), the Common Pleas Criminal Court Case Management System (CPCMS) and/or the Magisterial District Judges System (MDJS) is provided via web dockets, available on <https://ujportal.pacourts.us/>, and is governed by the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.

Depending upon individual court resources, some courts have posted online docket information concerning civil matters. If a court elects to post online docket information concerning family court actions and actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, the docket may only include the information set forth in Subsection B. This information will provide the public with an overview of the case its proceedings and other pertinent details, including the court's decision. Release of such information will enhance the public's trust and confidence in the courts by increasing awareness of the procedures utilized to adjudicate the claims before the courts as well as the material relied upon in reaching determinations. For more information on public access to court dockets, see *Hartford Courant Company v. Pelligrino*, 380 F.3d 83 (2nd Cir. 2004) and *Doe v. Public Citizen*, 749 F.3d 246 (4th Cir. 2014). This provision does not impact what information is maintained on the docket available at the court facility.

Access to portions of transcripts when attached to a motion or other legal paper filed with the court in family court actions is governed by Subsection A(5).

### **Section 11.0. Correcting Clerical Errors in Case Records.**

A. A party, or the party's attorney, seeking to correct a clerical error in a case record may submit a written request for correction.

1. A request to correct a clerical error in a case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.

2. A request to correct a clerical error in a case record of a court of common pleas or Philadelphia Municipal Court shall be submitted to the proper custodian.

B. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

C. The requestor shall specifically set forth on the request form the information that is alleged to be a clerical error and shall provide sufficient facts, including supporting documentation, that corroborate the requestor's allegation that the information in question is in error.

D. The requestor shall provide copies of the request to all parties to the case.

E. Within 10 business days of receipt of a request, the custodian shall respond in writing to the requestor and all parties to the case in one of the following manners:

1. The request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.

2. The request does not concern a case record that is covered by this policy, and no further action will be taken on the request.

3. A clerical error does exist in the case record and that the information in question has been corrected.

4. A clerical error does not exist in the case record.

5. The request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.

F. A requestor may seek review of the custodian's response under Subsections E(1)—(4) within 10 business days of the mailing date of the response.

1. The request for review shall be submitted on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

2. The request shall be reviewed by the judge(s) who presided over the case.

### Commentary

Case records are as susceptible to clerical errors and omissions as any other public record. The power of the court to correct errors in its own records is inherent. E.g., *Jackson v. Hendrick*, 746 A.2d 574 (Pa. 2000). It is important to emphasize that this section does not provide a party who is dissatisfied with a court's decision, ruling or judgment a new avenue to appeal the same by merely alleging there is an error in the court's decision, ruling or judgment. Rather, this section permits a party to "fix" information that appears in a case record which is not, for one reason or another, correct.

Particularly in the context of Internet publication of court records, a streamlined process is appropriate for addressing clerical errors to allow for prompt resolution of oversights and omissions. For example, to the extent that a docket in a court's case management system incorrectly reflects a court's order, or a scanning error occurred with regard to an uploaded document, such clerical inaccuracies may be promptly corrected by the appropriate court staff, upon notification, without a court order. Since 2007, the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* has provided a similar procedure for any errors maintained on the web docket sheets of the PACMS, CPCMS and MDJS. The procedure has successfully addressed clerical errors on docket entries in a timely and administratively simple manner.

A party or party's attorney is not required to utilize the procedures set forth in this section before making a formal motion for correction of a case record in the first instance. Alleged inaccuracies in orders and judgments themselves must be brought to the attention of the court in accordance with existing procedures.

This section is not intended to provide relief for a party's or attorney's failure to comply with Sections 7.0 and 8.0 of this policy. Sections 7.0 and 8.0 already provide for remedial action in the event that non-compliance occurs.

With respect to this section, a custodian includes, but is not limited to, the county prothonotaries, clerks of orphans' court, and clerks of the court.

A log of all corrections made pursuant to this section may be maintained by the proper appellate prothonotary or custodian, so that there is a record if an objection is made in the future. Such a log should remain confidential. It is suggested that custodians include a registry entry on the case docket when a request is received and a response is issued.

### Section 12.0. Continuous Availability of Policy.

A copy of this policy shall be continuously available for public inspection in every court and/or custodian's office and posted on the Unified Judicial System's website.

### EXPLANATORY REPORT

#### Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts

##### General Introduction

Recognizing the importance of the public's access to the courts, the Administrative Office of Pennsylvania Courts

(AOPC) has developed statewide policies governing access to court records. With the Supreme Court's approval, protocols have been implemented for access to electronic case records in the Judiciary's statewide case management systems, magisterial district court case records, and financial records of the Unified Judicial System (UJS). In 2013, the AOPC embarked on the next phase of policy development designed to address access to case records of the trial and appellate courts.

This latest effort is necessitated by the confluence of several factors. The proliferation of e-filing systems and related decisions to post (or not post) case records online (as part of document imaging or e-filing systems) on a county-by-county basis has resulted in disjointed accessibility to the UJS's trial court case records. A county may post all divorce and custody records online for viewing, perhaps for free, and a neighboring county may not. Online posting of sensitive information contained in case records, such as social security numbers, currently depends upon geography. Surveys conducted by the AOPC also revealed the treatment of sensitive information contained in paper case records maintained by the filing offices varies widely. For example, whether a social security number is available to a member of the public who wishes to view the records of a particular case in a filing office depends upon local practices.

The ongoing initiative to implement e-filing in Pennsylvania's appellate courts—the PACFile project—is also a catalyst for policy development. While appellate court opinions, orders and dockets have been online via the UJS's website for over a decade, the e-filing of appellate briefs and related legal papers raises basic questions that should be considered when a court undertakes such a project, such as: What sensitive information must be redacted? Who is responsible for ensuring the appropriate information is redacted?

At the state and local level, the Judiciary is moving forward into the digital age, and it clearly needs to give thoughtful consideration to its systems and procedures to ensure equal access to the UJS's trial and appellate case records. Disparate filing and access protocols certainly impede the statewide practice of law in the Commonwealth. Litigants and third parties, some of whom are unrepresented or are not voluntary participants in the judicial process, may be left in the dark as to whether their private, personal identifiers and intimate details of their lives will be released (online) for public viewing.

Government and the private sector collect extensive amounts of personal data concerning individuals' finances, unique identifiers, and medical history and so on. Many of these types of data are relevant to the cases that are before the courts for decision, and some data is provided in court filings even though irrelevant to the matter before the court. Therefore, like other branches of government and the private sector, the courts are constantly considering issues regarding the need for openness and transparency and the concern for personal privacy and security.

With regard to the courts, however, the constitutional and common law presumption of openness has to be carefully weighed against relevant practical, administrative considerations when crafting solutions to avert breaches of privacy and security. Striking the right balance is not an easy task.

The public's right to access court proceedings and records is grounded in the First and Sixth Amendments of the U.S. Constitution, Article I §§ 7, 9, and 11 of the



Pennsylvania Constitution, and the common law. While there is overlap between the common law and constitutional analyses, there is a distinction between the two. Specifically, the constitutional provisions provide a greater right of access than the common law.<sup>1</sup> However, these constitutional and common law rights are not absolute and may be qualified by overriding interests. A more extensive discussion of the right to access is contained in the *Explanatory Report of the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.<sup>2</sup>

Therefore, with the approval of the Supreme Court, the Court Administrator of Pennsylvania convened a working group to study and develop a proposed policy for public comment. Under the experienced and dedicated leadership of Commonwealth Court Judge Renée Cohn Jubelirer and Montgomery County Court of Common Pleas Judge Lois E. Murphy, the working group undertook its charge with an open mind and an aim to appropriately balance the competing interests at hand. The group consisted of judges, appellate court filing office personnel, local court personnel, two Prothonotaries/Clerks of Courts, one Register of Wills/Clerk of Orphans' Court, and representatives from the Pennsylvania Bar Association and the rules committees of the Supreme Court, as well as AOPC staff.

Before developing a proposed policy, the working group studied and discussed the different types of records pertaining to criminal, domestic relations, civil, juvenile, orphans' court and appellate matters filed in the courts. Tackling each case type individually, the working group considered existing legal restrictions and other jurisdictions' access policies on the release of data and documents. In formulating whether information and documents should be considered confidential, the group also determined how access would be limited. There are categories of information that are completely restricted, such as social security numbers, and categories that are restricted from online viewing by the public but remain available for public inspection at a court facility, such as original and reproduced records filed in the appellate courts.

In crafting its proposal, the group was guided at all times by the long-standing tradition of access to court records and the important interests it serves, as follows:

to assure the public that justice is done evenhandedly and fairly; to discourage perjury and the misconduct of participants; to prevent decisions based on secret bias or partiality; to prevent individuals from feeling that the law should be taken into the hands of private citizens; to satisfy the natural desire to see justice done; to provide for community catharsis; to promote public confidence in government and assurance that the system of judicial remedy does in fact work; to promote the stability of government by allowing access to its workings, thus assuring citizens that government and the courts are worthy of their continued loyalty and support; to promote an understanding of our system of government and courts.

*Commonwealth v. Fenstermaker*, 530 A.2d 414, 417 (Pa. 1987) (citing *Commonwealth v. Contankos*, 453 A.2d 578, 579-80 (Pa. 1982)).

However, the group also recognized that transparency of judicial records and proceedings must be balanced with

other considerations in this Internet age. The group endeavored to strike the appropriate balance between access and interests involving the administration of justice, personal privacy and security—particularly with regard to online records. Also essential to the group's evaluation were practical considerations, such as the methods of redaction to be implemented and identification of various "best practices" that should be instituted statewide.

The working group provides the following relevant commentary for the sections of the proposed policy.

#### Section 1

The definitions incorporate elements of those found in existing UJS public access policies and other legal authorities.

Case records of the Traffic Division of the Philadelphia Municipal Court are not governed by this policy. The working group recommends that the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* (hereinafter referred to as "*MDC Paper Policy*") be amended to govern access to those records.

It is important to note how this proposed policy would intersect with existing UJS policies, namely the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* (hereinafter referred to as "*Electronic Policy*") and *MDC Paper Policy*. The *Electronic Policy* governs access to the electronic case record information, excluding images of scanned documents, residing in the three statewide case management systems: Pennsylvania Appellate Courts Case Management System, Common Pleas Case Management System and the Magisterial District Judge System. Put simply, the *Electronic Policy* governs what information resides on the public web docket sheets accessible via the UJS web portal or is released to a member of the public requesting electronic case record information from one of the systems.

The *MDC Paper Policy* governs access to the paper case records on file in those courts.

This proposed policy governs access to (1) official paper case records of appellate courts, courts of common pleas, and Philadelphia Municipal Court, (2) images of scanned or e-filed documents residing in the three statewide case management systems, (3) images of scanned or e-filed documents residing in the case management systems of the judicial districts, and (4) case record information posted online by judicial districts via their own "local" case management systems. This proposal ensures a more equitable and systematic approach to the case records filed in and maintained for the trial and appellate courts.

The definition of "financial source document" is derived from the definition of "sealed financial source documents" used in Minnesota (Minn.G.R.Prac. Rule 11.01) and Washington (WA.R.Gen. Rule 22(b)).

#### Section 2

Section E provides that the policy applies to case records created on or after its effective date. The working group recognizes that there will be a period of transition prior to full implementation of this policy; that is, some cases commenced prior to the effective date of the policy will contain information that the policy restricts from public access. To expect full and complete implementation of the policy by applying it retroactively to existing records is impractical and burdensome.

<sup>1</sup> See *Commonwealth v. Long*, 922 A.2d 892 (Pa. 2007).

<sup>2</sup> Explanatory Report is found at: <http://www.pacourts.us/assets/files/page-381/file-833.pdf?cb=1413983484884>



The working group anticipates recommending a delayed implementation date when it submits the proposal to the Supreme Court for approval. This will afford the time necessary for court personnel, attorneys, and members of the public to familiarize themselves with the policy's provisions and make necessary adjustments to existing forms, protocols and systems. A similar approach was taken when the Supreme Court adopted the public access policy for magisterial district courts. The group will also recommend that the AOPC, perhaps in partnership with bar associations and other stakeholders, develop educational tools so that litigants, attorneys, court personnel, vendors, and members of the general public can be made aware of the policy's provisions. This would include Commonwealth agencies that conduct administrative proceedings to ensure that the agency's record on appeal can be filed without delay.

Notice to litigants can be an important tool for educational purposes. The public, and litigants in particular, may assume some or all of the information in court records is private. A notice about the existence of this policy may serve to educate litigants so that when they file pleadings and legal documents, they will be acting with knowledge, and in turn they can make informed decisions about what to include in their filings with the court. By way of example, Commonwealth Court provides the following notice to unrepresented parties in appeals from Commonwealth agencies:

Unless sealed by statute or court order, all dockets, filings and orders and opinions of the Court in your case will be public records and subject to public inspection. The Court's public dockets are available on the Court's website and are searchable on-line. The Court's opinions, which generally include a summary of the case including the identity of the parties and the relevant factual background, also are available on the Court's website and searchable on-line. Generally, the Court will seal or restrict public access to dockets or opinions only upon motion and only for good cause.

Additionally, upon adoption of the *MDC Paper Policy*, the AOPC revised its criminal, civil and landlord-tenant complaint forms to include notice as to the policy's general prohibition on inclusion of social security numbers and financial information. 204 Pa. Code §§ 213.1—213.7.

The working group notes that this section's provisions are similar to those contained in the *MDC Paper Policy*, which have been successfully implemented.

#### Section 4

The working group acknowledges that requestors may be unable to complete a written request, if required by a court. In such circumstances, access should not be denied but may be delayed until the custodian or designated staff is available to assist the requestor. If the request is granted, it may be necessary for the custodian or designated staff to sit with the requestor and monitor the use of the file to ensure its integrity. This is consistent with the responsibility placed upon the custodian and designated staff for the security, possession, custody and control of case records in Section 2.0(B). Such a practice is also consistent with the requirement that addressing requests for access cannot impede upon the administration of justice or the orderly operation of a court, pursuant to Section 2.0(C).

The working group notes that this section's provisions are similar to those contained in the *MDC Paper Policy*, which have been successfully implemented.

#### Section 5

While implementing the provisions of this policy should not unduly burden the courts and custodians or impinge upon the delivery of justice, it is reasonable for the public to expect that courts and custodians shall respond to requests for access in a consistent fashion. This section brings uniformity, in general, as to when and how courts and custodians shall respond to requests. Similar sections are found in the *Electronic Policy* and *MDC Paper Policy*.

#### Section 6

The surveys conducted by the working group regarding the public access protocols of the judicial districts revealed different approaches to imposition of fees, especially with regard to remote access to court records. Some impose a fee for providing remote access because the costs associated with building and maintaining such systems are often substantial. Given that remote access is a value-added service, not a requirement, it is thought that those who avail themselves of this service should be charged for the convenience of maintaining these systems.

Others do not impose fees for remote access because providing this service reduces the "foot traffic" in the filing offices for public access requests. This, in turn, frees staff to attend to other business matters, resulting in a financial benefit by reducing costs associated with dealing with the requests over the counter. The AOPC has provided "free" online access to public web docket sheets for cases filed in the appellate courts, criminal divisions of the courts of common pleas and Philadelphia Municipal Court, as well as the magisterial district courts for years. In 2014, 59 million of those web dockets sheets were accessed online.

The working group recognizes that local factors play a part in these decisions; however, it is interesting to note that the two largest judicial districts in the Commonwealth are at opposite ends of the spectrum (i.e. one has posted virtually all dockets and documents for free, and the other posts some dockets for free but not documents). While the working group recognizes that other factors play into these determinations (such as, technological capabilities, statutorily mandated fees) and the simple distinction drawn above requires further study, the working group questions if the public would benefit from some standardization in this area to ensure that fees do not become a financial barrier to access.

The working group notes that Section 6's provisions are similar to those contained in the *MDC Paper Policy*.

#### Section 7

The working group observes that the concept of restricting access to particular, sensitive identifiers is not novel. The *Electronic Policy* and *MDC Paper Policy* restrict access to social security numbers and financial account numbers, for example. The federal courts, and many state court systems, have restricted access to the types of identifiers that are listed in Section 7.0.

At the outset, the working group noted that *Electronic Policy* and *MDC Paper Policy* provide that access to social security numbers is shielded from release. Moreover, there are scores of authorities at both the federal and state level that protect the release of this information. While some of these authorities are not applicable to court records, they require access to this information in government records be limited or wholly restricted. For example: 65 P. S. § 67.708(b)(6)(i)(A), 74 P. S. § 201, 42 U.S.C.A. § 405(c)(2)(C)(viii), F.R.Civ.P. 5.2(a)(1), F.R.Crim.P. 49.1(a)(1), Alaska (AK R Admin Rule

37.8(a)(3)), Arizona (AZ ST S CT Rule 123(c)(3)), Arkansas (Sup. Ct. Admin. Order 19(VII)(a)(4)), Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(iii)), Idaho (ID R Admin Rule 32(e)(2)), Indiana (Ind. St. Admin. Rule 9(G)(1)(d)), Maryland (MD. Rules 16-1007), Michigan (Administrative Order 2006-2), Minnesota (Minn.Gen.R.Prac. Rule 11.01(a)), Mississippi (Administrative Order dated August 27, 2008 paragraph 8), Nebraska (Neb Ct R § 1-808(a) and Neb. Rev. Stat § 84-712.05(17)), New Jersey (NJ R GEN APPLICATION Rule 1:38-7(a)), North Dakota (N.D.R.Ct. Rule 3.4(a)(1) and A.R. 41(5)(B)(10)(a)), Ohio (OH ST Sup Rules 44(h) and 45(d)), South Dakota (SDCL § 15-15A-8), Texas (TX ST J ADMIN Rule 12.5(d)), Utah (UT R J ADMIN Rules 4-202.02(4)(i) and 4-202-03(3)), Vermont (VT R PUB ACC CT REC § 6(b)(29)), Washington (WA. R. Gen. Rule 31(3)(1)(a)) and West Virginia (WV R RAP Rule 40(e)(3)).

With regard to financial account numbers, the working group noted that *Electronic Policy* and *MDC Paper Policy* provide that access to this information should not be accessible. Many other jurisdictions have taken a similar approach. For example: F.R.Civ.P. 5.2(a)(1), F.R.Crim.P. 49.1(a)(1), Alaska (AK R Admin Rule 37.8(a)(5)), Arizona (AZ ST S CT Rule 123(c)(3)), Arkansas (Sup. Ct. Admin. Order 19(VII)(a)(4)), Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(iii)), Idaho (ID R Admin Rule 32(e)(2)), Indiana (Ind. St. Admin. Rule 9(G)(1)(f)), Minnesota (Minn.Gen.R.Prac. Rule 11.01(a)), Nebraska (Neb Ct R § 1-808(a) and Neb. Rev. Stat § 84-712.05(17)), New Jersey (NJ R GEN APPLICATION Rule 1:38-7(a)), North Dakota (N.D.R.Ct. Rule 3.4(a)(1) and A.R. 41(5)(B)(10)(a)), Ohio (OH ST Sup Rules 44(h) and 45(d)), South Dakota (SDCL § 15-15A-8), Vermont (VT R PUB ACC CT REC § 6(b)(29)), Washington (WA. R. Gen. Rule 31(3)(1)(b)) and West Virginia (WV R RAP Rule 40(e)(4)).

Concerning driver license numbers, the working group noted that *Electronic Policy* provides that driver license numbers should be protected. Moreover, there are many authorities at both the federal and state level that protect the release of this information. While some of these authorities are not applicable to court records, they require access to this information in government records be limited or wholly restricted. For example: 65 P.S. § 67.708(b)(6)(i)(A), 18 U.S.C. § 2721—2725, 75 Pa.C.S. § 6114, Alaska (AK R Admin Rule 37.8(a)(4)), Idaho (ID R Admin Rule 32(e)(2)), New Jersey (NJ R GEN APPLICATION Rule 1:38-7(a)), Utah (UT R J ADMIN Rules 4-202.02(4)(i) and 4-202-03(3)), Vermont (VT R PUB ACC CT REC § 6(b)(29)) and Washington (WA. R. Gen. Rule 31(3)(1)(c)).

State Identification Numbers (“SID”) have been defined as “[a] unique number assigned to each individual whose fingerprints are placed into the Central Repository of the State Police. The SID is used to track individuals for crimes which they commit, no matter how many subsequent fingerprint cards are submitted.” See 37 Pa. Code § 58.1. The *Electronic Policy* prohibits the release of these numbers. Furthermore, in *Warrington Crew v. Pa. Dept. of Corrections*, 1006 C.D. 2010, the Commonwealth Court upheld a ruling by the Office of Open Records that a SID number is exempt from disclosure through a right-to-know request because such numbers qualify as a confidential personal identification number (opinion unreported).

The working group noted that other jurisdictions also provide similar protections to minors’ names and/or dates of births. For example: F.R.Civ.P. 5.2(a)(1), F.R.Crim.P. 49.1(a)(1), Alaska (AK R Admin Rule 37.8(a)(6)), North

Dakota (N.D.R.Ct. Rule 3.4(a)(3) and A.R. 41(5)(B)(10)(c)), Utah (UT R J ADMIN Rules 4-202.02(4)(l) and 4-202-03(3)) and West Virginia (WV R RAP Rule 40(e)(1)).

With regard to abuse victims’ address and other contact information, Pennsylvania through the enactment of various statutes has recognized the privacy and security needs of victims of abuse. For example, Pennsylvania’s Domestic and Sexual Violence Victim Address Confidentiality Act (23 Pa.C.S. §§ 6701—6713) provides a mechanism wherein victims of domestic and sexual violence can shield their physical address (even in court documents) and hence protect their ability to remain free from abuse. The Pennsylvania Right To Know Law (65 P.S. §§ 67.101—67.1304) recognizes the potential risk of harm which can be caused by the disclosure by the government of certain personal information. For example, 65 P.S. § 67.708(b)(1)(ii) prohibits the disclosure that “would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.” Moreover, 23 Pa.C.S. § 5336(b) prohibits the disclosure of the address of a victim of abuse in a custody matter to the other parent or party. 23 Pa.C.S. § 4305(a)(10)(ii) and (iii) provides that the domestic relations section shall have the power and duty to:

“implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including: prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered; and prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in the physical or emotional harm to the party or the child.”

In addition, other jurisdictions have taken a measure to protect similarly situated individuals, such as: Alaska (AK R Admin Rule 37.8(a)(2)), Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(iii)), Indiana (Ind. St. Admin. Rule 9(G)(1)(e)(i)), New Jersey (NJ R GEN APPLICATION Rule 1:38-3(c)(12)), and Utah (UT R J ADMIN Rules 4-202.02(8)(E)(i) and 4-202-03(7)).

The working group proposes two approaches to maintaining the confidentiality of the information listed in subsection (A). Parties and their attorneys can set forth the listed information on a Confidential Information Form, designed and published by the AOPC. This is akin to the procedure set forth in the *MDC Paper Policy*; the Confidential Information Form used by that policy is posted on the UJS’s website at [www.pacourts.us](http://www.pacourts.us).

The alternative approach identified by the working group is for litigants and attorneys to file two versions of each document with the court/custodian—one with sensitive information redacted (“redacted copy”) and the other with no information redacted (“unredacted copy”). The redacted copy shall omit any information not accessible under this policy and be available for public inspection. The unredacted copy shall not be accessible by the public. At least one other jurisdiction has implemented a similar approach. See WA. R. Gen. R. 22(e)(2) (Washington). Some contend that a redacted copy of a document will be more readable than an unredacted copy containing monikers as placeholders for sensitive information not included in the document. This approach may have merit particularly in an e-filing context and was identified as a more amenable solution given the current design of the PACfile project.



While a court or custodian is not required to review any pleading, document, or other legal paper for compliance with this section, such activity is not prohibited. If a court or custodian wishes to accept the burden of reviewing such documents and redacting the same, such a process must be applied uniformly across all documents or cases.

#### Section 8

The protocol of submitting to a court or custodian certain documents under a cover sheet so that the documents are not accessible to the public has been instituted in other jurisdictions, such as Minnesota (Minn.G.R.Prac. Rule 11.03), South Dakota (SDCL § 15-15A-8), and Washington (WA.R.Gen. Rule 22(b)(8) and (g)). The working group noted with favor, these protocols and incorporated that concept into this policy. One manner in which to implement this protocol (e.g. the need to separate a confidential document within a file accessible to the public) is to maintain a confidential electronic folder or confidential documents file within the case file, thus ensuring that the file folder with the non-public information can be easily separated from the public case file, when access is requested.

Concerning financial source documents, other jurisdictions have similar provisions regarding such documents including Minnesota (Minn.G.R.Prac. Rule 11.03), South Dakota (SDCL § 15-15A-8), and Washington (WA.R.Gen. Rule 22(b)(8) and (g)).

Similar protocols with regard to minors' education records are found in other jurisdictions, such as Nebraska (Neb Ct R § 1-808(a) and Neb. Rev. Stat § 84-712.05(1)) and Wyoming (WY R Gov Access Ct Rule 6(a) and WY ST § 16-4-203(d)(viii)).

With regard to medical records, the working group noted that other jurisdictions have similar provisions including Indiana (Ind. St. Admin. Rule 9(G)(1)(b)(xi)), Maryland (MD. Rules 16-1006(i)), Nebraska (Neb Ct R § 1-808(a) and Neb. Rev. Stat § 84-712.05(2)), Utah (UT R J ADMIN Rules 4-202.02(4)(k) and 4-202-03(3)), Vermont (VT R PUB ACC CT REC § 6(b)(17)), West Virginia (WV R RAP Rule 40(e)(1)) and Wyoming (WY R Gov Access Ct Rule 6(t)).

Section 7111 of the Mental Health Procedures Act, 50 P. S. § 7111 provides that all documentation concerning an individual's mental health treatment is to be kept confidential and may not be released or disclosed to anyone, absent the patient's written consent, with certain exceptions including a court's review in the course of legal proceedings authorized under the Mental Health Procedures Act (50 P. S. § 7101). While it is unclear if this provision is applicable to the public accessing an individual mental health treatment records in the court's possession, the working group believes this provision provides guidance on the subject. Thus, such records should not be available to the public except pursuant to a court order. See *Zane v. Friends Hospital et al*, 575 Pa. 236, 836 A.2d 25 (2003). Other jurisdictions have similar protocols, such as Maryland (MD. Rules 16-1006(i)), New Mexico (NMRA Rule 1-079(c)(5)), Utah (UT R J ADMIN Rules 4-202.02(4)(k) and 4-202-03(3)), Vermont (VT R PUB ACC CT REC § 6(b)(17)) and Wyoming (WY R Gov Access Ct Rule 6(p)).

Children and Youth Services' records introduced in juvenile dependency or delinquency matters are not open to public inspection. See 42 Pa.C.S. § 6307 as well as Pa.Rs.J.C.P. 160 and 1160. Introduction of such records in a different proceeding (e.g., a custody matter) should not change the confidentiality of these records; thus, the

records should be treated similarly. These records are treated similarly by other jurisdictions, such as Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(i)), Indiana (Ind. St. Admin. Rule 9(G)(1)(b)(iii)) and New Jersey (NJ R GEN APPLICATION Rule 1:38-3(d)(12) and (15)).

As required by Pa.R.C.P. No. 1920.33, a marital property inventory includes "a specific description of all marital property in which either or both have a legal or equitable interest individually or with any other person and the name of such other person; and a specific description of all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property and the basis for such exclusion." The extent of the financially sensitive information required to be listed on this document rivals that of the information contained in a financial source document. Therefore, this document should also be treated as confidential. The working group notes that a similar protocol is found in Vermont (VT R PUB ACC CT REC § 6(b)(33) and 15 V.S.A. § 662).

#### Section 9

This section safeguards certain sensitive information that is already protected by existing legal authority or was deemed to require protection by the working group from access at the court facility. The latter category included three specific types of records: birth records, incapacity proceeding records and family court transcripts except portions of transcripts when attached to a motion or other legal paper filed with the court.

The working group noted that access to a birth certificate from the Department of Health, particularly an amended birth certificate, such as in an adoption case, is limited pursuant to various statutes. 35 P. S. §§ 450.603, 2915 and 2931. The working group was concerned that unrestricted access to records filed in proceedings about birth records could have the unintended effect of circumventing the purposes of the confidentiality provisions of the above statutory framework. Moreover, at least one jurisdiction, Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(vi)), provides similar protections to these records. However, concerned that the lack of transparency may erode the public's trust and confidence, the working group proposes the release of dockets and any court order, decree or judgment. Releasing the dockets as well as any order, decree or judgment disposing of the case is believed to strike the appropriate balance between access to the court's decision, and hence the public's understanding of the judicial function, and personal privacy, or the intimate details of a person's ability to function.

Given the extent of financial and sensitive information that is provided in order that a court may determine whether a person is incapacitated and, if so, that must subsequently be reported in a guardian's report, the working group opined that these records should not be accessible. The working group noted that similar provisions are found in many other jurisdictions including: California (Cal. Rules of Court, Rule 2.503(c)(3)), Florida (F.S.A. §§ 744.1076 and 744.3701), Georgia (Ga. Code Ann. § 29-9-18), Idaho (ID. R. Admin. Rule 32), Maryland (MD. Rules 16-1006), New Jersey (NJ R GEN APPLICATION Rule 1:38-3(e)), New Mexico (NMRA Rule 1-079(c)(7)), South Dakota (SDCL § 15-15A-7(3)(m)), Utah (UT R J Admin. Rule 4-202.02(4)(L)(ii)), Washington (WA.R.Gen. Rule 22(e)) and Wyoming (WY R Gov Access Ct Rule 6(g)). For the reasons of transparency, the working group proposes that the case docket and any court order, decree or judgment be accessible for these cases.

The provisions of Subsection H are consistent with those contained in the *Electronic Policy, MDC Paper Policy* and Rule of Judicial Administration 509. The Judiciary's commitment to the principle of open and accessible case records is reflected in the inclusion of a publication requirement.

#### Section 10

Any information to which access is limited pursuant to Sections 7, 8 or 9 is also not accessible remotely pursuant to Subsection A(1). As to Subsections A(2) through A(7), it is important to note that this information will remain available at the courthouse or court facility wherein access has been traditionally afforded. The working group believes there is a difference between maintaining "public" records for viewing/copying at the courthouse and "publishing" records on the Internet. Thus, there is certain information for which at the present time courthouse access remains the appropriate forum.

Concerning Subsection A(2)'s restriction on remote access to information that identifies jurors, witnesses, and victims in criminal cases, similar provisions have been implemented by other jurisdictions, including Alaska (AK R ADMIN Rule 37.8(a)(1) and (2)), Indiana (Ind. St. Admin. Rule 9(G)(1)(e)), Mississippi (Administrative Order dated August 27, 2008 paragraph 8), Nebraska (NE R CT § 1-808(b)(3)), Texas (TX ST J ADMIN Rule 12.5(d)) and Utah (UT R J ADMIN Rules 4-202.02(8)(e) and 4-202-03(7)).

As pertains to Subsection A(5), in considering family court records (i.e. divorce, custody, and support), the working group is cognizant that individual courts have implemented protocols to shield some of these records from access. Some suggest that these cases are essentially private matters involving painful recollections of failed family relationships and hence are "nobody's business." Sensitive to these concerns, the working group believes that prohibiting online posting of any family court records (save for a docket, court orders and opinions), along with the requirements that certain information and documents filed with the court or custodian be shielded from access via the use of a Confidential Information Form, redacted filings and/or a Confidential Document Form, removes a significant amount of the personal, sensitive information from access, while allowing public access to ensure accountability and transparency of the judicial system.

With regard to Subsection A(6), the working group noted that New Mexico has a similar protocol protecting Older Adult Protective Services Act matters (NMRA Rule 1-079(c)(4)). For the reasons expressed above, the working group proposes remote access to dockets, court orders and opinions in these cases, to the extent that the judicial districts have developed systems and procedures that facilitate such access.

It is essential that courts and/or custodians in designing systems, such as those for document imaging and/or e-filing, give ample consideration to the requirements of this policy and ensure such systems are in compliance. This is imperative as the Judiciary moves toward statewide e-filing for all levels of courts.

As for systems currently in existence, the working group recognizes that this policy may require changes to current protocols and processes. Thus, as noted earlier, a delayed implementation date will be recommended to allow for necessary adjustments.

#### Section 11

The working group noted with favor a similar provision included in the *Electronic Policy*. The working group

proposes that this policy should also delineate a procedure by which an individual may correct a clerical error that appears in a case record accessible remotely. As noted in the *Explanatory Report* to the *Electronic Policy*, these provisions borrow heavily from the correction provisions in the Criminal History Record Information Act. The working group was persuaded, for the same reason outlined in the *Explanatory Report*, that a similar protocol should be included in this policy.

#### Other Comments

During the course of its deliberations, the working group identified various ancillary recommendations that merit consideration. Some are directly related to the policy provisions, while others may be categorized as "best practices" that should be considered by the courts and practitioners. Overall, these recommendations are intended to promote the successful implementation of this proposed policy.

1. The working group recommends the establishment of an *ad hoc* committee to monitor the implementation of this policy and to propose revisions to the policy necessitated by legal, technological and administrative changes.

2. The working group recommends that the Civil Procedural and Minor Court Rules Committees consider amending the rules setting forth the requirements for *in forma pauperis* petitions to remove the requirement that children's full names appear on petitions and only require the minors' initials on the forms. This will ensure compliance with the restriction of Section 7.0(A)(5). The relevant rules are Pa.R.C.P. 240(h) and Pa.R.C.P.M.D.J. No. 206(E)(vi).

3. The working group recommends that the Appellate Procedural Rules Committee consider a protocol permitting the extension of a protective order issued by a lower court during the pendency of an appeal. For example, parties may be granted a certain time period within which to file a new application for protective order; such a protocol may also address whether certain court personnel are exempted, perhaps at the discretion of the court. In addition, instituting a methodology, automated or otherwise, by which the lower court signals to the appellate court that it issued an order to seal, is also recommended. *See also* MI R ADMIN Rule 8.119(D) (Michigan).

4. The working group recommends that the courts, AOPC and rules committees remain cognizant of this policy as they develop e-filing and case management systems, procedures and forms in the future. It may be helpful to litigants and practitioners to include mention of this policy on pertinent forms, as was done by the AOPC for the criminal, civil and landlord-tenant complaint forms when the *MDC Paper Policy* was adopted. In addition, the following "best practices" should be considered as courts develop systems for e-filing:

a. Access to the courts should be promoted by the e-filing processes;

b. Court control over its own records should be preserved;

c. Systems should have consistent functionality, compatible protocols and rules to facilitate statewide practice;

d. Processes for *pro se* litigants should be defined to provide equal and secure access to the system;

e. Issues involving public access to e-documents, and the sensitive data that may be contained therein, should be fully studied before the e-filing system is developed;

f. Payment of any required filing fees should be accomplished via electronic methods;

g. Bi-directional exchange of data should be facilitated between e-filing and case management systems; and

h. Maximum flexibility in the design of a system should be sought to accommodate future evolutions of technology.

5. In order to facilitate online access to case records, courts and custodians should procure software to ensure sensitive data is appropriately redacted. While this proposed policy puts the onus on parties and their attorneys for redacting specified information, the working group considers implementation of redaction software to be a “best practice” and perhaps a necessity for those courts and custodians that intend to post records online, especially those records that pre-date the policy’s effective date. This best practice has already been adopted by a number of judicial districts and further safeguards the publication of sensitive data, like that outlined in Section 7.0.

6. As previously expressed, the working group regards education as an essential component to the successful implementation of this policy. As officers of the court, attorneys must familiarize themselves with and heed the UJS’s public access policies, particularly given the certification of compliance required by Sections 7.0(D) and 8.0(D). The working group noted the amendments to the commentary to Rule of Professional Conduct 1.1 pertaining to technology:

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and

its practice, *including the benefits and risks associated with relevant technology*, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject (emphasis added).

It may be advisable for the Rules of Professional Conduct to provide additional guidance to attorneys regarding their special responsibility in protecting their clients’ sensitive information and documents, in addition to being informed about other technological matters, such as meta-data in e-filed documents.

7. The working group advises that technology and internal procedures may assist the courts and custodians with complying with this proposed policy and the Judiciary’s commitment to open records.

a. It is recommended that application of “optical character recognition” (OCR) software be employed. OCR software facilitates the search and retrieval of documents, as well as “copy and paste” of text that may be helpful for attorneys.

b. It is recommended that exhibits should be separately e-filed from pleadings and other legal papers to easily safeguard those that are restricted pursuant to policy or subject to an order to seal from public view. Relatedly, as pertains to the preparation of a transcript, it is recommended that the Rules of Judicial Administration require that a list of exhibits appear at the beginning of the transcript.

c. Due consideration and routine review should be given to the standards for record retention as applied to those in paper form and electronic form by records custodians.

#### LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS OF THE APPELLATE AND TRIAL COURTS

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Criminal	Juror’s Address.	No Public Access.	<i>Commonwealth v. Long</i> , 922 A.2d 892 (Pa. 2007).
Criminal	Sealed affidavit of probable cause for a search warrant.	No Public Access while sealed. The affidavit may not be sealed for more than 60 days unless an extension is received. Extensions may not be longer than 30 days, but an unlimited number of extensions are available. Public may access the affidavit after it has been unsealed.	Pa.R.Crim.P. 211.
Criminal	Unexecuted Search Warrant.	No Public Access until warrant is executed.	Pa.R.Crim.P. 212(A).
Criminal	Arrest Warrant Information.	A court may delay public access for good cause for up to 72 hours. In addition, a court may seal arrest warrant information for a longer period of time.	Pa.R.Crim.P. 513(C), Pa.R.Crim.P. 513.1.
Criminal	Motion filed by attorney for the Commonwealth to present the matter to an indicting grand jury and subsequent order.	No Public Access—the motion and order are sealed.	Pa.R.Crim.P. 556.2.

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Criminal	All indicting grand jury proceedings and related documents.	No Public Access. Disclosure may be granted to attorney for the Commonwealth, defendant in a criminal case, witnesses, law enforcement personnel, and upon motion when necessary.	Pa.R.Crim.P. 556.10.
Criminal	Sealed indictments.	No Public Access.	Pa.R.Crim.P. 556.11(E).
Criminal	Sealed records concerning non-compliance with mental health experts.	No Public Access.	Pa.R.Crim.P. 569.
Criminal	Sealed written statements pertaining to protective orders.	No Public Access. The entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.	Pa.R.Crim.P. 573(F).
Criminal	Sealed plea agreement.	No Public Access.	Pa.R.Crim.P. 590.
Criminal	Juror qualification forms.	No Public Access.	Pa.R.Crim.P. 630(A)(3).
Criminal	Juror information questionnaires.	No Public Access. Questionnaires are retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge.	Pa.R.Crim.P. 632(B), (C), (F), (G).
Criminal	Sealed verdict.	No Public Access.	Pa.R.Crim.P. 649.
Criminal	Notes taken by jurors.	No Public Access.	Pa.R.Crim.P. 644(B)(7).
Criminal	Pre-sentence reports and related psychiatric psychological reports.	No Public Access.	Pa.R.Crim.P. 703(A).
Criminal	Records revealing the names of human trafficking victims.	No Public Access, unless otherwise ordered by a court in a prosecution involving a victim of human trafficking.	18 Pa.C.S. § 3019(a).
Criminal	Wiretap applications, final reports and orders.	No Public Access except upon showing of good cause before a court of competent jurisdiction.	18 Pa.C.S. § 5715.
Criminal	Names of minor victims of sexual or physical abuse.	No Public Access. Records revealing a victim's name are sealed. A minor victim who is 18 years of age or older at the time of the commencement of the prosecution may waive this protection and allow the court to release the name of the minor victim.	42 Pa.C.S. § 5988.
Civil	Jurors Notes.	No Public Access. Collected and destroyed post-trial.	Pa.R.C.P. 223.2.
Domestic Relations	Information regarding the registration, filing of a petition for, or issuance of a protection from abuse in either the issuing or enforcing State.	No Public Access via internet publication, if such publication would be likely to publically reveal the identity or location of the protected party.	18 U.S.C. § 2265(d)(3).
Domestic Relations	Social security number of any individual subject to a divorce decree, support order, paternity determination, or acknowledgement of paternity, which is required in all records of those matters.	No Public Access.	23 Pa.C.S. § 4304.1(a)(3).



<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Domestic Relations	(a) Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to: . . . (10) Implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including: . . . (ii) prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered; and (iii) prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in physical or emotional harm to the party or the child.	No Public Access.	23 Pa.C.S. § 4305 (a)(10)(i)—(iii).
Domestic Relations	List of weapons ordered to be relinquished by the defendant in an action for protection from abuse.	No Public Access, except (A) upon an order of the court granted upon cause shown; (B) as necessary, by law enforcement and court personnel; or (C) after redaction of information listing any firearm, other weapon or ammunition.	23 Pa.C.S. § 6108(a)(7)(v).
Domestic Relations	All records pertaining to a confidential address for individuals participating in the Office of Victim Advocate's Address Confidentiality Program.	No Public Access, except for the substitute address provided by the Office of Victim Advocates.	23 Pa.C.S. § 6703(d); <i>see also</i> 23 Pa.C.S. § 5336(b)(2).
General	Records concerning persons in treatment under the Mental Health Procedures Act.	Limited Public Access in compliance with the Mental Health Procedures Act and controlling case law.	50 P. S. § 7111.
General	Court documents, rules, or orders in Gaming Law proceedings.	Any party may request proceeding and record to be sealed if in best interest of any person or Commonwealth.	4 Pa.C.S. § 1518.2(b).
General	Proceedings and records involving juveniles charged with a summary offense before the minor judiciary, the Philadelphia Municipal Court or a Court of Common Pleas.	No Public Access.	42 Pa.C.S. §§ 6303(c), 6307(c), and 6336(g).
Juvenile Court	Juvenile Dependency and Delinquency records.	No Public Access; except as set forth in 42 Pa.C.S. § 6307, Pa.Rs.J.C.P. 160 and/or 1160, including with leave of court.	42 Pa.C.S. § 6307; Pa.Rs.J.C.P. 160, 1160.
Orphans' Court	Records concerning court proceedings under the Abortion Control Act.	No Public Access.	18 Pa.C.S. § 3206(f); Pa.OC.R. 16.2 and 16.6. Note also Pa.R.J.A. No. 2157.



<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Orphans' Court	Proceedings related to appointment of guardianship for incapacitated persons.	Shall be closed to the public upon request of the alleged incapacitated person or his counsel. After the individual's death his/her estate may access the record of the guardianship proceedings.	20 Pa.C.S. § 5511(a); <i>In re Estate of DuPont</i> , 2 A.3d 516 (Pa. 2010).
Orphans' Court	Records required for foreign adoption decrees.	No Public Access unless a court order is granted upon good cause.	23 Pa.C.S. § 2908(F); Pa.O.C.R. 15.7.
Orphans' Court	Adoption records.	No Public Access unless otherwise ordered.	23 Pa.C.S. § 2915; <i>see also</i> 23 Pa.C.S. § 2906; Pa.O.C.R. 15.7.
Orphans' Court (Family Court in Philadelphia County or Juvenile Court Section of Family Division in Allegheny County Pa.R.J.A. 2157)	Applications of a minor for judicial approval of decision to have an abortion, under the Abortion Control Act, as well as proceedings and the name of the minor.	No Public Access; sealed dockets, and documents shall be maintained in a closed file marked "confidential" and identified by case number only.	Supreme Court Orphan's Court Rule 16.6.
Commonwealth Court	Child Line Registry Cases.	No Public Access to documents in the case except Orders and Opinions wherein the court shall use initials of the minor child involved rather than full name.	Admin. Order No. 126 Misc. Docket No. 3 (February 8, 2013).

\* Note this may not be a complete listing; the public and court staff are directed to consult federal and state statutes, court rules or case law.

[Pa.B. Doc. No. 15-222. Filed for public inspection February 6, 2015, 9:00 a.m.]

# Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 7 ]

## Proposed Amendments to Pa.R.Crim.P. 701

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rule 701 (Pleas of Guilty to Multiple Offenses), for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel  
 Supreme Court of Pennsylvania  
 Criminal Procedural Rules Committee  
 601 Commonwealth Avenue, Suite 6200  
 Harrisburg, PA 17106-2635  
 fax: (717) 231-9521  
 e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by Friday, March 6, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural Rules Committee*

PAUL M. YATRON,  
*Chair*

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

##### CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

##### PART A. Sentencing Procedures

##### Rule 701. Pleas of Guilty to Multiple Offenses.

(A) Before the imposition of sentence, **with the agreement of the attorney for the Commonwealth**, the defendant may plead guilty to other offenses that the defendant committed within the jurisdiction of the sentencing court.

\* \* \* \* \*

**Official Note:** Rule 1402 adopted July 23, 1973, effective 90 days hence; renumbered Rule 701 and amended March 1, 2000, effective April 1, 2001; Comment revised March 15, 2013, effective May 1, 2013; **amended** , **2015, effective** , **2015.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendment of paragraph to require the Commonwealth's agreement published for comment at 45 Pa.B. 676 (February 7, 2015).**

## REPORT

### *Proposed Amendments to Pa.R.Crim.P. 701*

#### **Commonwealth Agreement to Pleas Entered Pursuant to Rule 701**

It has been suggested to the Committee that in some of the larger judicial districts, primarily Philadelphia, there is a problem with some defendants using Rule 701 as a means of “judge-shopping” to have more serious cases pled and sentenced by the judge who is perceived as more lenient.

Most jurisdictions have established procedures for ensuring the assignment of new cases against a particular defendant are assigned to the same judge as existing cases. In Philadelphia, however, due to the large case load, new cases are assigned by a more random procedure. As a result, under Rule 701, any defendant, who is facing more than one case, can unilaterally choose his sentencing judge simply by going to trial and being found guilty, or pleading guilty or *nolo contendere*, before the judge of his choosing, then using Rule 701 to bring all his other cases to that judge for plea and sentencing. This is accomplished without any input from the prosecution or other assigned judges. The practice appears to be most common in multiple DUI cases or cases that carry a mandatory sentence.

#### *Background*

When Rule 701 was adopted in 1973 (as then-Rule 1401), the Committee noted that the rule reflected sound sentencing policy, and that this is consistent with the positions of the American Bar Association, the Pennsylvania Bar Association, and the Task Force on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals. For example, the benefits of such a policy are stated in the ABA Standards for Criminal Justice, Chapter 14—Pleas of Guilty, Standard 14.1.2 (1999) Commentary:

Allowing for consolidated guilty pleas enables a defendant to be sentenced simultaneously on all charges that he or she is facing in that government's courts. This reduces the governmental resources that must be devoted to the cases, while also allowing the defendant to take full advantage of any concurrent sentencing options that may be available. By pleading to all offenses simultaneously, the defendant can complete his or her sentence without facing these additional charges, and can avoid the risk of having a detainer filed against the defendant on these other charges while serving his or her sentence.

One of the few appellate decisions interpreting this rule, *Commonwealth v. Kepner*, 34 A.3d 162 (Pa. Super. 2011), stated that “the purpose of Rule 701 is to allow a defendant the opportunity to be sentenced one time on all charges within a particular jurisdiction” but the trial court is not required to sentence a defendant on each count to which he or she pleads guilty. The Superior Court therefore concluded that the trial court did not create an illegal sentence in sentencing the defendant,

who pled *nolo contendere* to burglary and criminal trespass, on only the criminal trespass count. A dissenting opinion by Judge Shogan argues that the case should be remanded for sentencing on the burglary charge, otherwise, the case would have a charge upon which there was a conviction to have no sentence.

The Comment to Rule 701 was revised in 2013,<sup>1</sup> as a part of an amendment package, to clarify that the rule was applicable to a defendant being sentenced for violation of probation or intermediate punishment or being recommitted for a parole violation. Additionally, the Comment was revised to provide for a delay in sentencing in this situation when one of the offenses involves a victim. This change was made to permit time to obtain the victim's statements on the sentence or to obtain a victim impact statement in accordance with the Crime Victims' Act, 18 P. S. § 11.201.

#### *Discussion*

Based on this history, the Committee has concluded that the right of a defendant to consolidate his or her cases is not constitutionally based but rather defined by rule. Limitations, therefore, may be incorporated into the rule to address inequities. For example, the 2013 change noted above added a limitation to the defendant's right to consolidate pleas and sentencing under this rule by adding a delay so that the prosecution may effectuate a victim's rights in a case. With the 2013 change, the rule already contemplates a limitation on the defendant's right to consolidate to provide for prosecution-raised objections in certain cases. The Committee considers that the proposed change would similarly provide for prosecution input to prevent “judge-shopping.”

The proposed changes would not deprive the defendant of the right to plead guilty to all or some of his outstanding cases. It would simply put a limitation on the unilateral ability to choose the sentencing forum for all of his or her outstanding cases. Currently under Rule 701 only the defendant has the ability to consolidate cases, an ability which has been used in certain jurisdictions as a means of selecting a sentencing judge of choice. In providing for the prosecution to object to such consolidation, the Committee analogized to the mutual right to jury trial. The proposed amendments are intended to provide a more equitable “playing field” in this area.

[Pa.B. Doc. No. 15-223. Filed for public inspection February 6, 2015, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ARMSTRONG COUNTY

#### **Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002**

#### **Amended Order of Court**

*And Now*, this 15th day of January, 2015, it is hereby *Ordered* as follows:

1. Local Rule of Judicial Administration Numbered 1901(a) is hereby amended to read as follows:

(a) The prothonotary shall list for the general call on the first Monday in November of each year all civil

<sup>1</sup> See Final Report, 43 Pa.B. 1702 (March 30, 2013).

matters in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal. The objecting party or counsel of record must appear at the general call.

2. The Court Administrator shall take all steps required by Pa.J.A. No. 103(c) for the publication, distribution and dissemination of the amendments and supplements provided for herein.

3. This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 15-224. Filed for public inspection February 6, 2015, 9:00 a.m.]

## BUCKS COUNTY

### Justice Center Weapons Policy; Administrative Order No. 74

#### Order

*And Now* this 16th day of January, 2015, pursuant to 18 Pa.C.S. § 913, it is hereby *Ordered* and *Decreed* that the following policy shall be strictly observed by all law enforcement officials regarding the carrying of firearms entering the Bucks County Justice Center:

1. All law enforcement officers on official police business who enter the Justice Center wearing their uniform and producing appropriate identification are permitted to carry their firearm, provided that the firearm is secured in a holster with Level III security.

2. Law enforcement officers not in uniform may not carry firearms in the Justice Center unless responding to an incident call. This provision shall not apply to the Bucks County Sheriff and his or her deputies, and Detectives and Security Officers employed by Bucks County.

3. No law enforcement officers, in uniform or not, may enter the Justice Center with a firearm in order to conduct personal business or to attend court proceedings in which he or she is a litigant or otherwise not on duty.

4. No other individual may enter the Justice Center with a firearm under any circumstance, except as authorized above or as specially authorized by the Sheriff of Bucks County and the President Judge;

5. The privileges previously granted shall not infringe on the right of any judge to bar weapons from the courtroom at that judge's discretion.

6. Any breach of this policy may subject the violator to contempt proceedings in addition to any department discipline that may be levied by the violator's employer.

This Order shall become effective on January 16, 2015.

*By the Court*

JEFFREY L. FINLEY,  
*President Judge*

[Pa.B. Doc. No. 15-225. Filed for public inspection February 6, 2015, 9:00 a.m.]

## CARBON COUNTY

### Amendment of Local Rule of Judicial Administration 1901—Prompt Disposition of Matters; Termination of Inactive Cases; 15-0149; CP-13-AD-0000003-2015; 15-9033

#### Administrative Order No. 6-2015

*And Now*, this 23rd day of January, 2015, it is hereby

*Ordered* and *Decreed* that, effective March 1, 2015, Carbon County *Amends* Local Rule of Judicial Administration 1901 governing the prompt disposition of matters and termination of inactive cases.

The Carbon County District Court Administrator is *Ordered* and *Directed* to

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

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

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

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

5. Keep continuously available for public inspection copies of the Administrative Order in the Prothonotary's Office, Clerk of Court Office and Register of Wills/Orphans Court Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

#### Rule 1901. Prompt Disposition of Matters; Termination of Inactive Cases.

The Prothonotary, Register of Wills/Clerk of Orphans Court, and Clerk of Courts shall prepare and forward to the District Court Administrator a list of all cases in which no steps or proceedings have been taken for two years or more by the 15th day of September for call on the first Monday of December of each year, or, on such other date as the Court by special order may direct. As provided by Pa.R.J.A. 1901(c), notice shall be given to all parties and/or attorneys. If no action is taken or written objection filed and, if no good cause is shown, the Court shall enter an order dismissing the proceedings.

The Magisterial District Courts shall comply with the following:

A. *Traffic Cases*—Summary traffic violations or parking violations whereby a warrant has been issued pursuant to Pa.R.Crim.P. 430(A), Rule 430(B)(1)(a) or Rule 430(B)(2).



1. On or before the 15th day of November of each year, each Magisterial District Court shall:

a. Dismiss any summary citation or ticket filed under Title 75 (relating to vehicles) or under local ordinance pertaining to overtime parking which was issued three years prior to November 15th of each respective year.

b. Vacate any active warrant issued on the dismissed summary citation or ticket and promptly remove the warrant from MDJS database.

c. Forward notice to the Pennsylvania Department of Transportation that the citation/ticket has been dismissed and request withdrawal of the defendant's license suspension, if applicable, pursuant to Pa.R.Crim.P. 470.

2. Each Magisterial District Court shall promptly provide a list of those cases being dismissed to the District Court Administrator.

#### B. *Non-Traffic Cases*

1. On or before the 15th day of November of each year, each Magisterial District Court shall:

2. Identify all non-traffic summary cases where no plea has been entered and there is no evidence of activity in the three years prior to November 15th of each respective year.

3. Compile a list for all cases identified in number 2 above and attach a secure docket sheet that indicates the name of the affiant, the name of the defendant, the docket number and the charge(s) associated with the docket number.

4. Forward this list with attachments to the District Court Administrator.

C. Upon receipt of the lists, the District Court Administrator shall:

1. Publish the lists in the *Carbon County Law Journal*.

2. Provide a copy of the lists to the Carbon County District Attorney.

D. The publication shall include a notice that the matters listed shall be terminated after thirty (30) days of publication unless a party to the proceeding requests a hearing from the appropriate Magisterial District Court.

1. If the defendant requests a hearing, the matter shall promptly be scheduled for such hearing or other disposition pursuant to the Rules of Criminal Procedure.

2. If the Commonwealth requests a hearing to oppose termination, the matter shall promptly be scheduled to determine if termination is appropriate.

3. Disposition of any hearing, including hearings where a citation or ticket is dismissed over the objection of the Commonwealth shall be filed of record in the MDJS.

4. The Commonwealth shall have the right to appeal any determination to the Court of Common Pleas within the time period for Summary Appeals pursuant to the Rules of Criminal Procedure.

E. In the event a hearing is not requested within thirty (30) days of publication, the Magisterial District Judge shall:

a. Dismiss any summary citation or ticket filed which was issued three years prior to November 15th of each respective year.

b. Vacate any active warrant issued for the dismissed summary citation or ticket and promptly remove the warrant from MDJS.

c. Forward notice to the Pennsylvania Department of Transportation that the citation or ticket has been dismissed and request withdrawal of the defendant's license suspension, if applicable, pursuant to Pa.R.Crim.P. 470.

[Pa.B. Doc. No. 15-226. Filed for public inspection February 6, 2015, 9:00 a.m.]

## SOMERSET COUNTY

### Consolidated Rules of Court; No. 4 Misc. 2015

#### Adopting Order

Now, this 13th day of January, 2015, it is hereby Ordered:

1. Som.R.Crim.P. 0310, which follows, is hereby adopted as Som.R.Crim.P. 0310 and is effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) certified copy of this Order and the following local Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order along with electronic copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order with the Pennsylvania Criminal Procedural Rule Committee.

D. File proof of compliance with this Order in the docket for this Order, which shall include a copy of each transmittal letter.

JOHN M. CASCIO,  
*President Judge*

#### **Som.R.Crim.P. 310. Accelerated Rehabilitative Disposition. Motions and Criteria.**

A. A separate written motion shall be prepared for each docketed case for which ARD disposition is recommended. After filing in the office of the Clerk of Courts, the motions shall be [ **presented to the Administrative Judge of the Criminal Division of the court prior to scheduling the case for ARD hearing** ] **scheduled for hearing and disposition according to prevailing practice.**

B. Motions for ARD disposition shall contain the following:

1. A [ **statement of all offenses with which defendant is presently charged in this court; and** ] **copy of the Information; and**

[ **2. A statement of all offenses with which defendant is presently charged in any other jurisdiction which are known; and**

**3. Written statements of the criminal and motor vehicle records of the accused, if any, and if none, so stating, certified respectively by the appropriate official of the Department of Transportation, and the Clerk of Courts or other public official or**

authorized deputy having official custody of defendant's records, provided that in lieu of attaching such written statements to the motion, the same may be retained in the District Attorney's file and furnished to court when requested; ]

[ 4. ] 2. Any other facts considered relevant to consideration of the motion.

[ C. ARD motions will be reviewed ex parte by the Administrative Judge to determine whether the motion complies with these rules and warrants hearing.

1. If it appears from the face of the motion that the motion complies with these rules and warrants hearing, the Administrative Judge will by endorsement thereon approve the same for scheduling and return it to the Office of the District Attorney for Scheduling.

2. If additional facts are necessary to make the determination, the District Attorney and defense counsel shall furnish a written statement, if requested, containing such additional facts as the court may request.

3. If the Administrative Judge determines that the motion does not comply with these rules and does not warrant hearing, he or she shall disapprove the motion for scheduling unless there are exceptional and compelling reasons set forth in the motion or in supplemental statements provided by the District Attorney and defense counsel.

4. ARD motions disapproved for scheduling shall be so endorsed by the Administrative Judge and returned to the Office of the District Attorney. ]

[Pa.B. Doc. No. 15-227. Filed for public inspection February 6, 2015, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Lois Anne Wood (# 37771), having been disbarred by consent from the practice of law by Order of the Supreme Court of New Jersey dated August 7, 2014, the Supreme Court of Pennsylvania issued an Order on January 16, 2015, disbaring Lois Anne Wood from the Bar of this Commonwealth, effective February 15, 2015. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 15-228. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Gary Leigh Shaffer (# 30952) having been suspended for five months from the practice of patent, trademark and other non-patent law by Order of the United States Patent and Trademark Office dated July 31, 2014, the Supreme Court of Pennsylvania issued an Order dated January 16, 2015 suspending Gary Leigh Shaffer from the practice of law in this Commonwealth for a period of five months, effective February 15, 2015. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 15-229. Filed for public inspection February 6, 2015, 9:00 a.m.]

# 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 January 27, 2015.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-12-2015	Beneficial Bancorp, Inc. Philadelphia Philadelphia County  Beneficial Bancorp, Inc., a holding company in formation filed an application for approval to acquire 100% of Beneficial Mutual Savings Bank, Philadelphia, in connection with Beneficial Mutual Savings Bank's conversion from a Pennsylvania State-chartered mutual savings bank to a Pennsylvania State-chartered stock savings bank. Beneficial Mutual Savings Bank changed its name to Beneficial Bank.	Effective
1-23-2015	S&T Bancorp, Inc. Indiana Indiana County  Approval to acquire 100% of Integrity Bancshares, Inc., Camp Hill, and thereby indirectly acquire 100% of Integrity Bank, Camp Hill.	Approved
1-23-2015	Wesbanco, Inc. Wheeling Ohio County, WV  Approval for Wesbanco, Inc., Wheeling, WV, to acquire 100% of ESB Financial Corporation, Ellwood City.	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-21-2015	S&T Bank Indiana Indiana County  Application for approval to merge Integrity Bank, Camp Hill, with and into S&T Bank, Indiana.	Filed

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-31-2014	Republic First Bank Philadelphia Philadelphia County	100 William L. Dalton Drive Glassboro Gloucester County, NJ	Opened
1-21-2015	CNB Bank Clearfield Clearfield County	2302 West 12th Street Erie Erie County	Opened
1-21-2015	Republic First Bank Philadelphia Philadelphia County	Egg Harbor and Ganttown Roads Sewell Gloucester County, NJ	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-16-2015	PS Bank Wyalusing Bradford County	111 Main Street Ulster Bradford County	Closed
1-21-2015	Farmers & Merchants Trust Company Chambersburg Franklin County	182 Buchanan Trail McConnellsburg Fulton County	Closed
1-21-2015	Farmers & Merchants Trust Company Chambersburg Franklin County	560 Great Cove Road Warfordsburg Fulton County	Closed
1-21-2015	Farmers & Merchants Trust Company Chambersburg Franklin County	6962 Lincoln Way West Saint Thomas Franklin County	Closed

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-23-2015	TruMark Financial Credit Union Trevose Bucks County	<i>To:</i> 1701 Market Street Philadelphia Philadelphia County  <i>From:</i> 1811 John F. Kennedy Boulevard Philadelphia Philadelphia County	Approved

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,  
*Acting Secretary*

[Pa.B. Doc. No. 15-230. Filed for public inspection February 6, 2015, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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



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

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

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

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

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

### I. NPDES Renewal Applications

*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>
PA0082392 (Sew)	Derry Township Municipal Authority 670 Clearwater Road Hershey, PA 17033-2453	Dauphin County Londonderry Township	Swatara Creek / 7-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0021652 (Sewage)	Kreamer Municipal Authority WWTP 5320 SR 522 Kreamer, PA 17833-0220	Snyder County Middlecreek Township	Middle Creek (6-A)	Y
PA0228923 (Sewage)	Pine Cradle Lake Campground 220 Shoemaker Road Ulster, PA 18850	Bradford County Rome Township	Unnamed Tributary to Parks Creek (4-D)	Y

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<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>
PA0218065 (Sewage)	Roxcoal North Branch Mine North Branch Mine STP Friedens, PA 15541	Indiana County Green Township	Unnamed Tributary to North Branch Two Lick Creek (18-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>
PA0104329 (sewage)	Big Bend Access Area Kinzua Dam Warren, PA 16365-5599	Warren County Mead Township	Allegheny River (16-B)	Y
PA0240206 (Sewage)	Brett A & Nicole Y Neely SRSTP 34789 Tryonville Road Townville, PA 16360	Crawford County Steuben Township	Unnamed Tributary to Navy Run (16-A)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PAS228302 (Storm Water)	Endeavor Lumber Route 666 Route 666 Endeavor, PA 16322	Forest County Hickory Township	East Hickory Creek and an Unnamed Tributary to the East Hickory Creek (16-F)	Y
PA0239461 (sewage)	Jeremy E Weiland SFTF 887 Ekastown Road Sarver, PA 16055	Butler County Clinton Township	Unnamed Tributary to Sarver Run (18-F)	Y

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

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

**PA0254916**, SIC Code, **Outdoor Power Equipment Inc.**, 104 Poplar Street, Mt. Pleasant, PA 15666. Facility Name: Outdoor Power Equipment SFTF. This proposed facility is located in East Huntingdon Township, **Westmoreland County**.

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

The receiving stream(s), Sherrick Run, is located in State Water Plan watershed 19-D and is classified for 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.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	10	20
Total Suspended Solids	XXX	XXX	XXX	10	20
Fecal Coliform (CFU/100 ml)					
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	10,000

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

The EPA Waiver is in effect.

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

**PA0272922**, Sewage, SIC Code 8800, **Ronald Hunter**, 4848 Route 957, Russell, PA 16345. Facility Name: Ronald Hunter SRSTP. This proposed facility is located in Farmington Township, **Warren County**.

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

The receiving stream, an Unnamed Tributary to the Rhine 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.

<i>Parameters</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX
BOD <sub>5</sub>	XXX	XXX	XXX	10	20
Total Suspended Solids	XXX	XXX	XXX	10	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX

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.

**PA0000736**, Industrial Waste, SIC Code 3499, **Keystone Powdered Metal Company**, 251 State Street, Saint Marys, PA 15857-1658. Facility Name: Keystone Powdered Metal. This existing facility is located in Saint Marys City, **Elk County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of non-contact cooling water, groundwater, springtime hillside seepage, and stormwater.

The receiving stream(s), Elk Creek and Iron Run, are located in State Water Plan watershed 17-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
pH (S.U.)						
Other Stormwater	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Aluminum						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Copper						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Iron						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfalls 002, 006 and 015 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
pH (S.U.)						
Other Stormwater	XXX	XXX	XXX	Report	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Avg		
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Iron						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003—005, 007, 009—014, 016 and 017 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0.0092 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Hexavalent Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Report	XXX
Bromide	XXX	XXX	XXX	XXX	Report	XXX

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

- Other Requirements
- Chemical Additives
- 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 814-332-6340.

The EPA Waiver is not in effect.

**PA0272931**, Sewage, SIC Code 8800, **Kashmer Steven**, 330 Main Street, Imperial, PA 15126. Facility Name: Steve Kashmer SRSTP. This proposed facility is located in Howe Township, **Forest County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a small flow treatment facility.

The receiving stream, unnamed tributary to Tionesta Creek, is located in State Water Plan watershed 16-F 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.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
Fecal Coliform (CFU/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
- Septic Tank Pumping Requirement
- Abandonment of the Treatment System
- Submittal of an Annual Maintenance Report
- 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.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 4602408**, Sewage, Amendment, **Upper Gwynedd Township Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446.

This proposed facility is located in Towamencin Township, **Montgomery County**.

Description of Action/Activity: Permit is being amended for hydraulic rerates.

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

**WQM Permit No. 0214410**, Sewage, **Allegheny County Sanitary Authority**, 3300 Preble Ave, Pittsburgh, PA 15233.

This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Replacement of the existing Squaw Run Pump Station force main with a new ductile iron force main. Approximate length 2,275 feet.

**WQM Permit No. 1169401 A-4**, Sewage, **Johnstown Redevelopment Authority**, 4th Fl Public Sfty Bldg, Johnstown, PA 15901.

This existing facility is located in West Taylor Township, **Cambria County**.

Description of Proposed Action/Activity: Installation of a new Centrifuge sludge dewatering unit and control building to replace the existing Belt Filter Presses as the primary means of sludge dewatering. Existing Belt Filter presses will remain as backup facilities.

**WQM Permit No. 6514400**, Sewage, **Outdoor Power Equipment Inc.**, 104 Poplar Street, Mt. Pleasant, PA 15666.

This proposed facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of a Small Flow Treatment Facility to serve a warehouse staffed with 4 to 5 employees.

**WQM Permit No. 6371405-A1**, **Peters Creek Sanitary Authority**, 3502 Lincoln Avenue, PO Box 3, Finleyville, PA 15332.

This existing facility is located in Union Township, **Washington County**.

Description of Proposed Action/Activity: Removal of approximately 500 linear feet of 24-inch PVC and VCP pipe and replacement with 500 linear feet of 24-inch PVC pipe.

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

**WQM Permit No. 1015401**, Sewage, **Janet Horstman**, 106 Sunrise Village, Butler, PA 16001.

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

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

**WQM Permit No. WQG01251501**, Sewage, **Vickie L. Yovich**, 2 Wolf Trail Court, Defiance, MI 63341.

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

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

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

*Northeast Regional Office: Regional Clean Water Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.*

**PAI132235**, MS4, **Harveys Lake Borough Municipal Authority Luzerne County**, PO Box 60, Harveys Lake, PA 18640. The application is for individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Harveys Lake Borough, **Luzerne County**. The receiving streams, Harveys Creek, is located in State Water Plan watershed 5-B and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

**PAI132260**, MS4, **Fell Township Lackawanna County**, 1 Veterans Road, Simpson, PA 18407-1341. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Fell Township, **Lackawanna County**. The receiving streams, Coal Brook, Lackawanna River and Wilson Creek, are located in State Water Plan watershed 5-A and is classified for High Quality Waters—Cold Water Fishes, Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.



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

**PAI136113, MS4, Leetsdale Borough Allegheny County**, 373 Beaver Street, Leetsdale, PA 15056. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Leetsdale Borough, **Allegheny County**. The receiving streams, Big Sewickley Creek, Little Sewickley Creek and Ohio River, are located in State Water Plan watershed 20-G and are classified for Trout Stocking, High Quality Waters—Trout Stocking and Warm Water Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA waiver is not in effect.

**PAI136108, MS4, Leet Township Allegheny County**, 198 Ambridge Avenue, Ambridge, PA 15003. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Leet Township, **Allegheny County**. The receiving streams, Big Sewickley Creek, Unnamed Tributary to Big Sewickley Creek and Unnamed Tributary to Little Sewickley Creek, each stream tributary to Ohio River, are located in State Water Plan watershed 20-G and are classified for Trout Stocking, High Quality Waters—Trout Stocking, and Warm Water Fishes; aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA waiver is not in effect.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011514047	Jackie and Jerry Sweeney 2 Craig Lane Haverford, PA 19041 Co-Applicant Griffiths Construction, Inc. 851 Kimberton Road Chester Springs, PA 19425	Chester	Willistown Township	Crum Creek HQ-CWF-MF

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032814003	Chambersburg Area School District 435 Stanley Avenue Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Branch/HQ, CWF
PAI030614008	Met Ed (FirstEnergy Corp) 2800 Pottsville Pike Reading PA 19612	Berks	District Township	West Branch Perkiomen Creek (CWF, MF, EV Wetlands)

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056314004	PA American Water Company 300 Galley Road McMurray, PA 15317	Washington	Buffalo Township	Buffalo Creek (HQ-WWF) and UNT Buffalo Creek (HQ-WWF)



**STATE CONSERVATION COMMISSION**  
**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS**  
**FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

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

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Linford Snyder 904 Fearnot Road Sacramento, PA 17968	Dauphin	0	388.23	Pullet	NA	New
Linford Snyder 870 Luxemburg Road Lykens, PA 17048	Dauphin	69.4	1,898.58	Layer	NA	New
Michael and Grace Martin 2050 Main Street Ephrata, PA 17522	Lancaster	89.6	148.68	Ducks/Beef	NA	N
Paul Katzmaier CAFO 251 Katzmaier Road Montoursville, PA 17754	Lycoming	247.4	375.25	Dairy	EV	Renewal
Jerrel Brubaker 269 Meeting House Lane Lewisburg PA 17837	Union	846.8	545.64	Swine	NA	Renewal
Troester Dairy 175 Cannon Road Mifflinburg PA 17844	Union	924.2	1,544.50	Dairy	HQ	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact

basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

### SAFE DRINKING WATER

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

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 3614519**, Public Water Supply.  
 Applicant **East Earl LLC**  
 Municipality East Earl Township  
 County **Lancaster**  
 Responsible Official Larry L. Miller,  
 Water System Operator  
 2021 Horseshoe Road  
 Lancaster, PA 17602  
 Type of Facility Public Water Supply  
 Consulting Engineer David T. Lewis, P.E.  
 Columbia Water Company  
 220 Locust Street  
 Columbia, PA 17512  
 Application Received: 11/18/2014  
 Description of Action New community water system with one well, iron and manganese treatment, nitrate treatment, chlorine disinfection, finished water storage, finished water pumps, and a distribution system.

**Permit No. 3114502**, Public Water Supply.  
 Applicant **Mapleton Municipal Water Authority**  
 Municipality Union Township  
 County **Huntingdon**  
 Responsible Official Michael Corbin, Chairman  
 PO Box 306  
 Mapleton Depot, PA 170582  
 Type of Facility Public Water Supply  
 Consulting Engineer Mark V. Glenn, P.E.  
 Gwin, Dobson & Foreman, Inc.  
 3121 Fairway Dr.  
 Altoona, PA 16602-4475  
 Application Received: 12/22/2014  
 Description of Action Installation of a softening system for Well No. 1.

**Permit No. 6714509**, Public Water Supply.  
 Applicant **The York Water Company**  
 Municipality East Manchester Township  
 County **York**  
 Responsible Official Mark S. Snyder,  
 Engineering Manager  
 130 East Market Street  
 PO Box 15089  
 York, PA 17405-7089

Type of Facility Public Water Supply  
 Consulting Engineer Mark S. Snyder, P.E.  
 The York Water Company  
 130 East Market Street  
 PO Box 15089  
 York, PA 17405-7089  
 Application Received: 12/29/2014  
 Description of Action Installatin of a chloramine booster system at the East Manchester Standpipe.

**Permit No. 3814506 MA, Minor Amendmant**, Public Water Supply.  
 Applicant **Cornwall Borough Municipal Authority**  
 Municipality Cornwall Borough  
 County **Lebanon**  
 Responsible Official Barbara Henry  
 PO Box 667  
 Cornwall, PA 17016  
 Type of Facility Public Water Supply  
 Consulting Engineer Jason G. Saylor, P.E.  
 Utility Service Group, Inc  
 535 Courtney Hodges Boulevard  
 Perry, GA 31069  
 Application Received: 12/30/2014  
 Description of Action Installation of a PAX mixing system in the Cold Springs Storage Tank.

**Permit No. 6715501 MA, Minor Amendmant**, Public Water Supply.  
 Applicant **The York Water Company**  
 Municipality Manchester Township  
 County **York**  
 Responsible Official Mark S. Snyder,  
 Engineering Manager  
 130 East Market Street  
 PO Box 15089  
 York, PA 17405-7089  
 Type of Facility Public Water Supply  
 Consulting Engineer Mark S. Snyder, P.E.  
 The York Water Company  
 130 East Market Street  
 PO Box 15089  
 York, PA 17405-7089  
 Application Received: 1/5/2015  
 Description of Action Repainting of the Farmbrook Standpipe.

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

**Permit No. 2515501**, Public Water Supply  
 Applicant **Erie City Water Authority**  
 Township or Borough Lawrence Park Township  
 Harborecreek Township  
 County **Erie**  
 Responsible Official Chad Ellsworth, P.E.  
 Type of Facility Pump Station

Consulting Engineer  
 Application Received Date January 16, 2015  
 Description of Action Replace existing chlorine gas system with bulk sodium hypochlorite feed system.

**Permit No. 2514506**, Public Water Supply  
 Applicant **Lake City Borough**  
 Township or Borough Lake City Borough  
 County **Erie County**  
 Responsible Official Rex Jackson  
 Type of Facility Municipal Water Treatment Plant  
 Consulting Engineer Chad W. Yurisc, P.E.  
 Application Received Date December 31, 2014  
 Description of Action Addition of oversized piping for chlorine contact time.

**Permit No. 6114503**, Public Water Supply  
 Applicant **General Authority of the City of Franklin**  
 Township or Borough Franklin City  
 County **Venango County**  
 Responsible Official Olgierd K. Wodzianski  
 Type of Facility Public Water Supply  
 Consulting Engineer Olgierd K. Wodzianski  
 Application Received Date December 31, 2014  
 Description of Action List unpermitted pump stations, storage tanks, operation techniques.

#### MINOR AMENDMENT

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

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

#### Application No. 1114523MA, Minor Amendment.

Applicant **Greater Johnstown Water Authority**  
 640 Franklin Street  
 PO Box 1407  
 Johnstown, PA 15901  
 [Township or Borough] Southmont Borough  
 Responsible Official Michael Kukura, Manager  
 Greater Johnstown Water Authority  
 640 Franklin Street  
 PO Box 1407  
 Johnstown, PA 15901  
 Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Application Received Date November 5, 2014  
 Description of Action Rehabilitation and painting of the Shady Lane water storage tank.

#### Application No. 1114524MA, Minor Amendment.

Applicant **Greater Johnstown Water Authority**  
 640 Franklin Street  
 PO Box 1407  
 Johnstown, PA 15901  
 [Township or Borough] Johnstown  
 Responsible Official Michael Kukura, Manager  
 Greater Johnstown Water Authority  
 640 Franklin Street  
 PO Box 1407  
 Johnstown, PA 15901  
 Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Application Received Date November 5, 2014  
 Description of Action Rehabilitation and painting of the Oakland water storage tank.

#### Application No. 1114525MA, Minor Amendment.

Applicant **Greater Johnstown Water Authority**  
 640 Franklin Street  
 PO Box 1407  
 Johnstown, PA 15901  
 [Township or Borough] Stonycreek Township  
 Responsible Official Michael Kukura, Manager  
 Greater Johnstown Water Authority  
 640 Franklin Street  
 PO Box 1407  
 Johnstown, PA 15901  
 Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Application Received Date November 5, 2014  
 Description of Action Rehabilitation and painting of the Oakhurst water storage tank.

**Application No. 1115501MA, Minor Amendment.**

Applicant **Highland Sewer & Water Authority**  
120 Tank Drive  
Johnstown, PA 15904

[Township or Borough] Richland Township

Responsible Official Edward Englehart, Manager  
Highland Sewer & Water Authority  
120 Tank Drive  
Johnstown, PA 15904

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date January 15, 2015

Description of Action Rehabilitation and painting of the Rachel Hill Tank No. 1 water storage tank.

**Application No. 1115502MA, Minor Amendment.**

Applicant **Highland Sewer & Water Authority**  
120 Tank Drive  
Johnstown, PA 15904

[Township or Borough] Richland Township

Responsible Official Edward Englehart, Manager  
Highland Sewer & Water Authority  
120 Tank Drive  
Johnstown, PA 15904

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date January 15, 2015

Description of Action Rehabilitation and painting of the Rachel Hill Tank No. 2 water storage tank.

**Application No. 1115503MA, Minor Amendment.**

Applicant **Highland Sewer & Water Authority**  
120 Tank Drive  
Johnstown, PA 15904

[Township or Borough] Richland Township

Responsible Official Edward Englehart, Manager  
Highland Sewer & Water Authority  
120 Tank Drive  
Johnstown, PA 15904

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date January 15, 2015

Description of Action Rehabilitation and painting of the Rachel Hill Tank No. 3 water storage tank.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**  
**PREAMBLE 1**

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

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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



*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Coal Township Release Site**, Sunoco 2013 Coal Township Pipeline Release, Coal Township, **Northumberland County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Sunoco Logistics, LP, 4041 Market Street, Aston, PA 19014, submitted a Notice of Intent to Remediate for the Site Specific Standard. Unleaded gasoline parameters of Benzene, Toluene, Ethylbenzene, Total Xylenes, MTBE, Isopropyl Benzene, Naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene were detected. The intended future use of the property is to remain the right-of-way for the pipeline. The Notice of Intent to Remediate was published in *The News Item* on September 29, 2014.

**Coen—Zappi Release**, Atlantic Avenue, Bigler Township, **Clearfield County**. McKee Environmental, Inc., 218 Washington Avenue, Bellefonte, PA 16823, on behalf of Coen—Zappi, 1045 West Chestnut Street, Washington, PA 15301-4628 submitted a Notice of Intent to Remediate. Diesel fuel impacted both soil and surface waters across the site including a wetland area. The site is currently part of a private residence and is planned to be used as such. The Notice of Intent to Remediate was published in *The Progress of Clearfield* on December 17, 2014.

**Former Industrial Fabricators Facility**, 2891 South Reach Road, City of Williamsport, **Lycoming County**. McKee Environmental, Inc., 218 Washington Avenue, Bellefonte, PA 16823 on behalf of SJ Holdings, LLC, 726 Washington Blvd., Williamsport, PA 17701, submitted a Notice of Intent to Remediate for soils under the Statewide Health Standard. Soil was impacted from the overflows of the heating oil from the underground storage tank. The future use of the property is intended for commercial use. The Notice of Intent to Remediate was published in *The Sun Gazette* on September 13, 2014.

**Former Penn-Troy Manufacturing Site**, Willow and Railroad Streets, Borough of Troy, **Bradford County**. Langan Engineering & Environmental Services, One West Broad Street, Suite 200, Bethlehem, PA 18018 on behalf of Central Bradford Progress Authority, One Elizabeth Street, Suite 3, Towanda, PA 18848 submitted a Notice of Intent to Remediate. Concentrations of VOCs, PCBs, SVOCs and Metals were found in the soil. This land has been utilized for industrial activities since the early 1900s. The proposed use of the site will be non-residential. The Notice of Intent to Remediate was published in *The Daily Review* on September 22, 2014.

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

**Vantage Energy Appalachia—Porter Street Pad**, VEA Porter Street Pad, 390 Valley Farm Road, Franklin Township, **Green County**. SE Technologies, LLC., 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Vantage Energy Appalachia, LLC., 116 Inverness Drive East, Suite 107 Englewood, CO 80112 has re-submitted a Notice of Intent to Remediate to meet a combination of non-residential Statewide Health and Site Specific Standards concerning site soils and groundwater contaminated with chlorides and other fluids from drilling operations. Notification of the NIR was published in the *Greene County Messenger* on December 5, 2014.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### PLAN APPROVALS

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

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

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

**55-00026A: Hummel Station LLC** (P.O. Box 517, Shamokin Dam, PA 17876), for the modification of conditions from plan approval 55-00001G with regards to the natural gas combined cycle turbine project in Shamokin Dam Borough, **Snyder County**. This is a Title V facility.

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

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

**24-123H: Advanced Disposal Services Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846), for the modification of conditions from plan approval 24-123F & 24-123G with regards to submittal of a plan approval application for the gas collection system in Fox Township, **Elk 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 Elmerton Avenue, Harrisburg, PA 17110*

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

**67-03162C: Church & Dwight, Inc.** (5197 Commerce Drive, York, PA 17408) for the construction of a new vitamin and mineral supplements production line at the Davies Facility located in Jackson Township, **York County**. The expected increases in facility emissions as a result of the changes proposed are: 22.14 tons per year of PM; 25 tons per year of VOCs and one ton per year of combined HAPs. The facility is a State Only (non-Title V) 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. 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 a State Only Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

**55-00002D: The Selinsgrove Center owned and operated by PA Department of Public Welfare** (1000 Route 522, Selinsgrove, PA 17870) has submitted a plan approval application to the Department of Environmental Protection (DEP) for their proposal to comply with the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources as codified in 40 CFR Part 63 Subpart JJJJJJ, also known as the Area Source Boiler MACT at their facility in Penn Township, **Snyder County**. On January 16, 2014, the facility received the Department's approval for extension of Subpart JJJJJJ compliance deadline to March 21, 2015. The facility operates existing boilers that are fired on coal, and the boilers are considered as affected sources in the Area Source Boiler MACT. On October 6, 2014, the facility submitted a plan approval application and proposed to restrict the coal heat input of each boiler.

The Department reviewed the plan approval application and supplementary information submitted by the Selinsgrove Center facility, and the facility proposal designates each of the coal boilers as a limited-use boiler, in accordance with the applicable requirements pertaining to limited-use boiler as specified in 40 CFR Part 63 Subpart JJJJJJ. The Selinsgrove Center facility is a Title V facility. If the Department determines that the facility has satisfied the required evaluation for Area Source Boiler MACT compliance, the requirements of 55-00002D will be incorporated into Title V Operating Permit 14-00002 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. Upon issuance, the plan approval will serve as the federally enforceable permit until the amended Title V operating permit is issued. Based on these findings, the Department intends to issue a plan approval to restrict the operation of the coal boilers at the facility such that, each of the boilers will be designated as a limited-use boiler by the Area Source Boiler MACT.

The following are the conditions that the Department proposes to place in the plan approval to require the facility to operate each of the coal boilers as a limited-use boiler. All applicable Federal and State regulatory requirements including monitoring, recordkeeping, reporting, and work practice conditions have been included in the plan approval, to demonstrate compliance with all applicable requirements.

1. 25 Pa. Code § 127.12b

[Additional authority for permit conditions no. 1, 2, and 3 is derived from 40 CFR Section 63.11237, related to the definition of limited-used boiler]

The maximum heat input from the anthracite coal used to operate the boiler associated with Source ID 031 shall not exceed 52,560 MMBtu (HHV) on a rolling 365-day period basis.

2. 25 Pa. Code § 127.12b

The maximum heat input from the anthracite coal used to operate the boiler associated with Source ID 032 shall not exceed 52,560 MMBtu (HHV) on a rolling 365-day period basis.

## 3. 25 Pa. Code § 127.12b

The maximum heat input from the anthracite coal used to operate the boiler associated with Source ID 033 shall not exceed 44,676 MMBtu (HHV) on a rolling 365-day period basis.

## 4. 25 Pa. Code § 127.12b

[The following condition supersedes the requirements specified in Section C, Condition #009 of Title V Operating Permit 55-00002.]

(a) Pursuant to 25 Pa. Code § 127.511, the permittee shall perform sampling of all received anthracite coal deliveries and analyze coal samples, to determine the coal specifications found below and verify compliance with the applicable ash content restriction. Unless otherwise dictated by the method or analysis, the coal specifications shall be determined on percent weight basis.

1. Percent Sulfur (%S),
2. Percent Ash (%A), and
3. Heat Content of Fuel or High Heating Value, (HHV), in units of Btu/lb.

(b) Pursuant to 25 Pa. Code § 139.33, the procedures used for collection and composition of samples shall be those specified in 40 CFR Section 63.11213(b) or ASTM D2234/D2234M, (or equivalent as determined by the Department). Compositing sample preparation procedures shall follow EPA SW-846-3050B or ASTM D2013/D2013M, (or equivalent as determined by the Department). The analysis used to determine heat content of fuel shall be ASTM D5865, (or equivalent as determined by the Department).

(c) In lieu of performing sampling and analysis on each of the received coal deliveries, the permittee shall obtain a copy of the coal shipment analysis report from the coal supplier(s), to determine the coal specifications found above and verify compliance with the applicable ash content restriction. The analysis shall be signed by the responsible individual(s) representing the coal supplier(s) and provide certification that the analysis and results are true, accurate and complete, based upon information and belief formed after reasonable inquiry. In addition, the coal shipment analysis report shall include all of the information specified in 25 Pa. Code § 127.511(b)(1)(i)—(v). The coal shipment analysis report shall also demonstrate that the accepted coal delivery was sampled and analyzed and, based on the analysis results; the coal, as received, meets the coal specifications for this facility as required by the valid Pennsylvania Commercial Item Description (PCID) No. 1069 document. A copy of the valid PCID No. 1069 document shall be kept at the facility and made available to the Department upon request.

(d) All sampling and analyses to determine the coal specifications specified above shall be consistent with the applicable sampling methods and analyses specified in 25 Pa. Code Chapter 139.

## 5. 25 Pa. Code § 127.12b

The permittee shall keep records of the coal shipment analysis reports or the results of coal fuel sampling and analysis. The records shall contain all of the information specified in 25 Pa. Code § 127.511(b)(1)(i)—(v).

## 6. 25 Pa. Code § 127.12b

Source IDs 031, 032, and 033

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.511, (related to monitoring and related recordkeeping and reporting requirements)]

(a) The permittee shall calculate and keep record of the total daily coal fuel fired to operate each of the boilers, in units of pounds. The permittee shall keep record of the 3-year weighted average heat content of the anthracite coal as received, in units of Btu/lb, along with the supporting data that were used to calculate the weighted average. A new weighted average is calculated at the beginning of each calendar year using the heat content data recorded during the 3 previous calendar years.

(b) With the records required above, the permittee shall calculate and keep records of the total daily heat input, in units of MMBtu. On a daily basis, the permittee shall calculate and record the total heat input as determined by a rolling 365-day sum total, to verify compliance with the restrictions limiting the maximum heat input of coal used to operate the boilers.

## 7. 25 Pa. Code § 127.12b

Source IDs 031, 032, and 033

(a) Pursuant to 40 CFR Section 63.11210, the permittee shall perform initial tune-up of the boilers prior to March 21, 2015, according to paragraphs (b)(1)—(7) of this condition.

(b) Pursuant to 40 CFR Section 63.11223, after completion of the initial tune-up, the permittee shall conduct subsequent tune-ups every 5 years. All tune-ups shall be performed in accordance with paragraphs (b)(1)—(7) of this condition. Each 5-year tune-up shall be conducted no more than 61 months after the previous tune-up. The permittee may delay the burner inspection specified in paragraph (b)(1) and inspection of the system controlling the air-to-fuel ratio specified in paragraph (b)(3) until the next scheduled unit shutdown, but the permittee must inspect each burner and system controlling the air-to-fuel ratio at least once every 72 months.

(1) As applicable, inspect the burner, and clean or replace any components of the burner as necessary.

(2) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available.

(3) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly.

(4) Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any nitrogen oxide requirement to which the unit is subject.

(5) Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.



(6) Maintain on-site and submit, if requested by the Administrator, a report containing the information in paragraphs (b)(6)(i)—(iii) of this section.

(i) The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler.

(ii) A description of any corrective actions taken as a part of the tune-up of the boiler.

(iii) The type and amount of fuel used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.

(7) If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.

#### 8. 25 Pa. Code § 127.12b

Source IDs 031, 032, and 033

The permittee shall comply with the applicable notification, reporting, and recordkeeping requirements pertaining to this source, as specified in 40 CFR Section 63.11225.

#### 9. 25 Pa. Code § 127.12b

Each of the boilers associated with Source IDs 031, 032, and 033 is subject to the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources as codified in 40 CFR Part 63 Subpart JJJJJJ. The permittee shall comply with the applicable requirements pertaining to Source IDs 031, 032, and 033, as specified in 40 CFR Section 63.11193 through 63.11237.

#### 10. 25 Pa. Code § 127.12b

[Additional authority for paragraph (a) of this permit condition is derived from 40 CFR Section 63.11225, related to notification, reporting and recordkeeping requirements]

(a) No later than 120 days after March 21, 2015, the permittee shall submit a compliance report including the supporting documentation and records, to determine the facility compliance status with respect to the limited-use throughput restrictions applicable to Source IDs 031, 032, and 033.

(b) No later than 60 days after receiving notification by the Department, the permittee shall submit an administrative amendment in accordance with 25 Pa. Code § 127.450 to incorporate the requirements of Plan Approval 55-00002D into Title V Operating Permit 55-00002.

(c) Section B, Condition #003 of this plan approval is hereby amended as follows;

(1) Pursuant to 25 Pa. Code § 127.12b(d), temporary operation of the sources is authorized to permit operations pending the issuance of a permit under Subchapter G (relating to Title V operating permit).

(2) This plan approval authorizes temporary operation until the expiration date of this plan approval.

(3) The permittee may request a 180-day extension of the expiration date if further evaluation of the air contamination aspects of the sources is necessary.

#### 11. 25 Pa. Code § 127.12b

All conditions contained in Title V Operating Permit 55-00002 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition in this plan approval and a condition in Title V Operating Permit 55-00002D, the permittee shall comply with the condition contained in this plan approval as noted herein.

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.

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

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

**25-1011A: Duskas Martin Funeral Homes & Crematory, Inc.** (4216 Sterrettania Rd, Erie, PA 16506), the Department intends to issue a plan approval to for the continued operation of one human crematory in Millcreek Township, **Erie County**. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

This plan approval application was submitted per the Department's instruction that crematories which open or plan to open their primary chamber's door during the cremation cycle could no longer use or obtain the GP-14 for authorization. Those crematories must be authorized by a plan approval or elect to no longer open the door during the cremation cycle in order to continue operating under GP-14 authorization. The applicant has elected to apply for a plan approval rather than prohibit the opening of their door which they feel is necessary for efficient and complete cremation cycles.

The crematory has been reviewed to evaluate its incorporation of BAT. The BAT contained in the GP-14 is still considered to be current BAT. This unit meets or exceeds each of the technologies or specifications identified in the GP-14; therefore, the use of this unit is considered to be meeting BAT for the construction of a crematory.

Emissions are estimated to be: less than 1.0 tpy of SO<sub>x</sub>, CO, NO<sub>x</sub>, particulate matter, VOC, and HAP (each).

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting



the comments, identification of the proposed plan approval [25-1011A, Duskas Martin Funeral Home and Crematory] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Edward F. Orris, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6636.

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

### OPERATING PERMITS

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

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

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

**65-00173: Summerill Tube Corporation** (P.O. Box 302, 220 Franklin Street, Scottdale, PA 15683) for manufacturing steel pipe and tubes at their Scottdale Plant in Scottdale Borough, **Westmoreland County**. This is a Title V Operating Permit renewal application submittal.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**23-00103: Elwyn**, (111 Elwyn Road, Elwyn, PA 19063) for a Non-Title V Facility, State-Only, Synthetic Minor Permit in Middletown Township, **Delaware County**. Elwyn is a facility caring for the needs of the developmentally disabled and disadvantaged. The sources of emissions include boilers and emergency generators. The company took an emission limit of 24.9 tons per year of NO<sub>x</sub>. The facility is subject to 40 C.F.R. 60 Subpart IIII and 40 C.F.R. 63 Subpart JJJJJJ. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

**39-00094: Blend Pro, Inc.** (601 South Tenth Street, Suite 300, Allentown, PA 18103) for the operation of a dry mix concrete manufacturing facility located in the City of Allentown, **Lehigh County**. The sources consist of six storage silos which are controlled by baghouses. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping

and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**40-00014: Bimbo Bakeries USA Inc.** (325 Kiwanis Blvd, Valmont Industrial Park, West Hazleton, PA 18202-1163) for the operation of a commercial bakery located in West Hazleton Borough, **Luzerne County**. The sources consist of two boilers, three baking lines, and space heaters. The emissions from the baking lines are controlled by a catalytic oxidizer. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**40-00045: Ralmark Company** (PO Box 1507, Kingston, PA 18704-0507) for the operation of an aircraft parts and equipment manufacturing facility in Larksville Borough, **Luzerne County**. The sources consist of a pulley manufacturing process and a spray booth. The process is controlled by a baghouse. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**40-00074: Altec Industries, Inc.** (250 Laird Street, Plains, PA 18705-3821) for the operation of a surface coating operation at a truck body manufacturing facility in Plains Township, **Luzerne County**. The sources consist of four paint booths. The emissions from the sources are controlled by panel filters. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**54-00063: Greater Pottsville Area Sewer Authority** (1050 Route 61S, Pottsville, PA 17901-7163) for the operation of a wastewater treatment plant in the City of Pottsville, **Schuylkill County**. The sources consist of primary and finish solids processing and digesters. The sources are controlled by a wet scrubber and a flare. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

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

**06-05151: Kutztown University** (PO Box 730, Kutztown, PA 19530) to issue a State Only Operating Permit for the Kutztown University located in Maxatawny Township, **Berks County**. Actual emissions from the facility in 2013 were 5.95 tons CO, 7.08 tons NO<sub>x</sub>, 0.21 ton PM<sub>10</sub>, 0.04 ton SO<sub>x</sub> and 0.39 ton VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart Dc, 40 CFR 60 Subpart IIII, 40 CFR 60 Subpart JJJJ and 25 Pa. Code § 129.63. The proposed

permit also contains provisions granting emission reduction credits related to the permanent shutdown of Boiler Units 031, 032, 033 and 034.

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

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

**41-00071: Williamsport Steel Container, Co., Inc.** (360 Arch St. Williamsport, PA 17701) to issue a renewal State Only Operating Permit for their Arch Street Plant facility located in the City of Williamsport, **Lycoming County**. The facility is currently operating under State Only Operating Permit 41-00071. The facility's main sources include four paint booths and six natural-gas fired ovens with a total combined maximum rated heat input of 10.27 MMBtu/hr.

The facility has potential annual emissions of 3.43 tons of carbon monoxide, 4.09 tons of nitrogen oxides, 0.02 ton of sulfur oxides, 0.31 ton of particulate matter (including particulate matter less than 10 microns in size), 13.92 tons of volatile organic compounds, 2.20 tons of hazardous air pollutants, and 5,259 tons of carbon dioxide equivalent.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

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. Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5984.

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

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

**04-00466: NSPC, LLC** (P.O. Box 311, Zelienople, PA 16063) for crematory services at the New Sewickley Pet Crematory in New Sewickley Township, **Beaver County**. This is a State-Only Operating Permit renewal application submittal.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**10-00220: ESM Group, Inc.**, (995 Saxonburg, Blvd, Saxonburg, PA 16056-2317), to renew a State Only Operating Permit for the facility located in Adams Township, **Butler County**. The facility is a Natural Minor. Potential Emissions are below the Title V thresholds. The primary sources at the facility include truck dumping of raw materials, blending of raw materials, materials handling, materials mixing & bagging, storage silos, and a parts washer. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional re-

quirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**24-00146: National Fuel Gas Supply Corporation** (PO Box 2081, Erie, PA 16512), to renew a State Only Operating Permit for the Boone Mountain Compressor Station located in Horton Township, **Elk County**. The facility is a Natural Minor. Potential Emissions are below the Title V thresholds. The primary sources at the facility include and two pipeline heaters with a combined rating of 1 million Btu/hr, two 150 hp compressor engines, a 280 hp compressor engine, and a 35 hp emergency generator. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00273: Select Industries, Inc.** (242 Reynolds Industrial Park Road, Greenville, PA 16125) The Department intends to re-issue a Natural Minor Operating Permit for this metal coating facility located in Pymatuning Township, **Mercer County**. The facility's primary emission sources include coating and lithographic printing lines. The VOC and HAP emissions from this facility are below major source levels. The potential emissions, if this facility were operated continuously throughout the year, are as follows: (All values are in tons/year.) PM<sub>10</sub> = 0.07, SO<sub>x</sub> = 0.03, NO<sub>x</sub> = 2.41, CO = 2.01, VOCs = 17.2, Methane = 0.04, Ammonia = 0.04, CO<sub>2</sub> = 2874, and Nitrous Oxide = 0.005.

## 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 suffi-

cient 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*

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**65990101 and NPDES Permit No. PA0202428. Coal Loaders, Inc.** (210 East Main Street, Ligonier, PA 15658). Renewal application for reclamation only to an existing bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 19 acres. Receiving stream: unnamed tributary to the Youghiogheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 15, 2015.

**03080101 and NPDES Permit No. PA0251364. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only to an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 125 acres. Receiving streams: unnamed tributaries to Mahoning Creek, classified for the following use: CWF. There is no potable

water supply intake within 10 miles downstream from the point of discharge. Application received: January 15, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118*

**Permit No. 54151301 and NPDES Permit No. PA0225533. Nova Coal, LLC**, (668 Main Street, Tremont, PA 17981), commencement, operation and restoration of an anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 9.0 acres, receiving streams: Baird Run, classified for the following use: EV—migratory fishes and Lorberry Creek, classified for the following use: warm water fishes. Application received: December 9, 2014.

#### *Noncoal Applications Received*

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

**37990302. Cemex Construction Materials Atlantic, LLC** (2001 Portland Park, Wampum, PA 16157) Renewal of NPDES Permit No. PA0241547, Shenango & Wayne Townships, **Lawrence County**. Receiving streams: Unnamed tributary to the Beaver River and Snake Run, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 16, 2015.

#### *Noncoal Applications Withdrawn*

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

**Permit No. 13990301C and NPDES Permit No. PA0224014. Lehigh Asphalt Paving & Construction Company**, (PO Box 549, Tamaqua, PA 18252), correction to an existing quarry to update the NPDES Permit for discharge of treated mine drainage in East Penn Township, **Carbon County**, affecting 104.4 acres, receiving stream: Lizard Creek, classified for the following use: EV—migratory fishes. Application received: April 26, 2006. Application withdrawn: January 22, 2015.

### 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 additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 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.

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0262625, Mining Permit No. 56080104. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for bituminous surface mine in Paint and Adams Townships, **Somerset and Cambria Counties**, affecting 132.7 acres. Receiving streams: unnamed tributary to/and Paint Creek, classified for the following use: cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: September 30, 2014.

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

The outfalls listed below discharge to unnamed tributary to/and Paint Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Sedimentation Pond No.1)	N
002 (Sedimentation Pond No. 2)	N
003 (Sedimentation Pond No. 3)	N
007 (Sedimentation Pond No. 4)	N
004 (Treatment Facility A)	N
005 (Treatment Facility B)	N



The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001, 002, 003, 007, 004 &amp; 005</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E52-247. Ronald Hextall & Diane Hextall**, 118 Calico Court, Paupack, PA 18451, in Palmyra Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stone retaining wall that is approximately 115-foot long and has maximum height of

4-feet for the purpose of constructing a patio. To construct and maintain two sets of stone stairs for the purpose of providing access to the shoreline and existing dock in Lake Wallenpaupack. The project is located at Calico Court. (Hawley, PA Quadrangle, Latitude: 41°24'58"; Longitude: -75°13'31").

**E58-309. Buckeye Partners, L.P.**, Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031, in Bridgewater Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To stabilize and maintain a reach of the East Branch Wyalusing Creek for the purpose of protecting an existing exposed 8-inch diameter petroleum pipeline. Approximately 94 linear feet of stream restoration would occur with work consisting of slope stabilization, the removal of bed material and the placement of native stone on the bed of the watercourse at a maximum depth of 3.25-feet for the purpose of channel stability. Approximately 10 linear feet of cable concrete mats will also be placed under the native stone bed in order to protect the petroleum pipelines. The project is located approximately 0.1 mile north of the intersection of Beebe Hollow Road and Coleman Road. (Montrose West, PA Quadrangle, Latitude: 41°50'3.9"; Longitude: -75°54'30").

**E40-763. Peter and Lesa Butera**, 1634 Meadowlark Road, Wyomissing, PA 19610-2821, in Harvey's Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove and existing 735 sq. ft. boat dock/house and to construct and maintain a 3,120 sq. ft. boat dock/boat house in Harvey's Lake (HQ-CWF). The project is located at Pole 300 along Lakeview Drive in Harvey's Lake Borough, Luzerne County. (Harvey's Lake, PA Quadrangle, Latitude: 41°21'7"; Longitude: -76°2'18").

**E35-457. Lackawanna Energy Center, LLC**, One South Wacker Drive, Chicago, IL 60606, in Jessup Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To place and maintain fill in 0.2 acre of isolated PFO wetlands associated with the construction of the Lackawanna Energy Center electricity generating facility. The project also includes a stormwater outfall structure to Grassy Island Creek. The project is located at the end of Sunnyside Road, 0.7 mi. north of its intersection with Exit 3 of the Gov Robert P Casey Highway (Route 6) and Hill Street in Jessup Borough, Lackawanna County. (Olyphant, PA Quadrangle, Latitude: 41°28'17"; Longitude: -75°32'39").

**E40-764. Donald and Linda Frederick**, 2845 Lakeside Drive, Harvey's Lake, PA 18618, in Harvey's Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To expand an existing 500 sq. ft. boat dock by an additional 1,000 sq. ft. for a total of 1,500 sq. ft. in Harvey's Lake (HQ-CWF). The project will include an

approximate 800 sq. ft. structure on the dock. The project is located at Pole 261 along Lakeside Drive in Harveys Lake Borough, Luzerne County. (Harvey's Lake, PA Quadrangle, Latitude: 41°21'19"; Longitude: -76°2'24").

**E66-159. Transcontinental Gas Pipeline Company, LLC**, 2800 Post Oak Blvd, Houston, TX 77056, in Eaton and Falls Townships, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To conduct geotechnical core borings in the Susquehanna River (WWF) to evaluate the feasibility of horizontal directional drill pipeline crossings for the proposed Atlantic Sunrise Project. The project is located along SR 0092, 15.2 miles from the intersection of SR 0092 and US 11 in West Pittston, PA, Falls and Eaton Townships, Wyoming County. (Centermoreland, PA Quadrangle, Latitude: 41°28'49"; Longitude: -75°54'19").

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E08-487. Towanda Borough**, 724 Main Street, Towanda PA, 18848-1616. Storm Sewer System Improvement Project in Towanda Borough, **Bradford County**, ACOE Baltimore District. (Towanda, PA Quadrangle Latitude: 41° 45' 44"; Longitude: -76° 26' 45").

To construct and maintain a 3,449.11 foot storm sewer system, including stream enclosure and relocation, to replace an existing failing and undersized storm sewer system. The project will permanently impact 1,849 feet of College Run, designated as Warm Water Fishes in Chapter 93 of the Department's Water Quality Standards.

**E08-488. Bradford County Commissioners**, Bradford County Courthouse, 301 Main Street, Towanda, PA 18848. Replace County Bridge No. 37, Garrison Road T-751 over Beckwith Creek in Wells Township, **Bradford County**, ACOE Baltimore District (Millerton, PA Quadrangle; Latitude: 41°57'04"; Longitude -76°53'14").

Bradford County proposes to replace the deteriorated single span steel pony truss bridge with a single span pre-stressed concrete spread box beam bridge. The existing bridge has a clear span of 79.2 ft., a skew of 70 degrees and an underclearance of 4.7 ft.; a low chord of 97.84 ft. and a hydraulic opening of 624 ft<sup>2</sup>. The proposed structure will have a clear span of 79.9 ft., a skew of 70 degrees and an underclearance of 4.0 ft.; a low chord of 97.13 ft. and a hydraulic opening of 612 ft<sup>2</sup>. Concrete

abutments and wingwalls will be protected with R-8 Rip Rap choked with native streambed materials. The total estimated stream disturbance is approximately 135 feet. There are no wetlands present. Beckwith Creek is not listed in 25 Pa. Code Chapter 93 Water Quality Standards; however, Beckwith Creek is a tributary to Seeley Creek, which is listed as a CWF (Cold Water Fishery) and a MF (Migratory Fishes). This project will not require mitigation.

**E19-306. Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd., Houston, TX 77056. Geotechnical Testing in Franklin and Montour Townships, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle Latitude: 40° 56' 57"; Longitude: -76° 29' 2").

The permit application proposes to conduct geotechnical testing within the Susquehanna River, Warm Water Fishery. The testing is intended to consist of utilization of a barge mounted drill rig. Placement of a 6 inch diameter bore casing submerged several inches into the bed of the river is intended to allow for drilling operations to be contained within the casing. All waste materials are intended to be extracted through the casing and placed into containers upon the barge for disposal. Upon completion of sampling, the bore hole is intended to be filled with a grout material. Proper handling and precautions are provided within the permit application to prevent any changes in PH accosted with the grouting material. The project is intended to be completed in one day.

**E59-524. Enterprise TE Products Pipeline Company, LLC**, PO Box 4324, Houston, TX 77210-4324. Enterprise Products Operating P-40/Segment 696 & Segment 698 Gas Transmission Inspection, Repair, Operation and Maintenance Project, Chatham, Farmington and Gaines Townships, **Tioga County**, ACOE Baltimore District (Marshlands, PA Quadrangle, Southwest Termini Latitude: 41° 43' 55.21" ; Longitude: -77° 36' 14.12" and Tioga, PA Quadrangle, Northeast Termini Latitude: 41° 59' 58.49": Longitude -77° 12' 09.25").

The applicant is seeking authorization to repair, operate and maintain 28.2-miles of the existing P-40/Segment 696 & 698 pipeline. Annual inspection, repair, modification, section replacement and maintenance activities along the existing gas transmission pipeline and within the 35-foot maintained right-of-way will require the following nine (9) wetland and/or stream encroachments at the given location:

<i>Feature ID</i>	<i>Regulated Feature</i>	<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Activity Length</i>	<i>Water Quality</i>
25WA	Wetland	Temporary Construction Access	41° 57' 22.61"	77° 15' 35.37"	250'	WWF
25WA	Wetland	Pipeline Inspection & Repair (Dig #25)	41° 23' 23.22"	78° 02' 21.55"	60'	WWF
22 WA	Wetland	Pipeline Inspection & Repair (Dig #22)	41° 56' 7.59"	77° 17' 37.56"	60'	WWF

<i>Feature ID</i>	<i>Regulated Feature</i>	<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Activity Length</i>	<i>Water Quality</i>
17WA	Wetland	Temporary Construction Access	41° 51' 33.88"	77° 24' 35.86"	500'	WWF
17WA	Wetland	Pipeline Inspection & Repair (Dig #17)	41° 51' 33.88"	77° 24' 35.86"	60'	WWF
59/60WA	Wetland	Pipeline Inspection & Repair (Dig #60)	41° 44' 31.24"	77° 35' 03.68"	60'	EV
59/60WA	Wetland	Pipeline Inspection & Repair (Dig #59)	41° 44' 31.24"	78° 35' 03.68"	60'	EV
30WA	Wetland	Temporary Construction Access	41° 44' 27.56"	77° 35' 34.31"	58'	EV
30WB	Wetland	Temporary Construction Access	41° 44' 25.21"	77° 35' 32.50"	54'	EV

All temporary construction access crossing streams and wetlands shall be performed by temporary bridges, timber mats or an equally effective low impact crossing method. No ford crossing of streams or construction equipment traversing through wetlands is authorized by this permit. Any pipeline repair, modification or section replacement being conducted in-stream shall be performed in dry work conditions by boring, dam and pumping, fluming or diverting stream flow around the section where activities are to be conducted. In-stream inspection, repair, replacement or maintenance activities on P-40 pipeline shall not be conducted in any Tioga County wild trout stream between October 1 and December 31 without prior written approval of the Pennsylvania Fish & Boat Commission. Enterprise P-40 Pipeline is located along the northern and southern right-of-ways of SR 0006 at the intersection of Elk Run Road and SR 0006.

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

**E63-664. Louis Siyufy**, 140 Sherwood Dr., McMurray, PA 15317; Peters Township, **Washington County**; ACOE Pittsburgh District

The applicant is proposing to operate and maintain in, along or across an unnamed tributary (UNT) to Little Chartiers Creek (HQ-WWF) a) an existing home; b) approximately 300 lf of riprap stream bank protection, along both banks; c) three (3) wooden bridges; d) approximately 2,500 sf of fill and e) a debris fence, and construct and maintain an approximately 240' long bypass channel, parallel to the unnamed tributary for the purpose of directing flood flows to the east of the existing home that was constructed over the watercourse. The project is located at 140 Sherwood Drive, in Peters Township, Washington County (USGS Bridgeville, PA topographic

quadrangle; Latitude: 40° 15' 30.70"; Longitude: -80° 7' 25.73"; Sub-basin: 20F; Chapter 93 Type: HQ-WWF).

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E10-489, Creative Real Estate Development Company**, 215 Executive Drive, Suite 300, Cranberry Township PA 16066. Creekside Manor, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City and Zelenople, PA Quadrangle N: 40°, 48', 31.1"; W: 80°, 07', 32.8").

To develop an approximately 83 acre tract for residential (townhomes/apartments) and commercial uses including associated roadways and infrastructure. Project proposes to permanently fill 0.81 acre of PEM wetland and to mitigate for these impacts by creating 1.04 acre of mitigation wetland onsite.

**E10-492, Cranberry Township**, 2525 Rochester Road, Cranberry Township PA 16066. Graham Park Trail, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden, PA Quadrangle N: 40°, 43', 01"; W: 80°, 08', 18").

To construct two additional sections of walking trails in the existing municipal park. Section 1 will begin at Powell Road and continue along Brush Creek for 2,580 LF to tie into the existing trail. This section will include a pedestrian bridge crossing of a UNT Brush Creek and 2,453 LF (0.56 acre) of the trail will be within the FEMA 100 yr Floodplain for Brush Creek. Section 2 will begin at a point on the existing trail and continue along Brush Creek for 2,720 LF to a point near the entrance to the park. This section includes 1,672 LF (0.38 acre) of trail within the FEMA 100 yr Floodplain for Brush Creek. The entire trail will be installed at grade.

## ACTIONS

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

## FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

## I. NPDES Renewal Permit Actions

*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>
PAS212203 (Storm Water)	Rock Hill Concrete Inc. Bossardsville Plant 5841 Upper Cherry Valley Road Stroudsburg, PA 18360	Monroe County Hamilton Township	Unnamed Tributary to Lake Creek (1-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228133 (IW)	PA DOT Cameron County Maintenance Bldg 21013 CCC Memorial Highway Emporium, PA 15834	Cameron County Lumber Township	Driftwood Branch Sinnemahoning Creek (8-A)	Y



<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>
PA0113697 (Sewage)	David M & Teresa D Spiwak STP Country Manor WWTP Bloomsburg, PA 17815	Columbia County Mount Pleasant Township	Unnamed Tributary to Fishing Creek (5-C)	Y
PA0228745 (Sewage)	Carl N. & Karen J. Beaver Residence 47 Beaver Meadow Road Catawissa, PA 17820	Columbia County, Locust Township	Unnamed Tributary to Roaring Creek (5-E)	Y
PA0232572 (Storm Water)	Dominion Trans, Inc. 685 Pump Station Road Genesee, PA 16923	Potter County Genesee Township	Unnamed Tributary to Genesee River (14-A)	Y
PA0233692 (Sewage)	South Creek Township WWTP Villages of Gillett & Fasset Gillett, PA 16925	Bradford County South Creek Township	South Creek (4-B)	Y

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000*

<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>
PA0001295 (Industrial)	Freedom Terminal 501 RR Street Rochester, PA 15074	Beaver County Freedom Borough	Ohio River (20-G)	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>
PA0263621 (Sewage)	Field House Restaurant SFTF 911 North Pike Road Cabot, PA 16023	Butler County Jefferson Township	Unnamed Tributary to Thorn Creek (20-C)	Y
PAS608301 (Storm Water)	Harsco Minerals of PA 359 North Pike Road Sarver, PA 16055	Butler County Winfield Township	Little Buffalo Creek and Unnamed Tributary to Little Buffalo Creek (18-F)	Y
PA0043826 (IW)	United Erie Manufacturing 1432 Chestnut Street Erie, PA 16502-1705	Erie County Erie City	City of Erie storm sewers tributary to Presque Isle Bay (15)	Y

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

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

**NPDES Permit No. PA0053538**, Industrial, **Merck Sharp & Dohme Corp.**, 770 Sumneytown Pike, P.O. Box 4, WP 20-205, West Point, PA 19486.

This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: To discharge from a facility known as Merck Sharp & Dohme Corp. to Unnamed Tributary to Towamencin Creek and Unnamed Tributaries to Wissahickon Creek in Watershed(s) 3-E and 3-F.

**NPDES Permit No. PA0042889**, Sewage, **Octorara Area School District**, 228 Highland Road, Atglen, PA 19310-1603.

This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Action/Activity: To discharge from a facility known as Octorara School District STP in Watershed(s) 7-K.

**NPDES Permit No. PA0011070**, Sewage, **Knoll Inc.**, 1235 Water Street, East Greenville, PA 18041-2202.

This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Action/Activity: To discharge from a facility known as Knoll East Greenville Facility to Perkiomen Creek in Watershed (s) 3E.

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

**NPDES Permit No. PA0232530**, Industrial Stormwater, SIC Code 1389, **Key Energy Services, LLC**, 6 Desta Drive Suite 4300, Midland, TX 79705.

This proposed facility is located in Porter Township, **Clinton County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Industrial Stormwater.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**NPDES Permit No. PA0004472, Amendment No. 2**, Industrial Waste, SIC Code 3312, **United States Steel Corporation, Mon Valley Works, Clairton Plant**, 400 State Street, Clairton, PA 15025-1855.

This existing facility is located in Clairton City, **Allegheny County**.

Description of Existing Action/Activity: Issuance of an NPDES permit amendment for an existing discharge of treated coke-making wastewaters.

### 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. WQG02461423**, Sewage, **Whitpain Township**, 960 Wentz Road, Blue Bell, PA 19422.

This proposed facility is located in Whitpain Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension and pump station.

**WQM Permit No. WQG02461420**, Sewage, **Righter's Ferry Associates, LP**, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406.

This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station for 593 luxury apartments.

**WQM Permit No. WQG02151425**, Sewage, **The Borough of Phoenixville**, 351 Bridge Street, Phoenixville, PA 19460.

This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Action/Activity: Construction of a sewer extension to serve a proposed complex that includes 350 apartment units, a club house and future development.

**WQM Permit No. 1514403**, Sewage, **West Goshen Sewer Authority**, 848 S. Concord Road, West Chester, PA 19382.

This proposed facility is located in West Goshen Township, **Chester County**.

Description of Action/Activity: Construction and operation of two wastewater pump stations and two force mains.

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

**WQM Permit No. 4014403**, Sewage, SIC Code 4952, **PA DCNR**, P.O. Box 8551, Harrisburg, PA 17105.

This proposed facility is located in Fairmount Township, **Luzerne County**.

Description of Proposed Action/Activity: The project is for the replacement of existing pump station #1 with a duplex submersible packaged pump station at Ricketts Glen State Park.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 3204202**, Industrial Waste, SIC Code 4941, **Central Indiana County Water Authority**, 30 E Wiley Street, Homer City, PA 15748-1543.

This existing facility is located in Center Township, **Indiana County**.

Description of Proposed Action/Activity: The installation of a polymer feed system located at the Central Indiana County Water Authority's existing water treatment plant.

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

**WQM Permit No. 2596408**, Sewage, Amendment, **Wattsburg Area School District**, 10782 Wattsburg Road, Erie, PA 16509.

This existing facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Amendment to replace sand filter with mixed media filters.

**WQM Permit No. 3775401**, Sewage, Amendment No. 3, **New Wilmington Borough**, 134 High Street, New Wilmington, PA 16142-1104.

This existing facility is located in New Wilmington Borough, **Lawrence County**.

Description of Proposed Action/Activity: Amendment to upgrade and expand existing wastewater treatment plant.

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**V. NPDES Waiver Stormwater Discharges from MS4 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 Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI132257	Chapman Borough Northampton County, 1400 Main Street, Chapman, PA 18014	Northampton	Chapman Borough	Unnamed Tributary to Monocacy Creek/HQ-CWF and MF

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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010913001-1	Waste Management of Fairless, LLC 1000 New Ford Mill Road Morrisville, PA 19067	Bucks	Falls Township	Delaware River WWF
PAI011514040	Upper Uwchlan Township Municipal Authority	Chester	Upper Uwchlan Township	Unnamed Tributary to Marsh Creek HQ-TSF Pickering Creek HQ-TSF
PAI011514031	TI McKee Bradford, LP 337 Barn Hill Road West Chester, PA 19382	Chester	West Bradford Township	Broad Run EV-MF Unnamed Tributary to Chestnut Run EV-MF
PAI011514017	Westbrook IP, LLC 540 White School Road Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF
PAI015114010-1	The Church of Jesus Christ of Latter-day Saints 50 East North Temple Street Salt Lake, UT 84150	Philadelphia	City of Philadelphia	Schuylkill River WWF
PAI015114018	Philadelphia Industrial Development Corporation 1500 Market Street Suite 2600 West Philadelphia, PA 19102	Philadelphia	City of Philadelphia	Delaware River WWF
PAI015114016	Wexford Development, LLC 801 West Baltimore Street Baltimore, MD 21201	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023914012	TGG/TCH—Hamilton Crossings Associates, LP c/o Mr. Carlo Cifarelli 350 Sentry Parkway, Building 630, Suite 300 Blue Bell, PA 19422	Lehigh	Lower Macungie Township	Cedar Creek (HQ-CWF, MF) and Little Lehigh Creek (HQ-CWF, MF)
PAI026414002	The Dime Bank 820 Church Street Honesdale, PA 18431	Wayne County	Palmyra Township	Wallenpaupack Creek (HQ-WWF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033614005	Steve Long 1919 Furniss Road Drumore, PA 17518	Lancaster	Drumore Township	Wissler Run (HQ-WWF)

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

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

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### *General Permit Type—PAG-02*

<i>Facility Location &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>
Bedminster Township Bucks County	PAG02000911004	Living Hope Community Church Rickert Road & PA Route 313 Dublin, PA 18917	East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG02000914053	Pine Crest Farm—Lot 2 3055 Burnt House Hill Road Doylestown, PA 18902	Watson Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG02000914089	Doner Property 5221 Valley Park Road Doylestown, PA 18902	North Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Bucks County	PAG02000914084	Bucks County Community College Science Building Addition 275 Swamp Road Newtown Township, PA 18940	Unnamed Tributary to Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



<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>
Chester Township Delaware County	PAG02002307026R	Fairgrounds Housing Partnership, L.P. One Brewery Place 1301 North 31st Street Philadelphia, PA 19121-4495	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG02004614086	Curtis Griffin— Superintendent of Schools 229 Meetinghouse Road Horsham, PA 19044	Unnamed Tributary to Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG02004614085	Comcast of Southeast Pennsylvania, LLC 200 Cresson Boulevard Oaks, PA 19456	Perkiomen Creek WWF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Green Lane Borough Montgomery County	PAG02004614060	Pedersen Development, L.P. 80 Gravel Pike Red Hill, PA 18076	Macoby Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Perkiomen Township Montgomery County	PAG02004613102	PennDOT 7000 Geerdes Boulevard King of Prussia, PA 19406	Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<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>
Jenkins Township, Luzerne County	PAG02004005036(1)R	Mericle Armstrong Road, LLC Lewis Sebia 100 Baltimore Drive Wilkes-Barre, PA 18702	UNT to Gardner Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Butler Township Luzerne County	PAG02004007019R	Butler Commons JV, LP Donald Witmond 100 Passaic Ave Suite 240 Fairfield, NJ 07004	UNT to Nescopeck Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Upper Saucon Township Lehigh County	PAG02003914008	Basile Senior Housing Ltd. Dale Kuhlman 202 Black Matt Rd Douglasville, PA 19518	Saucon Creek (CWF-MF)	Lehigh County Conservation District 610-391-9583
Lower Saucon Township Northampton County	PAG02004812014R	Lower Saucon Township Jack Cahalan 3700 Old Philadelphia Pike Bethlehem, PA 18015-5426	Lehigh River (WWF, MF)	Northampton County Conservation District 610-746-1971
Lower Saucon Township and Williams Township Northampton County	PAG02004814018	Elysium Acquisitions LLC Jeffrey Strauss, Managing Partner 718 N. Glenwood Street Allentown, PA 18104	UNT to Bull Run (CWF, MF)	Northampton County Conservation District 610-746-1971
Allen Township Northampton County	PAG02004814012	Jason Frack 2239 Yost Road Bath, PA 18014	UNT to Hokendauqua and wetlands (CWF, MF)	Northampton County Conservation District 610-746-1971

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

*Facility Location:*

<i>Municipality &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>
St. Thomas Township Franklin County	PAG02002812028-1 Issued	APX Industrial Coating 200 Oregon Road Mercersburg, PA 17236	UNT of West Branch of Conococheague Creek/CWF, MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Washington Township Franklin County	PAG02002814030 Issued	Shetter Waste Site Jeff Hoy 220 Yocumtown Road Etters, PA 17319	West Branch of Antietam Creek/ CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Waynesboro Borough Franklin County	PAG02002814020 Issued	Quail Run 11281 Weatherstone Drive Waynesboro, PA 17268	East Branch of Antietam Creek/ CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Washington Township Franklin County	PAG02002814008 Issued	Washington BLVD 13013 Welty Road Waynesboro, PA 17268	East & West Branches of Antietam Creek/ CWF, MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Washington Township Franklin County	PAG02002814011 Issued	Sheffield Manor 116 West Third Street Waynesboro, PA 17268	Antietam Creek/ CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Antrim Township Franklin County	PAG02002808005(3)-1R Issued	ATAPCO—Lot 12 ACBP, LP One South Street, Suite 2800 Baltimore, MD 17268	UNT to Conococheague Creek/ WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Southampton Township and Shippensburg Borough Franklin County	PAG02002814035 Issued	UGI Central Penn Gas Main 7 Dykeman Court Shippensburg, PA 17257	Middle Spring Creek/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Antrim Township Franklin County	PAG02002814029 Issued	Rolling Hills 418 Epic Drive Chambersburg, PA 17201	Conococheague Creek/WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Greene Township Franklin County	PAG02002814032 Issued	Beacon Light Estates 275 Goodhart Road Shippensburg, PA 17257	Conococheague Creek/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Derry Township Dauphin County	PAG02002214045 Issued	Main & Walton Development Company PO Box 521 Hershey, PA 17033	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717-921-8100
Lower Paxton Township Dauphin County	PAG02002214047 Issued	5470 Newside Road LLC 609 Whitetail Drive Lewisberry, PA 17339	Spring Creek(West)/ CWF, MF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717-921-8100

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Exeter Township Berks County	PAG02000614065 Issued	University Rifle Club, Inc. PO Box 954 Reading, PA 9607	UNT to Antietam Creek/CWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610-372-4657
Upper Tulpehocken & Bethel Townships Berks County	PAG02000614056 Issued	PennDOT 1002 Hamilton Street Allentown, PA 18101	Birch, Stone, Tributary #1 to Stone, and UNT to Little Swatara Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610-372-4657

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636*

*Facility Location &  
Municipality*

<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>
Centre County College Township	PAG02001414023	Penn State Univ 113 Physical Plant Bldg University Park, PA 16802	Big Hollow CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Sandy Township	PAG02001714011	Randy W Baldwin Trinity Contracting Inc 602 E Main St West Newton, PA 15089	Beaver Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629
Lycoming County Anthony Township	PAG02004114023	Duncan Masemore Cellco Partnership 4642 Johnstown Rd Ste 200 Harrisburg, PA 17109	Quenshukeny Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Northumberland County	PAG02004915001	Todd E Sowers 397 Point Township Dr Northumberland, PA 17857	UNT North Branch Susquehanna River Watershed CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Union County Kelly Township	PAG02006014019	Douglas Flasher Albrights Care Services 90 Maple Dr Lewisburg, PA 17837	West Branch Susquehanna River WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville, PA 16335*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Fairview Township Erie County	PAG02002514018	Walnut Heights Townhomes 5739 West Ridge Road Erie, PA 16506	Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Summit Township Erie County	PAG02002514029	RCR Hospitality 1404 Greenfield Drive Erie, PA 16509	UNT Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Jackson Township Mercer County	PAG0200431407	JM JACK Associates LTD 190 Kelly Road Quakertown, PA 18951	UNT Yellow Creek TSF	Mercer County Conservation District 724-662-2242

*Facility Location:  
Municipality &  
County*

Sugarcreek Borough  
Venango County

*Permit No.*

PAG02006115001

*Applicant Name &  
Address*

Steven Romanchik  
UPMC  
US Steel Tower, 60th  
Floor  
600 Grant Street  
Pittsburgh, PA 15219

*Receiving  
Water/Use*

UNT French Creek  
WWF

*Contact Office &  
Phone No.*

Venango Conservation  
District  
814-676-2832

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 13, P O Box 9205, Harrisburg, PA 17106-9205*

*Facility Location:  
Municipality &  
County*

Redbank Township  
Clarion County

*Permit No.*

PAG02-1016-15-001

*Applicant Name &  
Address*

DEP—BAMR  
P. O. Box 69205  
Harrisburg, PA  
17106-9205

*Receiving  
Water/Use*

UNT to Leisure  
Run(CWF)/Redbank  
Creek, Redbank Cr  
Watershed (17C),  
Allegheny River

*Contact Office &  
Phone No.*

DEP—BAMR  
P. O. Box 69205  
Harrisburg, PA  
17106-9205  
717-783-1311

*General Permit Type—PAG-03*

*Facility Location  
Municipality &  
County*

Spring Township,  
Centre County  
(Industrial  
Stormwater)

*Permit No.*

PAR604818

*Applicant Name &  
Address*

Hodes Industries, Inc.  
P.O. Box 5150  
153 Tressler Street  
Pleasant Gap, PA  
16823-5150

*Receiving  
Water/Use*

Unnamed Tributary  
to Logan Branch of  
Spring Creek—9-C

*Contact Office &  
Phone No.*

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530

Bloomsburg  
Columbia County  
(Industrial  
Stormwater)

PAR134801

Autoneum North  
American Inc.  
480 W. 5th Street  
Bloomsburg, PA 17815

Fishing Creek—5-C

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530

Sandy Township  
Clearfield County  
(Industrial  
Stormwater)

PAG034817

Hunting Titan, Ltd.  
450 Gears Road  
Suite 200  
Houston, TX 77067

Unnamed Tributary  
of Sandy Lick  
Creek—17-C

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530

White Deer  
Township  
Union County  
(Industrial  
Stormwater)

PAG034816

National Oilwell  
Varco LP  
7909 Parkwood  
Circle Drive  
Houston, TX 77036

Unnamed Tributary  
to West Branch  
Susquehanna  
River—10-C

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530

Muncy Creek  
Township  
Lycoming County

PAR214821

Keystone Filler &  
Manufacturing Co.  
214 Railroad Street  
PO Box 120  
Muncy, PA 17756

Unnamed Tributary  
of West Branch  
Susquehanna  
River—10-D

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530



<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>
Williamsport City Lycoming County	PAR804861	Fisher Mining Company Newberry Railyard 40 Choate Circle Montoursville, PA 17754	Unnamed Tributary to West Branch Susquehanna River—10-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Erie City Erie County	PAG038319	ABF Freight System Inc. 3801 Old Greenwood Road Fort Smith, AR 72903-5937	Municipal Storm Sewer to Lake Erie 15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street, Meadville, PA 16335-3481 814.332.6942

*General Permit Type-PAG-4*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
South Creek Township Bradford County	PAG045288	South Creek Township PO Box 60 Gillett, PA 16925	South Creek—4-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
South Creek Township Bradford County	PAG045289	South Creek Township PO Box 60 Gillett, PA 16925	South Creek—4-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
South Creek Township Bradford County	PAG045290	South Creek Township PO Box 60 Gillett, PA 16925	South Creek—4-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Greene Township Erie County	PAG041177	Linda A & Samuel L Gee Jr 5000 Hedrick Road Waterford, PA 16441	Unnamed Tributary to East Branch LeBoeuf Creek— 16-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street, Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-10*

<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>
Richhill Township Greene County	PAG106184	Texas Eastern Trans LP 890 Winter Street Suite 300 Waltham, MA 02451	Kent Run—20-E	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-13

Facility Location  
Municipality &  
County

Permit No.

Applicant Name &  
Address  
PA State System Of  
Higher Ed West Chester  
University  
201 Carter Drive  
Suite 316  
West Chester, PA 19383

Receiving  
Water/Use  
Unnamed Tributary  
to Plum Run—3-H

Contact Office &  
Phone No.  
DEP Southeast  
Regional Office  
Clean Water Program  
2 E Main Street,  
Norristown, PA 19401  
484.250.5970

East Goshen  
Township  
Chester County

PAG130169

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

Agricultural Operation Name and Address	County	Total Acres	AEU's	Animal Type	Special Protection Waters (HQ or EV or NA)	Approved or Disapproved
Gerald & Mike Long 57 McGillstown Road Annville, PA 17003	Lebanon	330.6	490.52	Swine	NA	Approved
Gerald Musser 118 Killinger Road Annville, PA 17003	Lebanon	0	406.19	Poultry	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 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 appropri-

ate 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**

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

**Permit No. 4814506**, Public Water Supply.

Applicant **East Bangor Municipal Authority**  
555 West Central Avenue  
East Bangor, PA 18013

[Borough or Township] Upper Mount Bethel Township  
County **Northampton**

Type of Facility PWS

Consulting Engineer Mark A. Bahnick, P.E.  
Van Cleef Engineering Associates  
520 North New Street  
Bethlehem, PA 18018

Permit to Construct Issued January 20, 2015

**Permit No. 6414505**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
1775 North Main Street  
Honesdale, PA 18431

[Borough or Township] Hawley Borough  
County **Wayne**

Type of Facility PWS

Consulting Engineer Douglas E. Berg, P.E.  
Entech Engineering, Inc.  
4 South Fourth Street  
P.O. Box 32  
Reading, PA 19603

Permit to Construct Issued January 21, 2015

**Permit No. 2450981, Operations Permit** Public Water Supply.

Applicant **Wesley Enhanced Living Brodheadsville**  
101 East County Line Road  
Suite 200  
Hatboro, PA 19040

[Borough or Township] Chestnuthill Township  
County **Monroe**

Type of Facility PWS

Consulting Engineer Robert C. Ferri, P.E.  
Niclaus Engineering Corporation  
804 Sarah Street  
Stroudsburg, PA 18360

Permit to Operate Issued January 26, 2015

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 0514504 MA, Minor Amendment**, Public Water Supply.

Applicant **Evitts Creek Water Company**  
Municipality Cumberland Valley Township  
County **Bedford**

Responsible Official John J. DiFonzo, City Engineer  
20 Bedford Street  
Suite 343  
Cumberland, MD 21502

Type of Facility Conversion from gaseous chlorine disinfection to liquid sodium hypochlorite disinfection facilities.

Consulting Engineer Jashua Kalp, P.E.  
The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct Issued 1/22/2015

**Permit No. 0114505**, Public Water Supply.

Applicant **Liberty Mountain Resort**  
Municipality Carrol Valley Borough  
County **Adams**

Responsible Official Timothy Koons,  
Base Area Manager  
78 Country Club Trail  
Carroll Valley, PA 17320-0703

Type of Facility Installation of a new treatment building with softening, disinfection and booster pumping station, installation of new submersible well pumps and new storage tank.

Consulting Engineer Randolph S. Bailey, P.E.  
Wm. F. Hill & Assoc., Inc.  
207 Baltimore Street  
Getysburg, PA 17325

Permit to Construct Issued 1/15/2015

**Permit No. 6714507 MA, Minor Amendment**, Public Water Supply.

Applicant **The York Water Company**  
Municipality West Manchester Township  
County **York**

Responsible Official Mark S. Snyder,  
Engineering Manager  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Type of Facility Repainting of the West Manchester Standpipe.

Consulting Engineer Mark S. Snyder, P.E.  
The York Water Company  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Permit to Construct Issued 1/7/2015

**Permit No. 6714508 MA, Minor Amendment**, Public Water Supply.

Applicant **Dillsburg Area Authority**  
Municipality Franklin Township  
County **York**

Responsible Official Sheldon K. Williams,  
General Manager  
P. O. Box 370  
98 W Church St  
Dillsburg, PA 17019

Type of Facility Repainting of the Twin Hills  
Standpipe.

Consulting Engineer Peter Lusardi, P.E.  
GHD, Inc.  
1240 N. Mountain Rd.  
Harrisburg, PA 17112

Permit to Construct 1/7/2015  
Issued

**Operation Permit No. 3060069** issued to: **Pennsylvania American Water Company** (PWS ID No. 3060069), Spring Township, **Berks County** on 1/7/2015 for facilities approved under Construction Permit No. 0613513 MA.

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

**Permit No. 0814503—Construction—Public Water Supply.**

Applicant **Towanda Municipal Authority**

Township/Borough Towanda Township

County **Bradford**

Responsible Official Fred Johnson, Superintendent  
Towanda Municipal Authority  
P. O. Box 229  
724 Main Street  
Towanda, PA 18848

Type of Facility Public Water Supply

Consulting Engineer Frederick E. Ebert, P.E.  
Ebert Engineering, Inc.  
P. O. Box 540  
4092 Skippack Pike, Suite 202  
Skippack, PA 19474

Permit Issued January 21, 2015

Description of Action Construction of the Hemlock  
Hills Subdivision Booster Pump  
Station and associated  
appurtenances.

**Permit No. 5914502-MA—Construction—Public Water Supply.**

Applicant **Nelson Township Authority**

Township/Borough Nelson Township

County **Tioga**

Responsible Official Kevin Patt, Secretary-Treasurer  
Nelson Township Authority  
P. O. Box 100  
Nelson, PA 16940-0100

Type of Facility Public Water Supply

Consulting Engineer Eric S. Lundy, P.E.  
Nittany Engineering & Assoc.,  
LLC  
2836 Earlstown Road, Suite 1  
Centre Hall, PA 16828

Permit Issued January 22, 2015

Description of Action Reconditioning and repainting of  
the 150,000-gallon capacity  
elevated welded steel finished  
water storage tank.

**Permit No. 4496443-T1—Transfer—Public Water Supply.**

Applicant **Augusta Water, Inc.**

Township/Borough Upper Augusta Township

County **Northumberland**

Responsible Official Mr. Thomas A. Wolfe  
Augusta Water, Inc.  
183 Shoch Road  
Sunbury, PA 17801

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued January 23, 2015

Description of Action Operation of Spring No. 1, a  
5-micron membrane filter,  
ozonation, 22,000 gallon storage  
tank, and two bulk filling  
stations at the spring site.

**Permit No. 4496453-T1—Transfer—Public Water Supply.**

Applicant **Augusta Water, Inc.**

Township/Borough Upper Augusta Township

County **Northumberland**

Responsible Official Mr. Thomas A. Wolfe  
Augusta Water, Inc.  
183 Shoch Road  
Sunbury, PA 17801

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued January 23, 2015

Description of Action Operation of the vended water  
system, including only the two  
vended water machines at the  
spring site. All other machines  
are no longer in use.

**Permit No. 4496551-T1—Transfer—Public Water Supply.**

Applicant **Augusta Water, Inc.**

Township/Borough Upper Augusta Township

County **Northumberland**

Responsible Official Mr. Thomas A. Wolfe  
Augusta Water, Inc.  
183 Shoch Road  
Sunbury, PA 17801

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued January 23, 2015

Description of Action Operation of replacement  
ozonation equipment.



**Permit No. MA-T1—Transfer—Public Water Supply.**

Applicant **Augusta Water, Inc.**  
 Township/Borough Upper Augusta Township  
 County **Northumberland**  
 Responsible Official Mr. Thomas A. Wolfe  
 Augusta Water, Inc.  
 183 Shoch Road  
 Sunbury, PA 17801  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued January 23, 2015  
 Description of Action Originally issued on June 29, 2009, approves operation of 9 ultraviolet lights at the spring site.

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

**Permit No. 0214535, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Borough or Township] West Mifflin Borough  
 County **Allegheny**  
 Type of Facility Morton Booster Pump Station  
 Consulting Engineer Lennon, Smith, Souleret  
 Engineering, Inc.  
 846 Fourth Avenue  
 Coraopolis, PA 15108  
 Permit to Construct Issued January 15, 2015

**Operations Permit** issued to: **Authority of the Borough of Charleroi**, 3 McKean Avenue, PO Box 211, Charleroi, PA 15022, (PWSID #5630039) Charleroi Borough, **Washington County** on January 15, 2015 for the operation of facilities approved under Construction Permit # 6313501.

**Operations Permit** issued to: **Authority of the Borough of Charleroi**, 3 McKean Avenue, PO Box 211, Charleroi, PA 15022, (PWSID #5630039) Charleroi Borough, **Washington County** on January 15, 2015 for the operation of facilities approved under Construction Permit # 6313501.

**Permit No. 0314504GWR, Minor Amendment. Public Water Supply.**

Applicant **Templeton Water Company**  
 Box 345  
 Templeton, PA 16259  
 [Borough or Township] Pine Township  
 County **Armstrong**  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024  
 Permit to Operate Issued January 16, 2015

**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.**

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**WA 01-1025**, Water Allocations. **Mason Dixon Utilities, Inc.** (PWS ID No. 7010054), **Adams County**. This modification grants a two-year extension of Condition Nos. 3 and 4 of Water Allocation Permit No. WA 01-1025 issued May 25, 2010. Permittee Contact: Carroll Martin, Mason Dixon Utilities, Inc., 1085 Jacks Mountain Road, Fairfield, PA 17320. Consulting Engineer: Dale R. Glatfelter, P.E. Gannett Flemming, Inc., PO Box 67100, Harrisburg, PA 17106. Permit Issued: 1/5/2015.

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

**WA56-1001**, Water Allocations. **Conemaugh Township Municipal Authority**, 113 South Main Street, PO Box 429, Davidsville, PA 15928, **Somerset County**. The right to purchase up to 225,000 gallons of water per day from the Greater Johnstown Water Authority (Riverside).

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:* Bethel Park Municipal Authority, Piney Fork Wastewater Treatment Plant

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Municipality of Bethel Park	5100 W. Library Avenue Bethel Park, PA 15102	Allegheny
South Park Township	2675 Brownsville Road South Park, PA 15129	Allegheny

*Plan Description:* The approved plan provides for the upgrade of the Piney Fork Wastewater Treatment Plant by adding two new circular clarifiers. These new clarifiers will provide the necessary settling for the anticipated flows and loading conditions that will result from the future installation of nutrient removal facilities. An Ultraviolet (UV) light system for disinfection along with a new plant outfall will also be installed.

The Department's review of the sewage facilities Special Study has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Authority.

*Plan Location:* Rochester Area Joint Sewer Authority

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Rochester Borough	300 West Park Rochester, PA 15074	Beaver
Rochester Township	Municipal Building 1013 Elm Street Rochester, PA 15074-1357	Beaver

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Freedom Borough	901 Third Avenue Freedom, PA 15042	Beaver
East Rochester Borough	760 Spruce Street East Rochester, PA 15074	Beaver
New Sewickley Township	233 Miller Road Rochester, PA 15074	Beaver

*Plan Description:* The approved plan provides for the upgrade of the Sewage Treatment Plant to 2.78 MGD and upgrades to: the Center Street Pump Station (P. S.) to convey flows designed for a 10-Year Return Storm Event; the West Madison P. S. to include the construction of a 0.6 MG Retention Facility designed for a 10-Year Return Storm Event; the New York Avenue P. S. to include the construction of a 0.6 MG Retention Facility designed for a 10-Year Return Storm Event; the Freedom Lift station to include the construction of a 0.53 MG Retention Facility designed for a 5-Year Return Storm Event.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Authority.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mercer Borough	145 North Pitt Street, Mercer, PA 16137	Mercer

*Plan Description:* The approved plan provides for an expansion and upgrades to the existing 1.04 MGD Mercer Borough Wastewater Treatment Plant (WWTP). The proposal will result in construction of a 1.568 MGD facility proposing sequencing batch reactor technology. This Plan was submitted in response to a June 30, 2010 Consent Order and Agreement and subsequent modifications made between the Department and Mercer Borough to address the excess wet weather flows being received at the WWTP. The WWTP serves Mercer Borough, a portion of Coolspring Township and limited connections in East Lackawannock Township and Findley Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Franklin Township	5054 Greystone Lane Tyrone, PA 16686	Huntingdon County

*Plan Description:* Approval of a revision to the official plan of Franklin Township, Huntingdon County. The project is known as H. Aden Wertz III SFTF. The plan provides for construction of a Small Flow Treatment

Facility to replace a malfunctioning on-lot sewage system on 0.1197 acre. The proposed sewage flows are 400 gallons per day with a discharge to Spruce Creek. The property is located at 5388 Indian Trail. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code No. is A3-31916-036-3S and the APS Id is 857074. Any permits must be obtained in the name of the property owner.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cumberland Township	1370 Fairfield Road, Gettysburg, PA 17325	Adams

*Plan Description:* The Act 537 Plan (DEP CODE NO. D1-01911-ACT) chosen alternative to meet the sewage disposal needs for the Greenmount Planning Area by the construction of a new wastewater treatment plant to serve the Timeless Towns of the Americas facility with dedication of the plant to the Township upon completion of construction is disapproved. An agreement necessary to implement the chosen alternative was not included in the plan as required by Chapter 71, Section 71.21(a)(5)(vi)(D). The chosen alternative cannot be implemented due to the lack of an agreement (i.e. legal authority) between the Township and Timeless Towns of the Americas involving the construction and dedication of a new wastewater treatment facility.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report

includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Bernard Steinbacher**, 2848 Funston Road, Franklin Township, **Lycoming County**. MW Farmer Company, 13 Fleming Street, South Williamsport, PA 17702, on behalf of Bernard Steinbacher has submitted a Final Report concerning remediation of site soil contaminated with a heating oil release. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**K & B Transportation**, I-80 @ MM 152.4 W, Boggs Township, **Centre County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of K & B Transportation, 4700 Dakota Avenue, Sioux City, NE 68776 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether, Lead, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, Indeno(1,2,3-cd)pyrene, Pyrene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Knight Transportation**, I-80 @ MM146E, rest area exit ramp, Snow Shoe Township, **Centre County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Knight Transportation, 5601 West Buckeye Road, Phoenix, AZ 85027, has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Ruan Transportation**, I-80 @ MM 189E, Greene Township, **Clinton County**. Northridge Group Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Ruan Transportation, 3100 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, Methyl tertiary butyl ether, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Lead, Pyrene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, and Indeno(1,2,3-cd)pyrene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**1924 East Highland Street**, 1924 East Highland Street, City of Allentown, **Lehigh County**. Andrew Meadows, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422-0370, on behalf of John Gross, Realtor Managing Property on behalf of Fannie Mae, 1420 Easton Avenue, Bethlehem, PA 18018, submitted a Notice of Intent to Remediate, and Final Report concerning remediation of site soils contaminated with #2 Fuel Oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. Contamination was discovered during the removal of an Underground Storage Tank on the property. The Notice of Intent to Remediate and Final Report were published in *The Morning Call* on December 4, 2014.

**Gilbert Property**, 5543 PA Route 873, Whitehall Township, **Lehigh County**. David Crowther, BlackRock Environmental LLC, P.O. Box 288, Nazareth, PA 18064, on behalf of Charles Gilbert, 5543 PA Route 873, Schnecksville, PA 18078, submitted a Notice of Intent to Remediate, and Final Report concerning remediation of site soils contaminated with #2 Fuel Oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. A release of approximately 200 gallons of No. 2 Fuel Oil was caused by over pressurization of the Aboveground Storage Tank during routine filling. The Notice of Intent to Remediate and Final Report were published in *The Express Times* on December 12, 2014.

**RSM Properties**, Wyoming Avenue & Linden Street, City of Scranton, **Lackawanna County**. Jim LaRegina, Herbert, Rowland, & Gurbic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of RSM Properties LLC, 461 From Road, Paramus, NJ 07652, submitted a Remedial Investigation Report (RIR) & Cleanup Plan concerning remediation of site soils and groundwater contaminated with volatile organic compounds as a result of historical operations at the site. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Wesley Nolt Residence**, 1332 Red Run Road, Stevens, PA 17578, East Cocalico Township, **Lancaster County**. The Vertex Companies, Inc., 700 Turner Way Aston, PA 19014, on behalf of Mr. and Mrs. Wesley Nolt, 1332 Red Run Road, Stevens, PA 17578, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**South Middleton WWTP/Blower Building**, 345 Lear Lane, Boiling Springs, PA 17007, Monroe Township, **Cumberland County**. Advantage Engineers, LLC, 435 Independence Avenue, Suite C, Mechanicsburg, PA 17055, on behalf of South Middleton Township Municipal Authority, 345 Lear Lane, Boiling Springs, PA 17007, submitted a combined Remedial Investigation Report/Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet a combination of Non-Residential Statewide Health and Site Specific Standards.



**Former Graybill Site**, 200 North Broad Street, York, PA 17401, City of York, **York County**. Geo-Technology Associates, Inc., 3445-A Box Hill Corporate Center Drive, Abingdon, MD 21009, on behalf of City of York Redevelopment Authority, 101 South George Street, York, PA 17401, submitted a Final Report concerning remediation of site soils contaminated with lead and cadmium from historical operations of a metal scrap yard and recycling facility. The Report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

**Pennsylvania Department of Transportation York County Maintenance Facility**, 1920 Susquehanna Trail North, York PA 17404, Manchester Township, **York County**. Leidos Engineering, LLC, 180 Gordon Drive, Suite 109, Exton, PA 19341 on behalf of Pennsylvania Department of Transportation, P.O. Box 2957, Harrisburg, PA 17105, submitted a Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons. The Report is intended to document remediation of the site to meet the Site Specific Standard.

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

**Harvey Unit No. 1H**, 501 Howes Run Road, Buffalo Township, **Butler County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701, submitted a Remedial Investigation/Final Report concerning the remediation of site soils contaminated with Aluminum, Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Vanadium, Zinc, and Chloride. The report is intended to document remediation of the site to meet a combination of the Site-Specific & Statewide Health Standards.

**Former CSX Bayfront Site**, West from Sassafra Street approximately 1600 feet on north side of Bayfront Parkway, City of Erie, **Erie County**. AMEC Foster Wheeler Environment & Infrastructure, Inc., 800 North Bell Avenue, Pittsburgh, PA 15106, on behalf of Erie County Convention Center Authority, 809 French Street, Erie, PA 16501, submitted a Final Report concerning the remediation of site soil contaminated with arsenic, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, dibenz[a,h]anthracene and site groundwater contaminated with iron. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Former Invensys Appliance Controls (formerly: Siebe Appliance Controls; Robert Shaw Controls)**, One Westinghouse Drive, Borough of New Stanton, **Westmoreland County**. CB&I Environmental Infrastructure, Inc., 2790 Mossie Boulevard, Monroeville, PA 15146 on behalf of Schneider Electric, 33 Commercial Street, C42-2G, Foxboro, MA 02035 has submitted a Risk Assessment concerning the remediation of site soils and groundwater contaminated primarily with chlorinated solvents and volatile organic compounds. The report is intended to document remediation of the site to meet the Site Specific Standard. Notice of the Risk Assessment was published in the *Tribune-Review* on December 20, 2014.

**Vantage Energy Appalachia Porter Street Pad**, 390 Valley Farm Road, Waynesburg, Franklin Township,

**Greene County**. SE Technologies, LLC., 98 Vanadium Road, Bridgeville, PA 15307 on behalf of Vantage Energy Appalachia, LLC., 116 Inverness Drive East, Suite 107, Englewood, CO 80112 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with site soils and groundwater contaminated with chlorides and other fluids from drilling operations. Notice of the Final Report was published in the *Greene County Messenger* on January 9, 2015.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

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

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.



The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**K & B Transportation**, I-80 @ MM 152.4 W, Boggs Township, **Centre County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of K & B Transportation, 4700 Dakota Avenue, Sioux City, NE 68776 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether, Lead, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, Indeno(1,2,3-cd)pyrene, Pyrene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on January 13, 2015.

**Knight Transportation**, I-80 @ MM146E, rest area exit ramp, Snow Shoe Township, **Centre County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Knight Transportation, 5601 West Buckeye Road, Phoenix, AZ 85027, has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on January 14, 2015.

**Ruan Transportation**, 180 @ MM 189E, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Ruan Transportation has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, Lead, Pyrene, Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Flouranthene, Benzo (g,h,i) Perylene, Chrysene, Indeno (1,2,3-cd) Pyrene, Ethylene Glycol. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on January 14, 2015.

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

**Synthetic Thread Facility**, City of Bethlehem, **Lehigh County**. Douglas Sammak, American Analytical & Environmental Inc., has submitted a Final Report on behalf of his client, 378 Development, LP, 1177 6th Street, Whitehall, PA 18052-5212, concerning the remediation of soil found to have been impacted by heating oil as a result of a release discovered during the removal of previously abandoned underground storage tanks. The Final Report demonstrated attainment of the Statewide Health standard, and was approved by the Department on January 8, 2015.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Former Hershey Garage and Former Sunoco Service Station**, 169 and 181 West Chocolate Avenue, Hershey, PA, 17033, Derry Township, **Dauphin County**. AECOM, 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17055, on behalf of Hershey Entertainment & Resorts, 27 West Chocolate Avenue, Hershey, PA 17033 and Sunoco, Inc. (R & M), 5733 Butler Street, Pittsburgh,

PA 15201, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated by leaded and unleaded gasoline. The Report demonstrated attainment of the Site Specific Standard, and was approved by the Department on January 20, 2015.

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

**Dowell Schlumberger**, 1375 West Pleasant Street, City of Corry, **Erie County**. URS Corporation, 257 West Genesee Street, Suite 400, Buffalo, NY 14202, on behalf of Schlumberger Technology Corporation, 105 Industrial Boulevard, Sugar Land, TX 77478, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloro-1,2,2-trifluoroethane, 1,1,2-Trichloroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2,4-Trichlorobenzene, 1,2-Dibromo-3-chloropropane, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 1,2-Dichloropropane, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 2-Hexanone, 4-Methyl-2-pentanone, Acetone, Benzene, Bromodichloromethane, Bromoform, Bromomethane, Carbon disulfide, Carbon Tetrachloride, Chlorobenzene, Chloroethane, Chloroform, Chloromethane, cis-1,2-Dichloroethene, cis-1,3-Dichloropropene, Cyclohexane, Dibromochloromethane, Dichlorodifluoromethane, Ethylbenzene, Isopropylbenzene (Cumene), Methyl acetate, Methyl Ethyl Ketone (2-Butanone), Methyl tertiary butyl ether (MTBE), Methylcyclohexane, Methylene chloride, Styrene, Tetrachloroethylene (PCE), Toluene, Total Xylenes, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, trans-1,2-Dichloropropene, Trichloroethene (TCE), Trichlorofluoromethane, Vinyl Chloride, 2,4,5-Trichlorophenol, 2,4,6-Trichlorophenol, 2,4-Dichlorophenol, 2,4-Dimethylphenol, 2,4-Dinitrophenol, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, 2-Chloronaphthalene, 2-Chlorophenol, 2-Methylnaphthalene, 2-Methylphenol, 2-Nitroaniline, 2-Nitrophenol, 3,3'-Dichlorobenzidine, 3-Nitroaniline, 4,6-Dinitro-2 Methylphenol, 4-Bromophenyl phenyl ether, 4-Chloro-3-methylphenol, 4-Chloroaniline, 4-Chlorophenyl phenyl ether, 4-Nitroaniline, 4-Nitrophenol, Acenaphthene, Acenaphthylene, Acetophenone, Anthracene, Atrazine, Benzaldehyde, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzyl Butyl phthalate, Biphenyl (Diphenyl), Bis(2-chloroisopropyl) ether, Bis(2-chloroethoxy) methane, Bis(2-chloroethyl) ether, Bis(2-ethylhexyl) phthalate, Caprolactam, Carbazole, Chrysene, Dibenz[a,h]anthracene, Dibenzofuran, Diethyl phthalate, Dimethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachlorobenzene, Hexachlorobutadiene, Hexachlorocyclopentadiene, Hexachloroethane, Indeno[1,2,3-c,d]pyrene, Isophorone, Naphthalene, Nitrobenzene, N-nitrosodi-n-propylamine, N-nitrosodiphenylamine, Pentachlorophenol, Phenanthrene, Phenol, Pyrene, Ethylene Glycol and groundwater contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloroethane, 1,1,2-Trichlorotrifluoroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2,4-Trichlorobenzene, 1,2-Dibromo-3-Chloropropane, 1,2-Dibromoethane (EDB), 1,2-Dichlorobenzene, 1,2-Dichloroethane, 1,2-Dichloroethylene (total), 1,2-Dichloropropane, 1,3-Dichlorobenzene, 1,4-Dichloroethene, 2-Butanone, 2-Hexanone, 4-Methyl-2-pentanone (MIBK), Acetone, Benzene, Bromodichloromethane, Bromoform, Bromomethane, Carbon disulfide, Carbon Tetrachloride, Chlorobenzene, Chlorodibromomethane, Chloroethane,

Chloroform, Chloromethane, cis-1,2-Dichloroethene, Cyclohexane, Dichlorodifluoromethane, Ethylbenzene, Isopropylbenzene, Methyl acetate, Methyl tert-butyl ether, Methylene Chloride, cis-1,3-Dichloropropene, Styrene, Tetrachloroethylene (PCE), Toluene, Total Xylenes, trans-1,2-dichloroethene, Methylcyclohexane, Trichloroethene (TCE), Trichlorofluoromethane, and Vinyl Chloride. The Report was disapproved by the Department on January 16, 2015.

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

**Donaldson's Square** (former auto repair/gasoline station), 3855 Washington Road, Peters Township, **Washington County**. Penn Environmental & Remediation, Inc., 111 Ryan Court, Pittsburgh, PA 15205 on behalf of Crossroads Acquisitions, LLC., 451 Parker Drive, Pittsburgh, PA 15216 submitted a Final Report concerning the remediation of site soil contaminated with volatile organic compounds. The final report demonstrated attainment of the Statewide Health standard for soils and was approved by the Department on January 22, 2015.

**R.E. Uptegraff Manufacturing Company Site**, 120 Uptegraff Drive (formerly 105 Bridge St.), Scottdale Borough, **Westmoreland County**. Cummings/Riter Consultants, Inc., 300 Penn Center Boulevard, Pittsburgh, PA 15235 on behalf of Endersbe Enterprises, Inc., 839 Main Street, Latrobe, PA 15650 submitted a Remedial Investigation Report (RIR) concerning the remediation of site soils and groundwater contaminated with volatile and semi-volatile organic compounds (VOC's and SVOC's), polychlorinated biphenyls (PCB's) and metals. The RIR was approved by the Department on January 22, 2015.

**Hall Residence**, 139 Truxall Road, Bell Township, **Westmoreland County**. Hull & Associates, 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of Rick Hall, 139 Truxall Road, Apollo, PA 15613 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 Fuel Oil as a result of a home heating oil spill. The Final report demonstrated attainment of the Statewide Health standard for soils and was approved by the Department on January 22, 2015.

**Beazer East Inc. Bridgeville (former Reichhold) Facility**, 1000 Presto Sygan Road, Bridgeville, South Fayette Township, **Allegheny County**. Civil Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA on behalf of Newbury Development Associates, 1302, Village Lane, Bridgeville, PA 15017 submitted a Final Report concerning the remediation of site soils and groundwater contaminated with volatile organic compounds, semi-volatile organic compounds and metals. The Final Report demonstrated attainment of non-residential Site Specific standard for soil and groundwater and was approved by the Department on January 23, 2015.

#### HAZARDOUS WASTE ACTION

**Proposed action on an application for a permit under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate a hazardous treatment, storage or disposal waste facility.**

*Intent to Renew Permit*

*Southwest Region: Regional Waste Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. PAD981736143. Safety-Kleen Systems, Inc.**, Johnstown Service Center, 150 Allenbill Drive,

Johnstown, PA 15904. Operation of a hazardous waste storage facility located in Richland Township, **Cambria County**. The application for the renewal of a permit to store hazardous waste was considered for intent to approve by the Regional Office on February 7, 2015.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

#### MUNICIPAL WASTE GENERAL PERMITS

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGM053. Organix Recycling, LLC**, 19065 Hickory Creek Drive, Suite 240, Mokena, IL 60448. This application is for a new General Permit for the collection, transport and supplying of unpackaged food waste from grocery sellers to farmers for use in the farmers' livestock feeding operations. These feeding sites will vary over time, with the permittee notifying the Department of each feeding operation they service. To date, two facilities have been identified—Graywood Farms, LLC, 225 Mason Dixon Road, Peach Bottom, PA 17563 and Hess Agri, LLC, 218 Rock Point Road, Marietta, PA 17547. Both facilities are located in Lancaster County. The application was determined to be administratively complete by Central Office on January 16, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGM053" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.



### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Northeast Region: Regional Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit Application No. 101679. Blythe Township. Blythe Recycling and Demolition Site (BRADS Landfill),** P.O. Box 91, Cumbola, PA 17931. A permit authorizing the construction and operation of this municipal waste construction and demolition landfill located on Burma Road, Blythe Township, **Schuylkill County**. The permit was approved by the Regional Office on January 20, 2015.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 101702. PA Waste Transfer, LLC,** 154 Quarry Road, Coal Township, PA 17866, Coal Township, **Northumberland County**. This permit modification is to increase the maximum daily volume of waste accepted and expansion of the waste codes accepted at the facility. The permit was issued by Northcentral Regional Office on January 21, 2015.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**GP3-15-0067: Scott Contractors, Inc.**—Wayne Construction Site located at 1495 Valley Forge Road, Wayne, PA for authorization to operate a Portable Nonmetallic Mineral Processing Plant (Source ID 101) in Tredyffrin Township, **Chester County**, PA.

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

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

**GP3-58-035: Popple Construction Inc.** (215 E. Saylor Avenue, Laflin, PA 18702) on December 30, 2014 for the construction and operation of a Portable Crushing

Operation with watersprays at the New Milford Quarry located in New Milford Twp., **Susquehanna County**.

**GP9-58-032: Popple Construction Inc.** (215 E. Saylor Avenue, Laflin, PA 18702) on December 30, 2014 for the installation and operation of Diesel I/C engines at the New Milford Quarry located in New Milford Twp., **Susquehanna County**

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

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

**GP15-36-05147A: Wenger's Feed Mill, Inc.** (101 W. Harrisburg Avenue, Rheems, PA 17570) on January 21, 2015, for replacement of a pellet mill/cooler controlled by a high efficiency cyclone, under GP15, at the feed mill in Mount Joy Borough, **Lancaster County**.

**GP1-36-05125A: PA Department of Corrections** (1451 N. Market Street, Elizabethtown, PA 17022) on January 21, 2015, for installation and operation of a 14.3 MMBtu/hr. Cleaver Brooks boiler (natural gas and No. 2 oil) under GP1 at the corrections officers training facility in Mount Joy Township, **Lancaster County**.

**GP4-22-03044: Mack Trucks, Inc.** (2800 Commerce Drive, Middletown, PA 17057) on January 21, 2015, for two burnoff ovens, under GP4, at the truck parts remanufacturing facility in Middletown Borough, **Dauphin County**.

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

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

**GP5-30-00231: EQM Gathering Opc, LLC** (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on January 16, 2015, for the construction and operation of a new compressor station known as the IO Compressor Station in Morgan Township, **Greene County**. Sources include three (3) 4,735 bhp natural gas-fired compressor engines controlled by oxidation catalysts, storage tanks, and associated equipment.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**09-0174D: Liberty Coating Co., LLC.** (21 South Steel Road, Morrisville, PA 19067) On January 16, 2015, to increase the Volatile Organic Compound (VOC) limit from 24.9 tpy to 44 tpy due to increase in operating hours for their surface coating operation in Falls Township, **Bucks County**. Currently this facility is a Synthetic Minor, and will be changed to Title V facility due to this modification. The Plan approval will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**23-0038C: Delaware County Regional Water Authority (DELCORA),** (100 East 5th Street, PA 19016) On January 22, 2015 for the addition of applicable Boiler

MACT requirements from 40 C.F.R. Part 63, Subpart DDDDD to Source ID No. 030, which includes four existing small boilers located at their facility in the City of Chester, **Delaware County**.

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

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

**45-00005A: Sanofi Pasteur Inc.** (Discovery Drive, Swiftwater, PA 18370-0187) issued on December 03, 2014 a Planwide Applicability Limits (PALs) permit for the sources at the existing facility located in Pocono Twp., **Monroe County**.

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

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

**67-05004R: P.H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on January 20, 2015, for construction of two (2) Babcock & Wilcox (B&W), or equivalent, 405.8 MMBtu per hour each, natural gas fired boilers and installation of a hydrated lime injection system to reduce HCl emissions from Power Boiler No. 5, with associated equipment including, but not limited to, a storage silo and pneumatic conveying system at the P.H. Glatfelter Co.'s Spring Grove facility located in Spring Grove Borough, **York County**. As part of the project, three (3) coal fired power boilers will also be decommissioned. The expected changes in facility emissions as a result of the changes proposed are approximately: +60 tpy carbon monoxide, -1,020 tpy NO<sub>x</sub>, -2.7 tpy PM<sub>10</sub>, -5,694 tpy SO<sub>2</sub> and +11 tpy VOC. The plan approval includes Emission Reduction Credits (ERC) related to the decommissioning of the three (3) coal fired power boilers.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**15-0002G: QG. LLC** (4581 Lower Valley Road, Atglen, PA 19310) On January 22, 2015 for the operation of a commercial Printing, gravure in West Sadsbury Township, **Chester County**.

**46-0024F: Johnson & Johnson Healthcare Prod Div McNeil PPC** (7500 Camp Hill Rd, Fort Washington, PA 19034-2210) On January 22, 2015 for the operation of pharmaceutical preparations device in Whitmarsh Township, **Montgomery County**.

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

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

**67-03166A: C & S Wholesale Grocers, Inc.** (4875 N. Susquehanna Trail, York, PA 17406) on January 16, 2015, for ten existing and/or new backup generators to be used for emergencies, testing/maintenance, and demand response at the distribution/shipping/warehouse facility in

York City, **York County**. The plan approval was extended, with a compliance schedule.

**06-05081A: Delaware County Solid Waste Authority** (583 Longview Road, Boyertown, PA 19512) on January 23, 2015, for construction of a leachate distillation system at the Rolling Hills Landfill in Earl Township, **Berks County**. The leachate distillation system will be powered by a 150 HP boiler that will be operated by the use of landfill gas that will be diverted from the enclosed ground flare. The plan approval was extended.

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

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

**14-00002O: Graymont (PA), Inc.** (965 E. College Ave., Pleasant Gap, PA 16823) on January 15, 2015, extended the authorization an additional 180 days from January 26, 2015 to July 25, 2015, to continue the compliance demonstration evaluation of the sources. Additionally, the PA DEP extension authorization allows continued operation of the pulverized limestone system pursuant to Plan Approval 14-00002O pending issuance of permit. The sources are located at the Pleasant Gap Plant in Spring Township, **Centre County**. The plan approval has been extended.

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

*Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150*

**30-00072H: Consol Pennsylvania Coal Company, LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) Plan approval extension is effective January 7, 2015, with an expiration date of July 7, 2015, to authorize continued temporary operation of sources and controls associated with the Bailey Prep Plant expansion located in Richhill Township, **Greene County**. The Bailey Prep Plant is a Title V facility.

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

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

**62-185A: Berenfield Containers Inc.** (304 Main Avenue, Warren, PA 16365) on January 26, 2015, effective February 28, 2015, will issue a plan approval extension for the construction of a metal container manufacturing facility. The inside liner coating and exterior paint will be applied using high volume, low pressure (HVLP) spray guns in spray booths. Emissions from spray booths will be controlled by fiber filter pads. A recuperative thermal oxidizer (RTO) will be used to control VOC emissions from the curing process. This facility will be located in the City of Warren, **Warren County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**65-01027: Leedsworld, Inc.** (400 Hunt Valley Road, New Kensington, PA 15068) on January 20, 2015, the Department issued a State Only Operating Permit for the



operation of a logo printing facility located in Upper Burrell and Washington Township, **Westmoreland County**.

The facility is a synthetic minor and is not permitted to exceed 50 tons tpy VOC on a 12-month rolling basis. The permit includes operational requirements, monitoring requirements, and recordkeeping requirements.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**25-00930: Donjon Shipbuilding & Repair LLC** (220 East Bayfront Parkway, Erie, PA 16507) on December 19, 2014, issued the renewal of a State Only operating permit for the ship painting facility located in the City of Erie, **Erie County**. The sources at the facility include a natural gas fueled pre-heat cabinet, 2 blasting operations, a paint booth, and ship painting operations. The facility is a Synthetic Minor. The potential emissions from the facility are as follows: VOCs, 49.5 tpy; any single HAP 9.5 tpy; and all combined HAPs 24.5 tpy. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**42-00196: Catalyst Energy Swamp Angel Compressor Station** (424 S. 27th Street Suite 304, Pittsburgh, PA 15203-2380), on January 21, 2015 issued a renewal State Only Operating Permit for the natural gas stripping plant located in Lafayette Township, **McKean County**. The facility is a Natural Minor. The primary sources at the facility include an inlet compressor (1265 HP), an electrically driven industrial refrigeration plant, storage tanks, and an ethylene glycol dehydration unit. The facility is subject to 40 CFR Part 60 Subparts KKK and VV pertaining to Onshore Natural Gas Processing Plants and Leak Detection and Repair. The facility processes less than 10 mmcf/day of natural gas. The compressor engine is subject to 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Units. The dehydration unit is subject to 40 CFR 63 Subpart HH—NESHAPs from Oil and Natural Gas Production Facilities. Actual emissions from the facility are less than the Title V emission thresholds. The conditions of the previous plan approval and operating permit were incorporated into the renewal permit.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**09-00030: Brightsmith LLC.** (120 Enterprise Ave, Morrisville, PA 19067-3703), located in Falls Township, **Bucks County**. The amendment incorporates the conditions from plan approval 09-0030A into the Title V Operating Permit. The major change from the plan approval is the combined NO<sub>x</sub> hourly emission limit for the Prime and Finish Thermal oxidizer, the limit was established to be 10 lbs/hr. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450

**09-00184: Doylestown Hospital** (595 W. State Street, Doylestown, PA 18901) located in Doylestown Township, **Bucks County**. On January 22, 2015, The operating permit was amended to incorporate requirements of Plan Approval 09-0184 for an existing 1435 BHP natural gas-fired electric generator engine, into the facility's State Only Operating Permit, 09-00184. This Administrative Amendment is issued in accordance with the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450

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

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

**22-05050: Dauphin Meadows, Inc.** (100 Brandywine Blvd., Suite 300, Newton, PA 18940) on January 20, 2015, for the Dauphin Meadows Landfill located in Washington Township, **Dauphin County**. The State-only permit was administratively amended to incorporate the requirements of Plan Approval No. 22-05050B.

**06-05069: East Penn Manufacturing Co.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on January 22, 2015, for the lead-acid battery assembly facility in Richmond Township, **Berks County**. The Title V permit was administratively amended to incorporate the requirements of Plan Approval Nos. 06-05069S and 06-05069W.

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

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

**59-00006: Dominion Transmission, Inc.** (445 West Main St., Clarksburg, WV 26301) on January 21, 2015, for the installation of air cleaning devices for emissions control on Engines 8 and 9 at the Boom Compressor Station located in Lawrence Township, **Tioga County**, to satisfy the requirements of 40 CFR Part 63, Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants. The revised operating permit includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

**14-00037: Spectrum Control, Inc.** (1900 West College Avenue, State College, PA 16801), on January 21, 2015, issued a revised State Only operating permit, Revision No. 1 for a change of ownership of their facility located in Ferguson Township, **Centre County**. The change of owner ship was the Responsible Official was changed to Mr. Bel Lazar, President & Chief Executive Officer. This revised State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637*

**59-00012: Dairy Farmers of America, Inc.** (72 Milk Plant Road, Middlebury Center, PA 16935) for their facility in Middlebury Township, **Tioga County**. The De minimis emission increase is for the proposed increase in operating hours of powdered milk drying operation from

6,240 to 7,300 hours per year. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the de minimis emission increase. The following is a list of the de minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the de minimis emission increases since the State Only Operating Permit issuance on May 30, 2014. Based on the increase in operating hours, emissions will increase no more than 0.97 ton of NO<sub>x</sub>, 0.57 ton of VOC, 0.74 ton of CO, 0.12 ton of PM<sub>10</sub> and 0.06 ton of SO<sub>x</sub> per year.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**09-0228: Elcon Recycling Services, LLC** (11 LeParc Drive, Princeton, NJ 08550) for withdrawal of a plan approval application for the construction and operation of a Commercial Hazardous Waste Treatment Facility in Falls Township, **Bucks County**. At the request of the applicant, the plan approval application has been withdrawn to address design changes for the proposed facility.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**25-00095: LORD Corporation** (2455 Robison Road West, Erie, PA 16509-4675) on January 21, 2015, for the 1635 West 12th Street plant in Erie City, **Erie County**. This State Operating Permit was revoked because production ceased at the facility and operations have been relocated to their new location on Robison Road. All air emission sources are now offline and will no longer be operated at the 12th Street operation.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).

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*Coal Permits Issued*

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

**30831303 and NPDES No. PA0013511. Cumberland Coal Resources, LP,** (158 Portal Rd., PO Box 1020,

Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Franklin and Whiteley Townships, **Greene County** and related NPDES permit to install a mid-slope ventilation shaft site and access road. Surface Acres Proposed 14.31. No additional discharges. The application was considered administratively complete on April 15, 2014. Application received: February 19, 2014. Permit issued: January 14, 2015.

**32901601 and NPDES No. PA0213586. Millcreek Processing,** (PO Box 425, Seward, PA 15954). To renew the permit for the Challenger Coal Yard in East Wheatfield Township, **Indiana County**. No additional discharges. The application was considered administratively complete on August 23, 2011. Application received: May 31, 2011. Permit issued: January 20, 2015.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1900*

**Permit No. 56120101 and NPDES No. PA0263397, Wilson Creek Energy LLC,** 609 Georgian Place, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine to change the land use from woodland and cropland to pastureland in Jenner Township, **Somerset County**, affecting 56.5 acres. Receiving stream: unnamed tributary “A” to/and Hoffman Run classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Quemahoning Dam. Application received: May 12, 2014. Permit issued: January 13, 2015.

**Permit No. 56970104 and NPDES No. PA0234541. Sherpa Mining Contractors, Inc.,** 337 Benny Road, Hooversville, PA 15936, permit for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 95.1 acres. Receiving stream: unnamed tributary to Stonycreek classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Somerset County Municipal Authority Stonycreek SWI. Application received: March 12, 2014. Permit issued: January 13, 2015.

**Permit No. 32130102 and NPDES No. PA0279293. Forcey Coal Inc.,** 475 Banion Road, Madera, PA 16661, commencement, operation and restoration of a bituminous surface mine in Green Township, **Indiana County** affecting 10.7 acres. Receiving stream: unnamed tributary to/and Little Mahoning Creek classified for the following use: high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 25, 2014. Permit issued: January 20, 2015.

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

**24110101 and NPDES Permit No. PA0259055. RES Coal, LLC** (P.O. Box 228, Armagh, PA 15920) Renewal of an existing bituminous surface and auger mine and associated NPDES permit in Fox Township, **Elk County**, affecting 68.0 acres. Receiving streams: Little Toby Creek. Application received: October 20, 2014. Permit Issued: January 21, 2015.

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

**17793044 and NPDES PA0119334. River Hill Coal Company, Inc.** (P.O. Box 141, Kylertown, PA 16847). Permit renewal for an existing bituminous surface mine and a revision to reduce the permit boundary to cover the post mining treatment facility in Karthaus Township, **Clearfield County** affecting 28.9 acres. Receiving



stream(s): Saltlick Run classified for the following use(s): High Quality-Cold Water Fishes and Migratory Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 22, 2014. Permit issued: January 15, 2015.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**63080104 and NPDES Permit No. PA0251551. Oxford Mining Co., LLC** (544 Chestnut Street, Coshocton, OH 43812). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Jefferson Township, **Washington County**, affecting 187.9 acres. Receiving streams: unnamed tributaries to Scott Run. Application received: May 27, 2014. Permit issued: January 20, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118*

**Permit No. 54840209R6. Mazaika Coal Company**, (689 Fairview Street, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing and prep plant operation in Rush Township, **Schuylkill County** affecting 24.0 acres, receiving stream: Little Schuylkill River. Application received: October 8, 2014. Renewal issued: January 20, 2015.

**Permit No. 54840209GP104. Mazaika Coal Company**, (689 Fairview Street, Tamaqua, PA 18252), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54840209 in Rush Township, **Schuylkill County**, receiving stream: Little Schuylkill River. Application received: October 8, 2014. Permit issued: January 20, 2015.

#### *Noncoal Permits Issued*

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

**10040301-GP-104. Raducz Stone Corporation** (313 Pittsburgh Road, Butler, PA 16001) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 10040301 in Penn Township, **Butler County**. Receiving streams: Unnamed tributary to Thorn Creek. Application received: December 11, 2014. Permit Issued: January 21, 2015.

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

**08960301GP-104. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16804), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with mining activities on Surface Mining Permit 08960301 in Canton Township, **Bradford County**. Receiving stream(s): Unnamed Tributaries to Towanda Creek. Application received: December 9, 2014. Permit issued: January 20, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118*

**Permit No. 67100301. Glen-Gery Corp.**, (PO Box 7001, Reading, PA 19610), commencement, operation and restoration of a quarry operation in Dover Township, **York County** affecting 342.3 acres, receiving stream: Davidsburg Run. Application received: April 13, 2010. Permit issued: January 22, 2015.

**Permit No. 67100301GP104. Glen-Gery Corp.**, (PO Box 7001, Reading, PA 19610), General NPDES Stormwater Permit for stormwater discharges associated

with mining activities on Surface Mining Permit No. 67100301 in Dover Township, **York County**, receiving stream: Davidsburg Run. Application received: February 11, 2014. Permit issued: January 22, 2015.

**Permit No. 58132503. PA Quarried Bluestone Co.**, (PO Box 4, South Gibson, PA 18842), commencement, operation and restoration of a General Permit for Bluestone (GP105) quarry in New Milford Township, **Susquehanna County** affecting 6.0 acres, receiving stream: unnamed tributary to Butler Creek. Application received: February 4, 2013. Permit issued: January 22, 2015.

**Permit No. 58132503GP104. PA Quarried Bluestone Co.**, (PO Box 4, South Gibson, PA 18842), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58132503 in New Milford Township, **Susquehanna County**, receiving stream: unnamed tributary to Butler Creek. Application received: February 4, 2013. Permit issued: January 22, 2015.

#### **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*

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

**24144007. Tamburlin Brothers Coal Company, Inc.** (P.O. Box 1419, Clearfield, PA 16830) Blasting Activity Permit for Shaffer Hollow GFCC in Jay Township, **Elk County**. This blasting activity permit expires on August 1, 2015. Permit Issued: January 21, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118*

**Permit No. 40154101. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Eagle Rock Resort in Bear Creek, Black Creek, Hazle and North Union Townships, **Luzerne and Schuylkill Counties** with an expiration date of April 30, 2016. Permit issued: January 20, 2015.

**Permit No. 46154101. Schlouch, Inc.**, (P.O. Box 69, Blandon, PA 19510), construction blasting for Telvil Landis in Limerick Township, **Montgomery County** with an expiration date of January 19, 2016. Permit issued: January 22, 2015.

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

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A.

§§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E60-222. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218 Montoursville, PA 17754-0218. S.R. 1003 Section 013, Buffalo Creek Bridge Replacement Buffalo and Kelly Townships, **Union County**, Baltimore ACOE (Lewisburg, PA Quadrangle N: 40° 58' 24"; W: -76° 57' 09").

PA DOT Engineering District 3-0 proposes to replace a single span steel I-beam bridge with a single span concrete spread box beam bridge. The existing bridge has a span of 79.1 Ft., a skew of 90 degrees, an underclearance of 9.0 Ft. and a low chord of 470.56 Ft. and a hydraulic opening of 710.5 Ft<sup>2</sup>. The proposed bridge has a span of 89.6 Ft., a skew of 80 degrees, an underclearance of 8.6 Ft. and a low chord of 469.60 Ft. and a hydraulic opening of 767.7 Ft<sup>2</sup>. Phase II Archaeological study has been completed and coordinated with PHMC and determined the site is not historically eligible. The project will not impact any jurisdictional wetlands. Buffalo Creek is classified as Trout Stream Fishery by Title 25, Chapter 93 Water Quality Standards. This permit also includes 401 Water Quality Certification.

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

**E32-504. Pennsylvania Department of Transportation—District 10-0**, 2250 Oakland Avenue, PO Box 429, Indiana, PA 15701; East Wheatfield Township, **Indiana County**; ACOE Pittsburgh District

Has been given consent to remove the existing SR 56 two lane, 38 foot wide by 12 foot long single span concrete slab bridge having a minimum underclearance of 5.79 feet; construct and maintain a replacement two lane, 79 foot wide by 14 foot long reinforced concrete box culvert having a minimum underclearance of 10 feet in Mardis Run (CWF) with a drainage area of 2.12 square miles; fill and maintain 405 feet of Mardis Run; construct and maintain 292 feet of replacement channel; maintain fill in a de minimis 0.014 acre of PSS wetland; temporarily impact 0.056 acre of PSS wetland and 405 feet of Mardis Run for the construction of the replacement structure, including a temporary road for the purpose of maintaining traffic during construction.

In addition construct and maintain stormwater outfalls and on-site stream mitigation for the purpose of improving the SR 56 bridge and approach roads. The project is associated with the realignment of SR 56 near United High School, approximately one half mile north of the SR22 Interchange (New Florence Quadrangle, N 15.5 inches; W 5.25 inches; Latitude: 40° 27' 36"; Longitude: -79° 2' 17") in East Wheatfield Township, Indiana County.

**E65-965. Pennsylvania Department of Transportation—District 12-0**, 825 North Gallatin Avenue Ext., Uniontown, PA 150171; Municipality of Murrysville, **Westmoreland County**; ACOE Pittsburgh District

Has been given consent to remove the existing SR4053 two lane, 32 foot wide by 28.75 foot long single span bridge having a minimum underclearance of 6.0 feet; construct and maintain a replacement two lane 33.5 foot wide by 46 foot long single span bridge having a minimum underclearance of 6.0 feet in Turtle Creek (TSF) with a drainage area of 11.1 square miles; fill and maintain 112 ft of a UNT to Turtle Creek (TSF); construct and maintain 123 ft of replacement channel with a drainage area of less than 100 acres; and temporarily impact 47 ft of Turtle Creek for construction of the replacement bridge.

In addition construct and maintain stormwater outfalls and on site stream mitigation for the purpose of improving the SR 4053 bridge and approach roads. The project is located on the border of the Borough of Export (Murrysville Quadrangle, N 8.5 inches; W 1.5 inches; Latitude: 40° 25' 19"; Longitude: -79° 38' 8.7") in the Municipality of Murrysville, Westmoreland County.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460*

**EA09-017CO. Ms. Kristen Metzger**, P.O. Box 207, Carversville, PA 18960. Solebury Township, **Bucks County**, USACOE Philadelphia District. Project proposes to rebuild a breached non-jurisdictional dam impacting approximately 134 linear feet of stream channel. The dam is located across Paunacussing Creek (HQ-CWF, MF) (Lumberville, PA Quadrangle; Latitude: 40.3863, Longitude: -75.0653).



**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-2 #ESX14-085-0033—Jefferson Anderson Well Site

Applicant Hilcorp Energy Company  
Contact Ms. Stephanie McMurray  
Address 1201 Louisiana Street, Suite 1400  
City Houston State TX Zip Code 77002  
County Mercer Township(s) Jefferson(s)  
Receiving Stream(s) and Classification(s) Unnamed Tributary to Lackawannock Creek & Lackawannock Creek/Shenango River

ESCGP-2 #ESX13-019-0015A—Bluestone II Gas Processing Plant-Major Modification

Applicant MarkWest Liberty Bluestone LLC  
Contact Richard Lowry  
Address 4600 J. Barry Court Suite 500  
City Canonsburg State PA Zip Code 15317  
County Butler Township(s) Jackson(s)  
Receiving Stream(s) and Classification(s) Connoquenessing Creek WWF

ESCGP-2 #ESX14-019-0072—Sharlow Well Pad

Applicant R.E. Gas Development  
Contact Michael Endler  
Address 600 Cranberry Woods Drive  
City Cranberry Township State PA Zip Code 16066  
County Butler Township(s) Penn(s)  
Receiving Stream(s) and Classification(s) UNT to Thorn Creek & Robinson Run, Slippery Rock Creek Watershed, Thorn Creek CWF

ESCGP-2 #ESX14-085-0034—Jefferson Zigo Pipeline

Applicant Hilcorp Energy Company  
Contact Ms. Stephanie McMurray  
Address 1201 Louisiana Street, Suite 1400  
City Houston State TX Zip Code 77002  
County Mercer Township(s) Jefferson(s)

Receiving Stream(s) and Classification(s) Munnell Run, tributary to Lackawannock Creek, Lackawannock Creek/Neshannock Creek WWF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX12-015-0137(01)

Applicant Name Appalachia Midstream Services LLC  
Contact Person Randy DeLaune  
Address 100 1ST Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Canton  
Receiving Stream(s) and Classification(s) Williams Hollow (CWF)/Williams Hollow Watershed  
Secondary—Beech Flats Creek

ESCGP-2 # ESG29-023-14-0011

Applicant Name Seneca Resources Corp  
Contact Person Michael Clinger  
Address 51 Zents Boulevard  
City, State, Zip Brookville, PA 15825  
County Cameron & Elk  
Township(s) Shippen & Jones  
Receiving Stream(s) and Classification(s) Billy Buck Run (HQ-CWF) & UNT to Elk Fork (EV)/Sinnemahoning Creek Watershed  
Secondary—Driftwood Branch Sinnemahoning Creek (HQ-CWF); Elk Fork (EV)

ESCGP-2 # ESX29-115-14-0126

Applicant Name Cabot Oil and Gas Corp  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna  
Township(s) Bridgewater  
Receiving Stream(s) and Classification(s) UNT to Meshopen Ck (CWF, MF); UNT to Pettis Ck (WWF, MF)  
Secondary—Pettis Creek

ESCGP-2 # ESG29-117-14-0017

Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetown Drive, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga County  
Township(s) Union and Liberty Townships  
Receiving Stream(s) and Classification(s) Salt Spring Run (EV/MF), UNT to Salt Spring Run (EV/MF);  
Secondary: Roaring Branch

**SPECIAL NOTICES****NPDES Permit**

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

**NPDES Permit No. PA0032824 A-1, PA DOT Safety Rest Area Site 38, I-80 Westbound, Mifflin Township, PA 17814**

This existing facility is located in Mifflin Township, **Columbia County**.

The Department intends to deny and return the individual permit amendment application due to the determination that adequate cause does not exist under 40 CFR § 122.62 or § 122.63 to proceed with this amendment.

[Pa.B. Doc. No. 15-231. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Certification Program Advisory Committee for Water and Wastewater Systems Operators Meeting

The Certification Program Advisory Committee for Water and Wastewater Systems Operators will meet on Wednesday, July 22, 2015, at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the meeting can be directed to Cheri Sansoni, (717) 772-5158, csansoni@pa.gov. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (Select "Public Participation Center").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
Acting Secretary

[Pa.B. Doc. No. 15-232. Filed for public inspection February 6, 2015, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Bryn Mawr Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bryn Mawr Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2014*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.1.2.2(2) (relating to entrances).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
Acting Secretary

[Pa.B. Doc. No. 15-233. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Application of Gettysburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gettysburg Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2014*. The facility specifically requests exemptions from the following standards contained in this publication: 3.6-3.6.10, 3.6-3.6.10.1, 3.6-3.6.10.2 and 3.6-3.6.10.3.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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KAREN M. MURPHY, PhD, RN,  
Acting Secretary

[Pa.B. Doc. No. 15-234. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Application of North East Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that North East Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(1)—(3) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Acting Secretary*

[Pa.B. Doc. No. 15-235. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Application of Pinnacle Health System—The West Shore Pain Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health System—The West Shore Pain Center has requested an exception to the requirements of subparagraph (ii) of the definition of “classification levels” in 28 Pa. Code § 551.3 (relating to definitions), regarding Class B facilities and PS III patients.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Acting Secretary*

[Pa.B. Doc. No. 15-236. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Application of UPMC Passavant Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2014*. The facility specifically requests an exemption from the following standards contained in this publication: 2.6-2.2.2.7 (relating to patient bathing facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Acting Secretary*

[Pa.B. Doc. No. 15-237. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Application of Westmoreland Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2014*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.3.4.4(1)(b)(ii) (relating to Phase II recovery rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Acting Secretary*

[Pa.B. Doc. No. 15-238. Filed for public inspection February 6, 2015, 9:00 a.m.]



### Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2014*. The facility specifically requests an exemption from the following standards contained in this publication: 2.1-2.2.5.3 (relating to renovations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Acting Secretary*

[Pa.B. Doc. No. 15-239. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Cathedral Village  
600 East Cathedral Road  
Philadelphia, PA 19128  
FAC ID # 030402

Evangelical Manor  
8401 Roosevelt Boulevard  
Philadelphia, PA 19152  
FAC ID # 311202

Lutheran Nursing and Rehabilitation Center at Sprenkle Drive  
1801 Folkemer Circle  
York, PA 17404  
FAC ID # 015902

Paul's Run  
9896 Bustleton Avenue  
Philadelphia, PA 19115  
FAC ID # 161902

Saint John Neumann Center for Rehabilitation & Healthcare  
10400 Roosevelt Boulevard  
Philadelphia, PA 19116  
FAC ID # 452202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Concordia at the Cedars  
4363 Northern Pike  
Monroeville, PA 15146  
FAC ID # 062502

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 205.6(a) (relating to function of building):

Baldwin Health Center  
1717 Skyline Drive  
Pittsburgh, PA 15227  
FAC ID # 026702

Oakwood Heights  
10 Vo Tech Drive  
Oil City, PA 16301  
FAC ID # 424402

Wesbury United Methodist Community  
31 North Park Avenue Extension  
Meadville, PA 16335-9430  
FAC ID # 990902

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Acting Secretary*

[Pa.B. Doc. No. 15-240. Filed for public inspection February 6, 2015, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Payment

The Department of Human Services (Department) is announcing its intent to allocate funding in Fiscal Year (FY) 2014-2015 for disproportionate share hospital payments to qualifying hospitals that provide a high volume of services to the Medical Assistance (MA) population to promote the hospitals' continued additional access to inpatient and ancillary outpatient services in this Commonwealth and to support academic medical programs



that provide integrated patient centered medical services. The Department does not intend to implement any other change in the qualifying criteria or payment methodology for this payment.

#### *Fiscal Impact*

The FY 2014-2015 impact, as a result of the funding allocation for these payments is \$5.189 million (\$2.500 million in State general funds and \$2.689 million in Federal funds upon approval by the Centers for Medicare and Medicaid Services).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will consider all comments received within 30 days of this notice.

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

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-935. (1) General Fund; (2) Implementing Year 2014-15 is \$2,500,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$16,831,000; 2012-13 Program—\$12,618,000; 2011-12 Program—\$12,618,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 15-241. Filed for public inspection February 6, 2015, 9:00 a.m.]

### **Additional Class of Disproportionate Share Payments**

The Department of Human Services (Department) is announcing its intent to allocate funding in Fiscal Year (FY) 2014-2015 for disproportionate share hospital (DSH) payments to certain Medical Assistance (MA) acute care general hospitals (hospital) which, in partnership with an independent facility listed as a Cleft and Craniofacial Team by the American Cleft Palate-Craniofacial Association, provide surgical services to patients with cleft palate and craniofacial abnormalities. The Department does not plan to implement any other change to the qualifying criteria or payment methodology for this payment. This payment is intended to promote access to inpatient hospital services for MA eligible and uninsured persons in this Commonwealth with cleft palate and craniofacial abnormalities.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The FY 2014-2015 impact, as a result of the funding allocation for these payments is \$0.311 million (\$0.150 million in State general funds and \$0.161 million in Federal funds upon approval by the Centers for Medicare and Medicaid Services).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will consider all comments received within 30 days of this notice.

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

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-934. (1) General Fund; (2) Implementing Year 2014-15 is \$150,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 15-242. Filed for public inspection February 6, 2015, 9:00 a.m.]

### **Additional Class of Disproportionate Share Payments to Qualifying Teaching Hospitals**

The Department of Human Services (Department) is providing final notice of its changes to the qualifying criteria and payment methodology for disproportionate share hospital (DSH) payments to qualifying teaching hospitals that provide psychiatric services to Medical Assistance (MA) beneficiaries. Additionally, the Department also is providing final notice of its funding allocation for this payment for Fiscal Year (FY) 2013-2014. This DSH payment is intended to help offset medical education costs of psychiatrists which are incurred by hospitals providing psychiatric care to MA beneficiaries and the uninsured.

The Department is modifying the qualifying criteria for DSH payments to qualifying acute care general hospitals. The Department will consider any psychiatric unit of a general acute care hospital enrolled in Pennsylvania's (PA) MA Program with PA MA psychiatric medical education costs that exceed \$40,000, according to its FY 2010-2011 MA Cost Report, eligible for this additional class of DSH payments if it meets one of the following criteria:

1. The hospital provides at least 40,000 psychiatric days of service to PA MA beneficiaries as reported on its 2010-2011 MA Cost Report.

2. The hospital's percentage of PA MA fee-for-service (FFS) inpatient psychiatric days to total PA MA FFS inpatient days exceeds 25% as reported on its FY 2010-2011 MA Cost Report.

The Department is also modifying the payment methodology for these DSH payments. Specifically, the Department is distributing 2/3 of the amount allocated for these payments equally among teaching hospitals qualifying under previously listed criteria 1. The Department is distributing 1/3 of the amount allocated for these payments equally among teaching hospitals qualifying under previously listed criteria 2. Hospitals that qualify under both criteria are eligible only for payment under criteria 1.

The Department has allocated funding for these DSH payments at the same level as allocated for FY 2012-2013.

Payment limitations are still applicable, including those limitations prohibiting the Commonwealth from exceeding its aggregate annual DSH allotment and prohibiting a hospital from receiving DSH payments in excess of its hospital-specific limit.

The Department published notice of its intent to allocate funding for these DSH payments at 44 Pa.B. 2588 (April 26, 2014). The Department received no public comments during the 30-day comment period, and will implement the changes as described in its notice of intent.

#### *Fiscal Impact*

The FY 2013-2014 impact, as a result of the funding allocation for these payments is \$0.500 million (\$0.232 million in State general funds and \$0.268 million in Federal funds).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-936. (1) General Fund; (2) Implementing Year 2013-14 is \$232,000; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$0; (4) 2013-14—Program \$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 15-243. Filed for public inspection February 6, 2015, 9:00 a.m.]

### **Disproportionate Share Payments for Enhanced Access to Emergency Department Services and Emergency Department and Outpatient Access Supplemental Payments; Correction**

An error occurred in the notice which appeared at 44 Pa.B. 7967, 7968 (December 20, 2014). The dollar amount for the Medical Assistance—Outpatient appropriation for Implementing Year 2014-15 was incorrect. It was not shown as a negative amount. The correct fiscal note follows.

**Fiscal Note:** 14-NOT-927. (1) General Fund;

(7) MA—Outpatient; (2) Implementing Year 2014-15 is -\$76,840,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$264,179,000; 2012-13 Program—\$450,835,000; 2011-12 Program—\$645,095,000;

(7) MA—Inpatient; (2) Implementing Year 2014-15 is \$76,840,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 15-244. Filed for public inspection February 6, 2015, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania 7-11-21® '15 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 7-11-21® '15.

2. *Price:* The price of a Pennsylvania 7-11-21® '15 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania 7-11-21® '15 instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5" and "GAME 6." Each "GAME" is played separately. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 7 (SEVEN) symbol, 11 (ELEVN) symbol and a 21 (TWOONE) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$21,000 (TWYONETHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$250, \$500, \$1,000, and \$21,000. A player can win up to 6 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania 7-11-21® '15 instant lottery game.

#### *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWOONE), and a prize symbol of \$21,000 (TWYONETHO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$21,000.

(b) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWOONE), and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWOONE), and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWOONE), and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWOONE), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$25<sup>00</sup> (TWO FIV) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(h) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal a 7, 11 or 21 In Any Game, Win Prize Shown For That Game. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$2	\$2	8.82	1,088,000
\$2 x 2	\$4	37.5	256,000
\$4	\$4	42.86	224,000
\$5	\$5	30	320,000
\$2 x 5	\$10	250	38,400
\$5 x 2	\$10	250	38,400
\$10	\$10	750	12,800
\$4 x 5	\$20	250	38,400
(\$2 x 5) + \$10	\$20	250	38,400
\$20	\$20	1,500	6,400
(\$5 x 3) + \$10	\$25	685.71	14,000
\$20 + \$5	\$25	800	12,000
\$25	\$25	960	10,000
\$25 x 2	\$50	1,714	5,600
(\$5 x 5) + \$25	\$50	1,200	8,000
\$50	\$50	1,200	8,000
\$50 x 2	\$100	3,000	3,200
(\$10 x 5) + \$50	\$100	2,667	3,600
\$100	\$100	2,667	3,600
(\$100 x 2) + \$50	\$250	12,000	800
(\$50 x 4) + (\$25 x 2)	\$250	12,000	800
\$250	\$250	15,000	640
\$250 x 2	\$500	120,000	80
(\$100 x 4) + (\$50 x 2)	\$500	120,000	80
\$500	\$500	60,000	160
\$1,000	\$1,000	60,000	160
\$21,000	\$21,000	480,000	20

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania 7-11-21® '15 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described

in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of



at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 7-11-21® '15, prize money from winning Pennsylvania 7-11-21® '15 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 7-11-21® '15 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania 7-11-21® '15 or through normal communications methods.

EILEEN McNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 15-245. Filed for public inspection February 6, 2015, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The February 17, 2015, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting is scheduled for Tuesday, March 17, 2015, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

The agenda and meeting materials for the March 17, 2015, meeting will be available on the Department of Environmental Protection's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation Center," then "The Environmental Quality Board," then "EQB Meeting Schedule 2015").

Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger, (717) 783-8727, [ledinger@pa.gov](mailto:ledinger@pa.gov).

JOHN QUIGLEY,  
*Acting Chairperson*

[Pa.B. Doc. No. 15-246. Filed for public inspection February 6, 2015, 9:00 a.m.]

## GAME COMMISSION

### Availability of Finding of No Significant Impact for Voluntary Public Access Habitat Incentive Program

*Summary:* The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) has prepared a Finding of No Significant Impact (FONSI) in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C.A. §§ 4321—4370h), and an environmental impact statement will not be prepared for a Voluntary Public Access and Habitat Improvement Program (VPA-HIP) grant being provided to the Game Commission (Commission).

*For Further Information:* A copy of the environmental assessment (EA) and FONSI can be accessed through the appropriate link at [www.nrcs.usda.gov/ea](http://www.nrcs.usda.gov/ea). Single copies of the EA and FONSI documents may be obtained by contacting Andree DuVarney, National Environmental Coordinator, USDA-NRCS, Ecological Sciences Division, Room 6158-S, P. O. Box 2890, Washington, D.C., 20013-2890, [andree.duvarney@wdc.usda.gov](mailto:andree.duvarney@wdc.usda.gov).

*Supplementary Information:* The NRCS is providing VPA-HIP funds to the Commission. These funds will be used to continue expansion of the components of the Pennsylvania Public Access Program that were funded under the 2011 VPA-HIP grant. The 2014 VPA-HIP funds will be utilized through the Pennsylvania Public Access Program to: increase cooperator participation by at least 20% to 16,923 cooperators; provide 20% more new hunting and trapping opportunities to hunters and trappers for pheasants, rabbits, woodcock, ducks, quail, mink and muskrats; increase the current 2.6 million-acre program by 520,000 acres; increase habitat quality on at least 50,000 acres on participating properties; and monitor the results, including program element increases, economic benefits and the results of public access user surveys, so that successes can be documented.

The NRCS published a Notice of Intent to adopt the Farm Service Agency Programmatic EA at 44 Pa.B. 7990 (December 20, 2014) and requested comments for a 30-day period. Upon an independent review of the EA, the NRCS found that the document adequately addressed the effects of providing the Commission with 2014 VPA-HIP grant funds to continue activities described in the EA. In its notice the NRCS requested comments but none were received.

R. MATTHEW HOUGH,  
*Executive Director*

[Pa.B. Doc. No. 15-247. Filed for public inspection February 6, 2015, 9:00 a.m.]

## INSURANCE DEPARTMENT

### American Progressive Life and Health Insurance Company of New York; Rate Increase Filing for Several LTC Forms

American Progressive Life and Health Insurance Company of New York is requesting approval to increase the premium 50% on 156 policyholders with the following individual LTC policy form numbers: HHC 1/98, PRNHO, PRNHOQ, PRNHOQRS and QHHC 11/99.



Unless formal administrative action is taken prior to April 23, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 15-248. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Notice to Medical Malpractice Insurance Carriers; Pennsylvania Medical Malpractice Data Call (Act 13 of 2002 Data Call)

The Insurance Department (Department) is conducting a medical malpractice data call to study the availability of additional basic coverage capacity in the Pennsylvania medical malpractice marketplace. This data call is required by section 711(d)(3) of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.711(d)(3)).

Consistent with prior data calls promulgated under section 711(d)(3) of the MCARE Act, the cover letter, exhibits and templates are available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (click on "Services for Insurance Companies," then "Industry Activity," then "Data Calls"). An e-mail announcing the data call was sent on January 23, 2015, to all medical malpractice insurers with positive direct written premium in this Commonwealth in 2013.

Each insurer providing medical professional liability insurance in this Commonwealth is required to respond to the data call no later than April 1, 2015. Insurers with positive medical malpractice direct written premium in this Commonwealth in 2013 are identified in Exhibit 2 of the data call and a response is required from each insurer listed. Data for more than one insurer should not be combined into a single submission.

The Department will consider the data submitted as proprietary and handle it accordingly.

Questions regarding this data call should be directed to James Di Santo, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2118, [jadisanto@pa.gov](mailto:jadisanto@pa.gov).

TERESA D. MILLER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 15-249. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Pennsylvania Life Insurance Company; Rate Increase Filing for Several LTC Forms

Pennsylvania Life Insurance Company is requesting approval to increase the premium 44% on 69 policyholders with the following individual LTC policy form numbers: 1460, 1490, P30, P34, P35, P39, PLNHO and PLNHOQ.

Unless formal administrative action is taken prior to April 23, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 15-250. Filed for public inspection February 6, 2015, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### 2014 Unconventional Gas Well Impact Fees; Annual Adjustment

The NYMEX average annual price of natural gas for 2014 was \$4.415.

There were 1,372 unconventional gas wells spud in 2014 and 1,207 unconventional gas wells spud in 2013.

Section 2302(c) of 58 Pa.C.S. (relating to unconventional gas well fee) requires an annual adjustment if more wells were spud in the current year than the prior calendar year. The 2014 United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) in PA, DE, NJ and MD of 0.6% will be applied to the base price of the impact fee for calendar year 2014, rounded to the nearest \$100.

#### *Unconventional Gas Well Impact Fees for 2014*

<i>Year of Operation</i>	<i>Horizontal Wells</i>	<i>Vertical Wells</i>
1st Year	\$50,300	\$10,100
2nd Year	\$40,200	\$ 8,000
3rd Year	\$30,200	\$ 6,000
4th Year	\$20,100	\$ 4,000

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-251. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Asset Transfer Transaction

**A-2015-2464030 and A-2015-2464082. Access Fiber Solutions, Inc. and Sunesys, LLC.** Joint application of Access Fiber Solutions, Inc. and Sunesys, LLC for approval to participate in an asset transfer transaction whereby Sunesys, LLC will acquire certain assets of Access Fiber Solutions, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 23, 2015. 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.

*Joint Applicants:* Access Fiber Solutions, Inc.; Sunesys, LLC

*Through and By:* Daniel P. Delaney, Esquire, Maureen O'Dea Brill, Esquire, K&L Gates, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 15-252. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 23, 2015. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2014-2454144. Marx Meu, Inc.** (109 East Allegheny Avenue, Philadelphia, Philadelphia County, PA 19134) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

**A-2014-2457569. Hernan Garcia Villasenor** (5103 Lincoln Highway West, Thomasville, York County, PA 17364) for the right to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Adams, Berks, Dauphin, Lancaster and

York, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2014-2459164. G & T Driving Services, LLC** (5665 Bartlett Street, Pittsburgh, Allegheny County, PA 15217) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City of Pittsburgh, to points in Pennsylvania, and return.

**A-2014-2459338. Luxe Limousine Service, Inc.** (2223 South 20th Street, Philadelphia, PA 19145) to transport as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2014-2460339. Fred Amendola t/a Venus Limousine** (27 West Crafton Avenue, Pittsburgh, Allegheny County, PA 15205) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Allegheny County, to points in Pennsylvania, and return.

**A-2014-2461888. Luxury Limousine & Car Service, LLC** (45304 Delaire Landing Road, Philadelphia, PA 19114) to transport as a common carrier, by motor vehicle, persons in limousine service, from points, within the Counties of Bucks, Chester, Montgomery and Lehigh, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

#### **Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2014-2460362. Northwest E.M.S. Inc.** (P. O. Box 384, Elizabethtown, PA 17022) a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, to transport by motor vehicle, persons, in paratransit service, from points in the Borough of Elizabethtown, and the Townships of East Donegal and West Donegal, all in the County of Lancaster, to points in Pennsylvania, and return: *So as to Permit:* the transportation of persons in paratransit service, in the Counties of Dauphin and Lancaster to points in Pennsylvania, and return.

*Subject to the following conditions:* That no right, power or privilege is granted to originate service in the following communities located in Lancaster County: Adamstown 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 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.

#### **Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2014-2455819. Daniel R. Koebler & Elaine M. Kuhns t/a White Knight Limousine Service** (890 Harmony Road, Slippery Rock, Butler County, PA 16057)

discontinuance of service and cancellation of its certificate—persons, in limousine service, between points in the County of Butler, and from points in the said county to points in Pennsylvania, and return.

**A-2014-2456853. Baker's Transportation Service, Inc.** (1400 West 1st Street, Oil City, Venango County, PA 16301) for the discontinuance of service and cancellation of the certificate as a common carrier, persons, on schedule, between points in the City of Franklin and the Townships of Frenchcreek and Sandycreek, and the Boroughs of Sugar Creek and Polk, Venango County, by means of the following routes:

*Route No. 1:* Beginning in the City of Franklin, at the intersection of Liberty and Thirteenth Streets; thence west on Liberty Street to Fourteenth Street; thence south on Fourteenth Street to Chestnut Street; thence east on Chestnut Street to Twelfth Street; thence north on Twelfth Street to Buffalo Street; thence west on Buffalo Street to Thirteenth Street; thence north on Thirteenth Street to Liberty Street; thence east on Liberty Street to Third Street; thence north on Third Street to Elk Street; thence west on Elk Street to Fourth Street; thence south on Fourth Street to Liberty Street; thence west on Liberty Street to West Park Street; thence north on West Park Street to Otter Street; thence west on Otter Street to Thirteenth Street; thence north on Thirteenth Street to Rocky Grove Avenue; thence east on Rocky Grove Avenue to Cedar Avenue; thence south on Cedar Avenue to Park Avenue; thence east on Park Avenue to Maple Street; thence south on Maple Street to Egbert Street; thence east on Egbert Street to Parker Avenue; thence north on Parker Avenue to Fox Street; thence east on Fox Street to Wood Street; thence north on Wood Street to Rocky Grove Avenue; thence west on Rocky Grove Avenue to Palmer Avenue; thence north on Palmer Avenue to Murdock Street; thence west on Murdock Street to Prospect Avenue; thence south on Prospect Avenue to Bell Avenue; thence west on Bell Avenue to Meadville Pike; thence north on Meadville Pike to Washington Street; thence west on Washington Street to Madison Street; thence south on Madison Street to Lincoln Street; thence east on Lincoln Street to Taylor Street; thence north on Taylor Street to Washington Street; thence east on Washington Street to Meadville Pike; thence south on Meadville Pike to Grant Street; thence west on Grant Street to Riesenman Street; thence south on Riesenman Street to Atlantic Street; thence west on Atlantic Avenue to Grant Street; thence east on Grant Street to Thirteenth Street; thence south on Thirteenth Street to the point of beginning.

*Route No. 2:* Beginning in the City of Franklin at the intersection of Liberty and Thirteenth Streets; thence west on Liberty Street to Fifteenth Street; thence south on Fifteenth Street to U.S. Highway Route No. 62 West; thence west on U.S. Highway Route No. 62 through the Township of Frenchcreek to the Borough of Polk to Polk Cut-off Road; thence east on the Polk Cut-off Road through the Township of Sandycreek to Pittsburgh Road (State Highway Route No. 8); thence north on Pittsburgh Road to Gurney Road in the City of Franklin; thence east on Gurney Road to Evergreen Drive for turnaround; thence returning west on Gurney Road to Pittsburgh Road; thence south on Pittsburgh Road to Liberty Street; thence east on Liberty Street to Fourteenth Street; thence south on Fourteenth Street to Chestnut Street; thence east on Chestnut Street to Twelfth Street; thence north on Twelfth Street to Buffalo Street; thence west on Buffalo Street to Thirteenth Street; thence north on Thirteenth Street to the point of beginning.

**A-2014-2459155. Donald K. Wilson and Marlene A. Wilson** (8 North Greenhouse Lane, Valley View, Schuylkill County, PA 17983) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Dauphin, Northumberland and Schuylkill Counties, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-253. Filed for public inspection February 6, 2015, 9:00 a.m.]

### Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due February 16, 2015, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Pennywise Sedan Service LLC; Docket No. C-2014-2432322

#### COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Pennywise Sedan Service LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### *Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov



Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 wascott@pa.gov

4. Respondent is Pennywise Sedan Service LLC and maintains its principal place of business at 5 Williams Way, Sellersville, PA 18960.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about November 13, 1978, at A-00100985, for limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

##### *2012-2013 Fiscal Year*

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to report its 2011 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

##### *2013-2014 Fiscal Year*

15. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year. Respondent's assessment was \$1,458.

16. On September 18, 2013, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2013 to June 30, 2014 Fiscal Year.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The Commission received no objections from Respondent to the 2013-2014 Fiscal Year Assessment.

19. Respondent failed to fully pay the amount of its 2013-2014 assessment invoice.

20. The total outstanding assessment balance for Respondent is \$1,458.

#### *Violations*

##### *COUNT 1*

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues, or \$1,000.

##### *COUNT 2*

22. That Respondent failed to satisfy its 2013-2014 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$219.

*Wherefore*, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,677, which consists of its outstanding assessment balance, which totals \$1,458 and a civil penalty of \$1,219 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
 Stephanie M. Wimer  
 Prosecutor

Bureau of Investigation & Enforcement  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Date: July 17, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements



herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 17, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Ground Courier, Inc.; Docket No. C-2014-2435228**

COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Ground Courier, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is Ground Courier, Inc. and maintains its principal place of business at 9 Portland Road, West Conshohocken, PA 19428.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about April 27, 1999, at A-00115614, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

12. On August 7, 2012, the Secretary's Bureau served an Amended Complaint that I&E filed against Respondent at Docket No. C-2012-2313708, alleging that Respondent violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b), by failing to file assessment reports for the 2009 and 2010 calendar years.

13. The Complaint also alleged that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to satisfy its 2010-2011 and 2011-2012 fiscal year assessments.

14. Respondent paid the civil penalty as requested by I&E in the Amended Complaint and the full amount of its outstanding assessment balance for the 2010-2011 and 2011-2012 fiscal years.

15. On October 15, 2012, I&E filed a Certificate of Satisfaction with the Secretary's Bureau indicating that the Complaint had been satisfied and requesting that the proceeding be marked closed.

#### *2012-2013 Fiscal Year*

16. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to report its 2011 calendar year revenues.

17. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

18. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

#### *2013-2014 Fiscal Year*

19. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

20. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

21. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

22. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$1,733.

23. On September 18, 2013, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2013 to June 30, 2014 Fiscal Year.

24. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

25. The Commission received no objections from Respondent to the 2013-2014 Fiscal Year Assessment.

26. On November 26, 2013, the Commission credited Respondent's assessment balance in the amount of \$223.

27. On February 4, 2014, Respondent made a payment in the amount of \$750 towards its 2013-2014 assessment invoice.

28. Respondent failed to fully pay the amount of its 2013-2014 assessment invoice.

29. The total outstanding assessment balance for Respondent is \$760.

#### *Violations*

##### *COUNTS 1-2*

30. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,500 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$3,000. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to file assessment reports, as set forth above.

##### *COUNT 3*

31. That Respondent failed to satisfy its 2013-2014 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$190. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to pay its assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$3,950, which consists of its outstanding assessment balance, which totals \$760 and a civil penalty of \$3,190 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor  
PA Attorney I.D. No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: August 1, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 1, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

### **Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Transline Trucking LTD; Docket No. C-2014-2432326**

#### COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Transline Trucking LTD ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### *Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is Transline Trucking LTD and maintains its principal place of business at Box 152, East Petersburg, PA 17520.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about July 5, 2006, at A-00122883, for truck authority.



7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

##### *2012-2013 Fiscal Year*

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to report its 2011 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

##### *2013-2014 Fiscal Year*

15. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

16. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

17. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

18. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$4,975.

19. On September 19, 2013, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2013 to June 30, 2014 Fiscal Year.

20. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

21. The Commission received no objections from Respondent to the 2013-2014 Fiscal Year Assessment.

22. On November 26, 2013, the Commission credited Respondent's assessment balance in the amount of \$642.

23. Respondent failed to fully pay the amount of its 2013-2014 assessment invoice.

24. The total outstanding assessment balance for Respondent is \$4,333.

#### *Violations*

##### *COUNTS 1-2*

25. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$2,000.

##### *COUNT 3*

26. That Respondent failed to satisfy its 2013-2014 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$650.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$6,983, which consists of its outstanding assessment balance, which totals \$4,333 and a civil penalty of \$2,650 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: July 17, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Date: July 17, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Morgan Coach and Tours LLC; Docket No. C-2014-2432970**

COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Morgan Coach and Tours LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is Morgan Coach and Tours LLC and maintains its principal place of business at 1828 5th Avenue, McKeesport, PA 15132, Attention: Richard L. Morgan II.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about February 19, 2009, at A-2008-2070717, for group and party 16 or greater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corpora-

tion subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

##### *2012-2013 Fiscal Year*

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to report its 2011 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

15. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2011 calendar year. Respondent's assessment was \$267.

16. On September 7, 2012, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2012 to June 30, 2013 Fiscal Year.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The Commission received no objections from Respondent to this assessment.

19. On or about January 17, 2014, Respondent made a payment in the amount of \$259, which was applied to its 2012-2013 assessment invoice.

20. Respondent failed to fully pay its 2012-2013 assessment invoice.

##### *2013-2014 Fiscal Year*

21. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

22. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

23. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

24. The total outstanding assessment balance for Respondent is \$8.

#### *Violations*

##### *COUNTS 1-2*

25. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$2,000.

##### *COUNT 3*

26. That Respondent failed to satisfy its 2012-2013 fiscal year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$1.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,009, which consists of its outstanding assessment balance, which totals \$8 and a civil penalty of \$2,001 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: July 21, 2014

##### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 21, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

##### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. ETC Logistics, LLC; Docket No. C-2014-2432968**

**COMPLAINT**

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against ETC Logistics, LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 wascott@pa.gov

4. Respondent is ETC Logistics, LLC and maintains its principal place of business at P. O. Box 462, Parkman, OH 44080.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 28, 2002, at A-00118789, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.



*Factual Background**2012-2013 Fiscal Year*

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report for Respondent to report its 2011 calendar year revenues.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

15. On or about August 27, 2012, the Commission sent Respondent an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2011 calendar year. Respondent's assessment was \$35.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

17. The Commission received no objections from Respondent to this assessment.

18. Respondent failed to pay the amount of its 2012-2013 assessment invoice.

*2013-2014 Fiscal Year*

19. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its 2012 calendar year revenues.

20. The assessment report was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

21. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

22. On or about September 12, 2013, the Commission sent Respondent an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2012 calendar year. Respondent's assessment was \$49.

23. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

24. The Commission received no objections from Respondent to the 2013-2014 Fiscal Year Assessment.

25. On November 26, 2013, the Commission credited Respondent's assessment balance in the amount of \$6.

26. Respondent failed to fully pay the amount of its 2013-2014 assessment invoice.

27. The total outstanding assessment balance for Respondent is \$78.

*Violations**COUNTS 1-2*

28. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$2,000.

*COUNTS 3-4*

29. That Respondent failed to satisfy its 2012-2013 and 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$12.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,090, which consists of its outstanding assessment balance, which totals \$78 and a civil penalty of \$2,012 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) The Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: July 21, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 21, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in



your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Summit Logistics Services, Inc.; Docket No. C-2014-447675**

COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Summit Logistics Services, Inc. ("Respondent"), pursuant to Section 701 of the Public

Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.783.6150  
[wascott@pa.gov](mailto:wascott@pa.gov)

4. Respondent is Summit Logistics Services, Inc. and maintains its principal place of business at 120 Huxley Road, Suite 101, Knoxville, TN 37922.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about February 25, 2008, at A-2008-2018881, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

15. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

17. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

*Violations*

*COUNTS 1-2*

18. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$2,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$2,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

PA Attorney I.D. No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 15, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 15, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

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**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Luxury  
Limousine Service, Inc.; Docket No. C-2014-2435203**  
**COMPLAINT**

Now Comes the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its prosecuting attorneys, and files this Complaint against Luxury Limousine Service, Inc. (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
wascott@pa.gov

4. Respondent is Luxury Limousine Service, Inc. and maintains its principal place of business at 1200 Crosby Street, Chester, PA 19013.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about April 6, 2000, at A-00115605, for group and party 16 or greater authority and limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On July 10, 2012, the Secretary’s Bureau served a Complaint that I&E filed against Respondent at Docket No. C-2012-2312933, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to satisfy its 2009-2010, 2010-2011, and 2011-2012 fiscal year assessments.

13. Respondent paid the civil penalty as requested by I&E and the full amount of its outstanding assessment balance, which satisfied its 2009-2010, 2010-2011, and 2011-2012 fiscal year assessments.

14. On January 22, 2014, I&E filed a Certificate of Satisfaction with the Secretary’s Bureau indicating that the Complaint had been satisfied and requesting that the proceeding be marked closed.

*2012-2013 Fiscal Year*

15. On or about August 27, 2012, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2012 to June 30, 2013 Fiscal Year. Respondent’s assessment was \$1,280.

16. On September 7, 2012, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission’s July 1, 2012 to June 30, 2013 Fiscal Year.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The Commission received no objections from Respondent to this assessment.

19. Respondent failed to fully pay the amount of its 2012-2013 assessment invoice.

*2013-2014 Fiscal Year*

20. On or about September 12, 2013, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2013 to June 30, 2014 Fiscal Year. Respondent’s assessment was \$1,384.

21. On September 18, 2013, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission’s July 1, 2013 to June 30, 2014 Fiscal Year.

22. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

23. The Commission received no objections from Respondent to the 2013-2014 Fiscal Year Assessment.

24. Respondent failed to fully pay the amount of its 2013-2014 assessment invoice.

25. The total outstanding assessment balance for Respondent is \$2,664.



*Violations**COUNTS 1-2*

26. That Respondent failed to satisfy its 2012-2013 and 2013-2014 fiscal year assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices.

If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$666. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to satisfy its assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$3,330, which consists of its outstanding assessment balance, which totals \$2,664 and a civil penalty of \$666 for the above-described violations; and

(b) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor  
PA Attorney I.D. No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: August 1, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 1, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in

your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. North Connections Logistics, Inc. 4107-08 Sylon Boulevard Hainesport NJ 08036; Docket No. C-2013-2370505**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-



tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to North Connections Logistics, Inc., (respondent) is under suspension effective May 14, 2013 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 4107-08 Sylon Boulevard, Hainesport, NJ 08036.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 09, 2009, at A-6210010.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6210010 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/27/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and  
Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining

the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

—  
**VEHICLE INSPECTION BUREAU COMPLAINT  
FORM**

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Harrisburg City  
Cab, Inc. A-00122208; Docket No. C-2014-2444741**

COMPLAINT

The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

Harrisburg City Cab, Inc.  
1601 Paxton St.  
Harrisburg, PA 17104

Inspection Information:

Location: S. 17th Street, Harrisburg, Dauphin Co.  
Date and Time: September 8th and 9th 2014 9:00 am

Vehicle Information:

Year, Make, Model:  
1. 2007 Chevrolet Impala  
2. 2007 Chevrolet Impala  
3. 2010 Dodge Caravan  
4. 2009 Dodge Caravan C/V  
5. 2006 Chevrolet

State, Tag & VIN:

1. PA, TX48146, 2G1WB55K779337088  
2. PA, TX48554, 2G1WB58KX79234582  
3. PA, TX48747, 2D4RN4DE9AR112442  
4. PA, TX48370, 1D8HN11E19B513992  
5. PA, TX48105, 3GNDA23D065500242

DVCR # 0041111118, 0025121000

Authorized Officer Performing Inspection: E/O Timothy C. Troxell, Supervisor Alan Taylor

On the date and at the time described on page one of this Complaint, the following violations were disclosed:

Title 52:29.71 Taxi number not displayed on vehicle. Marking taxi number. Taxi must be numbered 4 inches in height rear and both sides. Missing "34" on both left and right sides.

\$50

Title 52:29.402(1) Any part of a ply or cord exposed. Right rear tire cord exposed in inner tread shoulder. Reference also PA 175.65(a). Taxicab 66.

\$100

Title 52:29.403(8) Air conditioning must be operative between May 1 and September 30 each year. At time of inspection air conditioning was inoperative. Taxicab 104.

\$100

Title 52:29.402(1) Anchorage is loose or broken. Left rear passenger seat seatbelt anchor zip tied onto lower child car seat anchor. Reference also PA 175.78(g) Taxicab 84.

\$100

Title 52:29.314(b)(6) Fast meter. Meter calibration checked over measured mile course, displayed \$3.20 prior to 100 foot mark of the mile course. Should have read \$2.80. Taxicab 100.

\$500

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine respondent the sum of \$850 for the illegal activity described in this Complaint and order any other remedy as the Commission may deem appropriate.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 10/15/2014

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the full civil penalty within 20 days. Your check or money order for the civil penalty must include the Complaint's docket number in the memo line. It should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

### VEHICLE INSPECTION BUREAU COMPLAINT FORM

#### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Harrisburg City Cabs, Inc. A-00122208; Docket No. C-2014-2448614

#### COMPLAINT

The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

Harrisburg City Cabs, Inc.  
 1601 Paxton St. Harrisburg PA 17104

Inspection Information:  
 17th St. Harrisburg, Dauphin Co.  
 10-20-14 9:00 A.M.

Vehicle Information:  
 Year, Make, Model: 2009 Dodge Caravan  
 State, Tag & VIN: PA, TX48557,  
 VIN # 2D4HN1E69R703385

DVCR # 004111

Authorized Officer Performing Inspection: E/O Timothy C. Troxell

On the date and at the time described on page one of this Complaint, the following violations were disclosed:

52 Pa. Code § 29.402(1)—Vehicle equipment inspection standards:

67 Pa. Code Ref § 175.78(g) Seatbelt missing/installed improperly, right and left rear passenger seats (2nd row) safety belt anchors tied off to child seat anchor point.

\$100

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine respondent the sum of \$100 for the illegal activity described in this Complaint and order any other remedy as the Commission may deem appropriate.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/12/2014

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)



B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the full civil penalty within 20 days. Your check or money order for the civil penalty must include the Complaint's docket number in the memo line. It should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Fatim, Inc.**  
**310 Tribet Place Darby PA 19023;**  
**Docket No. C-2014-2457193**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Fatim, Inc., (respondent) is under suspension effective October 24, 2014 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 310 Tribet Place, Darby, PA 19023.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 05, 2000, at A-00116657.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00116657 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/17/2014

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.



Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-254. Filed for public inspection February 6, 2015, 9:00 a.m.]

## Telecommunications

**A-2015-2463595. United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Teleport Communications of America, LLC.** Joint Petition of United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Teleport Communications of America, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Teleport Communications of America, LLC, by their counsel, filed on January 22, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Teleport Communications of America, 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. 15-255. Filed for public inspection February 6, 2015, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.  
 Gregory A. Schack; Doc. No. 0006-45-2015**

On January 6, 2015, Gregory A. Schack, license no. CO225223L, of Scranton, Lackawanna County, was suspended under the Order of the Court of Common Pleas of Lackawanna County dated December 15, 2014, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

STEPHEN A. WALLIN,  
*Chairperson*

[Pa.B. Doc. No. 15-256. Filed for public inspection February 6, 2015, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Aaron A. Semenoff; Doc. No. 2128-60-2014**

On December 19, 2014, Aaron A. Semenoff, license no. MV205880, of Pittsburgh, Allegheny County, was suspended under the Order of the Court of Common Pleas of Allegheny County dated November 12, 2014, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

DANIEL G. MURPHY, III,  
*Chairperson*

[Pa.B. Doc. No. 15-257. Filed for public inspection February 6, 2015, 9:00 a.m.]

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**STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS**

**Documentary Preparation Fees**

In accordance with section 27.1 of the Board of Vehicles Act (act) (63 P. S. § 818.27a), the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) provides notice that a dealer may not charge the purchaser of a vehicle a documentary preparation fee under section 27.1(c) and (d) of the act that exceeds the limits set forth as follows. Persons may review this table at the Board's web site at <http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/VehicleManufacturersDealersandSalespersons/Documents/Board%20Documents/Annual%20Fee.pdf>.

<i>Type</i>	<i>Citation</i>	<i>Calendar Year 2013</i>	<i>Calendar Year 2014</i>	<i>Calendar Year 2015</i>
Electronic	63 P. S. § 818.27a(c)(1)	\$131	\$133	\$134
Nonelectronic	63 P. S. § 818.27a(c)(2)	\$110	\$112	\$113

DANIEL G. MURPHY, III,  
*Chairperson*

[Pa.B. Doc. No. 15-258. Filed for public inspection February 6, 2015, 9:00 a.m.]

