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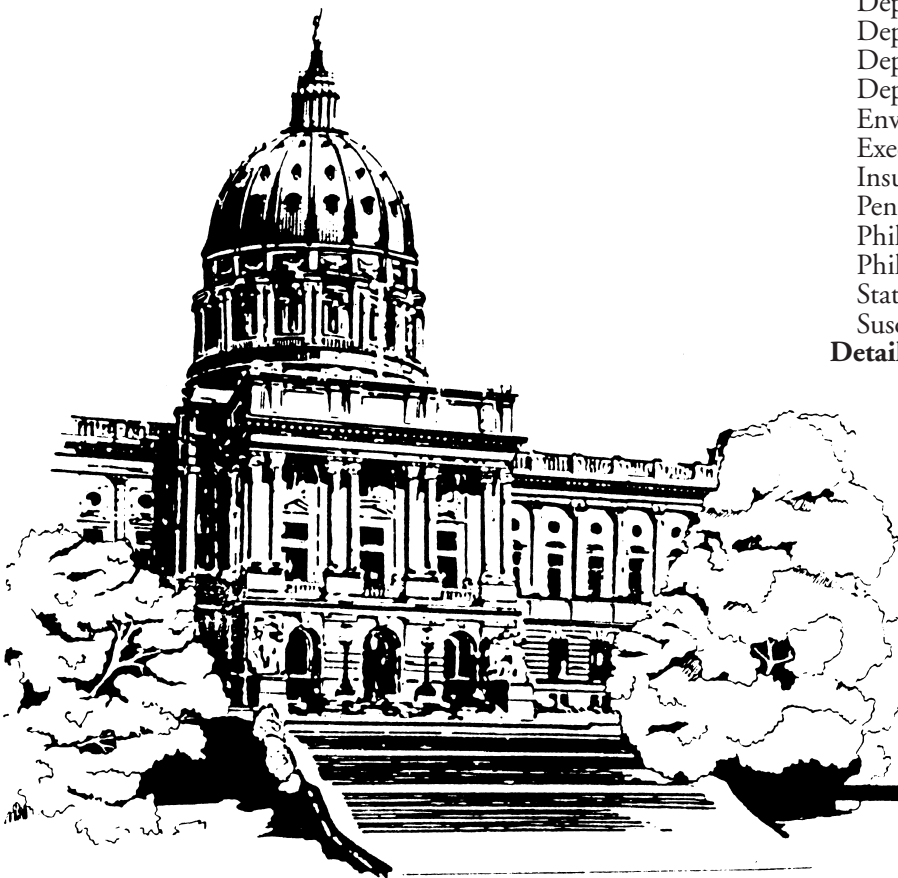
See Part II Page 1955
for the Subject Index for
January—March 2017

Part I

Agencies in this issue

The Courts
Delaware River Basin Commission
Department of Agriculture
Department of Banking and Securities
Department of Environmental Protection
Department of Health
Department of Human Services
Department of Labor and Industry
Environmental Hearing Board
Executive Board
Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
Philadelphia Regional Port Authority
State Board of Nursing
Susquehanna River Basin Commission

Detailed list of contents appears inside.



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

No. 509, April 2017

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CONTENTS

THE COURTS

LOCAL COURT RULES

Bucks County

Youth center supervisors, RSU supervisors, SSU supervisor, treatment supervisor clothing maintenance allowance shift differential; administrative order No. 76..... 1852

Schuylkill County

Local rule of judicial administration 1907.2 constable review board; AD 23-2017..... 1852

RULES OF CRIMINAL PROCEDURE

Proposed new Pa.R.Crim.P. 490.1 1850

EXECUTIVE AND INDEPENDENT AGENCIES

DELAWARE RIVER BASIN COMMISSION

Notices

Special public hearing rescheduled..... 1857

DEPARTMENT OF AGRICULTURE

Notices

Interstate/international and general quarantine order; virus control for highly pathogenic avian influenza poultry at competitions, shows, fairs and exhibitions 1857

Referendum order on establishment of Pennsylvania Apple Program 1858

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications..... 1861

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Application period for municipal recycling program performance grant applications under Act 101, section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988; calendar year 2016 1917

Applications, actions and special notices..... 1862

Environmental justice listening sessions..... 1918

Planning grant awards under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988..... 1919

DEPARTMENT OF HEALTH

Notices

Ambulatory surgical facilities; requests for exceptions 1919

Hospitals; requests for exceptions 1920

Long-term care nursing facilities; requests for exception..... 1920

DEPARTMENT OF HUMAN SERVICES

Notices

Disproportionate share and supplemental hospital payments 1921

Fee-for-service payment for outpatient drugs in the Medical Assistance Program 1921

Medical Assistance fee schedule; final rates for additional services added to the OBRA waiver 1922

Medical Assistance reliant hospital supplemental payments 1923

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Unemployment Compensation Amnesty Program; amnesty guidelines 1923

ENVIRONMENTAL HEARING BOARD

Notices

Eric Ashley v. Department of Environmental Protection and TCCC-Lancaster Holdings, LP, permittee; EHB doc. No. 2017-020-L 1926

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Governor's Office of the Budget..... 1855

INSURANCE DEPARTMENT

Notices

Blue Cross of Northeastern Pennsylvania (SERFF # MILL-130951718); rate increase filing for group LTC forms GRP11-342-PA-1100 1926

Capital Advantage Assurance Company, Inc. (CABC-130954662); small group off exchange; rate filing..... 1927

Capital Advantage Insurance Company, Inc. (CABC-130954665); small group off exchange; rate filing..... 1927

Highmark, Inc. (SERFF # MILL-130951721); rate increase filing for individual LTC forms 1927

Highmark, Inc. (SERFF # MILL-130951723); rate increase filing for individual LTC forms 1927

Keystone Health Plan Central (CABC-130954830); small group off exchange; rate filing 1928

MedAmerica Insurance Company (SERFF # MILL-130946990); rate increase filing for individual LTC forms..... 1928

MedAmerica Insurance Company (SERFF # MILL-130951675); rate increase filing for group LTC forms GRP11-342-MA-PA-601 1928

Review procedure hearings under the Unfair Insurance Practices Act 1928

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Certificate of public convenience 1929

Electric generation supplier license cancellations of companies with an expired financial security 1929

Pro forma transaction..... 1930

Review of issues relating to commission certification of distributed antennae system providers in Pennsylvania..... 1931

Service of notice of motor carrier applications..... 1946

Service of notice of motor carrier formal complaints. 1946

Available Online at <http://www.pabulletin.com>

PHILADELPHIA PARKING AUTHORITY

Notices

Request for information 1949

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 1949

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v.
David Laurence Halperin, RN; file No. 14-51-
07808; doc. No. 0975-51-2015 1949

Bureau of Professional and Occupational Affairs v.
Sheila Holland Malcomb, RN; file No. 14-51-
03719; doc. No. 1194-51-2014 1949

SUSQUEHANNA RIVER BASIN COMMISSION

Notices

Actions taken at March meeting 1950

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)	201 Pa. Code (Rules of Judicial Administration)
Statements of Policy	Adopted Rules
9 832, 1163, 1515, 1855	1 937
19 Pa. Code (Corporations and Business Associations)	204 Pa. Code (Judicial System General Provisions)
Statements of Policy	Adopted Rules
71 1165	83 1276
25 Pa. Code (Environmental Protection)	213 291
Adopted Rules	Proposed Rules
901 313	81 1122
Proposed Rules	210 Pa. Code (Appellate Procedure)
121 1157	Adopted Rules
126 1157	25 1277
208 1636	Proposed Rules
28 Pa. Code (Health and Safety)	1 7
Adopted Rules	225 Pa. Code (Rules of Evidence)
23 1300	Adopted Rules
1141 199	Article VI 1623
1151 199	Article VIII 1623
1161 217	231 Pa. Code (Rules of Civil Procedure)
34 Pa. Code (Labor and Industry)	Adopted Rules
Statements of Policy	200 178
123 440	400 178
49 Pa. Code (Professional and Vocational Standards)	1000 178, 937
Proposed Rules	1910 1123
27 1509	234 Pa. Code (Rules of Criminal Procedure)
52 Pa. Code (Public Utilities)	Proposed Rules
Adopted Rules	1 179, 1731
29 429	2 182
Proposed Rules	4 1850
56 965	5 182, 185, 306, 1731
59 19	10 186
58 Pa. Code (Recreation)	237 Pa. Code (Juvenile Rules)
Adopted Rules	Adopted Rules
65 1465, 1466	1 941
131 1467	2 941
133 1467	4 820
Proposed Rules	Proposed Rules
65 1469	1 938
131 1769	4 942
135 1475, 1477, 1479	5 942
137 1493	6 942
139 1480, 1486	16 947
141 1472, 1473, 1769	249 Pa. Code (Philadelphia Rules)
147 1490, 1492	Unclassified 420, 1628, 1732
682a 1495	255 Pa. Code (Local Court Rules)
683a 1495	Unclassified .. 8, 9, 12, 14, 15, 17, 18, 188, 190, 191, 192,
67 Pa. Code (Transportation)	193, 194, 195, 308, 309, 310, 311, 420, 422, 423, 426, 428,
Proposed Rules	666, 667, 669, 825, 828, 829, 830, 949, 950, 951, 952, 958,
175 1748	959, 963, 1278, 1279, 1628, 1630, 1736, 1738, 1741, 1742,
	1852

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 4]

Proposed New Pa.R.Crim.P. 490.1

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the adoption of new Rule 490.1 (Procedures for Obtaining Expungement of Truancy Cases; Expungement Order) 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.

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 no later than Friday, May 5, 2017. 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*

CHARLES A. EHRLICH,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART H. Summary Case Expungement Procedures Rule 490.1. Procedure for Obtaining Expungement of Truancy Cases; Expungement Order.

(A) PETITION FOR EXPUNGEMENT

(1) An individual who satisfies the requirements of 24 P.S. § 13-1333.3(h) for expungement of a summary truancy case may request expungement by filing a petition with the issuing authority by whom the charges were disposed.

(2) The petition shall set forth:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

(b) the name and address of the issuing authority who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint or citation, if available;

(d) the magisterial district court number;

(e) the docket number;

(f) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be expunged;

(h) the disposition and, if the sentence includes a fine or costs, whether the amount due has been paid;

(i) that the petitioner has satisfied the requirements of 24 P.S. § 13-1333.3(h) for expungement; and

(j) a verification by the petitioner that facts set forth in the petition are true and correct to the best of the petitioner's personal knowledge or information and belief. The verification may be by a sworn affidavit or by an unsworn written statement that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

Additional information shall not be required by local rule or practice.

(3) A copy of the petitioner's high school diploma, a Commonwealth secondary school diploma or another department of education-approved equivalent, or documentation that the petitioner is subject to an exception to compulsory attendance under 24 P.S. § 13-1330 shall be attached to the petition.

(4) A copy of the petition shall be served on the affiant or the attorney for the Commonwealth concurrently with filing.

(B) OBJECTIONS; HEARING

(1) Within 30 days after service of the petition, the affiant or the attorney for the Commonwealth shall file a consent or objection to the petition or take no action. The attorney for the Commonwealth's consent or objection shall be filed with the issuing authority, and copies shall be served on the petitioner's attorney, or the petitioner if unrepresented.

(2) Upon receipt of the affiant or the attorney for the Commonwealth's response, or no later than 14 days after the expiration of the 30-day period in paragraph (B)(1), the issuing authority shall grant or deny the petition or shall schedule a hearing.

(3) At the hearing, if any, the parties shall be afforded an opportunity to be heard. Following the hearing, the issuing authority promptly shall enter an order granting or denying the petition.

(4) If the issuing authority grants the petition for expungement, the issuing authority shall enter an order directing expungement.

(a) The order shall contain the information required in paragraph (C).

(b) Except when the affiant or the attorney for the Commonwealth has filed a consent to the petition pursuant to paragraph (B)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

(5) If the issuing authority denies the petition for expungement, the issuing authority shall enter an order denying the petition and stating the reasons for the denial.

(C) ORDER

(1) Every order for expungement shall include:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

(b) the name and address of the issuing authority who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint or citation, if available;

(d) the magisterial district court number;

(e) the docket number;

(f) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be expunged;

(h) the disposition and, if the sentence includes a fine or costs, whether the amount due has been paid;

(i) a statement that the petitioner has satisfied the requirements of 24 P.S. § 13-1333.3(h) for expungement; and

(j) the criminal justice agencies upon which certified copies of the order shall be served.

Additional information shall not be required by local rule or practice.

(2) The issuing authority shall serve a certified copy of the Order to each criminal justice agency identified in the Order.

Comment

This rule, adopted in 2017, provides the procedures for requesting and ordering expungement in summary truancy cases as provided in 24 P.S. § 13-1333.3(h). If the issuing authority finds the petitioner has satisfied the statutory conditions, the issuing authority shall grant the petition.

See Rule 490 for the procedures for expungement of summary cases other than truancy. See also Rule 320 for the procedures for expungement following the successful completion of an ARD program in a summary case and Rule 790 for court case expungement procedures.

This rule sets forth the only information that is to be included in every expungement petition and order.

A form petition and form order of expungement has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

"Petition," as used in this rule, is a "motion" for purposes of Rules 575, 576, and 577.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

For purposes of this rule, "criminal justice agency" includes police departments, county detectives, and other law enforcement agencies. See also 18 Pa.C.S. § 9102.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, 759 A.2d 1269 (Pa. 2000).

Official Note: Adopted , 2017, effective , 2017.

Committee Explanatory Reports:

Report explaining proposed new Rule 490.1 regarding procedures for expungement in truancy cases published for comment at 47 Pa.B. 1851 (April 1, 2017).

REPORT

Proposed New Pa.R.Crim.P. 490.1

Expungement of Summary Truancy Cases

The Committee recently considered a suggestion to make changes to the summary expungement rule, Rule 490, to accommodate the provisions of Act 138 of 2016. Act 138 of 2016 (hereafter "the Act") amends truancy protocols in Pennsylvania. The Act, in 24 P.S. § 13-1333.3, provides that a child convicted of the summary offense of truancy may request a court to expunge his/her record if certain conditions are met. These conditions are that the child has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent, or is subject to an exception to compulsory attendance under 24 P.S. § 13-1330 and has satisfied any sentence including payment of fines and costs. It should be noted that this expungement procedure applies only to a summary conviction of a truant child not a summary conviction of a parent or guardian.

The intent of the Act is to provide a relatively easy method of expungement of a summary truancy conviction when a defendant has accomplished the requirements of the Act, primarily completion of high school or the equivalent. The Committee agreed that the Criminal Rules should be amended to incorporate the procedures that address this particular form of expungement. In addition, the Committee noted that some of the general summary expungement procedures in Rule 490 would be unnecessary for "streamlined" truancy expungement. The Committee concluded that, rather than incorporating the new procedures into the current rule, it would be clearer to place the procedures for truancy expungement in a separate rule that would be numbered Rule 490.1, immediately following the general summary expungement procedures in Rule 490.

The organization of new Rule 490.1 would mirror Rule 490. This would include provisions regarding the petition for expungement, provisions for review and objection by the Commonwealth, and provisions for the expungement order, if granted. Under the general summary expungement procedures of Rule 490, when a defendant is eligible for expungement, he or she must file a petition with the clerk of courts and the determination on expungement is made by a common pleas judge. Under the Act, the expungement petition may be filed and adjudicated by a "court," which is defined as "a magisterial district court, the Philadelphia Municipal Court or a Court of Common Pleas." The Committee concluded that, given the intended expedited nature of truancy expungement, the petitioner should be allowed to file in any of the courts provided in the Act. This is provided in paragraph (A)(1) of the proposed new rule that provides that the petition may be filed with "the issuing authority by whom the charges were disposed."

Paragraph (A)(2) would provide the contents of the petition. The contents are taken from requirements of

Rule 490. Most of the information in the Rule 490 petition is required to ensure that the proper case is identified and disposed. The same concern would be present in truancy cases and so the information required in the petition under Rule 490.1 is the same as in Rule 490. The one exception in contents is the requirement for a Pennsylvania State Police criminal history to be attached. Since the Act conditions expungement of truancy offenses only on completion of high school or equivalent and satisfaction of the conditions of the original case, criminal history did not appear to be as relevant here as in other summary cases. The Committee concluded that this requirement should not be carried over into proposed Rule 490.1.

The proposed new rule would also provide for notice to the Commonwealth with the opportunity to respond. The Committee discussed, given the intended expedited nature of truancy expungement, whether this should be included at all. The Committee concluded that the truancy conviction still remains a summary conviction and it would be inappropriate to deny the Commonwealth the opportunity to review and object prior to expungement of this criminal record. Therefore, paragraph (B) would provide notice and response procedures identical to those in Rule 490.

Paragraph (C) would contain the provisions related to the order granting the expungement. The contents of the order also are identical to those of Rule 490 for other summary expungement orders. As with the contents of the petition, the same concept, *i.e.* correct identification of the case, are at work here.

The Committee also concluded that the Act did not intend that the adjudicating court have unlimited discretion in denying the petition. Rather, the Committee concluded that if the petitioner provides confirmation of having completed the educational and other requirements stated in the act, the court must grant the petition. Therefore, the Comment would state that, "If the judge finds the petitioner has satisfied the statutory conditions, the judge shall grant the petition."

[Pa.B. Doc. No. 17-527. Filed for public inspection March 31, 2017, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Youth Center Supervisors, RSU Supervisors, SSU Supervisor, Treatment Supervisor Clothing Maintenance Allowance Shift Differential; Administrative Order No. 76

Order

And Now, this 7th day of March, 2017, in order to permit the execution of the Clothing Maintenance Allowance and Shift Differential for Supervisors, RSU Supervisors, SSU Supervisor and Treatment Supervisor in the Youth Center, it is hereby *Ordered* and *Decreed* that:

The County shall furnish a Four Hundred and Fifty dollar (\$450.00) clothing maintenance allowance for each employee. Employees hired after January 1st in any

contract year will receive a prorated amount based upon the number of full months of employment. The clothing maintenance allowance will be paid in two (2) equal amounts during the months of June and December.

Shift Differential shall be as follows: one dollar and twenty five cents (\$1.25) per hour.

This Order shall replace the Memorandum of Understanding between the Commissioners and Youth Center Supervisors, identified as Unit 71, and will take effect January 1, 2017.

By the Court

JEFFREY L. FINLEY,
President Judge

[Pa.B. Doc. No. 17-528. Filed for public inspection March 31, 2017, 9:00 a.m.]

SCHUYLKILL COUNTY

Local Rule of Judicial Administration 1907.2 Constable Review Board; AD 23-2017

Order of Court

And Now, this 16th day of March, 2017, at 9:45 a.m., the Court hereby adopts the following Local Rule of Judicial Administration 1907.2 for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective 30 days after publication in the *Pennsylvania Bulletin*.

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

1) File one (1) copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts via email to adminrules@pacourts.us.

2) File two (2) paper copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish a copy of the local rule on the Schuylkill County Court website at www.co.schuylkill.pa.us.

4) Incorporate the local rule into the set of local rules on www.co.schuylkill.pa.us within thirty (30) days after publication in the *Pennsylvania Bulletin*.

5) File one (1) copy of the local rule in the Office of the Schuylkill County Clerk of Courts for public inspection and copying.

6) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

By the Court

WILLIAM E. BALDWIN,
President Judge

Schuylkill County Rule of Judicial Administration 1907.2

Rule 1907.2. Constable Review Board.

A. Board Established

(1) A Constable Review Board is hereby established to assist in resolving any disputes related to a constable's performance of judicial duties.

(2) The Constable Review Board shall be appointed by the President Judge and shall include:

- (a) A Judge of the Court of Common Pleas,
- (b) A Magisterial District Judge,
- (c) The Criminal Court Administrator,
- (d) A certified constable and an alternate to be used in case of conflict, and
- (e) The County Controller or his/her designee.

B. Definitions

(1) *Constable*. Any elected or appointed constable or deputy constable engaged to perform judicial duties for the Court of Common Pleas or any magisterial district within the Twenty-First Judicial District.

(2) *Judicial Duties*. Services performed pursuant to 44 Pa.C.S.A. §§ 7161—7161.1 and further defined by the Pennsylvania Unified Judicial System's Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of the Pennsylvania Courts.

C. Jurisdiction

(1) Nothing in this rule shall be interpreted to preclude any person or surety of a constable from filing a verified petition with the Court of Common Pleas in accordance with 44 Pa.C.S. § 7172 alleging that a constable is incompetent to discharge official duties.

(2) The Constable Review Board's jurisdiction extends only to complaints regarding constables in the performance of judicial duties.

(3) Consistent with the Pennsylvania Unified Judicial System's Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of Pennsylvania Courts, the Constable Review Board may receive complaints by or against constables regarding:

- (a) The performance of judicial duties;
- (b) Financial/payment disputes; or
- (c) Other matters relating to a constable's judicial duties.

D. Authority

(1) The Constable Review Board may make recommendations to the President Judge regarding the judiciary's continued use of a constable's services.

(2) If a complaint involves a financial dispute or other matter within the control of the Schuylkill County Commissioners, the Constable Review Board may make recommendations to the Commissioners regarding payment for services.

(3) The Constable Review Board shall forward any findings of suspected criminal activity to the Schuylkill County District Attorney.

(4) The President Judge remains the ultimate authority with regard to a constable's performance of judicial duties within the Twenty-First Judicial District. The President Judge may, at any time, place a temporary moratorium on the use of a particular constable within the Judicial District pending review and recommendation of the Constable Review Board on a pending complaint.

E. Filing a Complaint

(1) A complaint shall be in writing, signed by the complainant, and contain a statement of the alleged misconduct, financial dispute, or other matter related to the performance of judicial duties.

(2) The complaint may be submitted by mail or fax to:

Criminal Court Administrator
Schuylkill County Courthouse
401 North Second Street
Pottsville PA 17901
Phone: 570-628-1334
Fax: 570-628-1108

(3) The written complaint shall substantially conform to the form set forth in Section H hereof. Upon request, the Criminal Court Administrator shall provide a complaint form to the prospective complainant.

(4) Upon receipt of a complaint, the Criminal Court Administrator shall:

- (a) Note the date of receipt of the complaint;
- (b) Provide the President Judge a copy of the complaint; and
- (c) Create a file to contain the complaint, any written response, documents, statements, or other written communications related to the complaint.

(5) Within three (3) business days, the Criminal Court Administrator shall forward a copy of the complaint to the respondent constable, if the complaint is against a constable, or to any other respondent, if the complaint is by a constable. Along with the complaint, the Criminal Court Administrator shall provide the constable/respondent with written notice that he or she must provide the Criminal Court Administrator a written response to the complaint within twenty (20) days from the date of such notice, unless the President Judge orders that the response be filed sooner. The notice shall further provide that should the constable/respondent fail to timely respond, the recommendation of the Board and decision of the President Judge may be based on the available information.

F. Constable Review Board Action

(1) Upon receipt of a written response, or the expiration of the time for responding, whichever is sooner, the Criminal Court Administrator shall forthwith forward a copy of the file, including the complaint, the response, and all file documentation, to each member of the Constable Review Board for review.

(2) Within thirty (30) days of receipt of the file material:

(a) If the Board finds that the issues raised by the complaint fall outside the jurisdiction or authority of the Board, it shall forward the file to the President Judge and provide the President Judge and the complainant with a written statement of the reasons for its findings;

(b) With complaints involving payment disputes or complaints regarding constables in the performance of judicial duties, the Board shall interview the complainant, the constable, and all other relevant witnesses. Should the Board as a whole find it impractical to timely complete the interviews and its recommendation, it may request the President Judge to extend the time for doing so or to permit the interviews to be conducted by three members of the Board to be selected by the President Judge, or both.

(c) In all other matters, the Board may conduct interviews or make a recommendation to the President Judge based exclusively upon the complaint, response, and all other written documentation submitted.

G. *President Judge Action*

(1) Within thirty (30) days of receipt of the Constable Review Board's recommendation, the President Judge

shall provide written notice to the complainant and respondent of the Court's decision.

H. *Form of Complaint*

CONSTABLE REVIEW BOARD FOR THE 21ST JUDICIAL DISTRICT COMPLAINT

A. COMPLAINANT:

Your Name: _____

Address: _____

Telephone #: _____

B. CONSTABLE COMPLAINED OF:

Name: _____

Contact Info: _____

(if known) _____

C. STATEMENT OF COMPLAINT: PLEASE BE SPECIFIC, relevant dates, names of witnesses and any relevant documents. Explain the conduct or practice complained of, the date(s), names of witnesses, and attach copies of relevant documents. You may attach as many additional pages as necessary to fully set forth your complaint.

Date

Signature

The Complaint may be faxed or mailed to the following:

Criminal Court Administrator
Schuylkill County Courthouse
401 North Second Street
Pottsville PA 17901
Fax: 570-628-1108

[Pa.B. Doc. No. 17-529. Filed for public inspection March 31, 2017, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of the Budget

The Executive Board approved a reorganization of the Governor's Office of the Budget effective March 15, 2017.

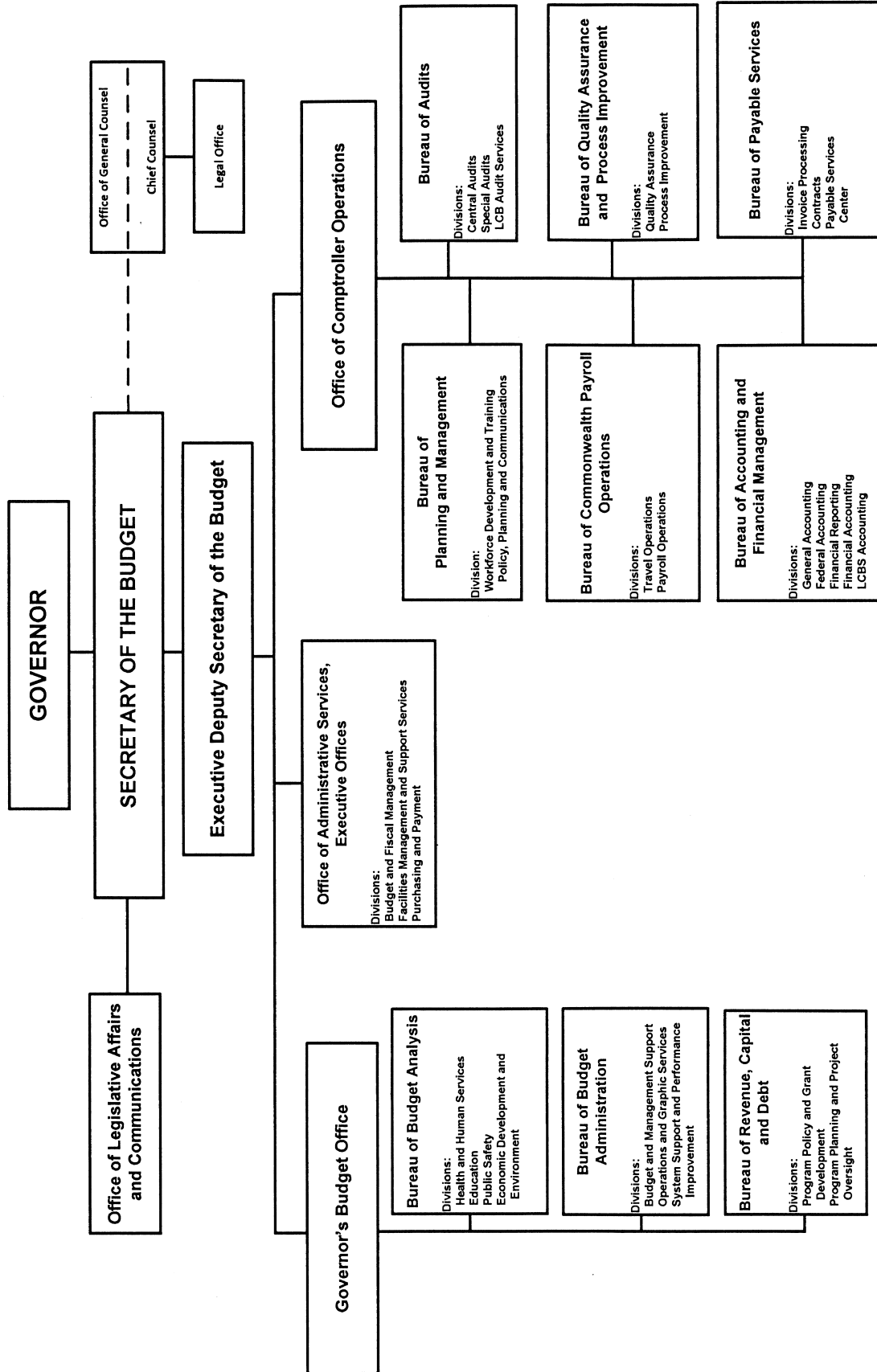
The organization chart at 47 Pa.B. 1856 (April 1, 2017) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 17-530. Filed for public inspection March 31, 2017, 9:00 a.m.]

GOVERNOR'S OFFICE OF THE BUDGET

OR-16-033
March 15, 2017



NOTICES

DELAWARE RIVER BASIN COMMISSION

Special Public Hearing Rescheduled

The Delaware River Basin Commission's (Commission) public hearing on a draft resolution for the review of aquatic life uses in the Delaware River Estuary in recognition of improved water quality will take place at 2 p.m. on Thursday, April 6, 2017, at the West Trenton Volunteer Fire Company Hall, 40 West Upper Ferry Road, West Trenton, NJ 08628. For directions visit www.wtvfc.org/directions.htm. The public hearing was originally scheduled for March 15, 2017, but was cancelled due to a winter storm and has been rescheduled.

Individuals who wish to comment at the hearing, pre-register by e-mailing paula.schmitt@drbc.nj.gov, using the subject line "Pre-registration to speak on April 6." The Commission is also accepting written comments on the resolution through 5 p.m. on April 13, 2017. For additional information, including hearing procedures, how to submit written comments and the text of the draft resolution, visit www.drbc.net.

PAMELA M. BUSH, Esq.,
Secretary

[Pa.B. Doc. No. 17-531. Filed for public inspection March 31, 2017, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Interstate/International and General Quarantine Order; Virus Control for Highly Pathogenic Avian Influenza Poultry at Competitions, Shows, Fairs and Exhibitions

Recitals.

A. Under the authority established in the Domestic Animal Law (3 Pa.C.S.A. §§ 2301—2389) and specifically the authority to establish quarantine orders as set forth at section 2329 of the Domestic Animal Law (3 Pa.C.S.A. §§ 2329(a) and 2329(d)), the Pennsylvania Department of Agriculture (Department) hereby establishes a General Quarantine Order related to poultry and poultry products, including eggs, at the annual Pennsylvania Farm Show and competitions, shows, fairs and exhibitions within the Commonwealth of Pennsylvania which receive funding pursuant to the Pennsylvania Agricultural Fair Act (Act of July 8, 1986, P.L. 437, No. 92) (3 P.S. § 1501 et seq.).

B. This General Quarantine Order is established to address all highly pathogenic avian influenza strains, including the H5N2 and H5N8 avian viruses that have developed into a virulent form of the disease. These sub-types are easily spread, and may mutate into strains that are communicable to or among humans.

C. Avian influenza is designated a "dangerous transmissible disease" of animals under the provisions of the Domestic Animal Law (3 Pa.C.S.A. §§ 2301—2389), at 3 Pa.C.S.A. § 2321(a).

D. The Department has broad authority under the Domestic Animal Law to establish and enforce quarantine orders, with regard to any infected, exposed, contaminated, suspected or susceptible domestic animal, whenever a dangerous transmissible disease exists within or outside of this Commonwealth, or whenever it is deemed advisable to test or treat any domestic animal upon the reasonable suspicion that it has contacted or been exposed to a dangerous transmissible disease, or whenever the testing or treatment of a domestic animal indicates that the domestic animal has been exposed to a dangerous transmissible disease so as to render future accurate testing for recent exposure of that domestic animal to that dangerous transmissible disease impractical or impossible.

E. Avian Influenza, including the current virulent strains of Highly Pathogenic Avian Influenza, may be transferred and spread through the movement of poultry, eggs, and products of poultry.

F. Avian Influenza has caused significant loss in the past to the Pennsylvania poultry industry and the current virulent forms of the disease have caused wide-spread loss to the poultry industry in states in which it has been detected and confirmed.

G. Highly Pathogenic Avian Influenza is of particular concern to the entire Pennsylvania poultry industry as it may cause wide-spread loss of poultry, severely limit the market for Pennsylvania product and cause severe economic damage to the poultry industry in Pennsylvania.

H. Poultry and poultry products, including eggs, are susceptible to Highly Pathogenic Avian Influenza and the dangerous transmissible disease may be spread through exposure to such poultry and poultry products. The transportation of, display or exhibition of poultry, poultry products, including eggs, materials contacting poultry, containers, conveyances and goods at competitions, shows, fairs, exhibitions and other venues within the Commonwealth has the potential to transfer and spread Highly Pathogenic Avian Influenza.

Order.

In consideration of the previous recitals, and with those recitals incorporated into this Order by reference, the Department hereby establishes a General Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(a) and (d), and section 1702 of The Administrative Code of 1929 (71 P.S. § 442). The following are the conditions and requirements of this General Quarantine Order:

1. Pennsylvania Poultry, Waterfowl, Upland Game Birds, Ratites, and Pigeons/doves:

All Pennsylvania poultry, including chickens, turkeys, waterfowl, and upland game bird being brought onto the premises or displayed or exhibited at the annual Pennsylvania Farm Show or any competitions, shows, fairs, exhibitions or other such venues, within the Commonwealth of Pennsylvania which receive funding pursuant to the Pennsylvania Agricultural Fair Act (Act of July 8, 1986, P.L. 437, No. 92) (3 P.S. § 1501 et seq.) must bear an official Department-issued leg band. Ratites must be identified with a neck band or an electronic implant device (the exhibitor must supply a reader). Pigeons and doves must bear a unique individual identification leg band but do not have to be identified with an official Department-issued leg band. Beginning June 1, 2018, all

Pennsylvania poultry, including chickens, turkeys, waterfowl, and upland game birds, must bear an official Department-issued butt-end leg band except for exemptions at the discretion of the Department.

2. *Out of State Poultry, Waterfowl, Upland Game Birds, Ratites, and Pigeons/doves:*

Beginning June 1, 2018, all poultry entering Pennsylvania, from another state or country, including chickens, turkeys, waterfowl and upland game birds, being brought onto the premises or displayed or exhibited at the annual Pennsylvania Farm Show or any competitions, shows, fairs, exhibitions or other such venues, within the Commonwealth of Pennsylvania which receive funding pursuant to the Pennsylvania Agricultural Fair Act (Act of July 8, 1986, P.L. 437, No. 92) (3 P.S. § 1501 et seq.) must bear an official leg band issued by the state or country of origin. Ratites must be identified with a neck band or an electronic implant device (the exhibitor must supply a reader). Pigeons and doves must bear a unique individual identification leg band but do not have to be identified with an official leg band issued by the state or country of origin.

3. *Quarantine Area and Term.* The area covered by this General Quarantine Order is the entire Commonwealth of Pennsylvania and shall be in effect until further order of the Department.

4. *Applicable definitions:*

Poultry—For purposes of this Order, poultry shall include, chickens, turkeys, waterfowl, upland game birds, pigeons/doves and any other commercial species of bird, including gallinaceous birds and ratites, of any age, that may contract or harbor Avian Influenza virus, but shall exclude processed poultry purchased at wholesale for cooking and re-sale for human consumption.

Poultry products—For purposes of this Order shall include eggs, unprocessed dead poultry, feathers or other parts of poultry, items made from poultry or poultry parts, but shall exclude those items purchased at wholesale for cooking and re-sale for human consumption.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 17-532. Filed for public inspection March 31, 2017, 9:00 a.m.]

Referendum Order on Establishment of Pennsylvania Apple Program

A referendum will be held for Pennsylvania apple producers to vote on whether to establish a new program pursuant to the Agricultural Commodities Marketing Act, 3 Pa.C.S. §§ 4501—4513, titled the Pennsylvania Apple Program.

The proposed Pennsylvania Apple Program Order which would establish and govern the operation of the program is published in its entirety as Appendix “A” to this document.

After a public hearing held on February 1, 2017 and in accordance with Section 4503 of the Agricultural Commodities Marketing Act, this office finds that the establishment of the program outlined in the attached proposed Pennsylvania Apple Program Order will tend to effectuate the purposes of the Agricultural Commodities Marketing Act.

I. *Referendum Period:* The referendum period shall be from April 3, 2017, until 4 p.m. on April 18, 2017. Completed ballots shall be mailed or hand-delivered to the Pennsylvania Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Hand-delivered ballots must be received by 4 p.m. on April 18, 2017. Ballots that are mailed must be postmarked no later than April 18, 2017, and received no later than April 21, 2017.

II. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 27, 2017, to all affected producers whose names appear on the list of Pennsylvania apple producers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

III. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is March 27, 2017. Names of affected eligible producers shall be taken from the commodity apple list of producers maintained in the Office of the Secretary of Agriculture. An affected producer is a person who produces or grows, or causes to be produced or grown, apples in Pennsylvania for the purpose of sale and has 500 or more apple trees of all ages.

IV. *Counting of Ballots:* The ballots will be opened and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 10 a.m., Monday, April 24, 2017, at the Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*, and disseminated to the news media.

V. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than seven (7) calendar days from the end of the referendum period.

VI. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*.

VII. *Effective Date:* The foregoing order shall be effective immediately.

RUSSELL C. REDDING,
Secretary

APPENDIX A

Proposed Program Order Pennsylvania Apple Program

Article I: Declaration

In accordance with requirements of the Agricultural Commodities Marketing Act, as amended, the Secretary of Agriculture finds that this program effectuates the purposes of said Act.

Article II: Definitions

Section A. Definitions: As used in this program, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

1. “Act” means the Act of March 24, 1998 (P.L. 217, No. 39) (3 Pa.C.S.A. § 4501 et seq.) known as the Agricultural Commodities Marketing Act.

2. "Apples" means all apples produced or grown in Pennsylvania for the purpose of sale by any producer as herein defined.

3. "Commodity Board" or "Board" consists of the Secretary plus those persons who are appointed by the Secretary from among producers whose commodities are subject to this program.

4. "Department" means the Department of Agriculture of the Commonwealth of Pennsylvania.

5. "Fresh Market" means all outlets other than processing.

6. "Contract" Any contract or agreement between the Commodity Board and a person for the performance of services relating to U.S. Apple Association membership obligations, research, consumer education, and administrative expense necessary for the accomplishment of those authorized activities.

7. "Season" means the period beginning July 1 of any year extending through June 30 of the following year.

8. "Person" means an individual, partnership, firm, corporation, association or any other business unit.

9. "Processing" means the operation of canning, dehydrating, preserving, freezing, grinding, crushing, slicing or in any way preserving or changing the form of apples, as herein defined, for marketing in any form other than as a whole apple for fresh consumption.

10. "Producer" means a person who produces or grows or causes to be produced or grown apples as herein defined.

11. "Sales Agent" A processor, a producer or a person who purchases, handles, receives, sells or contracts to sell apples originating from a producer. A producer may be a sales agent with respect to apples of his/her/its own production.

12. "Secretary" means the Secretary of Agriculture of the Commonwealth of Pennsylvania, or his/her designee.

Article III: Scope of Program

The area affected by this program shall be the Commonwealth of Pennsylvania. The program shall apply to all producers who have 500 or more apple trees of all ages.

Article IV: Commodity Board

Section A. Establishment and Members

The Commodity Board shall consist of seven (7) members, one of whom shall be the Secretary, or his/her designee, and shall have the primary decision making authority in the administration of this program, as provided in the Act.

Section B. Term of Office

1. The term of office of each appointed member shall be for three (3) years, beginning July 1 and ending June 30: Provided, that the terms of office of the initial appointed members of the Commodity Board shall be staggered as follows: two (2) members shall serve one (1) year terms; two (2) members shall serve two (2) year terms; and three (3) members shall serve three (3) year terms. All members appointed after those first appointed, shall serve three (3) year terms.

2. The Secretary, or his/her designee, will be a member of the Commodity Board, and the other six (6) members shall be appointed by the Secretary from among the

affected producers. In making these appointments, the Secretary shall consider nominations submitted by the affected producers.

3. Successor members to fill the expired terms of members of the Commodity Board shall be appointed in the same manner as the initial members of the Commodity Board. Members shall serve in such capacities for the portion of the term of office for which they are appointed and until their respective successors are appointed and have qualified.

4. Any person appointed as a member of the Commodity Board shall be and remain a producer while a member of the Board and shall qualify by filing a written acceptance with the Secretary within fifteen (15) days of being notified.

5. To fill any vacancy occasioned by the failure of any person appointed as a member of the Commodity Board, a successor for the unexpired term of such member shall be appointed by the Secretary from among the affected producers.

6. Meetings of the Board will be held at least two (2) times a year.

Section C. Powers and Duties of the Board

The Commodity Board shall have the primary decision-making authority relative to contracts and other projects in furtherance of this program and includes the following powers and duties:

1. To determine all matters pertaining to this program.

2. To adopt written procedures for acquiring and disposing of property, and subject to these procedures, to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property.

3. To make and enter into contracts and agreements, in accordance with the provisions of the law, which the Board deems necessary or incidental to the furtherance of the program or performance of duties and powers pursuant to the Act. The Board shall adopt written procurement procedures for all contracts.

4. To receive, account for and disburse all monies collected pursuant to this program, the Act and any applicable regulations.

5. To prepare a budget for the administration, operating costs and expenses of this program.

6. To receive and report to the Secretary complaints or violations of this program and to assist and cooperate with the Secretary in the enforcement thereof.

7. To establish committees or subcommittees to carry out assigned duties and functions, and to designate Board members and non-board members to serve on such committees and subcommittees.

8. To collect and gather information and data relevant to the proper administration of this program.

9. To charge fees and to assist the Secretary in the imposition of fees and the collection of fees and revenue pursuant to the Act.

10. To issue an annual report on the operation of this program.

11. To recommend amendments to this program and amendments to the Act and regulations issued pursuant thereto.

Section D. Expenses and Compensation

No member of the Board shall receive a salary, but each shall be entitled to actual expenses incurred while engaged in performing duties authorized herein. In addition, a per diem payment may be made to each Board Member or subcommittee member for each day in which a Board Member or subcommittee member is performing a duty necessary to the functions of the Board. The per diem payment shall not exceed the maximum sum allowable under the Act.

Article V: Powers and Duties of the Secretary

Subject to the provisions contained in the Act, the Secretary shall administer and enforce the provisions of the Act, and shall have and shall exercise all administrative powers necessary to effectuate the purposes of the Act, including the issuance of this program, the appointment of members to the Commodity Board and the providing of personnel, staff, legal counsel, and office facilities required for the administration and enforcement of this program.

Article VI: Purpose

This program is to provide funds to be used for, or to contract with any person, organization, or state or federal agency to, conduct, administer and execute plans and/or contracts for: (1) fulfillment of U.S. Apple membership obligations; (2) research regarding apples or apple products; (3) consumer education regarding apples or apple products; and (4) administrative activities necessary to those three authorized objectives and activities. U.S. Apple membership obligations shall be satisfied and maintained at the millage rate set for Pennsylvania by the U.S. Apple Association.

No program materials shall be approved, which shall make use of false or unwarranted claims. The Secretary and the Board may cooperate with any other state or Federal agency, or other organization whose activities may be deemed beneficial to the purpose of this Act.

Article VII: Budget, Rate of Assessment, Collection of Assessment, Disbursement of Funds

Section A. Budget and Assessment

1. A budget shall be prepared and established for each season and not later than July 1st, for the administration and enforcement of this program and for carrying out duly authorized programs and activities as herein provided.

2. The rate of assessment shall be five cents (\$.05) per harvested bushel of apples sold for fresh market use and one cent (\$.01) per harvested bushel of apples sold or accepted for processing. A producer may elect to pay the rate of (\$.05) per harvested bushel of apples sold for all purposes.

3. A bushel shall be that amount defined as a bushel of apples by the United States Department of Agriculture, Federal Crop Insurance Corporation regulations.

4. No assessment shall be paid on apples grown and processed by a producer as an ingredient of an agricultural commodity sold by that same producer subject to another program established under the Agricultural Commodities Marketing Act.

Section B. Collection of Assessment / Charge

1. Each producer shall be responsible for payment of the proper charge upon the apples which he produces or causes to be produced, and sells or delivers for sale.

2. All producers shall make remittance and accounting of the proper charge to the Secretary or his/her designated fiscal agent. Such remittance and accounting shall be inclusive of all sales of apples through the end of the period.

3. Any delinquent producer may be assessed a penalty for late payments as established by regulation.

Section C. Disbursement of Funds

1. Disbursement of funds shall be made in the manner described in the Act and in any rules or any regulations promulgated by the Secretary to effectuate the provisions and intent thereof, and in accordance with the provisions of this program.

Article VIII: Effecting Program

This program, or any amendment thereto, shall not become effective unless and until the Secretary determines by a referendum whether the affected producers assent to the proposed action. The Secretary shall conduct the referendum among affected producers and the affected producers shall be deemed to have assented to the proposed program if, of those voting, not less than a majority by number and a majority by volume assent to the proposed program.

Article IX: Amending Program

The Secretary shall call for a referendum on amendments to the program within a reasonable period of time, upon the request of the Board or with written request of ten percent of the producers in a commodity group of over two thousand affected producers or fifteen percent of the producers in a commodity group of less than two thousand affected producers. In voting on an amendment to the program, the vote shall be only on the amendment, and shall not terminate the program.

Article X: Terminating Program

Subject to approval of the Board, the Secretary shall suspend or terminate this program or any provisions hereof whenever he finds that such provisions or program does not tend to effectuate the purpose of the Act within the standards and subject to the limitations and restrictions imposed in the Act; Provided that such termination or suspension shall not be effective until the expiration of the current season.

If the Secretary finds that the termination of the program is requested in writing, by more than thirty-three and one-third percent of the affected producers who produce for market more than fifty percent of the volume of agricultural commodities produced within the designated production area for market, the Secretary shall terminate or suspend for a specified period, the program or provisions thereof; provided that such termination shall be effective only if announced on or before the first day of July in any calendar year. If ten percent of the producers in a commodity group of over two thousand affected producers or fifteen percent of the producers in a commodity group of less than two thousand affected producers, request in writing, that a referendum be held on the question of terminating the program, the Secretary must announce and conduct a referendum within a reasonable period of time. The program shall be terminated if so voted by a majority of those voting.

Article XI: Program Reviewed

At intervals of no greater than five (5) years, the Secretary of Agriculture shall call a referendum to determine whether or not a majority of the apple producers voting still desire a Commodity Program.

Article XII: Interpretation

Applicable provisions of this program shall be interpreted consistent with the Act and the Act shall take precedence in the event of any conflict with this program.

Article XIII: Effective Date

This Program shall become effective 21 days from publication of the notice of issuance in accordance with Section 9 of the Act.

[Pa.B. Doc. No. 17-533. Filed for public inspection March 31, 2017, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking 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 March 21, 2017.

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

BANKING INSTITUTIONS

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-15-2017	Fulton Financial Corporation Lancaster Lancaster County Application for approval to acquire up to 19.99% of the preferred stock of United Bancshares, Inc., Philadelphia.	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-20-2017	Firsttrust Savings Bank Conshohocken Montgomery County Application for approval to purchase assets and assume liabilities of one branch of MB Financial Bank, Rosemont, IL, located at: 7918 Bustleton Avenue Philadelphia Philadelphia County	Effective
3-20-2017	Ambler Savings Bank Ambler Montgomery County Application for approval to merge Bally Savings Bank, Bally, with and into Ambler Savings Bank, Ambler.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-21-2017	Republic First Bank Philadelphia Philadelphia County	1400 Blackwood-Clementon Clementon Camden County, NJ	Filed

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 17-534. Filed for public inspection March 31, 2017, 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 POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0203726 (Sewage)	US Post Ofc STP 705 Olive Street Suite 416 St Louis, MO 63101	Somerset County Addison Borough	Chub Run (19-F)	Yes

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0054151 (Sewage)	Kennedy SRSTP 7 College View Malvern, PA 19355	Chester County East Whiteland Township	Unnamed Tributary of Ridley Creek (3-G)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060071 (Industrial Wastewater)	Sanofi Pasteur, Inc. Discovery Drive Swiftwater, PA 18370	Monroe County Pocono Township	Swiftwater Creek (01E)	Yes
PA0031364 (Sewage)	Wallenpaupack High School WWTP 2552 Route 6 Hawley, PA 18428-7045	Pike County Palmyra Township	Lake Wallenpaupack (1-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0083046 (IW)	Easco Hand Tools, Inc. 10 Appletree Circle Wrightsville, PA 17368-8059	Lancaster County/ West Hempfield Township	Conestoga River/7-J	Y
PA0083917 (IW)	Edge Rubber, LLC 811 Progress Road Chambersburg, PA 17201	Franklin County/ Chambersburg Borough	Conodoguinet Creek/14-C	Y
PA0086533 (IW)	Glen Cable Industries, Inc. 3101 Pleasant Valley Boulevard	Blair County/ Altoona City	Mill Creek/11-A	Y
PA0248207 (SEW)	Kevin and Melissa Nelson 12 Chestnut Grove Lane Newville, PA 17241	Cumberland/ Upper Frankford	UNT Conodoguinet Creek/7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0104086 (Industrial)	Mercer Forge 315 South Erie Street Suite F Mercer, PA 16137	Mercer County Mercer Borough	Neshannock Creek and an Unnamed Tributary to the Neshannock Creek (20-A)	Yes
PA0238635 (Sewage)	Frank A. Jr. & Melissa A. Blaine SRSTP 304 Eagle Mill Road Butler, PA 16001	Butler County Connoquenessing Township	Little Connoquenessing Creek (20-C)	Yes

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. Phone: 412.442.4000.

PA0255238, Sewage, SIC Code 8800, **Lawrence Gregory**, 286 McClay Road, Washington, PA 15301. Facility Name: Gregory SRSTP. This proposed facility is located in Canton Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary of Chartiers Creek, is located in State Water Plan watershed 20-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

The EPA waiver is in effect.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000

PA0255203, Industrial, SIC Codes 6531, 4225, 5712, **JD&D Enterprises**, 100 Ross Street, Pittsburgh, PA 15219. Facility Name: Franklin Commercial Park. This proposed facility is located in Franklin Township, **Fayette County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated groundwater and storm water.

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

The proposed effluent limits for Internal Monitoring Point 101 are based on a variable flow rate.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX

The proposed effluent limits for Outfall 001 are based on a variable flow rate.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Maximum</i>
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is not in effect.

PA0218537, Industrial, SIC Code 1481, **Bet-Tech International, Inc.**, 6010 Woodlawn Road, Aliquippa, PA 15001. Facility Name: Beaver Valley Slag—Blacks Run Site. This existing facility is located in Center Township, **Beaver County**.

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

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

The proposed effluent limits for Outfall 007 are based on a design flow of 0.09 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	9.0 Max	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Boron, Total						
Interim	XXX	XXX	XXX	Report	Report	XXX
Final	XXX	XXX	XXX	1.69	2.64	XXX
Cyanide, Free						
Interim	XXX	XXX	XXX	Report	Report	XXX
Final	XXX	XXX	XXX	0.005	0.008	XXX
Selenium, Total						
Interim	XXX	XXX	XXX	Report	Report	XXX
Final	XXX	XXX	XXX	0.005	0.009	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

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

- Effluent limit Schedule of Compliance

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

The EPA Waiver is in effect.

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

PA0056880, Industrial, SIC Code 4952, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19058-0460. Facility Name: LBCJMA Water Treatment Plant. This existing facility is located in Tullytown Borough, **Bucks County**.

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

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

The proposed effluent limits for Monitoring Point MP 103 are based on a design flow of 0.48 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)						
Internal Monitoring Point	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)						
Internal Monitoring Point	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)						
Internal Monitoring Point	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids						
Internal Monitoring Point	XXX	XXX	XXX	30.0	60.0	75
Aluminum, Total						
Internal Monitoring Point	XXX	XXX	XXX	4.0	8.0	10
Iron, Total						
Internal Monitoring Point	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total						
Internal Monitoring Point	XXX	XXX	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 003 are based on a design flow of 0.7 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)						
Internal Monitoring Point	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids						
Internal Monitoring Point	XXX	XXX	XXX	30.0	60.0	75
Aluminum, Total						
Internal Monitoring Point	XXX	XXX	XXX	4.0	8.0	10
Iron, Total						
Internal Monitoring Point	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total						
Internal Monitoring Point	XXX	XXX	XXX	1.0	2.0	2.5

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

- Sedimentation Basin Cleaning Operation
- TRC Minimization
- Maximum Discharge Rate and Limited Discharge Period for MP 103
- High Tide Condition
- Authorization to discharge into Authority's sanitary sewer during maintenance.

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

The EPA Waiver is in effect.

PA0244902, Storm Water, SIC Code 4953, **Waste Management of PA Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. Facility Name: Waste Management of PA—Tullytown Facility. This facility is located in Tullytown Borough, **Bucks County**.

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

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

The proposed effluent limits for Outfalls 001 to 010 are:

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

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

- Benchmark value for some parameters
- BMPs requirements
- Types of stormwater that can be discharged through outfalls

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

The EPA Waiver is in effect.

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

PA0264946, Sewage, SIC Code 8800, **Richard Seger**, 2108 Mercer Road, Fredonia, PA 16124. Facility Name: Richard Seger SRSTP. This proposed facility is located in Delaware Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary to Shenango River, is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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.

PA0264903, Sewage, SIC Code 8800, **Deborah Schmelzer**, PO Box 53, Hilliards, PA 16040. Facility Name: Deborah Schmelzer SRSTP. This proposed facility is located in Slippery Rock Township, **Butler County**.

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

The receiving stream, the Slippery Rock Creek, is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	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.

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

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

WQM Permit No. 0210201 A-1, Industrial, **Allied Waste Systems of Pennsylvania, LLC**, 11 Boggs Road, PO Box 47, Imperial, PA 15126-0047.

This existing facility is located in Findlay Township, **Allegheny County**.

Description of Proposed Action/Activity: Modification of stormwater basin outlet structures to control storm water effluent quality.

WQM Permit No. 463S090 A-1, Sewage, **West Newton Borough Municipal Authority Westmoreland County**, 112 S Water Street, West Newton, PA 15089.

This existing facility is located in West Newton Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Improvements to West Newton PS, replacement of forcemain.

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

WQM Permit No. WQG02461703, Sewage, **Franconia Sewer Authority**, 671 Allentown Road, Telford, PA 18969.

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

Description of Action/Activity: Installation of grinder pump, construct sewage force main, abandon septic disposal system.

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

WQM Permit No. 2585409 A-2, Sewage, **Lake City Borough Erie County**, 2350 Main Street, Lake City, PA 16423-1509.

This existing facility is located in Lake City Borough, **Erie County**.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390015	Liberty Property Limited Partnership 74 W. Broad St. Suite 240 Bethlehem, PA 18018	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450019	Snydersville Development Corp, LLC P.O. Box K Stroudsburg, PA 18360	Monroe	Hamilton Township	Appenzel Creek (HQ-CWF, MF)
PAD450020	Buck Hill Falls Co. P.O. Box 426 Buck Hill Falls, PA 18323	Monroe	Barrett Township	UNT to Brodhead Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD310001	Huntingdon Borough 530 Washington Street P.O. Box 592 Huntingdon, PA 16652	Huntingdon	Huntingdon Borough	Standing Stone Creek (HQ-CWF, MF)
PAD670004	Corey A. Grove 5135 Macks Road Stewartstown, PA 17363	York	East Hopewell Township	UNT Rambo Run (EV, MF)

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

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD180007	Jacob Esh 168 Hidden Acres Lane Loganton, PA 17747	Clinton	Greene Twp	Mill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD10002	John Allen Jr. Family Trust P.O. Box 430 Saxonburg, PA 16056	Butler	Buffalo Twp	UNT to Little Buffalo Cree/HG-TSF

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

PAG-12 CAFOs

CAFO Notices of Intent Received

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

NPDES Permit No. PAG124858, CAFO, **Brian J. Hummer**, 30 Trump Road, Danville, PA 17821-9375.

This proposed facility is located in Valley Township, **Montour County**.

Description of size and scope of proposed operation/activity: The existing facility is comprised of two turkey barns and a manure storage. Another two barns and two manure storages are proposed. The final facilities will house approximately 84,100 turkeys. There are a total of 398.42 AEU's.

The receiving stream, Unnamed Tributary to Kase Run, is in watershed 5-E and classified for: Cold Water Fishes and Migratory Fishes.

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

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

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

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

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

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

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

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Joe Jurgielewicz & Son, Ltd. 1016 Plum Creek Road Sunbury, PA 17801	Northumberland	9.4	74.61	Developer Ducks	N/A	Renewal
Jonathan Stauffer 3535 Old State Road Leck Kill, PA 17836	Northumberland	10	520.80	Layers	N/A	Renewal
Jerrel Brubaker 269 Meeting House Lane Lewisburg PA 17837	Union	850.8 Acres	673.25	Swine and Poultry	N/A	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

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

Permit No. 1517506, Public Water Supply.

Applicant **Jeremy Crum-Certified Operator**
1697 Swamp Pike
Gilbertsville, PA 19525

Township East Vincent

County **Chester**

Type of Facility PWS

Consulting Engineer Bruce Rader
Berks Surveying and Engineering, Inc.
311 East Main Street
Fleetwood, PA 19522

Permit to Construct Issued March 13, 2017

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

Application No. 3517502MA, Public Water Supply.

Applicant **Aqua PA, Inc.**
1 Aqua Way
White Haven, PA 18661

[Township or Borough] South Abington Township,
Lackawanna County

Responsible Official Patrick R. Burke, PE
Aqua PA, Inc.
204 E. Sunbury Street
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE
GHD
1240 North Mountain Road
Harrisburg, PA 17112
(717) 541-0622

Application Received Date 03/08/2017

Description of Action Replace the existing chemical feed system, hydropneumatics tank and install a new pitless adaptor on Well No. 1.

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

Permit No. 3060087, Public Water Supply.

Applicant **Western Berks Water Authority**

Municipality Centre Township

County **Berks**

Responsible Official

Type of Facility Public Water Supply

Consulting Engineer Not Listed

Application Received: 2/15/2017

Description of Action This permit is being issued as a comprehensive operation permit. It will transfer ownership and operation of the public water system, PWSID 3060087, from Mohrsville Water Association, Inc. to Western Berks Water Authority and being renamed as Western Berks Water Authority—Mohrsville District.

Permit No. 2817503, Public Water Supply.

Applicant **Greencastle Area Franklin County Water Authority**

Municipality Greencastle Borough

County **Franklin**

Responsible Official Eden R. Rafliff, Manager
60 North Washington Strteet
Greencastle, PA 17225

Type of Facility Public Water Supply

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

Application Received: 3/8/2017

Description of Action Repainting of the existing treatment plant storage tank and installation of temporary storage tank for maintaining adequate disinfection contact time.

Permit No. 3066215, Public Water Supply.

Applicant **Great Oak Spring Vended Water System**

Municipality Exeter Township

County **Berks**

Responsible Official Roger N. Kauffman
100 Cleveland Avenue
Reading, PA 19605

Type of Facility Public Water Supply

Consulting Engineer Not Listed

Application Received: 3/9/2017

Description of Action This permit is for removal of the three dispensing units at Entry Point 107 located at Bowlarama, Inc., 4100 Perkiomen Avenue, Reading, PA 19606. The units will be relocated to 4170 Perkiomen Avenue, Reading, PA 19606. The new address will be referred to as Entry Point 111.

Permit No. 3060052, Public Water Supply.

Applicant **Caernarvon Township Municipal Authority**

Municipality Caernarvon Township

County **Berks**

Responsible Official

Type of Facility Public Water Supply
 Consulting Engineer Holly C. Cinkutis, P.E.
 Great Valley Consultants
 75 Commerce Drive
 Wyomissing, PA 19610
 Application Received: 1/27/2017
 Description of Action Comprehensive operation permit for the abandonment of the Authority's Swamp Road Well Site and the accompanying Swamp Road Wells No. 1, 4, and 5.

Permit No. 7360094, Public Water Supply.

Applicant **Zerbe Sisters Nursing Center, Inc.**
 Municipality Caernarvon Township
 County **Lancaster**
 Responsible Official Dan Caftey
 2499 Zerbe Road
 Narvon, PA 17555

Type of Facility Public Water Supply
 Consulting Engineer Not Listed
 Application Received: 3/10/2017
 Description of Action Transfer of ownership from Guardian Elder Care to Zerbe Sisters Nursing Center, Inc.

Permit No. 2117505 MA, Minor Amendment, Public Water Supply.

Applicant **Regency Woods MHP**
 Municipality Middlesex Township
 County **Cumberland**
 Responsible Official Lynde K. Blymier, Property Manager
 130 Rex Drive
 Carlisle, PA 17013

Type of Facility Public Water Supply
 Consulting Engineer Kevin L. Little, P.E.
 Barton & Loguidice DPC
 3901 Hartzdale Drive
 Camp Hill, PA 17013

Application Received: 3/9/2017
 Description of Action The four greensand filters in Pump House # 1 will be replaced one at a time, and a 35 gpm flow restrictor will be installed on the system discharge.

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

Application No. 1717505—Construction—Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Township/Borough Sandy Township
 County **Clearfield**
 Responsible Official Patrick R. Burke
 204 East Sunbury St.
 Shamokin, PA 17872-0909

Type of Facility Public Water Supply

Consulting Engineer Melissa M. Harrison
 GHD
 1240 North Mountain Rd.
 Harrisburg, PA 17112
 Application Received 3/17/2017
 Description of Action Construction of a replacement treatment building with iron and manganese removal filters. Increased permitted withdrawal rate from Well No. N-23.

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

Permit No. 1117503, Public Water Supply.

Applicant **Municipal Authority of the Borough of Portage**
 606 Cambria Street
 Portage, PA 15946
 [Township or Borough] Portage Township
 Responsible Official David Miorelli, Chairman
 Municipal Authority of the Borough of Portage
 606 Cambria Street
 Portage, PA 15946

Type of Facility Water system
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501

Application Received Date March 16, 2017

Description of Action Addition of zinc-orthophosphate.

Permit No. 2617505, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672
 [Township or Borough] Forward Township
 Responsible Official William Castelli, Distribution Facility Superintendent
 Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672

Type of Facility Water system
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Application Received Date March 16, 2017

Description of Action Renovation; and installation of a mixing system and power ventilation system at the Forward Township # 1 water storage tank.

Permit No. 2617506, Public Water Supply.

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

[Township or Borough] Forward Township

Responsible Official William Castelli, Distribution Facility Superintendent
Municipal Authority of Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Type of Facility Water system

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

Application Received Date March 16, 2017

Description of Action Renovation; and installation of a mixing system and power ventilation system at the Forward Township # 2 water storage tank.

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

Permit No. 2517502, Public Water Supply

Applicant **Camping Association of the Presbyteries of NWPA**

Township or Borough Springfield Township

County **Erie**

Responsible Official Ed Gray

Type of Facility Camp

Consulting Engineer Steven Halmi

Application Received Date March 8, 2017

Description of Action Modifications to intake, slow sand filters, and disinfection

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3917502MA, Minor Amendment.

Applicant **Municipal Authority of the Borough of Coopersburg**
5 North Main St.
Coopersburg, PA 18036

[Township or Borough] Coopersburg Borough

Responsible Official Charles Minnich, Chairman
Municipal Authority of the Borough of Coopersburg
5 North Main St.
Coopersburg, PA 18036

Type of Facility Public Water Supply

Consulting Engineer Harry Garman, PE
Barry Isett & Associates
85 S. Route 100
Allentown, PA 18106

Application Received Date 3/8/2017

Description of Action Blending of Well 3 in the Borough of Coopersburg PWS system.

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

Application No. 0407507-T1, Minor Amendment.

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

[Township or Borough] Ohioville Borough

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

Type of Facility Water system

Consulting Engineer

Application Received Date March 16, 2017

Description of Action Change of ownership from Outlook Pointe Commons to Lakeview Personal Care.

Application No. 2617507MA, Minor Amendment.

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

[Township or Borough] West Newton Borough

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

Type of Facility Water system

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

Application Received Date March 20, 2017

Description of Action Installation of approximately 2,600 feet along Main Street in West Newton Borough.

Application No. 6517505MA, Minor Amendment.

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

[Township or Borough] Vandergrift Borough

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

Type of Facility Water system
 Consulting Engineer Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672
 Application Received Date March 20, 2017
 Description of Action Installation of approximately 4,540 feet along Lowell, Holland and Bryant Streets in Vandergrift Borough.

Application No. 6517506MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672
 [Township or Borough] Irwin Borough
 Responsible Official Michael Kukura, Resident Manager
 Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672

Type of Facility Water system
 Consulting Engineer Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672
 Application Received Date March 20, 2017
 Description of Action Installation of approximately 5,000 feet along Pennsylvania Avenue in Irwin Borough.

Application No. 6517507WMP, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672
 [Township or Borough]
 Responsible Official Michael Kukura, Resident Manager
 Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672

Type of Facility Water system
 Consulting Engineer Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672
 Application Received Date March 20, 2017
 Description of Action Use of 39 existing fire hydrants for bulk water loading.

WATER ALLOCATIONS

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

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

WA13-69C, Water Allocation, Borough of Jim Thorpe, 101 East 10th Street, Jim Thorpe, PA 18229-2528, **Carbon County**. The applicant is requesting the right to continue to withdraw up to a maximum of 425,000 gallons per day (gpd) from Mauch Chunk Creek at the existing intake for the west side system, in the Borough of Jim Thorpe, Carbon County.

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

WA 22-304B, Water Allocations. Lykens Borough Authority (PWS ID No. 7220022), Dauphin County. The applicant is requesting the right to withdraw a maximum of 800,000 gallons per day, when available, from an existing impoundment on Rattling Creek in Jackson Township, Dauphin County. Applicant Address: Robert Schreffler, Chairman, Lykens Borough Authority, 200 Main Street, Suite C, Lykens, PA 17048. Consulting Engineer: Peter Lusardi, P.E., GHD, Inc., 1240 N. Mountain Rd., Harrisburg, PA 17112. Application Received: 12/12/2016.

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

WA2-1021, Water Allocations. Wilkesburg Penn Joint Water Authority, 2200 Robinson Boulevard, Pittsburgh, PA 15221, **Allegheny County**. The applicant is requesting the right to purchase 20,000 gallons of water per day, average day, from Monroeville Municipal Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
 PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall

not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Mitroka Property, 2727 West Pennsylvania Street, South Whitehall Township, **Lehigh County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Mildred Mitroka, 932 North 32nd Street, Allentown, PA 18104, submitted a Notice of Intent to Remediate. Home heating oil was discovered to have leaked from a 550-gallon underground storage tank during its removal and impacted soils at this site. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Morning Call, LLC* on February 3, 2017.

Fox Property, 12 Fox Manor Road, Hazle Township, **Luzerne County**. United Environmental Services, Inc., PO Box 701, Schuylkill Haven, PA 17972, on behalf of Rod Fox Motors, Inc./Fox Truck Caps, 12 Fox Manor Road, Hazle Township, PA 18202, submitted a Notice of Intent to Remediate. An unknown amount of heating oil leaked from an AST impacting soils at this site. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Standard Speaker* on March 1, 2017.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

J&J Material Handling Systems, Inc., 1820 Franklin Street, Columbia, PA 17512, West Hempfield Township, **Lancaster County**. Reliance Environmental, Inc., 236 North Duke Street, Lancaster, PA 17602, on behalf of Arnold Printed Communications, 53 Eastman Avenue, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soil contaminated with lead from historic fill. The site will be remediated to the Site Specific

Standard. Future use of the site will be used for nonresidential purposes. The Notice of Intent to Remediate was published in the *LNP* on March 9, 2017.

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

NFG Midstream Clermont West Compressor Station, 12753 Shawmut Grade Road, Jones Township, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of National Fuel Gas Supply Corporation, P.O. Box 2081, 1100 State Street, Erie, PA 16512, submitted a Notice of Intent to Remediate. A release from an aboveground storage tank resulted in crude oil/condensate, brine, and dehydrating unit/scale inhibitors impacting site soil and site groundwater. The Notice of Intent to Remediate was published in the Cameron County Echo on February 22, 2017. The site will be remediated to Site-Specific Standards. The intended future use of the site will be non-residential.

RESIDUAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

General Permit Application No. WMGR028-NE004. Wayco, Inc., 198 O'Connell Road, Waymart, PA 18472. A permit renewal application for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Wayco, Inc. Asphalt Plant located in Palmyra Township, **Wayne County**. The application was received by the Department on February 27, 2017 and deemed administratively complete by the Regional Office on March 17, 2017.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability Renewal Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

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

General Permit Application No. WMGR028SE005. Hanson Aggregates Pennsylvania, LLC, 533 Forge Road, Glen Mills, PA 19342. This application is for the renewal of the determination of applicability (DOA) under General Permit No. WMGR028SE005 for the beneficial

use of hot-mix asphalt residues consisting of baghouse fines and scrubber pond precipitates at Glen Mills Hot-Mix Asphalt Plant located at 533 Forge Road, Glen Mills, PA 19342, in Middletown Township, **Delaware County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on March 7, 2017.

Comments concerning the application should be directed to the Waste Management Program, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 101699. Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067. This major permit modification application is for off-site disposal of leachate, sludge, and concentrate generated by the Fairless leachate treatment plant. The application was received by the Southeast Regional Office on March 10, 2017.

Comments concerning the application should be directed to the Waste Management Program Manager, Department of Environmental Protection (DEP) Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the major permit modification application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service at (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Application deemed administratively complete Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application No. 100934, IESI Blue Ridge Landfill Corporation, P.O. Box 399, Scotland, PA 17254. Greene Township, **Franklin County**.

IESI PA Blue Ridge Landfill Corporation is proposing an expansion to the Blue Ridge Landfill consisting of a horizontal expansion of approximately 40 acres and a vertical expansion over existing area of approximately 112 acres. The proposed additional height of the landfill will be a maximum of 35 feet. Both the horizontal and vertical expansion are within the currently permitted area. This will allow the landfill to continue operations for approxi-

mately 12 years based on the permitted average daily volume. The application was deemed administratively complete by the Southcentral Regional Office on March 16, 2017. The Department has negotiated with IESI Blue Ridge Landfill and Greene Township a total of 522 business days (791 calendar days), to complete the review of the application.

The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the time that the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, P.E., Permitting Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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.

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

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

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

23-0034: Villanova University (800 E. Lancaster Avenue, Villanova, PA 19085) for a Plan Approval at the facility located in Radnor Township, **Delaware County**. The Plan Approval allows for the installation of six new emergency generators (EGEN). All six EGENs have gas fired engines that are subject to 40 C.F.R. Part 60, Subpart JJJJ. The Plan Approval contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

14-00002S: Graymont (PA) Inc. (965 East College Avenue, Pleasant Gap, PA 16823-6823) for the proposed utilization of natural gas in kilns 6 & 7 which are located at the Pleasant Gap site in Spring Township, **Centre County**. The application is also requesting Plantwide Applicability Limits (PALs) for nitrogen oxides (NO_x) and carbon monoxide (CO).

The Department of Environmental Protection's (Department) review of the information submitted by Graymont (PA), Inc. indicates that each of the PALs complies with all applicable regulatory requirements pertaining to PALs, as specified in the New Source Review (NSR) and Prevention of Significant Deterioration (PSD) programs [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]. The PALs were established in accordance with the applicable provisions as specified under 25 Pa. Code § 127.218(f) and 40 CFR 52.21(aa)(6). Additionally, the Department's review of the information and emissions data submitted by the

company indicates that the air contamination sources to be modified (Source IDs P408 and P413 of Title V Operating Permit No: 14-00002) will comply with all applicable Federal and State air regulatory requirements, including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval with PM₁₀ BAT emission restrictions for the proposed modifications and pertaining to the NO_x (expressed as NO₂) and CO PALs.

The PAL permit will apply to all stationary sources in operation at the Graymont (PA), Inc. facility during the PAL effective period. The current NO_x- and CO- emitting sources at the facility are, as follow: kilns 6, 7 & 8 (Source IDs P408, P413 and P418); the stand-by emergency generator-engines (Source IDs P321 and P328); the CalAg generator-engine (Source ID P320A); the winterization heaters/engines (Source IDs P321A); the propane- and No. 2 oil-fired combustion units/space heaters (Source ID 032); and the pulverized limestone dryer associated with Source ID P310.

The facility is a major facility. If the Department determines that the sources are modified in compliance with the plan approval conditions and the specification of the application for Plan Approval 14-00002S, the requirements established in the plan approval will be incorporated into Title V Operating Permit TVOP No: 14-00002 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

The following is a list of the conditions which the Department intends to place in the plan approval in order to ensure compliance with all of the applicable regulatory requirements.

1. At least 60 calendar days prior to the performance of EPA reference method testing, a test protocol shall be submitted to the Department for review and approval. At least 15 calendar days prior to commencing an emission testing program, notification as to the date and time of testing shall be given to the Northcentral Regional Office. Complete test reports shall be submitted to the Department no later than 60 calendar days after completion of the on-site testing portion of an EPA reference method test program. All submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual. All stack testing shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

2. The permittee shall monitor the NO_x and CO emissions from each emissions unit at the facility in accordance with 25 Pa. Code § 127.218(m) and 40 CFR 52.21(aa)(12).

3. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall comply with the following recordkeeping requirements as specified in paragraphs (a) and (b) of this condition.

- (a) The permittee shall retain a copy of the records necessary to determine compliance with the requirements of 25 Pa. Code § 127.218 and 40 CFR 52.21(aa) pertaining to the PAL requirements, including the 12-month rolling total emissions of each PAL pollutant for each emissions unit at the facility, for 5 years. These records shall be retrievable onsite.

- (b) The permittee shall retain a copy of the following records for the duration of the PAL effective period plus 5 years: (i) A copy of the PAL permit application and any

applications for revisions to the PAL; and (ii) Each annual certification of compliance pursuant to title V and the data relied on in certifying the compliance.

4. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall record maximum potential emissions without considering enforceable emissions limitations or operational restrictions for an emissions unit during a period of time that there is no monitoring data.

5. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall comply with the applicable requirements pertaining to reporting and notification, as specified under 25 Pa. Code § 127.218(o) and 40 CFR 52.21(aa)(14).

(b) The semiannual report deadlines are March 1 for the July 1 through December 31 reporting period and September 1 for the January 1 through June reporting period. For each month in the reporting period, the reports shall contain the 12-month rolling total emissions of each PAL pollutant for each emissions unit at the facility. Additionally, the semiannual reports shall contain all of the information as specified under 25 Pa. Code § 127.218(o)(2)(ii) and 40 CFR 52.21(aa)(14)(i).

6. [25 Pa. Code § 127.218(g)]

The emissions from a new source that requires a plan approval shall be the minimum attainable through the use of Best Available Technology (BAT). A physical change or change in method of operation at an existing emissions unit will not be subject to BAT requirements of 25 Pa. Code Chapter 127 unless the emissions unit is modified so that the fixed capital cost of new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new emissions unit.

7. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) Each of the following Plantwide Applicability Limits (PALs) in this condition is effective on the issuance date of Plan Approval No: 14-00002S:

The emissions of CO, including fugitive emissions, from the facility shall be less than 913.5 tons in any 12 consecutive month period;

The emissions of NO_x (expressed as NO₂), including fugitive emissions, from the facility shall be less than 1,067.9 tons in any 12 consecutive month period.

(b) The PALs shall have an effective period of 10 years from the issuance date of Plan Approval No: 14-00002S. Each PAL shall expire at the end of the PAL effective period, unless a complete application according to 25 Pa. Code § 127.218(k)(3) and 40 CFR 52.21(aa)(10)(iii) is submitted to the Department at least 6 months prior to, but not earlier than 18 months prior to the PAL's expiration date, (10 years from Plan Approval 14-00002S Issuance).

Upon expiration of a PAL, the permittee is subject to the requirements specified in 25 Pa. Code § 127.218(j) and 40 CFR 52.21(aa)(9) for that pollutant.

(c) If an application to renew each PAL is submitted according to the requirements in 25 Pa. Code § 127.218(k) and 40 CFR 52.21(aa)(10) then the PALs shall continue to be effective until the revised permit with the renewed PALs is issued.

(d) For each month during the PAL effective period after the first 12 months of establishing a PAL, the permittee shall show that the sum of the monthly emissions of each PAL pollutant from each emissions unit

at the facility for the previous 12 consecutive months is less than the applicable PAL. For each month during the first 11 months from the PAL effective date, the permittee shall show that the sum of the preceding monthly emissions (of each PAL pollutant) from the PAL effective date for each emissions unit at the facility is less than the applicable PAL. The calculations of monthly emissions shall include emissions from startups, shutdowns and malfunctions.

8. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall operate continuous emissions monitoring systems (CEMS) to determine emissions of NO_x (expressed as NO₂) and CO from each of the kilns associated with Source IDs P408, P413 and P418 in any calendar month and in any 12 consecutive month period, in units of tons. The CEMS shall comply with all applicable requirements as specified in the terms and conditions in the facility's Title V Operating Permit No: 14-00002 and in Plan Approvals No: 14-00002N, 14-00002P and 14-00002S. Each certified CEMS shall sample, analyze and record data at least every 15 minutes while the respective kiln is in operation including periods of startup, shutdown and malfunction.

9. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the fuel usage of each of the propane- and No. 2 oil-fired combustion sources associated with Source ID 032, in units of gallons, to determine and record their propane or No. 2 oil fuel usage in any calendar month.

10. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the NO_x (expressed as NO₂) emissions from the propane-fired combustion sources associated with Source ID 032 in any calendar month. The NO_x emissions calculations shall be determined monthly using the 0.013-pound NO_x per gallon emission factor and the total propane fuel usage in the previous calendar month.

(b) The permittee shall keep records of the NO_x (expressed as NO₂) emissions from the No. 2 oil-fired combustion sources associated with Source ID 032 in any calendar month. The NO_x emissions calculations shall be determined monthly using the 0.02-pound NO_x per gallon emission factor and the total No. 2 oil usage in the previous calendar month.

(c) The emissions of NO_x (expressed as NO₂) from Source ID 032 shall be determined by the sum of the NO_x emissions from all combustion sources associated with Source ID 032 on a monthly basis.

(d) The permittee shall keep records of the 12-month rolling total emissions of NO_x from Source ID 032 to show compliance with the NO_x PAL, as well as the supporting information and data.

11. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the CO emissions from the propane-fired combustion sources associated with Source ID 032 in any calendar month. The CO emissions calculations shall be determined monthly using the 0.0075-pound CO per gallon emission factor and the total propane fuel usage in the previous calendar month.

(b) The permittee shall keep records of the CO emissions from the No. 2 oil-fired combustion sources associated with Source ID 032 in any calendar month. The CO emissions calculations shall be determined monthly using the 0.005-pound CO per gallon emission factor and the total No. 2 oil usage in the previous calendar month.

(c) The emissions of CO from Source ID 032 shall be determined by the sum of the CO emissions from all combustion sources associated with Source ID 032 on a monthly basis.

(d) The permittee shall keep records of the 12-month rolling total emissions of CO from Source ID 032 to show compliance with the CO PAL, as well as the supporting information and data.

12. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the natural gas, No. 2 oil and propane usages of the dryer associated with Source ID P310, in units of MMscf for natural gas and gallons for No. 2 oil and propane, to determine and record its natural gas, No. 2 oil and propane fuel usages in any calendar month.

13. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the CO emissions from the dryer associated with Source ID P310 in any calendar month, while it is using natural gas as fuel to operate. The CO emissions calculations shall be determined monthly using the 10.4-pound CO per MMscf emission factor and the total natural gas fuel usage in the previous calendar month.

(b) The permittee shall keep records of the CO emissions from the dryer associated with Source ID P310 in any calendar month, while it is using No. 2 oil as fuel to operate. The CO emissions calculations shall be determined monthly using the 0.008-pound CO per gallon emission factor and the total No. 2 oil fuel usage in the previous calendar month.

(c) The permittee shall keep records of the CO emissions from the dryer associated with Source ID P310 in any calendar month, while it is using propane as fuel to operate. The CO emissions calculations shall be determined monthly using the 0.0075-pound CO per gallon emission factor and the total propane fuel usage in the previous calendar month.

(d) The emissions of CO from the dryer associated with Source ID P310 shall be determined by the sum of the CO emissions calculations for all fuels on a monthly basis.

(e) The permittee shall keep records of the 12-month rolling total emissions of CO from the dryer associated with Source ID P310 to show compliance with the CO PAL, as well as the supporting information and data.

14. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the NO_x (expressed as NO₂) emissions from the dryer associated with Source ID P310 in any calendar month, while it is using natural gas as fuel to operate. The NO_x emissions calculations shall be determined monthly using the 160-pound NO_x per MMscf emission factor and the total natural gas fuel usage in the previous calendar month.

(b) The permittee shall keep records of the NO_x (expressed as NO₂) emissions from the dryer associated with Source ID P310 in any calendar month, while it is using No. 2 oil as fuel to operate. The NO_x emissions calculations shall be determined monthly using the 0.024-pound NO_x per gallon emission factor and the total No. 2 oil fuel usage in the previous calendar month.

(c) The permittee shall keep records of the NO_x (expressed as NO₂) emissions from the dryer associated with Source ID P310 in any calendar month, while it is using

propane as fuel to operate. The NO_x emissions calculations shall be determined monthly using the 0.013-pound NO_x per gallon emission factor and the total propane fuel usage in the previous calendar month.

(d) The emissions of NO_x (expressed as NO₂) from the dryer associated with Source ID P310 shall be determined by the sum of the NO_x emissions calculations for all fuels on a monthly basis.

(e) The permittee shall keep records of the 12-month rolling total emissions of NO_x from the dryer associated with Source ID P310 to show compliance with the NO_x PAL, as well as the supporting information and data.

15. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the diesel fuel usage of each of the winterization heaters associated with Source ID P321A, in units of gallons, to determine and record its fuel usage in any calendar month.

16. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall keep records of the NO_x (expressed as NO₂) and CO emissions from the winterization heaters associated with Source ID P321A in any calendar month. The CO emissions calculations shall be determined monthly using the 0.05-pound CO per gallon emission factor and the total diesel fuel usage in the previous calendar month. The NO_x emissions calculations shall be determined monthly using the 0.15-pound NO_x per gallon emission factor and the total diesel fuel usage in the previous calendar month. The permittee shall keep records of the 12-month rolling total emissions of NO_x and CO from the winterization heaters associated with Source ID P321A to show compliance with the NO_x and CO PALs, as well as the supporting information and data.

17. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the diesel fuel usage of the engine associated with Source ID P320A, in units of gallons, to determine and record its fuel usage in any calendar month.

18. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall keep records of the NO_x (expressed as NO₂) and CO emissions from the engine associated with Source ID P320A in any calendar month. The CO emissions calculations shall be determined monthly using the 0.04-pound CO per gallon emission factor and the total diesel fuel usage in the previous calendar month. The NO_x emissions calculations shall be determined monthly using the 0.27-pound NO_x per gallon emission factor and the total diesel fuel usage in the previous calendar month. The permittee shall keep records of the 12-month rolling total emissions of NO_x and CO from the engine associated with Source ID P320A to show compliance with the NO_x and CO PALs, as well as the supporting information and data.

19. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the hours of operation of the kiln 6 aux engine, kiln 7 aux. engine and kiln 7 WHB powerhouse engine associated with Source ID P321 to determine and record each engine's total run-time in any calendar month.

20. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the NO_x (expressed as NO₂) emissions from the kiln 6 aux engine

associated with Source ID P321 in any calendar month. The NO_x emissions calculations shall be determined monthly using the 2.9-pound NO_x per hour emission factor and the total run-time in the previous calendar month.

(b) The permittee shall keep records of the NO_x (expressed as NO₂) emissions from the kiln 7 aux engine associated with Source ID P321 in any calendar month. The NO_x emissions calculations shall be determined monthly using the 1.6-pound NO_x per hour emission factor and the total run-time in the previous calendar month.

(c) The permittee shall keep records of the NO_x (expressed as NO₂) emissions from the kiln 7 WHB powerhouse engine associated with Source ID P321 in any calendar month. The NO_x emissions calculations shall be determined monthly using the 9.4-pound NO_x per hour emission factor and the total run-time in the previous calendar month.

(d) The emissions of NO_x (expressed as NO₂) from the engines associated with Source ID P321 shall be determined by the sum of the NO_x emissions calculations for each engine on a monthly basis.

(e) The permittee shall keep records of the 12-month rolling total emissions of NO_x from the engines associated with Source ID P321 to show compliance with the NO_x PAL, as well as the supporting information and data.

21. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the CO emissions from the kiln 6 aux engine associated with Source ID P321 in any calendar month. The CO emissions calculations shall be determined monthly using the 0.8-pound CO per hour emission factor and the total run-time in the previous calendar month.

(b) The permittee shall keep records of the CO emissions from the kiln 7 aux engine associated with Source ID P321 in any calendar month. The CO emissions calculations shall be determined monthly using the 1.1-pound CO per hour emission factor and the total run-time in the previous calendar month.

(c) The permittee shall keep records of the CO emissions from the kiln 7 WHB powerhouse engine associated with Source ID P321 in any calendar month. The CO emissions calculations shall be determined monthly using the 3.2-pound CO per hour emission factor and the total run-time in the previous calendar month.

(d) The emissions of CO from the engines associated with Source ID P321 shall be determined by the sum of the CO emissions calculations for each engine on a monthly basis.

(e) The permittee shall keep records of the 12-month rolling total emissions of CO from the engines associated with Source ID P321 to show compliance with the CO PAL, as well as the supporting information and data.

22. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall comply with the terms and conditions of Plan Approval 14-00002P and keep monthly records of the emissions of NO_x and CO emissions from Source ID P328 in any calendar month and the 12-month rolling total emissions of NO_x and CO from the engine associated with Source ID P328 to show compliance with the NO_x and CO PALs, as well as the supporting information and data.

23. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM₁₀ emissions (including condensable particulate matter) from Source ID P408 while it is firing any natural gas shall not exceed an outlet concentration in the exhaust from the ID C408 fabric collector equal to 0.014 grain per dry standard cubic foot (gr/dscf).

24. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM₁₀ emissions (including condensable particulate matter) from Source ID P413 while it is firing any natural gas shall not exceed an outlet concentration in the exhaust from the ID C413B fabric collector equal to 0.005 grain per dry standard cubic foot (gr/dscf).

25. [25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 52.21(r)]

For each Source ID P408 and P413, the permittee shall continuously monitor and keep accurate and comprehensive records of the kiln operating conditions including the fuel blends and usages, the stone feed, the lime production, the control device parameter data, and the opacity to determine, in conjunction with the data obtained from the Department-approved stack test performances, the particulate matter, PM₁₀ and PM_{2.5} emissions in any one of the 5 calendar years following the date on which natural gas has first been fired for non-preheat purposes.

26. [25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 52.21(r)]

(a) The permittee shall perform stack testing on each Source ID P408 and P413 to demonstrate compliance with the BAT PM₁₀ emission restriction. The permittee shall also perform stack testing on each Source ID P408 and P413 for particulate matter (filterable and condensable), PM₁₀ (including condensable particulate matter), and PM_{2.5} (including condensable particulate matter) to obtain emissions data and the kiln operating conditions data which affect the emissions of these pollutants. The initial stack testing shall be performed no later than 180 days after the date on which natural gas has first been fired for non-preheat purposes, using the methods and procedures as approved by the Department in accordance with the PA DEP Source Testing Manual. Additionally, all initial stack testing on each Source ID P408 and P413 shall be conducted while it is operating on natural gas at maximum routine operating conditions. The permittee shall notify the Department of the date on which natural gas is first fired in each Source ID P408 and P413 for non-preheat purposes within 15 days.

(b) After the completion of the initial stack testing, subsequent stack testing on each Source ID P408 and P413 shall be conducted one time in each 3-year calendar period following the previous stack testing. All subsequent stack testing on each Source ID P408 and P413 shall be conducted while each source is operating on natural gas at maximum routine operating conditions. Additionally, all subsequent stack testing shall be performed using the methods and procedures as approved by the Department in accordance with the PA DEP Source Testing Manual, while each Source ID P408 and P413. The Department may revise the frequency of subsequent stack testing based upon the stack test results.

27. The permittee shall monitor the particulate matter emissions (filterable and condensable) from each Source ID P408 and P413 in accordance with 40 CFR 52.21(r)(6)(iii).

28. The permittee shall monitor the PM₁₀ emissions (including condensable particulate matter) from each Source ID P408 and P413 in accordance with 40 CFR 52.21(r)(6)(iii).

29. The permittee shall monitor the PM_{2.5} emissions (including condensable particulate matter) from each Source ID P408 and P413 in accordance with 40 CFR 52.21(r)(6)(iii).

30. The permittee shall keep records of the annual emissions of particulate matter, PM₁₀, and PM_{2.5} from each Source ID P408 and P413 in accordance with 40 CFR 52.21(r)(6)(iii), to determine if reporting under 40 CFR 52.21(r)(6)(v) is required. Baseline actual emissions of PM₁₀ and PM_{2.5} for each Source ID P408 and P413 were specified in the application for Plan Approval No: 14-00002S.

31. The permittee shall comply with all applicable reporting requirements pertaining to each Source ID P408 and P413, as specified in 40 CFR 52.21(r)(6)(v).

32. [25 Pa. Code § 127.12b]

(a) Source ID P408 is Kiln No. 6, located at the Pleasant Gap plant, which is a 1,200 ton per day rotary lime kiln that is equipped with a preheater and a 240 million Btu per hour multi-fuel burner capable of firing pipeline quality natural gas and/or coal/petroleum coke. Kiln No. 6 is fired with No. 2 fuel oil or pipeline quality natural gas during periods of preheat. The air contaminant emissions from Source ID P408 shall be controlled by a pulse jet fabric collector which is ID C408 or sometimes referenced herein as the ID C408 fabric collector.

(b) ID C408 is a F.L. Smidth, suction-type, pulse jet fabric collector containing eight (8) compartments which shall have a minimum fabric area of 48,833 square feet and shall not handle more than 155,000 actual cubic feet per minute of effluent gas from Source ID P408.

33. [25 Pa. Code § 127.12b]

(a) Source ID P413 is Kiln No. 7, located at the Pleasant Gap plant, which is a 1,050 ton per day rotary lime kiln that is equipped with a 280 million Btu per hour multi-fuel burner capable of firing pipeline quality natural gas and/or coal/petroleum coke. Kiln No. 7 is fired with No. 2 fuel oil or natural gas during periods of preheat. The air contaminant emissions from Source ID P413 shall be controlled by a semi-wet scrubbing system, ID C413A, and a pulse jet fabric collector which is ID C413B or sometimes referenced herein as the ID C413B fabric collector.

(b) ID C413A is a semi-wet scrubbing system, consisting of the following equipment:

(1) One (1) Solios model VVR-14-82 Venturi reactor (or equivalent, as approved by the Department),

(2) Two (2) 35 ton per hour capacity conditioning drums,

(3) One (1) 35 ton per hour capacity pre-conditioning drum,

(4) One (1) 65 ton capacity recycle bin,

(5) One (1) 10 ton capacity lime kiln dust (LKD) surge bin,

(6) One (1) 25 ton capacity fresh lime bin,

(7) One (1) screw conveyor from conditioning drums to Venturi reactor,

(8) One (1) screw conveyor from fabric collector to bucket elevators,

(9) Two (2) bucket elevators to the recycle bin,

(10) Other conveyors as described in the application and supplemental materials for Plan Approval 14-00002H.

(c) ID C413B is a Solios suction-type, pulse jet fabric collector which shall have a minimum fabric area of 50,668 square feet and shall not handle more than 152,000 actual cubic feet per minute of the effluent gas from Source ID P413.

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.

OPERATING PERMITS

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

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

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

46-00010: Covanta Plymouth Renewable Energy, LLC (1155 Conshohocken Road, Conshohocken, PA 19428) for renewal of the Title V Operating Permit in Plymouth Township, **Montgomery County**. This action is a renewal of the Title V Operating Permit. The facility is a municipal waste combustion facility. There are no new sources at this facility. The Title V Operating Permit Renewal will address presumptive RACT requirements of 25 Pa. Code § 129.97(f) that apply to the municipal waste combustors (Source IDs 001 and 002). Presumptive RACT requirements of 25 Pa. Code § 129.97(c)(8) apply to the existing emergency engine (Source ID 101) for NO_x emissions. The facility's VOC emissions are not subject to RACT II due to the potential to emit VOC is less than 50 tons per year. The operation is subject to the State Plan for Large Municipal Waste Combustors approved by the USEPA (66 FR 43509). The sources at this facility are not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64 because the emission limits or standards that specifies continuous compliance method approved by the Department. The source is a major source for Greenhouse Gases (GHG). The renewal permit contains all applicable requirements including monitoring, record-keeping, reporting, and work practices.

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

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

41-00013: JW Aluminum Company (2475 Trenton Avenue, Williamsport, PA 17701) on March 1, 2017, was issued a revised Title V operating permit for their facility located in Williamsport City, **Lycoming County** to incorporate the terms and conditions of the case by case RACT II determination at their facility. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

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

23-00113: AT&T Communications of PA, LLC (60 West Avenue, Wayne, PA 19087) located in Radnor Township, **Delaware County**, for a renewal of State Only (Natural Minor) Operating Permit No. 23-00113. The facility's main sources of air contaminant emissions are two kerosene-fired emergency turbine generator sets. Nitrogen oxide (NO_x) emissions from each emergency turbine generator set are restricted to 4.47 tons/yr, calculated monthly as a 12-month rolling sum.

No changes have occurred at the facility since the State Only Operating Permit (SOOP) was originally issued in 2012.

46-00139: Spray Products Corp. (1323 Conshohocken Road, Norristown, PA) for the continued operation of a facility primarily engaged in filling various products into aerosol cans in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. Sources of air emissions are two (2) propellant gasser/production lines, numerous storage tanks, and two (2) gas-fired boilers. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00014: Knoll, Inc. (1235 Water Street, East Greenville, PA 18041), located in Upper Hanover Township, **Montgomery County**. This action is an issuance of a Synthetic Minor Operating Permit and opting out of the Original Title V Operating Permit. Original Permit Renewal was issued on November 30, 2010. Synthetic Minor Operating Permit is restricted to limit of 25 TPY VOC, and HAP limit of 10 tons individual HAP and 25 tons of total HAPS per year. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

28-03056: Texas Eastern Transmission, L.P. (PO Box 1642, Houston, TX 77251-1642), to issue a State only operating permit renewal for Chambersburg Compressor Station in Chambersburg Borough, **Franklin County**. The primary emissions from the facility are VOC, NO_x, and CO. The facility's potential emissions are 48.76 tons of VOC and less than 2 tpy each of NO_x and CO. 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 for Sources derived from 25 Pa. Code Chapters 123 and 127 for restrictions, monitoring, recordkeeping, and reporting. The emergency generator is subject to Federal NSPS Subpart JJJJ.

06-03032: Hamburg Manufacturing, Inc., Plant # 1 (221 South 4th Street, PO Box 147, Hamburg, PA 19526) to issue a State Only Operating Permit for the castings manufacturing facility located in Hamburg Borough, **Berks County**. The actual emissions from the facility in 2015 year are estimated at 17 tons of particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart JJJJ, 40 CFR 63 Subpart ZZZZ and 40 CFR 63 Subpart ZZZZZ.

38-05038: Grosfillex, Inc. (230 Old West Penn Ave., Robeson, PA 19551-8904) to issue a State-Only Operating Permit for the operation of three (3) automated paint lines and one R&D spray booth at their facility in North Lebanon Township, **Lebanon County**. Actual emissions from the facility in 2015 were estimated at 0.49 tpy of CO, 0.55 tpy NO_x, 1.04 tpy PM₁₀, 1.04 PM_{2.5}, 12.03 VOC, 1.48 ton of a single HAP (xylene) and 1.48 ton of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include surface coating provisions derived from 25 Pa. Code § 129.52d.

36-05093: Martin Limestone Inc. (75 Kurtz Road, Denver, PA 17517) to issue a State Only Operating Permit for the asphalt plant located in East Cocalico Township, **Lancaster County**. The actual emissions from the facility in 2015 year are estimated at NO_x 1.67 ton, CO 8.36 tons, PM₁₀ 1.48 ton, SO_x 0.22 ton, VOCs 2.06 tons and HAPs 0.34 ton. 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 I—Standards of Performance for Hot Mix Asphalt Facilities.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

03-00025: Greco Recycling Services, Inc. (593 Tarrtown Road, Kittanning, PA 16201) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to P.J. Greco Sons Kittanning to authorize the operation of a scrap metals recycling facility at their Kittanning Plant located in the Kittanning Township, **Armstrong County**. The facility consists of a Cobbler by American Pulverizer Company, torch cutter, magnetic metal separator, a grapple, conveyor, roll off boxes, storage piles, and other miscellaneous equipment associated with this type of operations.

The facility has a baghouse to control emissions of particulate matter (PM) from the cobbler. Emissions from this facility are 1.53 ton per year of PM and insignificant amount of other pollutants. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (03-00025) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

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

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

65-00838: Quadrant, EPP (201 Industrial Drive, Delmont, PA 15626) for the manufacturing of ultra-high molecular weight polyethylene plastic located in Salem Township, **Westmoreland County**. The subject facility consists of 4 natural gas fired boilers for process heat, 5 mold presses, and process support VOCs. The facility has the potential to emit 24.04 tpy NO_x, 20.2 tpy CO, 8.0 tpy VOC, 0.00302 tpy HAPs and 1.3 tpy PM. The proposed authorization is subject to State and Federal Regulations. The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements.

11-00353: Laurel Highland Crematory (500 Cherry Lane, Johnstown, PA 15904) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to Laurel Highland Crematory to authorize the operation of one (1) Matthews International-Cremation Division ("Matthews") IE43-PPI natural gas-fired human crematory incinerator and one (1) Matthews IEB-16 natural gas-fired animal crematory incinerator at its facility located in Richland Township, **Somerset County**.

The facility went through Best Available Technology (BAT) review. Documents and other reference materials, including the manufacturer's operating instructions, have been evaluated to determine if the Matthews crematory incinerators meet previously established BAT recommendations and requirements, which includes equipment, devices, methods or techniques, as determined by the Department which prevent, reduce or control emissions of air contaminants to the maximum degree possible and which are available or may be made available. Potential emissions from this facility are 1.69 ton per year of PM, 1.03 ton per year of NO_x, 0.59 ton per year of SO₂, 2.89 ton per year of CO, 0.74 ton per year of VOCs and 0.24 ton per year of HAPs. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (11-00353) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

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

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

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

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

37-00317: Ellwood Mill Products (712 Moravia Street, New Castle, PA 16101) for renewal of the State Only Operating Permit for the iron and steel forging operations facility located in New Castle City, **Lawrence County**. The sources at the facility include, heat treating furnaces, ringmill milling machines (controlled by a dust collector), an emergency diesel fired generator, a degreaser, shotblaster, and scarfing. The diesel emergency generator (rated at 53.6 HP—2007 model year) is subject to 40 CFR 60 Subpart IIII pertaining to stationary compression ignition internal combustion engines. The natural gas emergency generator (rated at 10.7 HP installed in 2001) is subject to 40 CFR 63 Subpart ZZZZ pertaining to stationary reciprocating internal combustion engines. The facility has emission restrictions of 99 TPY for both CO and NO_x to limit the potential emissions below major source threshold levels. The 2015 actual emissions reported by the facility were: 23.2 TPY CO, 35.2 TPY NO_x, 2.1 TPY PM₁₀, 2.1 TPY PM_{2.5}, 0.16 TPY SO_x, 1.53 TPY VOC and 0.9 TPY ammonia. 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.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in

response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

Coal Applications Received

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

10841302 and NPDES No. PA0002780. ArcelorMittal Pristine Resources, LLC, (P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948). To renew the permit for the

Fawn Mine # 91 in Clinton Township, **Butler County** and related NPDES Permit for reclamation only and discharge of wastewater. No additional discharges. The application was considered administratively complete on March 13, 2017. Application received November 7, 2016.

03060701 and NPDES No. PA0235661. McVile Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the McVile Coal Refuse Disposal Area # 2 in South Buffalo Township, **Armstrong County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on March 16, 2017. Application received October 31, 2016.

32850701 and NPDES No. PA0213683. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on March 17, 2017. Application received December 27, 2016.

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

Permit No. 11070101 and NPDES No. PA0262285. Bedrock Mines, LP, 111 Freeport Road, Pittsburg, PA 15215, commencement, operation and restoration of a bituminous surface mine to change the land use from forestland and pastureland or land occasionally cut for hay to industrial/commercial in Elder Township, **Cambria County**, affecting 24.2 acres. Receiving streams: Chest Creek and Brubaker Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 16, 2017.

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

33850118 and NPDES No. PA0106682. P. and N. Coal Co., Inc. (P.O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface, auger mine, and associated NPDES permit in Winslow Township, **Jefferson County** affecting 185.1 acres. Receiving streams: Unnamed tributaries to Soldier Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 16, 2017.

Noncoal Applications Received

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

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

08100302 and NPDES PA0257389. Johnson Quarries, Inc. (P.O. Box 136, LeRaysville, PA 18829). Renewal for an existing NPDES on a large noncoal surface mining site located in Stevens Township, **Bradford County** affecting 127.9 acres. Receiving stream(s): Rockwell Creek and Unnamed Tributary to Wyalusing Creek classified for the following use(s): WWF, MF. Application received: March 1, 2017.

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. PA0279480 (Mining Permit No. 56160102), Berwind Coal Sales Company, 509 15th Street Windber, PA 15963, new application for an NPDES permit for discharge of water due to surface coal mining in Paint Township, **Somerset County**, affecting 418.5 acres. Receiving streams: Spruce Run and unnamed tributary to Shade Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: March 7, 2017.

The outfalls listed below discharge to Spruce Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (TP1)	Y
002 (TP2)	Y
003 (TP3)	Y
006 (TP7)	Y

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

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.7	3.4	4.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfalls listed below discharge to unnamed tributary to Shade Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004 (TP5)	Y
005 (TP6)	Y

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

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	2.9	5.8	7.0
Manganese (mg/l)	1.8	3.6	4.5
Aluminum (mg/l)	0.80	1.6	2.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfalls listed below discharge to Spruce Run and unnamed tributary to Shade Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
007 (SP1)	Y
008 (SP2)	Y
009 (SP3)	Y
010 (SP4)	Y
011 (SP5)	Y
012 (SP6)	Y
013 (SP7)	Y
014 (ST8)	Y

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

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

Noncoal NPDES Draft Permits

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

NPDES Permit No. PA0594679 on Surface Mining Permit No. 7775SM3. Lehigh Cement Co., LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a limestone quarry operation in Richmond and Maxatawny Townships, **Berks County**, affecting 202.4 acres. Receiving stream: Moselem Creek, classified for the following use: HQ—cold water fishes. Application received: December 15, 2016.

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

The outfall listed below discharge to Moselem Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sediment Pond/Pit Sump

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

<i>Parameter</i>	<i>30-Day Minimum</i>	<i>Daily Average</i>	<i>Instantaneous Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Turbidity NTU		40		
TDS (mg/l)		Monitor and Report		
Oil and Grease (mg/l)		Monitor and Report		
Sulfates (mg/l)		Monitor and Report		
Chlorides (mg/L)		Monitor and Report		
Discharge (MGD)		0.748 MGD		

¹ The parameter is applicable at all times.

NPDES Permit No. PA0613827 on Surface Mining Permit No. 7175SM1. Pennsy Supply, Inc., (P.O. Box 3331, Harrisburg, PA 17105), renewal of an NPDES Permit for a limestone quarry operation in South Hanover Township, **Dauphin County**, affecting 280.0 acres. Receiving stream: Swatara Creek, classified for the following use: warm water fishes. Application received: January 5, 2017.

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

The outfalls listed below discharge to Swatara Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sedimentation Pond
002	No	Sedimentation Pond

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0	
Total Dissolved Aluminum (mg/L)			0.50	
Total Aluminum (mg/L)				0.70
Oil and Grease (mg/l)		Monitor and Report		
Discharge (MGD)		29.852 MGD		

¹ The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of

this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E09-1011. Upper Southampton Township, 939 Street Road, Southampton, PA 18966, Southampton Township, **Bucks County**, ACOE Philadelphia District.

To demolish and remove the debris and to restore the disturbed area along the floodplain of the Southampton Creek (WWF) associated with the floodplain site restoration.

The site is located near the crossing of Holly Drive and Charles Street (Hatboro, PA USGS Quadrangle, Latitude: 40.168543; Longitude: -75.062001).

E15-882. East Whiteland Township, 209 Conestoga Road, Frazer, PA 19335, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain 1,695 LF of new 8-inch sewer force main piping in conjunction with the installation of a new pump station. The new pipeline will cross Valley Creek (EV) and its Tributary (EV) at two locations. The proposed pipe will convey waste water from the new regional pump station located in Malvern, PA to an existing terminal manhole from a new development being constructed in the Township. The site is located at Planebrook Road and Phoenixville Pike in East Whiteland Township, Chester County. (Malvern, PA USGS map, Lat: 40.0404, Long: -75.5755).

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701.

E0829-111: Appalachia Midstream, LLC, 400 IST Center, Suite 404, Horseheads, NY 14845, Smithfield and West Burlington Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 678 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°49'08", Longitude: -76°36'56");

2. A 6-inch diameter natural gas line and a temporary timber mat bridge impacting 126 linear feet of an unnamed tributary to Tomjack Creek (TSF/MF) (Ulster, PA Quadrangle, Latitude: 41°48'36", Longitude: -76°37'13");

3. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 2,302 square feet of a Palustrine Forested Wetland and impacting 2,978 square feet of an Palustrine Emergent Wetland (Dushore, PA Quadrangle, Latitude: 41°48'30", Longitude: -76°37'13");

The project will result in 126 linear feet or 504 square feet of temporary stream impacts and 3,656 square feet (0.08 acre) of temporary PEM and 2,302 square feet (0.07

acre) of permanent PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Smithfield and West Burlington Township, Bradford County.

E0829-112: Appalachia Midstream, LLC, 400 IST Center, Suite 404, Horseheads, NY 14845, Springfield Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 3,849 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41°51'49", Longitude: -76°44'48");

2. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 9 linear feet of an unnamed tributary to Leonard Creek (TSF, MF) and impacting 263 square feet of an adjacent Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41°51'55", Longitude: -76°44'36");

3. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 57 linear feet of an unnamed tributary to Mill Creek (TSF, MF) and impacting 93 square feet of an adjacent Palustrine Scrub-Shrub Wetland (East Troy, PA Quadrangle, Latitude: 41°52'15", Longitude: -76°44'9");

4. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 172 linear feet of an unnamed tributary to Mill Creek (TSF, MF) and impacting 2,039 square feet of an adjacent Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41°52'19", Longitude: -76°43'57");

5. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 139 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (East Troy, PA Quadrangle, Latitude: 41°52'20", Longitude: -76°43'51");

6. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 139 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (East Troy, PA Quadrangle, Latitude: 41°52'22", Longitude: -76°43'43");

7. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 994 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41°52'27", Longitude: -76°43'37");

8. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 3,982 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41°52'5", Longitude: -76°43'20");

9. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 635 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41°51'59", Longitude: -76°43'10");

10. a temporary timber mat bridge impacting 340 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41°51'57", Longitude: -76°43'4");

11. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 206 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41°51'50", Longitude: -76°42'45");

The project will result in 515 linear feet or 2,678 square feet of temporary stream impacts and 12,308 square feet (0.28 acre) of temporary PEM and 93 square feet (0.01 acre) of temporary PSS wetland impacts all for the purpose of installing a natural gas pipeline with associ-

ated access roadways for Marcellus shale development in Springfield Township, Bradford County.

E5829-120: Great Bend and New Milford Townships, Susquehanna Gathering, LLC, 1429 Oliver Road, New Milford, PA, 18334-7516; Great Bend and New Milford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) an 8-inch diameter steel natural gas pipeline and a 16-inch HDPE waterline crossing impacting 30 lineal feet of an unnamed tributary to Salt Lick Creek(HQ-CWF) (Great Bend, PA Quadrangle; Latitude: 41° 54' 39", Longitude: -75° 43' 08"),

2) an 8-inch diameter steel natural gas pipeline and a 16-inch HDPE waterline crossing impacting 500 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 39", Longitude: -75° 43' 08"),

3) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 11,996 square feet (0.28 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 05", Longitude: -75° 42' 22"),

4) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 6,704 square feet (0.15 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 05", Longitude: -75° 42' 22"),

5) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 55 lineal feet of an unnamed tributary to Smith Creek (HQ-CWF) (Great Bend, PA Quadrangle; Latitude: 41° 54' 03", Longitude: -75° 42' 18"),

6) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 51 lineal feet of an unnamed tributary to Smith Creek (HQ-CWF) (Great Bend, PA Quadrangle; Latitude: 41° 54' 03", Longitude: -75° 42' 17"),

7) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 7,961 square feet (0.18 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 02", Longitude: -75° 42' 15"),

8) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 15,784 square feet (0.36 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 00", Longitude: -75° 54' 00"),

9) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 79 lineal feet of Smith Creek (HQ-CWF) (Great Bend, PA Quadrangle; Latitude: 41° 53' 59", Longitude: -75° 42' 09").

The Well Connect 6 (Floh) Pipeline project consists of constructing an 8-inch diameter steel natural gas pipeline and a 16-inch HDPE waterline approximately 1.99 mile (10,500 feet) long in Great Bend and New Milford Townships, Susquehanna County. The project will result in 215 lineal feet of temporary stream impacts and 42,945 square feet (0.99 acre) of temporary wetlands impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

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

E62-432, Sheffield Township, P.O. Box 784, Sheffield, PA 16347. Dry Hydrant Installation, in Sheffield Township, **Warren County**, ACOE Pittsburgh District (Sheffield, PA Quadrangle N: 41°, 42', 6.2"; W: -79°, 1', 52.4").

For Sheffield Volunteer Fire Department use, the Applicant proposes to install and maintain three (3) dry hydrants consisting of PVC plastic pipe-six (6) inches in diameter with the first located at the Center Street bridge crossing of Twomile Run (HQ-CWF) (41°, 42', 6.2" N; -79°, 1', 52.4" W), the second near the Horton Avenue bridge crossing of Twomile Run (HQ-CWF) (41°, 42', 15.6" N; -79°, 1', 22.4" W), and the third located at the Henry's Mill Road bridge crossing of South Branch Tionesta Creek (HQ-CWF) (41°, 39', 50.4" N; -79°, 1', 27.2" W) all in Sheffield Township, Warren County.

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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0092525 (Sewage)	Scottdale Manor Rehab Center STP 900 Porter Avenue Scottdale, PA 15683	Westmoreland County East Huntingdon Township	Unnamed Tributary of Jacobs Creek (19-D)	Yes

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0051454	Mr. John Alfonse 7002 Carls Hill Road Zionsville, PA 189092	Montgomery County East Norriton Township	Unnamed Tributary to Stony Creek 3-F	Y
PA0244856 A-1	Waste Management of Fairless LLC 1000 New Ford Mill Road Morrisville, PA 19067	Bucks County Falls Township	Delaware River 2-E	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0261734 (SEW)	Moore Genevieve E & Moore Stephen J 4350 Old Orchard Rd York, PA 17402	Springettsbury Township York County	Unnamed Tributary of Kreutz Creek in Watershed(s) 7-I	Y
PA0261653 A-2 (SEW)	Jackson Residence 151 Shatto Drive Carlisle, PA 17013	North Middleton Township Cumberland County	Conodoguinet Creek in Watershed(s) 7-B	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0033928 (Sewage)	Town & Country Estates 54 Railroad Avenue Mansfield, PA 16933-1409	Bradford County Troy Township	Unnamed Tributary to West Branch Sugar Creek (4-C)	Yes
PA0032409 (Industrial)	Hyner Run State Park 4205 Little Pine Creek Road Waterville, PA 17776-9608	Clinton County Chapman Township	Hyner Run (9-B)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0234044 (Sewage)	Singer SRSTP 2210 Balsam Road Wellsboro, PA 16901	Tioga County Delmar Township	Unnamed Tributary to Wilson Creek (9-A)	Yes
PA0112054 A-2 (Sewage)	Mifflin Manor Development STP PO Box 186 380 Old Cement Road Montoursville, PA 17754-0186	Lycoming County Mifflin Township	Larrys Creek (10-A)	Yes
PA0234061 (Sewage)	Thierwechter SRSTP 813 Round Top Road Wellsboro, PA 16901-6979	Tioga County Charleston Township	Charleston Creek (9-A)	Yes
<i>Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0218961 (Industrial)	Pittsburgh Water & Sewer Authority 1200 Penn Avenue 2nd Floor Pittsburgh, PA 15222	Allegheny County Pittsburgh City	Allegheny River (18-A)	Yes
<i>Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0239879 (Sewage)	Joanne K & Timothy R Krahe SRSTP 7012 Bargain Road Erie, PA 16509	Erie County McKean Township	Unnamed Tributary to Walnut Creek (15-A)	Yes

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

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.

NPDES Permit No. PA0028461, Sewage, SIC Code 4952, **Mifflinburg Borough Union County**, 120 N 3rd Street, Mifflinburg, PA 17844-1134.

This existing facility is located in Mifflinburg Borough, **Union County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

NPDES Permit No. PA0234087, CAFO, SIC Code 0211, 0213, **Philip D. Courter**, 6527 Jacksonville Road, Mill Hall, PA 17751.

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

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing CAFO.

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. 1516404, Sewage, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380.

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

Description of Action/Activity: Construction and operation of a pump station and force main.

WQM Permit No. 0901401, Sewage, Amendment 3, **Buckingham Township**, P.O. Box 413, Buckingham, PA 18912-0413.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: Rerate to an average annual flow of 10,885 gallon of sewage per day.

WQM Permit No. 1500419, Sewage, Renewal, **South Coventry Township**, 1371 New Philadelphia Road, Pottstown, PA 19465.

This proposed facility is located in South Coventry Township, **Chester County**.

Description of Action/Activity: Approval for renewal of a WQM Part II Permit to allow the continued operation of a sewage treatment plant with a drip irrigation.

WQM Permit No. 1500422, Sewage, Renewal, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335.

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

Description of Action/Activity: Approval for renewal of a WQM Part II Permit to allow the continued operation of a sewage treatment plant with a drip irrigation.

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

WQM Permit No. WQG01501601, Sewerage, **Justin Zitsch SRSTP**, 201 Fawn Court, Marysville, PA 17053-9209.

This proposed facility is in Penn Township, **Perry County**.

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of Small Flow Treatment Facilities designed according to the Small Flow Treatment Facilities Manual DEP ID 362-0300-002.

WQM Permit No. 2116409, Sewerage, **Hampden Township Roth Lane STP & Composting**, 230 S Sporting Hill Road, Mechanicsburg, PA 17050-3097.

This proposed facility is in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity:

The proposed sanitary sewer interceptor main is to provide for the decommissioning of a temporary pump station known as Fairwinds Pump Station which is also known as the Hampden Township Sewer Authority Pump Station # 21.

WQM Permit No. 2216405, Sewerage, **Lower Paxton TWP Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109.

This proposed facility is in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity:

This permit approves construction/modification of sewage facilities consisting of:

The replacement of approximately 1,200 ft. of existing sewer between MH 90 and MH 95 with larger capacity pipe and the replacement/rehabilitation of approximately 350 ft. of existing sewer between MH 92.01 and MH 3208.

WQM Permit No. 0614201 A-1, CAFO, **Skyline Acres Inc.**, 477 Skyline Drive Bernville, PA 19506.

This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Action/Activity:

This amendment approves the modification of manure storage facilities consisting of:

The replacement of two existing storage ponds for one 225' x 400' x 15' storage pond with a capacity of 5,864,698 gallons at a 24-inch freeboard. The HDPE-lined storage pond will contain 2 leak detection lines, one of 4" solid sch. 40 pipe and the other made of 4" heavy duty hwy grade corrugated perforated pipe. The proposed pond will also contain a concrete pump out ramp at the northern end of the facility.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.

WQM Permit No. 5516201, Industrial, SIC Code 4911, **Panda Hummel Station LLC**, 5001 Spring Valley Road, Suite 1150 West, Dallas, TX 75244-3946.

This proposed facility is located in Shamokin Dam Borough, **Snyder County**.

Description of Proposed Action/Activity: Construction and operation of an industrial wastewater treatment plant to treat blowdown prior to discharge to the Susquehanna River.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011516008	Mr. Thomas Sean O'Donnell Ms. Michelle Roberts O'Donnell 3362 Conestoga Road Glenmoore, PA 19343	Chester	East Nantmeal Township	Beaver Run (POI No. 1) EV-MF
PAI011516009	Integrated Land Management, Inc. 3 Lucas Lane Malvern, PA 19355	Chester	Willistown Township	Black Horse Creek (POI Nos. 2 and 3) HQ-TSF-MF Ridley Creek HQ
PAD460004	PennDot District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Montgomery	Pottstown Borough	Schuylkill River WWF-MF

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036716002	Brogue DPP; LLC 9010 Overlook Boulevard Brentwood, TN 37027	York County	Chanceford Township	Wetlands (EV) South Fork Otter Creek (Designated use: WWF, MF) (Existing use: CWF, MF)

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 Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Warminster Township Bucks County	PAC090043	J G Petrucci, Inc. 264 Williams Road Woodstown, NJ 08098	Unnamed Tributary to Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Bucks County	PAC090012	Julie Laughlin 220 Stoopville Road Newtown, PA 18940	Hough Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAC090024	Annette Frey 3954 Hillcrest Drive Furlong, PA 18925	Unnamed Tributary to Watson Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

1893

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Makefield Township Bucks County	PAC090047	Lower Makefield Township 1100 Edgewood Road Yardley, PA 19067	Buck Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAC460028	Rayer Builders and Excavation 12 Church Road Media, PA 19063-4701	Schuylkill River 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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hanover Township Luzerne County	PAC400003	300 Lasley, LLC 100 Baltimore Drive Wilkes-Barre, PA 18702	UNT to Garringers Creek (CWF, MF)	Luzerne Conservation District 570-674-7991

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumberland Township Adams County Issued	PAC010013	Brian Shaffer/ Gettysburg Foundation 1195 Baltimore Pike Gettysburg, PA 17325	UNT Rock Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
Franklin Township Adams County Issued	PAC010020	Bruce A. and Lori L. Bridel 100 Skyline Court Gettysburg, PA 17325	Muskrat Run (CWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
City of Harrisburg Dauphin County Issued	PAC220027	Navnitlal Zaver 1904 Christopher Place Harrisburg, PA 17110	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220020	Posh Properties 2216 Willow Park Road Bethlehem, PA 18020	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Hummelstown Borough Dauphin County Issued	PAC220016	JC Bar Properties, Inc. 415 Fallowfield Road Suite 301 Camp Hill, PA 17011	Swatara Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County Issued	PAC220021	Milton Hershey School PO Box 445 Hershey, PA 17033	UNT Swatara Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Belfast Township Fulton County Issued	PAC290001	Needmore Water Supply, Inc. Co. 1230 Everetts Road Needmore, PA 17238	Palmer Run (WWF) Tonoloway Creek (WWF, MF) Barnetts Run (TSF)	Fulton County Conservation District 216 North Second Street Suite 15 McConnellsburg, PA 17233 717.485.3547
Little Britain Township Lancaster County Issued	PAD360003	Scott Wagner 385 King Pen Road Quarryville, PA 17566	McCreary Run (HQ-TSF, MF) UNT McCreary Run (HQ-TSF, MF) Wetlands adjacent to UNT McCreary Run (EV)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Upper Leacock Township Lancaster County Issued	PAC360045	Lancaster New Holland Real Estate Inc. PO Box 12425 Lancaster, PA 17605	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
West Lampeter Township Lancaster County Issued	PAC360062	Willow Valley Associates, Inc. 200 Willow Valley Square Lancaster, PA 17602	UNT Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Drumore Township Lancaster County Issued	PAI033616004	David King 1854 Susquehannock Drive Drumore, PA 17518	Susquehanna River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
West Lampeter Township Lancaster County Issued	PAG02003616080	Clair Burkholder 1050 Oregon Hollow Road Drumore, PA 17518	McFarlands Run (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Paradise Townships Lancaster County Issued	PAC360024	Steven Fisher 317 Hilltop Road Strasburg, PA 17579	Eshleman Run (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Manor Township Lancaster County Issued	PAC360031	David Charles 241 A Rohrerstown Road Lancaster, PA 17603	UNT West Branch Little Conestoga Creek (CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Ephrata Township Lancaster County Issued	PAC360048	Laurie Griffin 8751 Gas House Pike Frederick, MD 21701	Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Hempfield Township Lancaster County Issued	PAC360064	Jeffrey Landis 2048 Gochlan Road Manheim, PA 17545	UNT Swarr Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Strasburg Borough Lancaster County Issued	PAC360065	Jim Brown 31 East Main Street PO Box 457 Ephrata, PA 17522	Tributary Pequea Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
West Earl Township Lancaster County Issued	PAC360071	John Leid 356 Turtle Hill Road Ephrata, PA 17522	Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Leacock Township Lancaster County Issued	PAC360073	Amos Stoltzfoos 3910 East Newport Road Gordonville, PA 17529	Tributary Watson Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Coal Twp Northumberland Cnty	PAC490010	Northumberland County Prison 2000 Northwestern Drive Coal Township, PA 17866	Shamokin Creek WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Monrow Twp and Shamokin Dam Boro Snyder Cnty	PAC550002	Shamokin Dam LLC PO Box 517 Old Trail Road Shamokin Dam, PA 17876	Susquehanna River, WWF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Charleston Township Tioga County	PAR314811 A-1	SWEPI LP 150 N Dairy Ashford Road Building E, Floor 12 Houston, TX 77079	Unnamed Tributary to North Elk Run—4-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Millcreek Township Erie County	PAG038348	Russell Standard Corp 285 Kappa Drive Suite 300 Pittsburgh, PA 15238-2814	Unnamed Tributary to West Branch Cascade Creek—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adams Township Butler County	PAG038347	Russell Standard Corp 285 Kappa Drive Suite 300 Pittsburgh, PA 15238-2814	Unnamed Tributary to Breakneck Creek—20-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
East Lackawannock Township Mercer County	PAG038349	Russell Standard Corp 285 Kappa Drive Suite 300 Pittsburgh, PA 15238-2814	Unnamed Tributary to Neshannock Creek—20-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</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Penn Township/ Perry County	PAG043960	Justin Zitsch SRSTP 201 Fawn Court Marysville, PA 17053-9209	UNT to Sherman Creek	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-5

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Northampton Borough Northampton County	PAG052231	Horwith Leasing Co., Inc. 1449 Nor Bath Boulevard Northampton, PA 18067	Hokendauqua Creek—02C	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

General Permit Type—PAG-10

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Harmony Township Susquehanna County	PAG102351	Bluestone Pipeline Company of Pennsylvania 1429 Oliver Road New Milford, PA 18834	Little Roaring Brook—4-E CWF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

General Permit Type—PAG-12

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Kelly Township Union County	PAG124805	David N & Mary L Groff 314 Lamplight Lane Lewisburg, PA 17837-9010	Unnamed Tributary of West Branch Susquehanna River—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

**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.

**CAFO NMP
PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)**

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproval</i>
Ideal Family Farms, LLC Gerald Stauffer PO Box 215 Selinsgrove, PA 17870 (mailing)	Snyder	46	1,569.76	Swine	NA	Approved
Ideal Family Farms 89 BP Finishing Lane Beavertown, PA 17813 (location)						
Papy’s Orchard 2474 Urffer Road Coopersburg, PA 18036	Lehigh	34.8	362.2	Turkey	N/A	Approved

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the 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

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

Permit No. 0917505, Construction. Public Water Supply.

Applicant **Township of Falls Authority**
557 Lincoln Highway
Fairless Hills, PA 19030

Township Falls
County **Bucks**

Type of Facility PWS
Consulting Engineer Vernick & Beach Engineers
922 Fayette Street
Conshohocken, PA 19030

Permit to Construct Issued March 8, 2017

Permit No. 4617504, Construction. Public Water Supply.

Applicant **Audubon Water Company**
2650 Eisenhower Drive
Norristown, PA 19403

Township Lower Providence
County **Montgomery**

Type of Facility PWS
Consulting Engineer Evans Mill Environmental, LLC
P.O. Box 735
Uwchland, PA 19480

Permit to Operate Issued March 8, 2017

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

Permit No. 6716508, Public Water Supply.

Applicant **Walmar MHC LLC**
Municipality Franklin Township
County **York**
Responsible Official Joseph R. Weber, Chief
Operating Officer
9033 Nemo Street
West Hollywood, CA 90069

Type of Facility The system is proposing to consolidate EP 101 & EP 102 along with the installation of softening, GWR 4-Log contact piping and a new finished water storage tank.

Consulting Engineer N Peter Fleszar, P.E.
Glace Associates, Inc.
3705 Trindle Road
Camp Hill, PA 17011

Permit to Construct Issued 3/13/2017

Permit No. 0616512, Public Water Supply.

Applicant **Reading Area Water Authority**
Municipality Ontelaunee Township

County
Responsible Official

Type of Facility

Consulting Engineer

Permit to Construct Issued

Permit No. 2216508 MA, Minor Amendment, Public Water Supply.

Applicant **Gratz Borough Water Revenue Fund**

Municipality Gratz Borough

County **Dauphin**

Responsible Official Kylie Bender, President of Council
PO Box 305
Gratz, PA 17030

Type of Facility Change in blended phosphate corrosion inhibitor chemical from Aqua Mag Blended Phosphate (70/30) to SeaQuest (77/23).

Consulting Engineer N Peter Fleszar, P.E.
Glace Associates, Inc.
3705 Trindle Road
Camp Hill, PA 17011

Permit to Construct Issued 3/16/2017

Permit No. 0617501 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania-American Water Company**

Municipality Exeter Township

County **Berks**

Responsible Official W. Joseph Duckworth, President
100 W. Lancaster Avenue
Suite 102
Wayne, PA 19087

Type of Facility Blasting and repainting of the interior and exterior of the 0.25 MG Neversink Tank No. 2.

Consulting Engineer Scott M. Thomas, P.E.
Pennsylvania American Water
852 Wesley Drive
Mechanicsburg, PA 17055

Permit to Construct Issued 3/2/2017

Permit No. 2217504 MA, Minor Amendment, Public Water Supply.

Applicant **SUEZ Water Pennsylvania Inc**

Municipality Susquehanna Township

County **Dauphin**

Responsible Official John D. Hollenbach,
Vice-President
4211 East Park Circle
Harrisburg, PA 17111-0151

Type of Facility Replacement of the Filter No. 8
underdrains and filter media at
the Sixth Street Filter Plant.

Consulting Engineer Mark C. Baker, P.E.
United Water Pennsylvania, Inc
4405 North 6th Street
Harrisburg, PA 17110

Permit to Construct 3/13/2017
Issued

Operation Permit No. 3616514 issued to: **Farmersville Mennonite School (PWS ID No. 7360780)**, West Earl Township, **Lancaster County** on 3/20/2017 for facilities approved under Construction Permit No. 3616514.

Comprehensive Operation Permit No. 7380375 issued to: **Harper's Tavern (PWS ID No. 7380375)**, East Hanover Township, **Lebanon County** on 3/20/2017 for the operation of facilities approved under Construction Permit No. 3817501 MA.

Operation Permit No. 2217505 E issued to: **Hi-Land Mobile Home Park (PWS ID No. 7220025)**, Londonderry Township, **Dauphin County** on 3/13/2017 for facilities approved under Construction Permit No. 2217505 E.

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

Permit Nos. A-1468-T1, 6-66-W-008-T1, 4781501-T1, MA(9/25/89)-T1, MA(7/7/99)-T1, MA(11/17/99)-T1, 4707501-T1, MA(4/7/10)A-T1, MA(4/7/10)B-T1—Transfer/Operation—Public Water Supply.

Applicant **Mahoning Township**

Township/Borough Mahoning Township

County **Montour**

Responsible Official Kenneth Woodruff
1101 Bloom Rd.
Danville, PA 17821

Type of Facility Public Water Supply

Consulting Engineer Dave Walters
Larson Design Group
1000 Commerce Park Dr.
Ste 201
Williamsport, PA 17701-5475

Permit Issued March 16, 2017

Description of Action Transfer from Mahoning Township Municipal Authority for operation of the Mahoning Township water system consisting of four booster pump stations, two booster chlorination chemical feed systems, three finished water storage tanks, an interconnect with Danville Municipal Authority, and the distribution system.

Permit No. 6017501-MA—Construction—Public Water Supply.

Applicant **Pennsylvania American Water Company**

Township/Borough East Buffalo Township

County **Union**

Responsible Official David Kaufman
Vice President—Engineering
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Scott M. Thomas PE
Pennsylvania American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Permit Issued March 21, 2017

Description of Action Authorizes rehabilitation and repainting of the 235,000 gallon College Park Standpipe as proposed in the application, while daily demands are supplied by the 1.0 MG Lewisburg Tank.

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

Permit No. 0216541, Public Water Supply.

Applicant **Municipal Authority of the Borough of Oakmont**
PO Box 73
721 Allegheny Avenue
Oakmont, PA 15139

[Borough or Township] Penn Hills

County **Allegheny**

Type of Facility Alcoma water storage tank

Consulting Engineer NIRA Consulting Engineers, Inc.
950 Fifth Avenue
Coraopolis, PA 15108

Permit to Construct March 15, 2017
Issued

Permit No. 0216538, 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 Alcoma water storage tank

Consulting Engineer Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Permit to Construct March 15, 2017
Issued

Permit No. 6516511, Public Water Supply.
 Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Borough or Township] Plum Borough
 County **Allegheny**
 Type of Facility Hankey Farms tank mixer
 Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct March 14, 2017
 Issued

Permit No. 3217504, Public Water Supply.
 Applicant **Indiana County Municipal Services Authority**
 602 Kolter Drive
 Indiana, PA 15701

[Borough or Township] Center Township
 County **Indiana**
 Type of Facility Luciousboro water storage tank
 Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct March 15, 2017
 Issued

Permit No. 3217503, Public Water Supply.
 Applicant **Indiana County Municipal Services Authority**
 602 Kolter Drive
 Indiana, PA 15701

[Borough or Township] Center Township
 County **Indiana**
 Type of Facility Waterman water storage tank
 Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct March 15, 2017
 Issued

Permit No. 3217501, Public Water Supply.
 Applicant **Indiana County Municipal Services Authority**
 602 Kolter Drive
 Indiana, PA 15701

[Borough or Township] Center Township
 County **Indiana**
 Type of Facility Lucerne water storage tank

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

Permit to Construct March 15, 2017
 Issued

Permit No. 0215539, Public Water Supply.
 Applicant **Moon Township Municipal Authority**
 1700 Beaver Grade Road
 Suite 200
 Moon Township, PA 15108

[Borough or Township] Moon Township
 County **Allegheny**
 Type of Facility UV at Fern Hollow WTP
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit to Construct March 16, 2017
 Issued

Permit No. 1115510-A1, Public Water Supply.
 Applicant **Nanty Glo Water Authority**
 1015 First Street
 Suite 1
 Nanty Glo, PA 15943

[Borough or Township] Cambria Township
 County **Cambria**
 Type of Facility WTP
 Consulting Engineer Stiffler McGraw and Associates
 1731 North Juniata Street
 Hollidaysburg, PA 16648

Permit to Construct March 15, 2017
 Issued

Operations Permit issued to: **Center Township Water Authority**, 224 Center Grange Road, Aliquippa, PA 15001 (**PWSID # 5040007**) Center and Potter Townships, **Beaver County** on March 14, 2017 for the operation of facilities approved under Construction Permit # 0415507MA.

Operations Permit issued to: **Pittsburgh Water and Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222 (**PWSID # 5020038**) City of Pittsburgh, **Allegheny County** on March 14, 2017 for the operation of facilities approved under Construction Permit # 0214538MA-1E.

Operations Permit issued to: **Pittsburgh Water and Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222 (**PWSID # 5020038**) City of Pittsburgh, **Allegheny County** on March 14, 2017 for the operation of facilities approved under Construction Permit # 0217512MA.

Operations Permit issued to: **Pittsburgh Water and Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222 (**PWSID # 5020038**) City of Pittsburgh, **Allegheny County** on March 14, 2017 for the operation of facilities approved under Construction Permit # 0217513MA.

Operations Permit issued to: **Tri-County Joint Municipal Authority**, 26 Monongahela Avenue, Fredericktown, PA 15333 (PWSID # 5630045) East Bethlehem Township, **Washington County** on March 14, 2017 for the operation of facilities approved under Construction Permit # 6315508.

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672 (PWSID # 5260036) Unity Township, **Westmoreland County** on March 6, 2017 for the operation of facilities approved under Construction Permit # 2617502MA.

Operations Permit issued to: **Veterans Administration Pittsburgh Healthcare System**, University Drive C, Pittsburgh, PA 15240 (PWSID # 5020912) City of Pittsburgh, **Allegheny County** on March 15, 2017 for the operation of facilities approved under Construction Permit # 0215531.

Operations Permit issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701 (PWSID # 5320042) Pine Township, **Indiana County** on March 17, 2017 for the operation of facilities approved under Construction Permit # 3215511.

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

Operation Permit issued to **Michael and Samuel Buzard**, PWSID No. 6160817, Limestone Township, **Clarion County**. Permit Number 1616501 issued March 15, 2017 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

SUCCESSION TO WATER RIGHTS

Actions taken on (permits/orders of confirmation) issued 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.

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

Change of Ownership

WA 47-1006A, Succession to Water Rights. The Department has acknowledged that Mahoning Township, **Montour County**, has given notice that it succeeded to all rights and obligations under Water Allocation Permit No. 47-1006A, issued to the former Mahoning Township Authority, Mahoning Township, Montour County on February 2, 2017.

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:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Charleroi Borough	334-338 Fallowfield Avenue Charleroi, PA 15022	Washington

Plan Description: On January 17, 2017, the Southwest Regional Office approved the California Borough's Official Pennsylvania Sewage Facilities Act (Act 537) Plan Minor Update Revision. (APS ID 931956, AUTH ID 1167045).

The plan proposes to eliminate sanitary sewer overflows and reduce excessive combined sewer overflows to the Monongahela River by making improvements/modifications to the Charleroi STP, pump stations, force mains and interceptor sewers. The Plan selected the least-cost alternative to implement and will mitigate any environmental impacts. A complete Act 537 Plan was finally submitted for Department review on December 28, 2016. We concurred with the selected alternative in the Act 537 plan and approved it on January 10, 2017.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Franklin Township	P.O. Box 85 Lairdsville, PA 17742	Lycoming

Plan Description: The approved plan calls for the Franklin Township to construct, own, and operate a completely new public sewage treatment system to serve the village of Lairdsville. The proposed new sewage treatment system will utilize one pump station to convey sewage flows to a Sequencing Batch Reactor (SBR) that discharges to Little Muncy Creek (Cold Water Fishery). The proposed new sewage treatment system has an expected total project cost of \$2,221,448.00, with the township planning to utilize private financing to pay for construction. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Franklin Township.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

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>
Mount Joy Township	159 Merts Drive Elizabethtown, PA 17022	Lancaster

Plan Description: The planning module for the The Vineyard at Grandview, DEP Code No. A3-36942-368-2, APS Id 935836, consisting of a vineyard event space to generate 6,125 gpd in sewage flows to an on lot system is disapproved. The proposed development is located on Grandview Road, off of Mount Pleasant Road, in Mount Joy Township, Lancaster County. This plan is disapproved because comments from the Lancaster County Planning Commission had not been submitted with the module.

HAZARDOUS SITES CLEAN-UP

UNDER THE ACT OF
OCTOBER 18, 1988

**Settlement Under the Comprehensive
Environmental Response, Compensation and
Liability Act and the Hazardous Sites Cleanup Act**

**Bishop Tube; East Whiteland Township,
Chester County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. §§ 6020.101—6020.1305, and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C.A. § 9601—9675, has entered into an amended Prospective Purchaser Agreement (PPA) with Constitution Drive Partners, L.P. (CDP) regarding the Bishop Tube HSCA Site (Site).

The Site is located approximately .25 mile south of US Route 30 in East Whiteland Township, Chester County. The Site consists of land totaling approximately 13.7 acres and was formerly used as a precious metals and stainless steel manufacturing facility. The Department has determined that there is significant soil and groundwater contamination at the Site.

The Site was acquired by the Central and Western Chester County Industrial Development Authority for potential redevelopment and was subsequently sold to CDP for purposes of redevelopment. Under the terms of the Agreement with the Department, which was executed immediately prior to CDP's acquisition of the Site, CDP agreed to (1) assess and clean up soil contamination at the Site to one of the standards set forth in the Land Recycling and Environmental Remediation Standards Act (Act 2), 35 P.S. §§ 6026.101—6026.908; (2) not to exacerbate any existing contamination at the Site; and (3) to provide access and right of entry to the Department for potential future remediation of groundwater contamination in exchange for a covenant not to sue and contribution protection from the Department. The Department and CDP subsequently amended the PPA on two occasions. On January 22, 2007, the Department and CDP agreed that, in order to satisfy its remediation obligations under the PPA, CDP would design, provide mechanical equipment and demonstrate performance of a soil vapor extraction and air sparging remedial system (AS/SVE System), which the Department would install and take over upon performance demonstration. On June 4, 2010, the Department and CDP amended the PPA for a second time and agreed that, to satisfy its remediation obligations, CDP would repair and run the AS/SVE system for a seventy-two (72) hour period, after which it would relinquish control to the Department and pay the Department an amount of \$30,000.

This notice is provided under section 1113 of HSCA, 35 P.S. § 6020.1113. The agreements may be examined at the Department's offices at 2 East Main Street, Norristown, PA 19401 by contacting Dustin Armstrong at 484.250.5723 or Robert Schena at 484.250.5865. The Department will accept public comments for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding this PPA and its amendments by submitting them to Dustin Armstrong at the Department's address as listed above.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 2

**The following plans and reports were submitted
under the Land Recycling and Environmental
Remediation Standards Act (35 P.S. §§ 6026.101—
6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Fox Property, 12 Fox Manor Road, Hazle Township, **Luzerne County**. United Environmental Services, Inc., PO Box 701, 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Rod Fox Motors, Inc./Fox Truck Caps, 12 Fox Manor Road, Hazle Township, PA 18202, submitted a Final Report concerning remediation of site soils contaminated with MTBE, Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Wilkes-Barre/Scranton International Airport, 100 Terminal Drive, Pittston Township, **Luzerne County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Wilkes-Barre/Scranton Interna-

tional Airport, 100 Terminal Drive, Suite 1, Avoca, PA 18641, submitted a Final Report concerning remediation of site soils contaminated with hydraulic oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Mitroka Property, 2727 West Pennsylvania Street, South Whitehall Township, **Lehigh County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Mildred Mitroka, 932 North 32nd Street, Allentown, PA 18104, submitted a Final Report concerning remediation of site soils contaminated with tert-Butyl-Methyl-Ether, Benzene, Toluene, Ethylbenzene, Cumene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sunoco Fullerton Terminal # 0358-1501, 2480 Main Street, Whitehall Township, **Lehigh County**. Aquaterra Technologies, Inc., 122 S. Church Street, West Chester, PA 19382, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 200, Wilmington, DE 19803, submitted a Final Report concerning remediation of site soils contaminated with kerosene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Duncott Hose Company, 1332 Valley Road, Cass Township, **Schuylkill County**. Entech Engineering Inc., 500 North Centre Street, PO Box 389, Pottsville, PA 17901, on behalf of Duncott Hose Company, PO Box 86, Llewellyn, PA 17944, submitted a Final Report concerning remediation of site soils contaminated with benzene, cumene, ethylbenzene, MTBE, naphthalene, toluene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Kenneth Cramer Property, 3567 Kettle Road, Altoona, PA 16601, Tyrone Township, **Blair County**. P. Joseph Lehman Consulting Engineers, 117 Olde Farm Office Road, Suite 113, Altoona, PA 16635, on behalf of Kenneth Cramer, 3567 Kettle Road, Altoona, PA 16601, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

914 South 13th Street, Harrisburg, PA 17103, City of Harrisburg, **Dauphin County**. BL Companies, 4242 Carlisle Pike, Camp Hill, PA 17011, on behalf of Nancy L. Martin, 219 Westview Drive, Elizabethtown, PA 17022, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with arsenic and chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Schneider National, Chapman Township, **Snyder County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Schneider National Carriers, Inc., 7101 W 17th Street, Gary, IN 46406, has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Former Metallurgical Company of America (METCO) Site, 8347 Mercer Street, Pulaski Township, **Lawrence County**. R.A.R. Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101, on behalf of Pulaski Industrial Corporation, P.O. Box 332, 8347 Mercer Street, Pulaski, PA 16143, submitted a Risk Assessment Report concerning the remediation of site soil contaminated with arsenic, cadmium, cobalt, lithium, manganese, mercury and site groundwater contaminated with antimony, arsenic, cadmium, lead, lithium, manganese, molybdenum, nickel, vanadium, chromium VI, cobalt, and silver. 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.

Norfolk Southern Railyard, 210 1st Street (derailment area), Borough of Vandergrift **Westmoreland County**. Geosyntec Consultants, 1 Penn Center West Drive, Pittsburgh, PA 15276 on behalf of Norfolk Southern Corporation, 1200 Peachtree Street, Atlanta, GA 30309 has submitted a Final Report concerning the remediation of site soil contaminated with Heavy Crude Oil. Public notice was posted to the *Tribune-Review* on January 18, 2016.

Former Shop & Save, Glassport, **Allegheny County**. RT Environmental Services, LLC, 591 East Main Street, Washington, PA, 15301 on behalf of First Link, LLC, PO Box 1567, Beaver Falls, PA 15010 has submitted a Final Report concerning the remediation of site soil contaminated with benzene, trimethylbenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, MTBE and groundwater contaminated with benzene. Public notice was posted published to the *Pittsburgh Post-Gazette* on February 9, 2017.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-

specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Hibshman Property, 1521 North 26th Street, Allentown City, **Lehigh County**. JK Environmental Services, LLC, PO Box 509, Lafayette Hill, PA 19444, on behalf of Lewis Environmental, Inc., 144 Reno Street, New Cumberland, PA 17070, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Methyl tert-butyl ether, Naphthalene, Cumene (Isopropylbenzene), 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on March 20, 2017.

2797 Fair Road Property, 2797 Fair Road, South Manheim Township, **Schuylkill County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Francis Courtney, 2797 Fair Road, Auburn, PA 17922, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with Benzene, Cumene, Ethylbenzene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, and 1,3,5-TMB. The Final Report did not demonstrate attainment of the Statewide Health Standard, and was disapproved by the Department on March 16, 2017.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Southeast Corner of Susquehanna Court and Lowther Street, Lemoyne, PA 17403, Lemoyne Borough, **Cumberland County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 202, Lancaster, PA 17603, on behalf of G&G, LLC, 1420 King Street, Suite 411, Alexandria, VA 22314, and Lemoyne Harrisburg Develop-

ment LLC, 1420 King Street, Suite 411, Alexandria, VA 22314, submitted a Remedial Investigation, Risk Assessment, and Final Report concerning remediation of site soil contaminated with PAHs from fill material at a former quarry. The combined Report demonstrated attainment of the Site Specific Standard, and was approved by the Department on March 13, 2017.

Dorian Abel Residence, 195 Heydt's Schoolhouse Road, Bechtelsville, PA 19505, Washington Township, **Berks County**. Mountain Research, 825 25th Street, on behalf of Dorian Abel, 195 Heydt's Schoolhouse Road, Bechtelsville, PA 19505, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on March 16, 2017.

Mount Joy Wire, 1000 East Main Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Mount Joy Wire Corporation, 1000 East Main Street, Mount Joy, PA 17552, submitted a Final Report concerning remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on March 17, 2017.

Shirley Hall Residence, 182 Ann Street, Saxton, PA 16678, Liberty Township, **Bedford County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Shirley Hall, 182 Ann Street, Saxton, PA 16678, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on March 17, 2017.

Columbia Gas of PA Service Center/Off-Property Area, 149 North Stratton Street, Gettysburg, PA 17325, Borough of Gettysburg, **Adams County**. AECOM, 250 Apollo Drive, Chelmsford, MA 01824, on behalf of NiSource Corporate Services, 4 Technology Drive, Suite 250, Westborough, MA 01581 and South Central Community Action Program, 153 North Stratton Street, Gettysburg, PA 17325 submitted a Final Report concerning remediation of site soil contaminated from a former manufactured gas plant. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on March 16, 2017.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Family Practice Center, PC, Lower Mahanoy Township, **Northumberland County**. Molesevich Environmental, LLC, PO Box 654, Lewisburg, PA 17837, on behalf of Family Practice Center, PC, 3040 North Susquehanna Trail, PO Box 129, Shamokin Dam, PA 17876, has submitted a Combined Remedial Investigation Report and Final Report concerning remediation of site soil contaminated with Fuel Oil. The combined report demonstrated attainment of the Site-Specific Standard and was approved by the Department on January 17, 2017.

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

Former Rouseville Refinery Plant 1 AST Farm, Buchanan Street, Borough of Rouseville, **Venango County**. AECOM Technical Services, Inc., 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876,

on behalf of Pennzoil Quaker State Company, 1160 Rustling Wind Lane, League City, TX 77573, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soils contaminated with 1,2,3-trichloropropane, 1,2,4-trichlorobenzene, 1,2,4-TMB, 1,2-dichloroethane, 1,3,5-TMB, 1,3-butadiene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 2-butanone, 2-hexanone, 4-methyl-2-pentanone, acetone, acetonitrile, acrylonitrile, benzene, bromomethane, carbon disulfide, chloroethane, chloroform, chloromethane, cis-1,2-dichloroethene, cyclohexane, cyclohexanone, dichlorodifluoromethane, ethylbenzene, isopropyl alcohol, isopropylbenzene, m,p-xylene, methyl acetate, methylcyclohexane, methylene chloride, naphthalene, n-butanol, n-butylbenzene, n-propylbenzene, o-xylene, p-isopropyltoluene, sec-butylbenzene, styrene, tert-butylbenzene, tetrachloroethene, tetrahydrofuran, toluene, trans-1,3-dichloropropene, xylenes (total), 1-methylnaphthalene, 2,4-dinitrophenol, 2-methylnaphthalene, 2-methylphenol, 3&4-methylphenol, acenaphthene, acenaphthylene, acetophenone, anthracene, atrazine, benzaldehyde, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, benzo[k]fluoranthene, benzoic acid, benzyl butyl phthalate, bis[2-chloroethyl] ether, bis[2-ethylhexyl] phthalate, carbazole, chrysene, dibenzo[a,h]anthracene, dibenzofuran, diethyl phthalate, di-n-butyl phthalate, di-n-octyl phthalate, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, naphthalene, n-nitrosodi-n-propylamine, pentachlorophenol, phenanthrene, phenol, pyrene, arsenic, barium, cadmium, chromium, chromium (hex), chromium (trivalent), lead, mercury, selenium, silver, 1,1,2,2-tetrachloroethane, 1,1,2-trichloroethane, 1,2-dichlorobenzene, 1,3,5-trichlorobenzene, 1,3-dichlorobenzene, 1,3-dichloropropane, acrolein, benzyl chloride, cis-1,3-dichloropropene, dibromochloromethane, iodomethane, 1,2-diphenylhydrazine, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, 2,4-dichlorophenol, 4-chloroaniline, 4-nitrophenol, biphenyl, dimethyl phthalate, diphenylamine, n-nitrosodiphenylamine, methyl ethyl ketone, 2,2,4-trimethylpentane, 4-ethyltoluene, bromodichloromethane, carbon tetrachloride, ethanol, ethyl acetate, freon-113, heptane, hexachlorobutadiene, hexane, trichlorofluoromethane, 1,2-dichloropropane, benzyl chloride, methyl tert butyl ether, and site groundwater contaminated with 1,2,4-TMB, 1,3,5-TMB, 1,3-butadiene, acetone, acrylonitrile, benzene, carbon disulfide, chlorobenzene, cyclohexane, ethylbenzene, isopropyl alcohol, isopropylbenzene, m,p-xylene, naphthalene, n-butylbenzene, n-propylbenzene, o-xylene, sec-butylbenzene, tert-butylbenzene, tetrachloroethene, toluene, xylenes (total), 1,3-dichlorobenzene, 2,4-dimethylphenol, 1-methylnaphthalene, 2-methylnaphthalene, acenaphthene, acenaphthylene, acetophenone, bis[2-ethylhexyl]phthalate, fluorene, naphthalene, phenanthrene, phenol, arsenic, barium, lead, chromium, chromium (hexavalent). The Remedial Investigation/Risk Assessment/Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on February 28, 2017.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Hazardous Waste Transporter License Reissued

Care Environmental Corp., 1620 Route 57, Hackettstown, NJ 07840. License No. PA-AH 0735. Effective Mar 15, 2017.

Renewal Applications Received

Care Environmental Corp., 1620 Route 57, Hackettstown, NJ 07840. License No. PA-AH 0735. Effective Mar 15, 2017.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

Daniels Sharpsmart, Inc., 111 W Jackson Boulevard, Chicago, IL 60604. License No. PA-HC 0254. Effective Mar 22, 2017.

Renewal Applications Received

Daniels Sharpsmart, Inc., 111 W Jackson Boulevard, Chicago, IL 60604. License No. PA-HC 0254. Effective Mar 20, 2017.

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 (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301306. Sunbury Generation LP, Old Trail Road, Shamokin Dam, PA 17876, Monroe Township, Snyder County. Changes to final cover grades, storm water channels, lining of the storm water basin, and stone in limited areas for use as a laydown/parking area. The permit was issued by Northcentral Regional Office on March 17, 2017.

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 AT&T Relay Service, (800) 654-5984.

HAZARDOUS WASTE ACTION-INTENT TO ENTER INTO A REVISED CONSENT ORDER AND AGREEMENT

Proposed action on a Consent Order and Agreement under the Solid Waste Management Act and regulations for the post-closure care of a hazardous waste landfill.

Southwest Region: Regional Waste Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Intent to Revise Consent Order and Agreement

Permit ID No. PAR000522714/PAD000805028. Bet-Tech International, Inc., 3468 Brodhead Road, Monaca, Pennsylvania, 15061. Post-closure care of a closed hazardous waste landfill located at Bet-Tech International, Inc.'s Blacks Run Site in Hopewell Township, **Beaver County**. The regional office proposed on March 21, 2017, to enter into a revised Consent Order and Agreement with Bet-Tech International, Inc. that will address post-closure care activities at this site.

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 Consent Order and Agreement. 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.

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.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP1-39-008: Coca-Cola Company, Lehigh Valley Plant (7551 Schantz Road, Allentown, PA 18106) on March 16, 2017, for the operation of four (4) natural gas/# 2 oil fired boilers at facility located in Upper Macungie Township, **Lehigh County**.

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

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

GP14-29-03011: BL Cornelius Crematory, LLC (122 Leasure Mountain Road, McConnellsburg, PA 17233) on March 16, 2017 for the operation of an existing human crematory, under GP14, at the Kelso Cornelius Funeral Home located in McConnellsburg Borough, **Fulton County**. The general permit authorization was renewed.

GP3-06-03082B: New Enterprise Stone & Lime Co., Inc. (3724 Crescent Court, Suite 200, Whitehall, PA 18052) on March 16, 2017, for the nonmetallic mineral processing equipment, under GP3, at the Kutztown II Quarry located in Maxatawny Township, **Berks County**.

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

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

GP5-43-320C: Vista Resources, Inc. Deep Creek Compressor Station (61 McMurray Rd., Suite 300, Pittsburgh, PA 15241) on March 17, 2017, for the authority to continue operation of existing sources; Two (2) Lean burn, 2 stroke natural gas engines, one (1) natural gas dehydrator, and Nine (9) Storage Tanks, (BAQ-GPS/GP5) located at their facility in Deer Creek Township, **Mercer County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

36-05001M: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) on March 16, 2017, for the replacement/installation of various control devices and equipment on the Prime and Intermediate Line (Source ID 251) and the Tile Finishing Line (Source ID 504) to improve plant hygiene, at the ceiling tile manufacturing facility in East Donegal Township, **Lancaster County**. Specifically, the following items will occur during the project: 1) the replacement of the existing 20,000 cfm internally vented baghouse (Control ID C85) & the 35,000 cfm externally vented baghouse (Control ID D03) with two (2) externally vented 50,000 cfm baghouses, 2) the temporary exhausting of Control ID C85 to the outdoor atmosphere, 3) the installation of four (4) air-knives and additional hoods/pickup points, 4) the replacement of roller conveyors with belt conveyors, 5) the replacement of the existing receiver baghouse with an 830 cfm baghouse, & 6) the replacement of the vacuum feeder stacker and a slice feeder (each equipped with an internally vented fabric filter) with a vacuum stacker and a vacuum feeder both controlled by a 7,063 cfm externally vented baghouse.

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

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

17-00017D: Rescar, Inc. (450 Osborn Avenue, DuBois, PA 15801) authorized increases to the allowable 12-month rolling total emissions of VOCs and HAPs from the surface coating operations, Source IDs P201 and P202. Additionally, an increase in the allowable 12-month rolling emissions of VOCs from the clean-up operations associated with the surface coating operations was authorized. The facility is located in DuBois City and Sandy Township, **Clearfield County**.

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

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

10-368E: Markwest Liberty Midstream & Resources, Bluestone Gas Processing Plant (1515

Arapahoe St., Suite 1600, Denver, CO 80202), on January 24, 2017 issued a Plan Approval to construct three (3) additional process heaters and modifications/revisions to previously permitted process heaters and storage tanks at this facility in Jackson Township, **Butler County**. This will be a Title V facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

06-03117H: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 17606-3266) on March 16, 2017, for the construction and temporary operation of a fabric filter for nuisance dust control, as well as of a micronizing mill controlled by a fabric collector, at the custom milling facility located in Exeter Township, **Berks County**. The plan approval was extended.

06-05069Y: East Penn Manufacturing Co., Inc. (P.O. Box 147, Lyon Station, PA 19536) on March 16, 2017, for modifying the A-4 Facility production lines at the lead-acid battery manufacturing facility in Richmond Township, **Berks County**. The plan approval was extended.

67-03162C: Church & Dwight Co., Inc. (5197 Commerce Drive, York, PA 17408) on March 17, 2017, for construction of a new vitamin and mineral supplements production line at the Davies Facility located in Jackson Township, **York County**. The plan approval was extended.

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

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

49-00064B: Milton Sewer Regional Authority (5585 State Route 405, PO Box 433, Milton, PA 17847), on March 15, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from March 28, 2017 to September 24, 2017 at their facility located in West Chilisquaque Township, **Northumberland County**. The plan approval has been extended.

17-00063D: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on March 2, 2016, to extend the authorization an additional 180 days until September 1, 2017, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the grain storage silos located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

19-00028A: White Pines Corp. (515 State Route 442, Millville, PA 17846) on March 9, 2017, to extend the authorization an additional 180 days until September 10, 2017, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility in Pine Township, **Columbia County**. The extension authorization allows continued leachate pretreatment operation at the facility. The plan approval has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

39-00024: GEO Specialty Chemicals, Inc. (2409 North Cedar Crest Boulevard, Allentown, PA 18104) issued on 3/21/17, a State-Only Operating Permit renewal for operation of an industrial organic chemicals manufacturing operation in South Whitehall Township, **Lehigh County**. The Operating Permit includes applicable emission limits and work practice standards along with applicable monitoring, recordkeeping and reporting requirements to ensure the facility complies with the air quality regulations.

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

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

06-05108: Bally Ribbon Mills (23 North 7th Street, Bally, PA 19503) on March 16, 2017, for the ribbon and strap manufacturing facility located in Bally Borough, **Berks County**. The State-only permit was renewed.

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

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

12-00005: Pennsylvania Department of Transportation (70 PennDOT Drive, Clearfield, PA 16830) on February 14, 2017 issued a renewal State-Only Operating Permit for operation of its Cameron Regional Repair Facility located in Lumber Township, **Cameron County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00045: RPS Machinery Sales, Inc. (P.O. Box 507, Jersey Shore, PA 17740) on March 20, 2017, was issued a renewal state only operating permit for their Jersey Shore Plant located in Piatt Township, **Lycoming County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00046: HPM Industries, Inc. (125 Tom Mix Drive, Dubois, PA 15801) on March 20, 2017, was issued a renewal state only operating permit for their Atlas Pressed Metals facility located in the City of Dubois, **Clearfield County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

26-00500: Contura Pennsylvania Terminal, LLC/LaBelle Coal Terminal (106 East Fredericktown Road, LaBelle, PA) on March 20, 2017, the Department issued a State Only Operating Permit for the operation of an

offloading of barges, stockpiling, and loadout by railcar and/or barge of coal located in Luzerne Township, **Fayette County**.

26-00473: Bullskin Tipple Company/Bullskin Yard (114 Narrows Road, Connellsville, PA 15425) on March 15, 2017, the Department issued a State Only Operating Permit renewal for the operation of a bituminous coal preparation plant located in Connellsville Township, **Fayette County**.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

24-00169: Modern Industries, Inc., US Heat Treaters Div. (135 Green Rd, Kersey, PA 15846-8905), On March 14, 2017, the Department renewed a State Only Operating Permit for the facility located in Fox Township, **Elk County**. The primary sources at the facility are 5 natural gas fueled temper furnaces and 2 natural gas fueled heat-treat/quenching furnaces. The combined heat input rating for all 7 furnaces is 10,175,000 Btu/hr. Potential emissions from the facility are as follows: 4.88 tpy NO_x; 4.10 tpy CO; 0.46 tpy PM; 0.03 tpy SO_x; and 0.27 tpy VOC. The facility is a Natural Minor. 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.

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.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.

V95-047: Honeywell Resin and Chemicals LLC (4701 Bermuda Street, Philadelphia, PA 19137) administratively amended on October 26, 2016 to incorporate a change of ownership and a name change to AdvanSix Resins & Chemicals LLC. The Title V operating permit was originally issued on April, 17, 2003.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

03851601 and NPDES No. PA0214540. Rosebud Mining Company, (301 Market Street, Kittanning, PA 15201). To revise the NPDES Permit for the Dutch Run Prep Plant in Plumcreek Township, **Armstrong County** to relocate existing NPDES (sedimentation pond) Discharge Point 005. Coal Refuse Disposal Acres Proposed 5.7. No additional discharges. The application was considered administratively complete on September 28, 2015. Application received July 16, 2015. NPDES Permit issued March 10, 2017.

30031301 and NPDES No. PA0235610. Dana Mining Company of PA, LLC, (103 Corporate Drive, Suite 102, Morgantown, WV 26501). To renew the permit for the 4-West Mine in Dunkard, Perry and Whiteley Townships, **Greene County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on July 29, 2016. Application received October 24, 2014. Permit issued March 16, 2017.

56111302 and GP12-56111302-R3. Wilson Creek Energy, LLC, (1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541). To revise the permit for the Acosta Deep Mine in Jenner Township, **Somerset County** to establish an emission inventory for coal handling based on maximum total annual raw coal throughput at the facility of 750,000 tons per calendar year. Emission sources consist of paved and unpaved haul roads, conveyor wind erosion, screening, coal stockpile wind erosion, stockpile manipulation, and truck loading. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56111302-R3. The application was considered administratively complete on December 6, 2016. Application received December 6, 2016. Permit issued March 16, 2017.

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

Permit No. 32110102. Britt Energies, Inc., P.O. Box 515, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface mine in Burrell Township, **Indiana County**, affecting 33.8 acres. Receiving streams: unnamed tributaries to Toms Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 17, 2017. Permit issued: March 16, 2017.

Permit No. 32950104 and NPDES Permit No. PA0213055. Big Mack Leasing Co., Inc., 568 Silvis Hollow Road, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface mine in Young Township, **Indiana County**, affecting 62.9 acres. Receiving streams: unnamed tributary to/and Whisky Run to Blacklegs Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 6, 2016. Permit issued: March 16, 2017.

Permit No. 56110102. Marquise Mining Corporation, P.O. Box 338, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface and auger mine in Lincoln Township, **Somerset County**, affecting 45.5 acres. Receiving streams: Quemahoning Creek (Kiski-Conemaugh TMDL) classified for the following use: cold water fishes. There are no potable water supply

intakes within 10 miles downstream. Application received: September 9, 2016. Permit issued: March 17, 2017.

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

65000201 and NPDES Permit No. PA0202835. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Permit renewal issued for continued operation and reclamation to an existing coal refuse reprocessing surface mine, located in Sewickley Township, **Westmoreland County**, affecting 41 acres. Receiving stream: Sewickley Creek. Application received: January 26, 2016. Renewal permit issued: March 17, 2017.

Noncoal Permits Issued

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

12160801 and NPDES PA0269751. Nelson Excavating & Electrical, LLC (6771 Beechwood Road, Emporium, PA 15834). Commencement, operation, and restoration of a small noncoal (sandstone) quarry in Shippen Township, **Cameron County** affecting 4.4 acres. Receiving stream(s): Unnamed Tributary to East Branch Hicks Run and Unnamed Tributary to Finley Run classified for the following use(s): HQ-CWF and EV. Application received: September 21, 2016. Permit issued: March 9, 2017.

PAM216023. New Enterprise Stone & Lime Co., Inc. dba Eastern Industries, Inc. (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Large Noncoal Permit No. 60000301 to the following surface water(s) in Buffalo Township, **Union County**. Receiving stream(s): Buffalo Creek. Application received: September 28, 2016. Permit Issued: March 16, 2017.

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

65900403 and NPDES Permit No. PA0591866. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Permit renewal issued for continued operation and reclamation to an existing large noncoal surface mine, located in Unity and Cook Townships, **Westmoreland County**, affecting 662.5 acres. Receiving streams: unnamed tributaries to Nine Mile Run. Application received: February 1, 2016. Renewal permit issued: March 17, 2017.

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.

37174001. Layne Heavy Civil, Inc. (933 Visco Drive, Nashville, TN 37210) Blasting activity permit for construction blasting at the Ellwood Water Treatment Plant and Raw Sewage Facility in New Beaver Borough, **Lawrence County**. This blasting activity permit expires on July 31, 2017. Permit Issued: March 15, 2017.

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

14174103. Douglas Explosives, Inc. (2052 Philipsburg-Bigler Highway, Philipsburg, PA 16866). Blasting for residential development at The Mews at Burnham Farms Estates located in Spring Township, **Centre County** with an expiration date of March 1, 2018. Permit issued: March 13, 2017.

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

63174103. Wampum Hardware Co. (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction of the JB Fay 576 road, located in McDonald Borough and Cecil Township, **Washington County** with an expiration date of December 31, 2018. Blasting permit issued: March 10, 2017.

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

Permit No. 36174106. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Masonic Village in West Donegal Township, **Lancaster County** with an expiration date of December 30, 2017. Permit issued: March 13, 2017.

Permit No. 38174106. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Glenn Martin chicken houses in Jackson Township, **Lebanon County** with an expiration date of June 30, 2017. Permit issued: March 13, 2017.

Permit No. 67174103. Abel Construction Co., Inc., (PO Box 476, Mountville, PA 17554), construction blasting for Reservoir Heights in West Manchester Township, **York County** with an expiration date of March 7, 2018. Permit issued: March 13, 2017.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E64-307. Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Palmyra & Paupack Townships, **Wayne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a micropile soil stabilization wall on the left bank of Middle Creek (HQ-CWF, MF) for the purpose of rehabilitating the side slope of SR 3028. The project will include the fill of a de minimus area of wetlands equal to approximately 0.01 acre. The project is located along SR 3028, Section SLD Segment 0250 Offset 2129 (Hawley, PA Quadrangle Latitude: 41°29'9"; Longitude: -75°13'24.9").

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

E36-950: Fulton Township, 777 Nottingham Road, Peach Bottom, PA 17563, Fulton Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To re-grade 325 lineal feet of a roadside swale permanently impacting 0.03 acre of Exceptional Value Wetlands to restore positive drainage away from Swift Road (Latitude 39°53'19.9", Longitude -76°07'30.8") in Fulton Township, Lancaster County. The impact is considered de minimus and no mitigation is being required.

E36-952: Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, West Cocalico Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To remove an existing structure and to construct and maintain a 40.0-foot long by 31.0-foot wide pre-stressed concrete box beam bridge having an underclearance of 5.83 feet over Cocalico Creek (WWF, MF), for the purpose of improving traffic safety. The project is located at the intersection of Greenville Road and Poplar Street (Ephrata, PA Quadrangle; Latitude 40°14'29"N, Longitude 76°08'28"W) in West Cocalico Township, Lancaster County. No wetlands will be impacted by this project.

E36-948: Norfolk Southern Railroad, 1200 Peachtree Street, NE Box 142, Atlanta, GA 30309, Eden Township, **Lancaster County**, U.S. Army Corps of Engineers.

To construct and maintain 126 linear feet of a 4 foot by 2 foot grate-top concrete trench and approximately 150 linear feet of associated ingress and egress channel grading, permanently impacting a total of 0.011 acre of the waterway and floodway, on the western side of Pumping Station Road to convey an unnamed tributary to Bowery Run (HQ-CWF).

E67-926: PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, Codorus Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structure and to (1) install and maintain a 55 linear foot × 33 foot 4.5 inch bridge with R-8 and R-4 scour protection in Pierceville Run (CWF, MF) and (2) relocate 73 linear feet of UNT Pierceville Run (CWF, MF) along SR 0216 in Codorus Township York County (Latitude: 39° 45' 57"; Longitude: -76° 46' 24.8"), for the purpose of improving transportation safety and roadway standards. The project proposed to permanently impact 148 feet of stream channel and 0.01 acre of EV PEM Wetlands. The project temporarily impacts 29 linear feet of stream channel. The amount of wetland impact is considered a de minimus impact of 0.01 acre and compensatory wetland mitigation is not required.

E06-710: PennDOT Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101, Exeter and Robeson Townships, **Berks County**, U.S. Army Corps of Engineers Baltimore District.

To (1) remove existing structure and (2) to install and maintain a 460-foot × 53-foot bridge over Schuylkill River (WWF, MF) with rip-rap scour protection for the purpose of improving transportation safety and roadway standards. The project proposes to have a total of 460 linear feet of permanent stream and 0.2 acre of permanent floodway impacts. The project is located on SR 2017 Section 01B in Exeter and Robeson Townships, Berks County (Latitude: 40° 17' 20.9"; Longitude: -75° 52' 03.9").

E01-314: Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Germany and Mount Joy Townships, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To: 1) remove the existing structure and to install and maintain a 66-foot long, 42 foot wide concrete box beam bridge having an under clearance of 9 feet over Alloway Creek (WWF, MF), 2) relocate 85 lineal feet of unnamed tributaries to Alloway Creek (WWF, MF), and 3) permanently place fill in 0.01 acre of Palustrine Emergent Wetland. All impacts are associated with the SR 0097, Baltimore Pike bridge replacement over Alloway Creek (Latitude 39°45'32.1624", Longitude -77°07'26.5836") for the purpose of improving safety standards.

E29-102: Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Ayr Township, **Fulton County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a single span, spread box beam bridge, having a total span of 37.5 feet, a width of 30.0 feet, and an underclearance of 4.89 feet, all over Spring Run (CWF-MF) (Latitude 39° 51' 34.6", Longitude -78° 02' 3.1"), temporarily impacting 0.01 acre of Palustrine Emergent

(PEM) wetland, all along Cito Road (S.R. 1001) in Ayr Township, Fulton County. The project will permanently impact no wetlands and 0.11 acre of floodway. The purpose of the project is to improve the roadway to current safety standards.

E67-931: Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Heidelberg Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

To remove three existing structures and to 1) construct and maintain a single-span concrete bridge, having a total span of 54.9 linear feet, a width of 38 feet, and an underclearance of 7.8 feet, spanning Oil Creek (WWF-MF) (Hanover, PA Quadrangle, Latitude: 39° 49' 54.3", Longitude: 76° 55' 38.3") 2) construct and maintain a 60-inch diameter concrete pipe having a total linear length of 106 feet within an unnamed tributary to Oil Creek (WWF-MF) (Hanover, PA Quadrangle, Latitude: 39° 49' 53.1", Longitude: 76° 55' 37.4") 3) construct and maintain a 53-inch by 34-inch elliptical concrete pipe having a total linear length of 60 feet within an unnamed tributary to Oil Creek (WWF-MF) (Hanover, PA Quadrangle, Latitude: 39° 49' 55.2", Longitude: 76° 55' 39.3") all for the purpose of replacing the structurally deficient bridge on Jacobs Mill Road (SR 3045) in Heidelberg Township, York County. There are no wetland impacts associated with this project.

Southwest Region: Waterways & Wetlands Program, 500 Waterfront Drive, Pittsburgh, PA 15222, Rita A. Coleman (412) 442-4149.

E32-516, Pennsylvania American Water Company (PAWC)—Indiana, 800 Hershey Drive, PO Box 888, Hershey, PA 17003, White Municipality, **Indiana County**, ACOE Pittsburgh District.

Has been given consent to:

1. Remove an existing 16-inch diameter supply line in and along Two Lick Creek (TSF),

2. Construct and maintain a replacement raw water intake structure consisting of two (2) 12-inch diameter river intake lines, two (2) 8-inch diameter flushing lines, two (2) 3-inch diameter air lines, one (1) 2-inch diameter PVC sump pump discharge line, raw water intake screens, and R-6 rip rap in Two Lick Creek (TSF).

The project proposes to have a permanent impact of 60 linear feet of perennial stream channel and 0.1 acre of floodway impact for the purpose of replacing the existing water intake structure at the Two Lick Creek Water Treatment Plant and improving the safety and reliability of the chemical handling process at the facility. The project is located at the Two Lick Creek Water Treatment Plant along Waterworks Road (Brush Valley, PA USGS Topographic Quadrangle; Latitude: 40° 35' 47"; Longitude: -79° 07' 07"; Pittsburgh ACOE District; Sub-basin 18D), in White Township, Indiana County.

Central Office: Bureau of Waterways Engineering and Wetlands, 400 Market Street, Floor 2, PO Box 8460, Harrisburg, PA 17105-8460.

MB990563-0001. First Pennsylvania Resource, 33 Terminal Way, Suite 431A, Pittsburgh, PA 15227. West Finley Township, **Washington County**, ACOE Pittsburgh District.

Enlow Fork Compensation Site Construction permit to construct an aquatic resource compensation bank site by enhancing, restoring and conserving waters and lands

that currently comprise 6,433 linear feet of stream and associated floodplains and 2.59 acres of wetlands. The project will generate aquatic resource compensatory mitigation credits within the PA State Water Plan Subbasin 20 upon successfully meeting performance measures and success criteria. The approved credits would be provided in accordance with the terms and conditions of the previously approved permit MB9915-0001. The enhancement and restoration activities vary along the course of the stream depending upon existing conditions, and propose to result in restoration or enhancement of 6,493 linear feet of stream and associated floodplains and approximately 4.55 acres of wetlands. Additional upland plantings are proposed to certain areas adjacent to the floodplain. Location Decimal Degrees: 39.991259 N, -80.450563 W.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA.

E5829-113: Harmony Township, Bluestone Pipeline Company of Pennsylvania, LLC, 1429 Oliver Road, New Milford, PA 18334-7516; Harmony Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 30-inch diameter steel natural gas pipeline and temporary access crossing impacting 34 lineal feet (544 sq. ft.) of an unnamed tributary to Little Roaring Brook (CWF-MF) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 55", Longitude: -75° 32' 26"),

2) a 30-inch diameter steel natural gas pipeline and temporary access crossing impacting 12,2700 square feet (0.28 acre) of a palustrine emergent wetlands (PEM) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 53", Longitude: -75° 32' 26"),

3) a 30-inch diameter steel natural gas pipeline and temporary access crossing impacting 7,110 square feet (0.16 acre) of a palustrine emergent wetlands (PEM) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 52", Longitude: -75° 32' 31"),

4) a 30-inch diameter steel natural gas pipeline and temporary access crossing impacting 11,040 square feet (0.25 acre) of a palustrine emergent wetlands (PEM) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 52", Longitude: -75° 32' 36"),

5) a 30-inch diameter steel natural gas pipeline and temporary access crossing impacting 50 lineal feet (800 sq. ft.) of an unnamed tributary to Little Roaring Brook (CWF-MF) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 50", Longitude: -75° 32' 38"),

6) a 30-inch diameter steel natural gas pipeline by horizontal directional drill crossing impacting 228 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 08", Longitude: -75° 33' 00"),

7) a 30-inch diameter steel natural gas pipeline by horizontal directional drill crossing impacting 153 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 08", Longitude: -75° 33' 00"),

8) a 30-inch diameter steel natural gas pipeline by horizontal directional drill crossing impacting 110 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 08", Longitude: -75° 33' 00"),

9) a 30-inch diameter steel natural gas pipeline by horizontal directional drill crossing impacting 2,100 square feet (0.05 acre) of a palustrine emergent wetlands (PEM) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 08", Longitude: -75° 33' 00"),

10) a 30-inch diameter steel natural gas pipeline and timber mat crossing impacting 1,950 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 00", Longitude: -75° 33' 00"),

11) a timber mat crossing impacting 325 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Susquehanna, PA Quadrangle; Latitude: 41° 59' 49", Longitude: -75° 32' 34").

The project consists of constructing a 30" diameter steel natural gas gathering line approximately 1.54 mile long in Harmony Township, Susquehanna County. The project will result in 84 lineal feet of temporary stream impacts and 35,286 square feet (0.81 acre) of temporary wetlands impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

E5929-061: SWEPI LP, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143, Sullivan Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a wood mat bridge, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 763 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°45'08"N, 76°59'15"W);

2) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a temporary road crossings using wood mat bridges, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 6,851 square feet of a palustrine emergent (PEM) wetland and 376 square feet of a palustrine forested (PFO) wetland and 90 linear feet of an unnamed tributary to Corey Creek (CWF) (Gleason, PA Quadrangle 41°44'52"N, 76°58'17"W);

3) a temporary road crossing using a wood mat bridge, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 1,072 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°44'51"N, 76°58'55"W);

4) a temporary road crossing using a wood mat bridge, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 790 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°44'50"N, 76°58'54"W);

5) a temporary road crossing using a wood mat bridge, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 1,120 square feet of a palustrine forested (PFO) wetland (Gleason, PA Quadrangle 41°44'49"N, 76°58'53"W);

6) a temporary road crossing using a 20 foot long, 12 inch diameter corrugated metal pipe, and an 8 inch diameter waterline impacting 90 linear feet of an unnamed tributary to Corey Creek (CWF) (Gleason, PA Quadrangle 41°44'34"N, 76°58'38"W);

7) a 10 inch diameter natural gas gathering line and an 8 inch diameter waterline impacting 1,180 square feet of a palustrine forested (PFO) wetland (Gleason, PA Quadrangle 41°44'28"N, 76° 58'33"W);

8) a temporary road crossing using a 20 foot long, 30 inch diameter corrugated metal pipe, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 100 linear feet of an unnamed tributary to Corey Creek (CWF) (Gleason, PA Quadrangle 41°44'27"N, 76°58'25"W);

9) a temporary road crossing using wood mat bridges, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 3,533 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 9,302 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Gleason, PA Quadrangle 41°44'19"N, 76°57'53"W);

10) a temporary road crossing using wood mat bridges, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 37 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 2,434 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Gleason, PA Quadrangle 41°44'23"N, 76°57'45"W).

The project will result in 280 linear feet of temporary stream impacts, 13,046 square feet (0.30 acre) of temporary wetland impacts, and 14,412 square feet (0.33 acre) of permanent wetland impacts all for the purpose of installing natural gas gathering lines, a fresh water line, and associated access roadways. The permittee will provide 0.66 acre of compensatory wetland mitigation in Covington Township, Tioga County (Blossburg, PA Quadrangle 41°44'54"N, 77°03'17"W).

E5829-112: Brooklyn and Bridgewater Townships, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Brooklyn and Bridgewater Townships, **Susquehanna County**, ACOE Baltimore District.

To operate and maintain:

1) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 1,592 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 34", Longitude: -75° 51' 32"),

2) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 1,243 square feet (0.03 acre) of a palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 47' 36", Longitude: -75° 51' 30"),

3) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 1,909 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 36", Longitude: -75° 51' 28"),

4) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 51 lineal feet (884 sq. ft.) of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 36", Longitude: -75° 51' 28"),

5) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 52 lineal feet (189 sq. ft.) of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 28", Longitude: -75° 51' 15"),

6) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 52 lineal feet (339 sq. ft.) of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 30", Longitude: -75° 50' 43"),

7) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 690 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 31", Longitude: -75° 50' 43"),

8) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 521 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 47", Longitude: -75° 50' 42"),

9) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 50 lineal feet (500 sq. ft.) of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 49", Longitude: -75° 50' 29"),

10) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 24,657 square feet (0.57 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 53", Longitude: -75° 50' 20"),

11) a 16 inch diameter steel natural gas pipeline and temporary access crossing impacting 59 lineal feet (608 sq. ft.) of Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 53", Longitude: -75° 50' 21").

The project consists of constructing approximately 2.9 miles of 16" steel natural gas gathering line located in Brooklyn and Bridgewater Townships, Susquehanna County. The project will result in 264 lineal feet of temporary stream impacts, 29,369 square feet (0.67 acre) of temporary wetlands impacts, and 1,243 square feet (0.03 acre) of permanent wetlands impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-2 # ESX16-005-0006

Applicant Name Snyder Brothers Inc

Contact Person Carl Rose

Address 90 Glade Drive

City, State, Zip Kittanning, PA 16201

County Armstrong County

Township(s) South Buffalo Township

Receiving Stream(s) and Classification(s) Tribes 46139 to Hill Run, Hill Run, 46143, & 46148 to Allegheny River, Knapp Run (All WWF)

ESCGP-2 # ESX16-059-0052

Applicant Name Rice Drilling B LLC

Contact Person Carl Rose

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Greene County

Township(s) Springhill Township

Receiving Stream(s) and Classification(s) UNTs to

Wagonroad Run (WWF)

Secondary—Wagonroad Run

ESCGP-2 # ESG16-125-0045

Applicant Name Markwest Liberty Midstream & Resources LLC

Contact Person Richard Lowry

Address 4600 J Barry Ct, Suite 500

City, State, Zip Canonsburg, PA 15317

County Washington

Township(s) Donegal

Receiving Stream(s) and Classification(s) UNT to Castleman Run (HQ-WWF); Dutch Fork (HQ-WWF)

Secondary—Castleman Run (HQ-WWF); Buffalo Ck (HQ-WWF)

ESCGP-2 # ESX16-125-0031

Applicant Name Rice Poseidon Midstream LLC

Contact Person Kyle Shirey

Address 2200 Rice Dr

City, State, Zip Canonsburg, PA 15317

County Washington

Township(s) Amwell

Receiving Stream(s) and Classification(s) Litte Ten Mile Ck (CWF-MF, TSF) and tributaries thereto; Shipe Run

(CWF-MF, TSF); and Redd Run (CWF-MF, TSF) and tributaries thereto

ESCGP-2 # ESX16-125-0053

Applicant Name Range Resources—Appalachia LLC

Contact Person Karl Matz

Address 3000 Town Ctr Blvd

City, State, Zip Canonsburg, PA 15317

County Washington

Township(s) Amwell

Receiving Stream(s) and Classification(s) UNTs to Bane Ck (TSF), Bane Ck (TSF)

Secondary—Bane Ck (TSF), Tenmile Ck (TSF)

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

ESCGP-2 # ESX12-081-0003(01)

Applicant Name Anadarko E & P Onshore LLC

Contact Person Stephen Barondeau

Address 33 W Third St, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming

Township(s) Cummings

Receiving Stream(s) and Classification(s) UNT to English Run (EV); UNT to First Fork Larrys Ck (EV)

Secondary—English Run (EV); First Fork Larrys Ck (EV)

ESCGP-2 # ESG29-081-16-0038
 Applicant Name Anadarko E & P Onshore LLC
 Contact Person Stephen Barondeau
 Address 33 W Third St, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cascade
 Receiving Stream(s) and Classification(s) UNT to Slacks Run (HQ-CWF); Slacks Run (HQ-CWF); UNT to Potash Hollow Run (EV)
 Secondary—Slacks Run (HQ-CWF); Lycoming Ck (EV); Pleasant Stream (EV)

ESCGP-2 # ESX29-015-17-0008
 Applicant Name EOG Resources Inc
 Contact Person Jon Jorgenson
 Address 2039 S Sixth St
 City, State, Zip Indiana, PA 15701
 County Bradford
 Township(s) Springfield
 Receiving Stream(s) and Classification(s) Leanord Ck (TSF, MF)
 Secondary—Sugar Ck

ESCGP-2 # ESX29-115-16-0048
 Applicant Name Williams Field Services Co LLC
 Contact Person Kristy Grigas
 Address Park Place Corp Ctr 2, 2000 Commerce Dr
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Gibson
 Receiving Stream(s) and Classification(s) Butler Ck (CWF, MF) and Tributaries thereto

ESCGP-2 # ESX29-115-16-0047
 Applicant Name Angelina Gathering Co LLC
 Contact Person Tory Thompson
 Address 10000 Energy Dr
 City, State, Zip Spring, TX 77389-4954
 County Susquehanna
 Township(s) Liberty
 Receiving Stream(s) and Classification(s) Jones Ck (CWF-MF) and tributaries thereto; Snake Ck (CWF-MF) and tributaries thereto

ESCGP-2 # ESG29-015-17-0002
 Applicant Name Chief Oil & Gas LLC
 Contact Person Jeffrey Deegan
 Address 1720 Sycamore Rd
 City, State, Zip Montoursville, PA 17754
 County Bradford
 Township(s) Leroy
 Receiving Stream(s) and Classification(s) Marsh Run (EV, MF); Swamp Run (EV, MF)
 Secondary—Little Schrader Ck

ESCGP-2 # ESG29-081-14-0030(02)
 Applicant Name NFG Midstream Trout Run LLC
 Contact Person Duane Wassum
 Address 6363 Main St
 City, State, Zip Williamsville, NY 14221
 County Lycoming
 Township(s) Lewis & Gamble
 Receiving Stream(s) and Classification(s) UNT to Lycoming Ck (HQ-CWF); UNT to Mill Ck (EV); Mill Ck (EV)
 Secondary—Lycoming Ck (EV); Mill Ck (EV); Loyalsock Ck (EV)

ESCGP-2 # ESG29-015-16-0029
 Applicant Name Chief Oil & Gas LLC
 Contact Person Jeffrey Deegan
 Address 1720 Sycamore Rd
 City, State, Zip Montoursville, PA 17754

County Bradford
 Township(s) Overton
 Receiving Stream(s) and Classification(s) UNT to Mill Ck (EV, MF); UNT to Lick Ck (EV, MF)
 Secondary—Mill Ck & Lick Ck

ESCGP-2 # ESX29-015-17-0007
 Applicant Name Chesapeake Appalachia LLC
 Contact Person Brian Davis
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford
 Township(s) Wilmot
 Receiving Stream(s) and Classification(s) UNT to Panther Lick Ck (CWF, MF)
 Secondary—Panther Lick Ck & Sugar Run Ck

ESCGP-2 # ESX11-015-0269
 Applicant Name Chief Oil & Gas LLC
 Contact Person Jeffrey Deegan
 Address 1720 Sycamore Rd
 City, State, Zip Montoursville, PA 17754
 County Bradford
 Township(s) Leroy
 Receiving Stream(s) and Classification(s) UNT to Towanda Ck (CWF, MF)
 Secondary—Towanda Ck

ESCGP-2 # ESG29-081-16-0040
 Applicant Name NFG Midstream Trout Run LLC
 Contact Person Duane Wassum
 Address 6363 Main St
 City, State, Zip Williamsville, NY 14221
 County Lycoming
 Township(s) Gamble
 Receiving Stream(s) and Classification(s) UNT to Mill Ck (EV); Mill Ck (EV); Mill Ck (EV)
 Secondary—Mill Ck (EV); Loyalsock Ck (EV)

ESCGP-2 # ESX29-081-16-0031
 Applicant Name EXCO Resources (PA) LLC
 Contact Person Brian Rushe
 Address 260 Executive Drive, Suite 100
 City, State, Zip Cranberry Township, PA 16066
 County Lycoming
 Township(s) Penn
 Receiving Stream(s) and Classification(s) Derr Run (CWF), Big Run (CWF)
 Secondary—Little Muncy Ck (CWF)

ESCGP-2 # ESX29-015-16-0033
 Applicant Name SWN Production Co LLC
 Contact Person Justin Moore
 Address 917 SR 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Bradford
 Township(s) Stevens
 Receiving Stream(s) and Classification(s) UNT to Cold Ck (WWF/MF)
 Secondary—Cold Ck

ESCGP-2 # ESX29-115-16-0021(01)
 Applicant Name Williams Field Services Co LLC
 Contact Person Chad Johnson
 Address 310 S R 29 N
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Brooklyn
 Receiving Stream(s) and Classification(s) Martins Ck (CWF-MF) and unnamed tributaries thereto

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
17-02-041	Neville Chemical Company 2800 Neville Road Pittsburgh, PA 15225-1496 Attn: Daniel Kokoski	Allegheny	Neville Township	3 ASTs storing petroleum products and hazardous substances	285,334 gallons total

SPECIAL NOTICES

Air Quality; Approved Alternative Compliance Schedule for Case-by-Case RACT 2 Implementation

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

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

34-05002: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on February 21, 2017, DEP approved Texas Eastern's October 21, 2016 for an alternative compliance schedule for case-by-case RACT 2 implementation, requesting the following with regard to the natural gas transmission station located in Lack Township, **Juniata County**:

- Source 037, GE 19,800 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitations of 120 ppmvd at 15% O₂, and 300 tpy.

- Source 031, Cooper Bessemer GMVA-8 1,100 HP natural gas-fired internal combustion engine: Texas Eastern is proposing to retrofit the unit with NO_x controls to comply with the NO_x RACT II limit of 3.0 g/bhp-hr by 1/1/20, which is three years from the 1/1/17 RACT II compliance deadline, and which is within the time frame allowed for the retrofit of existing emission units per 25 Pa. Code § 129.87(k)(2)(v). Between the initial compliance date of January 1, 2017 and the retrofit of the engine, the existing engine will continue to meet the existing Title V NO_x emission limitation of 27.3 lb/hr.

DEP approved the above petition for alternative compliance schedule, with the following conditions:

1.) Turbine (Source 037): The company shall permanently shut down the Frame 5 turbine at Perulack by no later than January 1, 2024. This shutdown shall be conducted in conjunction with the replacement of the turbine with other equipment.

2.) In the interim, NO_x emissions from the turbine shall be less than 329 tpy, and less than 120 ppmvd NO_x at 15% O₂.

3.) Engine (Source 031): By no later than January 1, 2020, the company shall retrofit the engine with lean burn technology so as to achieve compliance with the presumptive RACT 2 emissions rate of 3 g/hp-hr. In the interim, NO_x emissions from the unit shall be less than 27.3 lb/hr.

4.) DEP's petition approval is contingent upon future DEP approval of the case-by-case RACT proposal for the affected source(s).

50-05001: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on February 21, 2017, DEP approved Texas Eastern's October 21, 2016 for an alternative compliance schedule for case-by-case RACT 2 implementation, requesting the following with regard to the natural gas transmission station located in Carroll Township, **Perry County**:

- Source 031, GE 22,000 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitation of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, resulting in an emission limit of 463 tpy NO_x.

- Source 032, GE 19,800 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitation of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, resulting in an emission limit of 441 tpy NO_x. DEP approved the above petition for alternative compliance schedule, with the following conditions:

1.) The company shall permanently shut down the Frame 5 turbines at Shermans Dale by no later than January 1, 2024. These shutdowns shall be conducted in conjunction with the replacement of the turbines with other equipment.

2.) The company shall not operate each turbine more than 8,000 hours/year and

3.) NO_x emissions shall be less than 463 tpy for Source ID 031 and less than 441 tpy for Source ID 032.

4.) Source ID 031 shall meet a fuel usage limit of 2,053.6 MMscf/yr, and Source ID 032 shall meet a fuel usage limit of 1,956.8 MMscf/yr.

5.) NO_x emissions from Source IDs 031 and 032 shall each not exceed 120 ppmvd at 15% O₂.

6.) DEP's petition approval is contingent upon future DEP approval of the case-by-case RACT proposal for the affected source(s).

36-05025: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on February 21, 2017, DEP approved Texas Eastern's October 21, 2016 for an alternative compliance schedule for case-by-case RACT 2 implementation, requesting the following with regard to the natural gas transmission station located in East Donegal Township, **Lancaster County**. For Sources 031—036, also known as IC Engines 1-6: Texas Eastern is proposing to replace the engines with BAT compliant turbines by 1/1/20, which is three years from the 1/1/17 RACT II compliance deadline. Between the initial compliance date of January 1, 2017 and the replacement of the engines, the existing engines will continue to meet the existing Title V NO_x emission limitation of 83.8 lb/hr.

DEP approved the above petition for alternative compliance schedule, with the following conditions:

1.) The company shall permanently shut down the six (6) Clark HBA-08 lean burn stationary internal combustion engines at Marietta by no later than January 1, 2020. These shutdowns shall be conducted in conjunction with the replacement of the engines with other equipment.

2.) NO_x emissions from Source IDs 031—036 shall each not exceed 83.8 lb/hr.

22-05010: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on February 21, 2017, DEP approved Texas Eastern's October 21, 2016 for an alternative compliance schedule for case-by-case RACT 2 implementation, requesting the following with regard to the natural gas transmission station located in East Hanover Township, **Dauphin County**. For Source 031, GE 18,500 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitations of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, and a fuel limit of 1,822.5 MMscf/yr.

DEP approved the above petition for alternative compliance schedule, with the following conditions:

1.) The company shall permanently shut down the Frame 5 Turbine at Grantville by no later than January 1, 2024. This shutdown shall be conducted in conjunction with the replacement of the turbine with other equipment.

2.) The company shall not operate the Frame 5 Turbine at Grantville for more than 8,000 hours/year

3.) NO_x emissions from the Frame 5 Turbine at Grantville shall be less than 411 tpy.

4.) The Frame 5 Turbine at Grantville shall meet an annual fuel usage limit of 1,822.5 MMscf/year

5.) NO_x emissions from the Frame 5 Turbine at Grantville shall not exceed 120 ppmvd NO_x 15% O₂

6.) DEP's petition approval is contingent upon future DEP approval of the case-by-case RACT proposal for the affected source(s).

06-05034: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on February 21, 2017, DEP approved Texas Eastern's October 21, 2016 for an alternative compliance schedule for case-by-case RACT 2 implementation, requesting the following with regard to the Bechtelsville natural gas transmission station located in Washington Township, **Berks County**. For Source 104, GE 18,500 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitations of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, and a fuel limit of 1,868.5 MMscf/yr.

DEP approved the above petition for alternative compliance schedule, with the following conditions:

1.) The company shall permanently shut down the Frame 5 turbine at Bechtelsville by no later than January 1, 2024. This shutdown shall be conducted in conjunction with the replacement of the turbine with other equipment.

2.) The company shall not operate the Frame 5 Turbine at Bechtelsville for more than 8,000 hours/year

3.) NO_x emissions from the Frame 5 Turbine at Bechtelsville shall be less than 421 tpy.

4.) The Frame 5 Turbine at Bechtelsville shall meet an annual fuel usage limit of 1,868.5 MMscf/year

5.) NO_x emissions from the Frame 5 Turbine at Bechtelsville shall not exceed 120 ppmvd NO_x 15% O₂

6.) DEP's petition approval is contingent upon future DEP approval of the case-by-case RACT proposal for the affected source(s).

06-05033: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on February 21, 2017, DEP approved Texas Eastern's October 21, 2016 for an alternative compliance schedule for case-by-case RACT 2 implementation, requesting the following with regard to the Bernville natural gas transmission station located in North Heidelberg Township, **Berks County**:

- Source 101, GE 22,000 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitation of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, resulting in an emission limit of 463 tpy NO_x.

- Source 102, GE 19,800 HP Frame 5 natural gas-fired turbine: Texas Eastern is proposing to replace the turbine with a lower-emitting unit by 1/1/24. Per 25 Pa. Code § 129.99(i)(2)(v), if a petition for alternate compliance schedule is for the replacement of an existing source, the final compliance date is to be determined on a case-by-case basis. Between the initial compliance date of January 1, 2017 and the replacement of the turbine, the existing turbine will continue to meet the existing Title V NO_x emission limitation of 120 ppmvd at 15% O₂, and will also meet a proposed alternative RACT restriction of 8,000 hours per year of operation, resulting in an emission limit of 441 tpy NO_x.

DEP approved the above petition for alternative compliance schedule, with the following conditions:

1.) The company shall permanently shut down the Frame 5 turbines at Bernville by no later than January 1, 2024. These shutdowns shall be conducted in conjunction with the replacement of the turbines with other equipment.

2.) The company shall not operate each turbine more than 8,000 hours/year for Source IDs 101 and 102.

3.) NO_x emissions shall be less than 463 tpy for Source ID 101 and less than 441 tpy for Source ID 102.

4.) Source ID 101 shall meet a fuel usage limit of 2053.6 MMscf/yr, and Source ID 102 shall meet a fuel usage limit of 1956.8 MMscf/yr.

5.) NO_x emissions from Source IDs 101 and 102 shall each not exceed 120 ppmvd at 15% O₂

6.) DEP's petition approval is contingent upon future DEP approval of the case-by-case RACT proposal for the affected source(s).

[Pa.B. Doc. No. 17-535. Filed for public inspection March 31, 2017, 9:00 a.m.]

Application Period for Municipal Recycling Program Performance Grant Applications under Act 101, Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988; Calendar Year 2016

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.904). Municipalities include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation). This application period is for eligible materials recycled and marketed in calendar year 2016.

Municipal Recycling Program Performance Grant (Performance Grant) funds will be awarded to municipalities based upon the weight of source-separated recyclable materials identified in section 1501(c)(1)(i) of Act 101 (53 P.S. § 4000.1501(c)(1)(i)) recovered by municipal recycling programs and the population of the municipality as determined by the most recent decennial census. Calendar year 2016 Performance Grants will be calculated based on the same formula utilized for the previous grant year.

For residential tonnage, municipalities that market some or all of their own material are not subject to the 15% residue deduction for those materials. Marketed means that the materials were sold to a manufacturer for the purposes of converting the recyclables into new product. Compensation/rebates from a collector or processor do not count as the marketing of materials.

Materials that go to a second-hand processor are subject to the 15% residue deduction—market receipts from that entity cannot be considered as market receipts for the municipality (the processor cannot pro-rate marketed materials to one or more municipalities).

For commercial tonnage, materials that go directly from the generator to a market can be exempt from the 15% rate. Documentation must include a statement from the commercial entity or home office of the commercial entity that the materials are directly marketed without further processing. Any commercial materials that are sorted/processed after leaving the generator are subject to the 15% residue rate.

If an application is claiming an overall residue rate of less than 15%, it must describe why and supply supporting documentation to justify the claim.

Multi-municipal applications under the Act 101, Section 904 Recycling Performance Grant Program will only be accepted by the Department from the following:

A. Council of governments, consortiums or other similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A.

B. Two or more municipalities where the collection of recyclables has been accomplished either through a joint bid for services or a joint municipally-operated collection system (curbside or drop-off) accompanied by a joint recycling education program.

Any application submitted jointly to the Department by two or more municipalities that does not meet one of the previously listed criteria will be held until the participating municipalities supply individual applications. Submittals from county governments are not considered multi-municipal applications and are therefore not subject to these criteria.

Applicants who have failed to comply with the conditions set forth in previously awarded grants, the recycling program performance requirements contained in the act of November 9, 2006 (P.L. 1347, No. 140), of the grant requirements of Act 101 or the regulations of Act 101 may not be awarded funds under this grant program. Applicants must ensure that they are in compliance with 25 Pa. Code § 272.314(b)(2) (relating to limits on Department's authority to award grants) regarding the submittal of the annual recycling report.

Eligible materials include post-consumer: clear glass; colored glass; aluminum cans; steel and bimetallic cans; high-grade office paper; newsprint; corrugated paper; other marketable grades of paper; and plastics. Grants will be awarded only for properly documented eligible materials that were actually marketed on or after January 1, 2016, to and including December 31, 2016. Applicants should only claim those tonnages for which they have documentation at the time they complete their application. Any residues, materials not listed as eligible, or any materials that cannot be documented as being generated within the municipality or marketed or recycled into new products or uses are not eligible for consideration toward the grant. In particular, recovered glass that is being stockpiled or used as daily cover at a

landfill will not be considered as recycled. Applicants must be able to document the amount of residue attributable to their recycling program.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department, the Office of the Auditor General, the Office of the Treasurer or agents of those offices for 4 years. The Department will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit. Supporting documentation is not required to be submitted with the application. Any tonnages not properly documented at the time of an audit will not be credited towards the applicant's Performance Grant award. No additional/supplemental documentation will be accepted after the audit is completed. Failure to submit a complete and accurate application may result in a denial of the application.

Grant applications must be on forms provided by the Department for calendar year 2015. Grant applications must be delivered by 4 p.m. on September 30, 2017, or postmarked on or before this date. Applications received by the Department after the deadline will be returned to the applicant. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702), and the availability of moneys in the Recycling Fund. Applications are available from the Department's web site at www.dep.pa.gov (Keyword: Recycling Grants).

Inquiries concerning this notice should be directed to Mark Vottero, Bureau of Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472 or mvottero@pa.gov.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 17-536. Filed for public inspection March 31, 2017, 9:00 a.m.]

Environmental Justice Listening Sessions

The Office of Environmental Justice fulfills a critical role within the Department of Environmental Protection (Department) ensuring that all residents of this Commonwealth, especially those that have historically been disenfranchised, are fully involved in the decisions that affect their environment.

The Department will hold nine listening sessions around this Commonwealth to accept comments on Environmental Justice in this Commonwealth. Verbal testimony is limited to 5 minutes for each witness and will be recorded by a court stenographer. Witnesses are asked to submit one written copy of their verbal testimony. Organizations are asked to designate one witness to present testimony on their behalf at each listening session.

Specifically, the Department is soliciting input on the following questions:

- What environmental justice concerns are most pressing in your community?

- Do you feel that the current definition of an environmental justice community (20% poverty or 30% minority, or both) properly represents the needs of your community and the Commonwealth at large?

- Do you feel the Department is engaged with marginalized communities to ensure that they have a voice in the decision-making process? How can the Department be more engaged with these communities?

- What tools have you used to find out information on Department permitting/enforcement actions?

- What ways can the Department be more effective at sharing information with the public?

- How can the Department be more effective at receiving public input?

- What resource is your community lacking that the Department can provide that would assist in efforts to ensure environmental equity?

- What additional steps can be taken by the Department to effectively reach out to these vulnerable communities to ensure that their concerns are taken into consideration?

The listening session schedule is as follows:

April 12, 2017 4:30 p.m.—6:30 p.m.	Greene County Margaret Bell Miller Middle School 126 East Lincoln Street Waynesburg, PA 15370
April 13, 2017 4 p.m.—6 p.m.	Allegheny County Hill House Association 1835 Centre Avenue Pittsburgh, PA 15219
April 20, 2017 4:30 p.m.—6:30 p.m.	Lycoming County The Genetti Hotel & Suites 200 West 4th Street Williamsport, PA 17701
April 27, 2017 5 p.m.—7 p.m.	Erie County Tom Ridge Environmental Center 301 Peninsula Drive, Room 112 Erie, PA 16505
May 2, 2017 4 p.m.—6 p.m.	Dauphin County Department of Environmental Protection Southcentral Regional Office Conference Room 909 Elmerton Avenue Harrisburg, PA 17110
May 11, 2017 5 p.m.—7 p.m.	Lehigh County Allentown Public Library Community Room 1210 Hamilton Street Allentown, PA 18102
May 15, 2017 5 p.m.—7 p.m.	Lancaster County HACC Lancaster Campus East Building, Room 203 1641 Old Philadelphia Pike Lancaster, PA 17602
May 23, 2017 5 p.m.—7 p.m.	Chester County Location to be determined
May 25, 2017 4 p.m.—6 p.m.	Philadelphia County Location to be determined

Contact

Questions concerning the comment period and listening sessions can be directed to the Department's Office of Environmental Justice at (484) 250-5942. For more information about Environmental Justice in this Commonwealth or the listening sessions, visit the Department's web site at www.dep.pa.gov (Keyword: Environmental Justice).

tact the Department at (484) 250-5818, 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.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 17-537. Filed for public inspection March 31, 2017, 9:00 a.m.]

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should con-

Planning Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection (Department) announces the following grants to Susquehanna County and Wyoming County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101 for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste, and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 at (717) 772-5719 or mvottero@pa.gov.

Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Northeast	Susquehanna	Susquehanna County	Plan Revision/Update	\$24,693
Northeast	Wyoming	Wyoming County	Plan Revision/Update	\$44,009

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 17-538. Filed for public inspection March 31, 2017, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Drexel Centers for Digestive Health	28 Pa. Code § 553.1 (relating to principle)
Pottstown Surgical Center	28 Pa. Code § 51.31 (relating to principle)

The following ASF is requesting an exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that ASFs must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following includes the citation to the section under the *Guidelines* that the ASF is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Pottstown Surgical Center	3.7-1.2.3	Shared services	2014

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 previously listed address. 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,
Secretary

[Pa.B. Doc. No. 17-539. Filed for public inspection March 31, 2017, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Lancaster General Hospital	28 Pa. Code § 51.32 (relating to exceptions for innovative programs)
Hanover Hospital	28 Pa. Code § 117.30(1) (relating to emergency paramedic services)

The following hospital is requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
CH Hospital of Allentown d/b/a Surgical Specialty Center at Coordinated Health	3.8-3.4.1	Location (pre-procedure and recovery patient care areas) (new procedure)	2014
	3.8-3.4.1	Location (pre-procedure and recovery patient care areas) (multi-use area)	2014

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 previously listed address. 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,
Secretary

[Pa.B. Doc. No. 17-540. Filed for public inspection March 31, 2017, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(d) and (e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Reformed Presbyterian Home
2344 Perrysville Avenue
Pittsburgh, PA 15214
FAC ID # 183002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e):

Frederick Living-Cedarwood
2849 Big Road, P.O. Box 498
Frederick, PA 19435
FAC ID # 062002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) and (k):

Meadville Medical Center, Transitional Care Center
1034 Grove Street
Meadville, PA 16335
FAC ID # 197102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.7 (relating to basement or cellar):

Fox Subacute at Mechanicsburg
120 South Filbert Street
Mechanicsburg, PA 17055
FAC ID # 22220201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and windowsills):

Fox Subacute at Mechanicsburg
120 South Filbert Street
Mechanicsburg, PA 17055
FAC ID # 22220201

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 previously listed address.

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 previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 17-541. Filed for public inspection March 31, 2017, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share and Supplemental Hospital Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for inpatient disproportionate share hospital (DSH) payments to qualifying inpatient acute care general, psychiatric and rehabilitation hospitals, and qualifying psychiatric and rehabilitation units of acute care general hospitals, outpatient supplemental payments to qualifying inpatient acute care general hospitals and direct medical education payments to qualifying inpatient acute care general hospitals for Fiscal Year (FY) 2016-2017. The Department is also providing final notice of its annual funding allocation for certain DSH and supplemental payments to new hospitals. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 6086 (Sep-

tember 24, 2016). The fiscal impact in the intent notice correctly stated the amounts of the Department's allocation; however, the total amount allocated in the first paragraph to qualifying inpatient acute care general, psychiatric and rehabilitation hospitals, and qualifying psychiatric and rehabilitation units of acute care general hospitals, outpatient supplemental payments to qualifying inpatient acute care general hospitals and direct medical education payments to qualifying inpatient acute care general hospitals contained an error. The total amount allocated for these payments is \$256.520 million (\$123.693 million in State general funds). The Department received no public comments during the 30-day comment period and will implement the change as described in its notice of intent.

Fiscal Impact

The FY 2016-2017 impact, as a result of the funding allocation for these payments, is \$258.885 million (\$124.834 million in State general funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1123. (1) General Fund; (2) Implementing Year 2016-17 is \$124,834,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-542. Filed for public inspection March 31, 2017, 9:00 a.m.]

Fee-for-Service Payment for Outpatient Drugs in the Medical Assistance Program

The Department of Human Services (Department) announces proposed changes to the fee-for-service (FFS) payment methodology for outpatient drugs in the Medical Assistance (MA) program, as required in the "Medicaid Program; Covered Outpatient Drugs" final rule of the Centers for Medicare & Medicaid Services (CMS) published at 81 FR 5170 (February 1, 2016) amending 42 CFR Part 447 (relating to payments for services).

Ingredient Cost

The final rule published at 81 FR 5170 requires states to use actual acquisition cost (AAC), rather than estimated acquisition cost, to pay for pharmacy ingredient costs. States had the flexibility to implement AAC payment based on several different benchmarks, including National Average Drug Acquisition Cost (NADAC), a state survey of retail pharmacy providers, or Average Manufacturer Price. NADAC, published monthly by CMS, represents the National average invoice price derived from retail community pharmacies for drug products based on invoices from wholesalers and manufacturers. After considering the various options, the Department will use NADAC to determine AAC because the Department concluded that NADAC was the most economical and efficient option that will continue to assure quality of care and sufficient beneficiary access in accordance with section 1902(a)(30)(A) of the Social Security Act (42 U.S.C.A. § 1396a(a)(30)(A)).

Payment for the ingredient cost of brand outpatient drugs will be based on the lower of the provider's usual

and customary (U&C) charge, or NADAC or an equivalent to NADAC when a NADAC is not available. Payment for generic outpatient drugs will be based on the lowest of the provider's U&C charge; NADAC or an equivalent to NADAC when a NADAC is not available; the Federal Upper Limit published by CMS; or the Department's State maximum allowable cost.

When a NADAC is not available for a specific drug product, CMS requires states that adopt NADAC to establish an alternative equivalent to NADAC. Based on research conducted by Mercer Human Services Government Consulting (Mercer), the Department determined that the wholesale acquisition cost (WAC) minus 3.3% and WAC minus 50.5% were equivalent to NADAC values for brand name drugs and generic drugs, respectively, for payment for drugs without a published NADAC. The Department will continue to compare WAC to NADAC values and will issue public notice of changes to the adjusted WAC.

Professional Dispensing Fee

The final rule published at 81 FR 5170 also requires states to pay a professional dispensing fee, rather than a "reasonable dispensing fee," and describes the pharmacy costs that are to be included in the calculation of the professional dispensing fee. The Department will base the professional dispensing fee on the results of a State-specific dispensing fee survey so that the fee accurately reflects the costs of professional dispensing by pharmacy providers in this Commonwealth to dispense a drug product to MA FFS beneficiaries. Mercer conducted the survey, which was designed to be comprehensive and capture expenses incurred by pharmacies to dispense a prescription to an FFS beneficiary and included in the definition of a professional dispensing fee in the final rule published at 81 FR 5170. All 3,280 pharmacies enrolled in the MA Program were included in the study population. The final total usable response rate was 51.5% of pharmacies enrolled in the MA Program. All data was self-reported by and certified as accurate by a representative of each pharmacy. They reported 81.6% of costs were attributed to prescription department payroll; 8.9% to prescription department "other costs"; 6.1% by facility-related costs; and 3.5% by other nonfacility administrative (overhead) expenses. The survey results support \$7 as the average cost of professional dispensing as defined in the final rule published at 81 FR 5170 for pharmacies dispensing prescriptions to FFS beneficiaries. The Department will issue public notice of any future adjustments.

Fiscal Impact

The fiscal impact of the revised payment methodology is estimated at \$0.085 million in total funds (\$0.041 million in State funds) in Fiscal Year (FY) 2016-2017. The FY 2017-2018 annualized amount is estimated at \$1.018 million in total funds (\$0.491 million in State funds.)

Effective Date

The final rule published at 81 FR 5170 requires that the new payment methodology be effective April 1, 2017. The Department is in the process of making the system changes needed to implement the new payment methodology and will adjust claims in accordance with the new payment methodology.

Copies of Notice

This public notice is available for review at local County Assistance Offices throughout this Commonwealth.

Public Comment

Interested persons are invited to submit written comments regarding the revised payment methodology within 30 days to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120, OMAP-Pharmacy@pa.gov.

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).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1131. (1) General Fund; (2) Implementing Year 2016-17 is \$41,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$491,000; (4) 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-543. Filed for public inspection March 31, 2017, 9:00 a.m.]

Medical Assistance Fee Schedule; Final Rates for Additional Services Added to the OBRA Waiver

This notice announces the Department of Human Services (Department) final Medical Assistance (MA) fee schedule rates for additional services added to the OBRA waiver, effective February 1, 2017.

Addition of Waiver Services

Under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates), the Department has added the following services to the MA fee schedule for the OBRA waiver, effective February 1, 2017:

- Benefits Counseling
- Career Assessment
- Employment Skills Development
- Job Coaching Intensive and Follow-along
- Job Finding

Rate-Setting Methodology

The Department developed the MA fee schedule rates for the additional services added to the OBRA waiver using a standardized market-based rate setting methodology. Relevant market-based information used to determine the fee schedule rates included Commonwealth-specific wage information from the Center for Workforce Information and Analysis, Occupational Wages by County, Bureau of Labor Statistics Employer Costs, cost surveys from providers, Medicare rate information and MA State Plan Fee Schedules.

Public Process

The Department published the Changes to the Medical Assistance Fee Schedule for the Aging, COMMCARE, Independence and OBRA Waivers notice at 46 Pa.B. 5649 (August 27, 2016) announcing the addition of waiver services and proposed MA fee schedule rates and invited interested persons to submit comments. The Department received no comments.

The final MA fee schedule rates are available on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcareprov/> or by contacting April Leonhard, Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Fiscal Impact

The fiscal impact of this change is estimated at \$0.536 million (\$0.258 million in State funds) for Fiscal Year (FY) 2016-2017 and \$1.578 million (\$0.760 million in State funds) for FY 2017-2018.

Public Comment

Interested persons are invited to submit written comments regarding these final fee schedule rates to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Elaine Smith, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments can also be sent to RA-waiverstandard@pa.gov. Comments received within 30 days will be considered in subsequent revisions to the fee schedule.

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

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1122. (1) General Fund; (2) Implementing Year 2016-17 is \$258,000,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$760,000,000; (4) 2015-16 Program—\$339,077,000; 2014-15 Program—\$273,538,000; 2013-14 Program—\$233,104,000; (7) Services to Persons with Disabilities; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-544. Filed for public inspection March 31, 2017, 9:00 a.m.]

Medical Assistance Reliant Hospital Supplemental Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2016-2017 and for subsequent fiscal years for supplemental payments to qualifying acute care general hospitals (hospitals) that provide a substantial portion of their inpatient services to Pennsylvania Medical Assistance (MA) beneficiaries. Hospitals with a patient population consisting largely of MA beneficiaries provide access to hospital services that otherwise may not be available to these individuals. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 6940 (October 29, 2016). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

Fiscal Impact

Beginning with State FY 2016-2017, the Department will allocate an annualized amount of \$0.300 million for this payment.

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1124. (1) General Fund; (2) Implementing Year 2016-17 is \$145,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$145,000; (4) 2015-16 Program—\$392,918; 2014-15 Program—\$564,772; 2013-14 Program—\$428,041; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-545. Filed for public inspection March 31, 2017, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Unemployment Compensation Amnesty Program; Amnesty Guidelines

Section 1. Overview of the Program.

The act of November 3, 2016 (P.L. 1100, No. 144) (Act 144) established the Unemployment Compensation Amnesty Program (Amnesty Program). Act 144 specifies the unemployment compensation (UC) liabilities that are eligible for amnesty, the extent to which amnesty may be given, and the terms and conditions governing the Amnesty Program. Act 144 provides that the Amnesty Program will be in effect for a period of 3 consecutive calendar months, as designated by the Department. Act 144 requires the Department to establish and publish these guidelines to implement the Amnesty Program.

To participate, a claimant or employer owing a liability that is eligible for amnesty shall file an amnesty form within the amnesty period. In some cases additional information about the liability must be included. The claimant or employer shall pay a certain portion of the liability; the remaining portion will be waived. UC liabilities paid after the amnesty period ends on September 30, 2017, will not be eligible for amnesty. The amnesty provisions of Act 144 may be found in Article XV-A of the law (43 P.S. §§ 919.1—919.10).

Section 2. Definitions.

The following words and phrases, when used in these guidelines, have the following meanings, unless the context clearly indicates otherwise:

Amnesty period—The period designated in section 3.

Department—The Department of Labor and Industry.

Employee information—The name and Social Security number of each employee, the amount of wages paid to each employee and the number of credit weeks for each employee in each calendar quarter.

Interest—Monetary obligations imposed under sections 308 and 804(a) of the law (43 P.S. §§ 788 and 874(a)).

Law—Unemployment Compensation Law (43 P.S. §§ 751—919.10).

Penalties—Monetary obligations imposed under sections 206(d) and 313 of the law (43 P.S. §§ 766(d) and 793).

Penalty weeks—Weeks for which an individual is disqualified from receiving compensation under section 801(b) of the law (43 P.S. § 871(b)).

Section 3. Amnesty Period.

The amnesty period shall begin on July 1, 2017, and continue through September 30, 2017.

Section 4. Amnesty Requirements.

To receive amnesty with respect to one or more liabilities eligible for amnesty under section 5, an employer or claimant shall do all of the following:

(1) Complete and file an amnesty form in accordance with section 7.

(2) Submit the payment or payments corresponding to the liability or liabilities for which amnesty is sought, as required under section 5, with the amnesty form.

(3) Submit information or documents corresponding to a liability for which amnesty is sought, as required under section 5(b), with the amnesty form.

(4) Satisfy any other amnesty requirements under Article XV-A of the law, these guidelines and the Department's instructions.

Section 5. Eligible Liabilities.

(a) Except as provided in section 6, the unpaid liabilities listed in the following chart are eligible for amnesty. To receive amnesty with respect to a liability, the employer or claimant shall pay the amounts corresponding to that liability, as indicated in the chart, with the amnesty form.

<i>Type of Liability</i>	<i>Obligor</i>	<i>Description of Unpaid Liability</i>	<i>Amounts the Employer or Claimant Shall Pay</i>	<i>What the Department will Waive</i>
1	Employer	Contributions for calendar quarters through the third quarter of 2016, for which the employer reported the employee information or the Department acquired the employee information through an audit.	All of the contributions and lien costs due and one-half of the interest and penalties due.	Remaining interest and penalties due.
2	Employer	Reimbursement due on or before October 31, 2016.	All of the reimbursement and lien costs due and one-half of the interest due.	Remaining interest due.
3	Employer	Interest due on contributions paid late for calendar quarters through the third quarter of 2016 or on reimbursement that was due on or before October 31, 2016, and was paid late.	All of the lien costs due and one-half of the interest due.	Remaining interest due.
4	Employer	Penalties due for calendar quarters through the third quarter of 2016 for which contributions are fully paid.	All of the lien costs due and one-half of the penalties due.	Remaining penalties due.
5	Claimant	Fault overpayment established on or before December 31, 2016.	All of the overpayment balance, 15% assessment under section 801(c) of the law and lien costs due and one-half of the interest due.	Remaining interest due, one-half of previously imposed but unserved penalty weeks,* and new penalty weeks.
6	Claimant	Nonfault overpayment established on or before December 31, 2016.	One-half of the overpayment balance.	Remaining balance of the overpayment.
7	Claimant	Interest due on fault overpayment established on or before December 31, 2016, and previously repaid.	All of the 15% assessment under section 801(c) of the law and lien costs due and one-half of the interest due.	Remaining interest due.

*If one-half of the unserved penalty weeks is not an even multiple of one, the number of penalty weeks waived shall be rounded to the next lower multiple of one.

(b) Except as provided in section 6, the unpaid liabilities listed in the following chart are eligible for amnesty. To receive amnesty with respect to a liability, the employer or claimant shall provide the information corresponding to that liability and pay the amounts corresponding to that liability, as indicated in the chart, with the amnesty form.

<i>Type of Liability</i>	<i>Obligor</i>	<i>Description of Unpaid Liability</i>	<i>Information the Obligor Shall Provide</i>	<i>Amounts the Employer or Claimant Shall Pay</i>	<i>What the Department will Waive</i>
8	Employer	Contributions for calendar quarters through the third quarter of 2016, for which the employer did not report the employee information and the Department did not acquire the employee information through an audit.	The employer shall report the employee information by filing quarterly reports for all calendar quarters for which the employer did not previously file reports and amended reports for all calendar quarters for which the employer did not file complete reports.	All of the contributions due and one-half of the interest and penalties due.	Remaining interest and penalties due.
9	Claimant	Compensation paid for weeks through the week ending December 31, 2016, for which the Department has not issued a Notice of Determination of Overpayment, but the claimant acknowledges that he received a fault overpayment with respect to the compensation.	The beginning date and ending date of the period for which the claimant was overpaid.	All of the overpayment	Penalty weeks.**

**Because a Notice of Determination of Overpayment has not been issued, no interest has accrued.

(c) If a claimant or employer has more than one type of unpaid liability eligible for amnesty, the employer or claimant shall pay the amount required for each type of unpaid liability under subsections (a) and (b) to participate in the Amnesty Program.

Section 6. Excluded Liabilities.

(a)(1) The following unemployment compensation liabilities are not eligible for amnesty:

(i) An overpayment of compensation established pursuant to a Notice of Determination of Overpayment that has not become final.

(ii) An employer liability for which a petition for reassessment under section 304(b) of the law (43 P.S. § 784(b)) or an application for review and redetermination of contribution rate under section 301(e)(2) of the law (43 P.S. § 781(e)(2)) is pending.

(2) If a claimant or an employer withdraws an appeal involving a liability described in paragraph (1) and the liability becomes final, the liability will be eligible for amnesty.

(b) The Department may exclude the following liabilities from amnesty:

(1) A liability for which a praecipe for a writ of execution was filed prior to receipt of the amnesty form.

(2) A liability that was referred for judicial proceedings or for which a judicial proceeding was commenced prior to receipt of the amnesty form.

(3) A liability that is required to be paid under an order of a Federal or State court.

Section 7. Amnesty Form.

(a) An employer or claimant seeking amnesty shall complete and file an amnesty form with the Department during the amnesty period. The form shall contain all information required by the Department.

(b) If a claimant or employer receives correspondence from the Department with instructions to complete and return a form supplied by the Department or instructions to complete and file an electronic form, one of the following procedures shall apply, as chosen by the claimant or the employer:

(1) The form supplied by the Department constitutes the claimant's or employer's amnesty form. The claimant or employer shall file the form with the Department by mail. The filing date of the form shall be determined in accordance with 34 Pa. Code § 63.25(b) (relating to filing methods).

(2) The electronic form specified by the Department constitutes the amnesty form. The claimant or employer shall submit the form as instructed by the Department. The filing date of the form shall be determined in accordance with 34 Pa. Code § 63.25(e).

(c) If a claimant or employer does not receive correspondence from the Department, the claimant or employer shall use the applicable amnesty form available on the Department's web site at www.uc.pa.gov. The claimant or employer shall file the form with the Department by mail. The filing date of the form shall be determined in accordance with 34 Pa. Code § 63.25(b).

Section 8. Additional Terms and Conditions of the Amnesty Program.

(a) If a payment plan agreement exists between an employer or claimant and the Department for a liability for which the employer or claimant is seeking amnesty, the employer or claimant shall pay the amount or amounts required by section 5 during the amnesty period notwithstanding any terms of the agreement to the contrary.

(b) The Department will not begin administrative or judicial proceeding against an employer with regard to any contributions, reimbursement, interest or penalties paid under the Amnesty Program or interest or penalties waived under the Amnesty Program. The Department will not begin any administrative or judicial proceeding against a claimant with regard to overpayment or interest paid under the Amnesty Program or any overpayment or interest waived under the Amnesty Program.

(c) If a Type 8 or Type 9 liability described in section 5(b) is disclosed and paid under the Amnesty Program, and the Department determines that the liability as disclosed was understated, the Department may begin administrative or judicial proceedings and impose interest, penalties and other monetary obligations only with regard to the difference between the liability as disclosed and the correct amount of the liability.

(d) Except as provided in subsection (c), nothing in these guidelines shall be construed to prohibit the Department from beginning administrative or judicial proceedings and imposing interest, penalties and other monetary obligations with respect to any liability that is not disclosed under the Amnesty Program or any amount that is not paid under the Amnesty Program.

(e) An employer or claimant shall not be owed a refund or credit under these guidelines for an amount paid prior to the amnesty period.

(f) An employer or claimant may not begin an administrative or judicial proceeding with regard to the amnesty form, any report filed in connection with the Amnesty Program, any liability disclosed under the Amnesty Program, or any amount paid under the Amnesty Program, and shall not be owed a refund or credit for any amount paid under the Amnesty Program.

(g) Except as expressly provided in these guidelines, these guidelines may not:

(1) Be construed to relieve any employer, claimant, individual or any entity from filing reports or other documents required by, or paying any amounts due under, the law.

(2) Affect or terminate any petitions, investigations, prosecutions or any other administrative or judicial proceedings pending under the law.

(3) Prevent the beginning or further prosecution of any proceedings by the proper authorities of the Commonwealth for violation of any laws or for the assessment, collection or recovery of any amounts due to the Commonwealth under any laws.

Section 9. Primacy of the Law.

If there is a conflict between the law and these guidelines, the law shall prevail.

Section 10. Bankruptcy.

If a claimant or employer is in bankruptcy, any correspondence received from the Department pursuant to the

Amnesty Program is for informational purposes and does not constitute an attempt to collect a debt in violation of the Bankruptcy Code.

KATHY M. MANDERINO,
Secretary

[Pa.B. Doc. No. 17-546. Filed for public inspection March 31, 2017, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Eric Ashley v. Department of Environmental Protection and TCCC-Lancaster Holdings, LP, Permittee; EHB Doc. No. 2017-020-L

Eric Ashley has appealed the issuance by the Department of Environmental Protection of an NPDES permit (PAG02003616084) to TCCC-Lancaster Holdings, LP for a project located in Manheim and East Hempfield Townships, Lancaster County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 17-547. Filed for public inspection March 31, 2017, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Northeastern Pennsylvania (SERFF # MILL-130951718); Rate Increase Filing for Group LTC Forms GRP11-342-PA-1100

Blue Cross of Northeastern Pennsylvania is requesting approval to increase the premium an aggregate 69.1% on 11 policyholders with group LTC form GRP11-342-PA-1100.

Unless formal administrative action is taken prior to June 15, 2017, 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 (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-548. Filed for public inspection March 31, 2017, 9:00 a.m.]

**Capital Advantage Assurance Company, Inc.
(CABC-130954662); Small Group Off Exchange;
Rate Filing**

Capital Advantage Assurance Company, Inc. submitted a rate filing to change the premium rates for its Small Group products (PPO). The filing proposes a rate increase of 2.7% over the prior approved 2017 3rd and 4th quarter rates for a total average rate increase of 6.7%. Approximately 61,616 members will be impacted. The proposed rate increase will generate an annualized increase of approximately \$22.2 million of revenue and will be effective July 1, 2017.

Unless formal administrative action is taken prior to June 14, 2017, 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 (hover the cursor over the "Consumers" tab, then select "ACA Health Rate Filings").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-549. Filed for public inspection March 31, 2017, 9:00 a.m.]

**Capital Advantage Insurance Company, Inc.
(CABC-130954665); Small Group Off Exchange;
Rate Filing**

Capital Advantage Insurance Company, Inc. submitted a rate filing to change the premium rates for its Small Group PPO products. The filing proposes a rate increase of 3.4% over the prior approved 2017 3rd and 4th quarter rates for a total average rate increase of 6.1%. Approximately 48 members will be impacted. The proposed rate increase will generate an annualized increase of approximately \$17,318 of revenue and will be effective July 1, 2017.

Unless formal administrative action is taken prior to June 14, 2017, 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 (hover the cursor over the "Consumers" tab, then select "ACA Health Rate Filings").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-550. Filed for public inspection March 31, 2017, 9:00 a.m.]

**Highmark, Inc. (SERFF # MILL-130951721); Rate
Increase Filing for Individual LTC Forms**

Highmark, Inc. is requesting approval to increase the premium an aggregate 82.2% on 413 policyholders with forms SPL-336-HMBCBSPA and FSPL-336-HMBCBSPA.

Unless formal administrative action is taken prior to June 15, 2017, 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 (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-551. Filed for public inspection March 31, 2017, 9:00 a.m.]

**Highmark, Inc. (SERFF # MILL-130951723); Rate
Increase Filing for Individual LTC Forms**

Highmark, Inc. is requesting approval to increase the premium an aggregate 82.8% on 457 policyholders with forms SPL-336-HMBSPA and FSPL-336-HMBSPA.

Unless formal administrative action is taken prior to June 15, 2017, 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 (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-552. Filed for public inspection March 31, 2017, 9:00 a.m.]

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-554. Filed for public inspection March 31, 2017, 9:00 a.m.]

Keystone Health Plan Central (CABC-130954830); Small Group Off Exchange; Rate Filing

Keystone Health Plan Central submitted a rate filing to change the premium rates for its Small Group HMO products. The filing proposes a rate increase of 3.0% over the prior approved 2017 3rd and 4th quarter rates for a total average rate increase of 6.8%. Approximately 882 members will be impacted. The proposed rate increase will generate an annualized increase of approximately \$320,498 of revenue and will be effective July 1, 2017.

Unless formal administrative action is taken prior to June 14, 2017, 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 (hover the cursor over the "Consumers" tab, then select "ACA Health Rate Filings").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-553. Filed for public inspection March 31, 2017, 9:00 a.m.]

MedAmerica Insurance Company (SERFF # MILL-130946990); Rate Increase Filing for Individual LTC Forms

MedAmerica Insurance Company is requesting approval to increase the premium an aggregate 76.3% on 321 policyholders with forms SPL-336 and FSPL-336.

Unless formal administrative action is taken prior to June 15, 2017, the subject filing may be deemed approved by operation of law.

MedAmerica Insurance Company (SERFF # MILL-130951675); Rate Increase Filing for Group LTC Forms GRP11-342-MA-PA-601

MedAmerica Insurance Company is requesting approval to increase the premium an aggregate 69.1% on 68 policyholders with group LTC form GRP11-342-MA-PA-601.

Unless formal administrative action is taken prior to June 15, 2017, 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 (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-555. Filed for public inspection March 31, 2017, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insureds' homeowners policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to

Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Robert C. and Clarence S. Lenhart; File No. 17-188-207792; Encompass Insurance Company of America; Doc. No. P17-03-011; May 3, 2017, 9:30 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-556. Filed for public inspection March 31, 2017, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Certificate of Public Convenience

A-2017-2593918. Needmore Water Supply Company. Application of Needmore Water Supply Company for approval of the abandonment of its Certificate of Public Convenience as a water utility in the Village of Needmore, Belfast Township, Fulton County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 17, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Needmore Water Supply Company

Through and By Counsel: Carlton Anne Cook Walker, Esquire, 105 Creamery Road, Boiling Springs, PA 17007; and Bonnie Gordon, President, 1230 Everts Road, Needmore, PA 17238

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-557. Filed for public inspection March 31, 2017, 9:00 a.m.]

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security

Public Meeting held
March 16, 2017

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

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security;
M-2017-2584781*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of March 7, 2017, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond as noted in the table below.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Expired Financial Security Date</i>	<i>Approved Financial Security Amount</i>
A-2016-2535547	APPLIED ENERGY PARTNERS, LLC	2/8/17	-
A-2015-2484349	BRIGHTERGY, LLC	2/23/17	-
A-2009-2135746	EDGE INSIGHTS, INC.	3/1/17	-
A-2009-2121492	EMPLOYERS' ENERGY ALLIANCE OF PENNSYLVANIA, INC.	2/24/17	-
A-2015-2519872	GRID ENERGY, LLC	11/1/16	-
A-2015-2475323*	IOWAY ENERGY, LLC	2/24/17	-
A-2014-2412948	NEXTILITY, INC.	2/1/17	-
A-2012-2289792	RJT ENERGY CONSULTANTS, LLC	2/7/17	-
A-2015-2491523	THE ENERGY ALLIANCE, LLC	5/20/16	-
A-2011-2248651	THE ENERGY LINK, LLC	2/10/17	-
A-2010-2199551*	TOWN SQUARE ENERGY EAST, LLC	2/24/17	No
A-2014-2415133	UNITED POWER CONSULTANTS, INC.	2/13/17	-

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 60-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for each EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical

Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-558. Filed for public inspection March 31, 2017, 9:00 a.m.]

Pro Forma Transaction

A-2017-2594307. Atlantic Broadband (Penn), LLC and Atlantic Broadband Enterprise, LLC. Joint application for approval of a pro forma transaction to transfer customer base and assets from Atlantic Broadband (Penn), LLC to Atlantic Broadband Enterprise, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 17, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Atlantic Broadband (Penn), LLC; Atlantic Broadband Enterprise, LLC

Through and By Counsel: Sharon Thomas, Consultant, Technologies Management, Inc., 151 Southhall Lane, Suite 450, Maitland, FL 32751

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-559. Filed for public inspection March 31, 2017, 9:00 a.m.]

Review of Issues Relating to Commission Certification of Distributed Antennae System Providers in Pennsylvania

Public Meeting held
March 2, 2017

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

Review of Issues Relating to Commission Certification of Distributed Antennae System Providers in Pennsylvania;
M-2016-2517831

Order

By the Commission:

Before the Commission for consideration is the resolution of a formal proceeding to address the operations of providers of distributed antennae systems (DAS) networks, the relevant regulatory oversight of the Commission under applicable Pennsylvania and federal law, and other attendant issues related to DAS networks. The Commission has reviewed the comments and reply comments, and all the information provided therein. This order summarizes the information and presents our conclusions regarding the continued certification of DAS networks as public utilities.¹ In summary, the Commission concludes that operators of DAS networks are not public utilities under the Public Utility Code and, therefore, are not subject to Commission jurisdiction and are not entitled to a certificate of public convenience (CPC) issued by the Commission.

The Commission also concludes that it is not required by federal law to certificate DAS network providers and that revocation of DAS network CPCs will have no impact on the rights of DAS networks already protected by federal law. Revocation of the CPCs will only deprive the DAS networks of the right to exercise eminent domain and of exemption from local zoning ordinances, which are rights held by certificated public utilities in Pennsylvania.

Background

The Commission regulates the entry of telecommunications carriers offering public utility service in Pennsylvania through the adjudication of applications CPCs. These applications are filed pursuant to Section 1101 of the Public Utility Code (Code).² In fact, a telecommunications carrier that is a public utility as defined by Pennsylvania law cannot operate lawfully in Pennsylvania without a CPC from the Commission. In reviewing the nature, operations, and legal status of various new forms of telecommunications carriers, the Commission has deter-

mined that there are many unanswered questions related to several telecommunications carriers that provide and operate DAS networks in Pennsylvania. To date, the Commission has issued CPCs to several telecommunications carriers that utilize DAS to provide service in Pennsylvania. More recently, the Commission approved the application of SQF, LLC (SQF) to operate as a competitive access provider (CAP) in Pennsylvania.³ SQF utilizes DAS to offer its service and was granted authority to provide both interstate and intrastate wholesale services in Pennsylvania.

Over the last ten years or so, the Commission has certificated DAS network operators,⁴ but without any discussion or analysis of their jurisdictional status. Often, the applicant did not identify itself as a DAS operator, but rather described its intended service as simply providing “point-to-point” transport without any recognition of the radio (wireless) component of the service or, if so, described it as “RF [radio frequency] transport” also without recognizing the essential antenna facilities of the DAS network.⁵ The DAS network industry has evolved from a small niche player to prominence as a major driver of the wireless industry’s build out of end-user customer facing facilities.

More recently, the Commission has become concerned about the jurisdictional nature of the service provided over DAS networks and other attendant issues related thereto. Accordingly, in supporting the Commission’s decision to certificate SQF in Pennsylvania, the written statement of Commissioner John F. Coleman, Jr. noted that SQF’s application was unopposed and that, by granting the application, the Commission was treating SQF like the other DAS providers that had come before the Commission requesting a CPC. Commissioner Coleman’s statement in SQF also noted that there was a legitimate question as to whether the Commission can certificate providers of DAS networks. Specifically, Commissioner Coleman questioned whether a DAS provider was a “public utility” as defined by Pennsylvania law that can be certificated or whether a DAS provider was expressly excluded from the definition of “public utility” and, thus, cannot be certificated under state law. This statement also questioned whether the Commission is required under federal law to certificate a DAS provider, including whether denying a CPC to an otherwise fit DAS provider prohibits or has the effect of prohibiting DAS service in Pennsylvania in violation of federal law.⁶ Furthermore, the DAS applications for authority that the Commission had previously granted were all uncontested. This means that the legal and factual issues surrounding whether to certificate DAS providers have yet to be fully and openly vetted in an on-the-record proceeding before the Commission.

Consequently, by Order entered February 23, 2016, the Commission initiated a formal investigatory proceeding to examine the issues surrounding the certification of providers and operators of DAS networks as public utilities

³ Application of SQF, LLC for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider to the Public in the Commonwealth of Pennsylvania, Docket No. A-2015-2490501 (Order entered November 19, 2015) (SQF). (<http://www.puc.state.pa.us/pdocs/1395676.docx>). See also the Statement of Vice Chairman John F. Coleman, Jr. (<http://www.puc.state.pa.us/pdocs/1392246.pdf>) and the Dissenting Statement of Commissioner Robert F. Powelson (<http://www.puc.state.pa.us/pdocs/1392235.pdf>).

⁴ Most recently in SQF.

⁵ For example, see Application of NextG Networks of NY Inc. d/b/a NextG Networks East for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider to the Public in the Commonwealth of Pennsylvania, Docket No. A-311354F0002 (Order entered April 8, 2005); see also PA PUC Telephone Tariff No. 1, NextG Networks of NY effective April 14, 2005. NextG is now Crown Castle. Crown Castle Comments at 1 n.1.

⁶ See 47 U.S.C. § 253(a).

¹ We note that any potential fines, penalties, or other remedial action against DAS providers that currently are certificated in Pennsylvania is not within the scope of this proceeding.

² 66 Pa.C.S. § 1101, et seq.

in Pennsylvania.⁷ The issues that were to be examined included, among other things: (1) whether DAS providers are public utilities under Pennsylvania law that can be certificated;⁸ (2) whether the Commission should or is required to certificate these carriers in furtherance of federal law; (3) whether DAS service is an interstate service, intrastate service, or both; and (4) whether a CPC is needed to confer property rights to DAS providers to site the facilities/equipment used to provide DAS service, including access to rights-of-way and eminent domain. Our examination also includes other aspects of our regulatory oversight for DAS providers, such as tariffs and complaints, and any other considerations that an interested party believes should be examined. In order to focus the scope of the proceeding, the Commission issued information requests in an Appendix attached to the Order and requested comments and reply comments from interested parties. Lastly, commenters were also welcome to provide any additional input on relevant issues that had not been otherwise specifically raised in the Appendix to the Order.

The questions the Commission issued in the Appendix to Order regarding DAS networks are as follows:

1. What is Distributed Antenna System (DAS) service?

a. Explain what DAS service is, including the following: (i) the network components used to provide DAS service; (ii) the demarcation point between a DAS provider's network and the provider's network that it serves, as determined in legal agreements or otherwise; and (iii) how traffic is collected, transported, and delivered over a DAS network, including any protocol conversions that occur along the transmission path of the traffic.

2. Whether a DAS provider is a "public utility" as defined by Pennsylvania law that can be certificated by the Commission.

a. Does a DAS provider meet the definition of "public utility" under Section 102(1)(vi) of the Public Utility Code (Code) or is a DAS provider expressly excluded from the definition of "public utility" under Section 102(2)(iv) of the Code?

b. Is granting public utility status to DAS providers consistent with Commission precedent, including Commission certification of carriers that provide wholesale intrastate telecommunications service in Pennsylvania to retail Internet Service Providers and retail Voice over Internet Protocol Providers?

3. Whether the operations of a DAS provider can be certificated in Pennsylvania.

a. Is DAS service in Pennsylvania interstate service, intrastate service or both?

b. What is the legal and/or factual basis, if any, for the Commission to certificate a DAS provider in Pennsylvania that is engaged in the provision of interstate services only?

⁷ Review of Issues Relating to Commission Certification of Distributed Antennae System Providers in Pennsylvania, Docket No. M-2016-2517831 (Order entered February 23, 2016) (Investigation Order).

⁸ The Commission has held that the provision of wholesale services can fall within the definition of public utility service, which is evident with the existence of numerous certificated utilities currently offering wholesale services in Pennsylvania. See generally Application of Core Communications, Inc. for Authority to amend its existing Certificate of Public Convenience and Necessity and to expand Core's Pennsylvania operations to include the provision of competitive residential and business local exchange telecommunications services throughout the Commonwealth of Pennsylvania, Docket Nos. A-310922F0002AmA & AmB (Order entered December 4, 2006), aff'd, *Rural Telephone Co. Coalition v. Pa. Public Utility Commission*, 941 A.2d 751 (Pa. Cmwlth. 2008). Thus, a retail service component is not a requirement to be a public utility in Pennsylvania.

c. In reference to 3.b., please address the statutory definition of a "public utility" under Section 102(1) of the Code ("Any person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for: . . ." in conjunction with Sections 102(1)(vi), 102(2)(iv), and 3012 ("[t]elecommunications service") of the Code and whether these sources provide a basis for Commission certification.

d. Is the Commission preempted from certificating a DAS provider engaged in the provision of interstate service only under Section 104 of the Code and applicable federal law, including Section 152(a) of the Communications Act of 1934 and related case law?

4. Whether the Commission is required by federal law to certificate a DAS provider seeking a Certificate of Public Convenience (CPC) in Pennsylvania.

a. Does denying a CPC to a DAS provider prohibit or have the effect of prohibiting DAS service in Pennsylvania in violation of Section 253(a) of the Telecommunications Act of 1996 (TA-96)?

b. Does denying a CPC to a DAS provider violate Section 253(b) of TA-96, which preserves state authority to impose requirements, on a competitively-neutral basis, related to intrastate telecommunications services?

c. Does denying a CPC to a DAS provider violate any other federal statutory provision, any decision of the Federal Communications Commission, and/or any federal court decision?

5. Separation of DAS provider operations.

a. If the antenna equipment of a DAS provider used to collect wireless traffic is owned and/or operated by a separate legal entity (e.g., a subsidiary or affiliate) than the owner and/or operator of the wireline facilities/equipment used to perform the transport function, how, if at all, would this impact whether the owner and operator of the wireline transport function is a "public utility" under Pennsylvania law? Would such an arrangement facilitate the Commission's certification process for such providers?

b. What are the potential advantages and disadvantages with such an approach?

6. Whether public utility status is needed for a DAS provider to site its facilities/equipment used to provide service in Pennsylvania.

a. Explain how, if at all, the following rights under federal and/or state law are impacted if a DAS provider is not a public utility under Pennsylvania law: (i) the right of a DAS provider to access public rights-of-way to install its own poles/structures in Pennsylvania, to attach its own facilities/equipment to poles/structures owned by other entities in Pennsylvania, or to access their conduits; (ii) the right of a DAS provider to attach its own facilities/equipment to poles/structures in Pennsylvania owned by other, non-governmental entities, including public utilities, and/or access their conduits; and (iii) the right of a DAS provider to attach facilities/equipment to state or local government-owned poles/structures in Pennsylvania.

b. When DAS providers attach facilities/equipment to poles/structures or access conduits owned by non-governmental entities in Pennsylvania, including public utilities, is it the practice of the pole/structure owners to require the DAS provider to obtain a CPC

from the Commission prior to allowing the attachment? If so, what is the legal basis for this practice?

c. Explain what impact, if any, conferring public utility status to DAS providers has on the property rights of state and/or local governments and/or private property owners in Pennsylvania.

7. What is the business value of a CPC to a DAS provider?

a. Is it the practice of a customer or potential customer in Pennsylvania to require a DAS provider to obtain a CPC from the Commission prior to entering into a business relationship with the DAS provider? If so, what is the legal basis for this practice?

b. Even if not required by customers or potential customers, is having a CPC from the Commission something that wholesale or retail customers or potential customers in Pennsylvania prefer prior to entering into a business relationship with a DAS provider? If so, why?

c. How do other state commissions deal with the applications and certifications of DAS providers?

8. DAS providers and wholesale interconnection/collocation.

a. Explain whether DAS providers interconnect with the Public Switched Telephone Network (PSTN).

b. To the extent DAS providers interconnect with the PSTN, explain whether they enter into wholesale interconnection and/or collocation agreements with Incumbent Local Exchange Carriers (ILECs) pursuant to Section 252 of TA-96 or obtain interconnection through commercial agreements with ILECs that are not approved by the Commission.

c. To the extent DAS providers interconnect with the PSTN, explain whether their wholesale interconnection and/or collocation agreements with ILECs utilize or potentially can utilize unbundled network elements or UNEs.

d. To the extent a DAS provider seeks to enter into a wholesale interconnection and/or collocation agreement with an ILEC that is subject to Commission approval, explain whether the failure to obtain a CPC from the Commission impedes or otherwise affects the commencement of negotiations with the ILEC for wholesale interconnection/collocation.

e. To the extent a DAS provider seeks to enter into a wholesale interconnection and/or collocation agreement with an ILEC that is subject to Commission approval, explain whether failing to obtain a CPC from the Commission impedes or otherwise affects the ability of the provider to timely and effectively obtain wholesale interconnection/collocation and hence, amounts to a barrier to entry under Section 253(a) of TA-96.

9. DAS providers and E911/911 Service.

a. Explain whether DAS providers transport or otherwise handle wireless 911/E911 call and data traffic where such traffic eventually needs to timely and reliably reach the appropriate public safety answering point or PSAP.

10. Assuming DAS providers are public utilities under Pennsylvania law, what services and rate elements should be included in a DAS provider's intrastate tariff with the Commission?

11. Assuming DAS providers are public utilities under Pennsylvania law, does the Commission have jurisdiction under Section 1501 of the Code or other applicable law to adjudicate informal and/or formal complaints filed at the Commission against DAS providers, including complaints involving the siting of DAS facilities/equipment?

12. Provide non-proprietary physical network diagram(s) of typical DAS provider network(s). Such diagram(s) should include appropriate legends, explain any technical terminology abbreviations, depict traffic flows, and depict interconnection and/or collocation arrangements with other telecommunications carriers or communications providers.

Investigation Order, Appendix (footnotes omitted).

Interested parties filed comments addressing the Commission's several questions above.⁹ Replies to the comments were also filed.¹⁰

The initial inquiry here is whether Pennsylvania law permits the certification of DAS network operators as public utilities and allows the issuance of CPCs as such. We next review the necessity of a CPC to the DAS operators' construction of facilities.

Finally, if DAS networks are not public utility facilities under the Code,¹¹ then we need to identify next steps to address such an outcome.

Based upon our review of the comments and reply comments, the Commission makes the following conclusions regarding the jurisdictional status of DAS networks: (1) DAS facilities are used to provide a "wireless" service; (2) DAS facilities furnish mobile domestic cellular radio telecommunications service and, hence, cannot be certificated as public utilities under the Code; and (3) DAS networks cannot take advantage of eminent domain and local zoning ordinance exemptions expressly conferred on public utilities in Pennsylvania certificated by the Commission.

Discussion

1. DAS Networks

The Commission determines that DAS networks provide infrastructure on the end-user side of the traditional CMRS carrier's network. This network collects and delivers end-user wireless traffic on a wholesale basis to the retail CMRS carrier.¹² There are three main actors that interact with the DAS network: the retail CMRS pro-

⁹ Commenters include: The Wireless Association (CTIA), The Wireless Infrastructure Association (PCIA), Crown Castle NG East LLC and Pennsylvania—CLEC LLC (Crown Castle), ExteNet Systems, Inc. (ExteNet), various municipal non-profit associations, and many individual municipalities. The various associations representing, in aggregate, nearly all of Pennsylvania's 2,600 municipalities that filed Comments and Reply Comments are the Pennsylvania Municipal League (PML), the Pennsylvania State Association of Township Supervisors (PSATS), the Pennsylvania State Association of Boroughs (PSAB) and the Pennsylvania State Association of Township Commissioners (PSATC) (collectively Municipal Associations) as well as multiple individual municipalities. The Office of Consumer Advocate (OCA) and the Broadband Cable Association of Pennsylvania (BCAP) also participated. We thank everyone for their participation and comments, which have been extremely helpful to us as we have deliberated on this matter.

¹⁰ BCAP, OCA, PCIA, PML, Crown Castle, CTIA, and ExteNet.

¹¹ Some DAS operators assert that they are certificated in other jurisdictions, but do not specifically speak to the law in those jurisdictions. See, e.g., Crown Castle Comments at 1. The Public Utility Code in Pennsylvania, however, specifically prohibits our regulation of CMRS service as a public utility. We also note that "[i]n some states, state law may only require 'registration' or some other form of approval not called a certificate of public convenience." *Id.* at 13 n.17. In Pennsylvania, there is no registration category in the telecommunications arena; only full public utilities with CPCs. We also note ExteNet's statement that: "ExteNet is also registered with the Federal Communications Commission ("FCC") to provide interstate telecommunications services." ExteNet Comments at 3.

¹² The traffic typically consists of commingled transmissions of voice, data, and video traffic, including Internet traffic.

vider;¹³ the DAS operator itself; and the retail, end-user customer. The retail CMRS provider, also called the wireless service provider (WSP) in the industry comments, is the DAS operator's customer.¹⁴

At its most fundamental, a DAS network is composed of three main components:

(1) Powered antennae and related signal conversion equipment that transmits (and receives) end-user wireless traffic and that converts the protocol (called the "node");

(2) Some form of terrestrial transport (most likely fiber) that carries the traffic between the DAS and WSP networks; and

(3) A connection between the two networks, usually located at the WSP's switch or a carrier hotel (called the "hub").¹⁵

The DAS network operator's wireless antennae are placed on existing municipal light posts, utility poles, buildings, and other structures, often in the public right-of-way. DAS network operators also construct their own poles and facilities to support the antennae/node.¹⁶ DAS facilities allow WSPs "to expand their networks in a fast, cost-effective and efficient manner."¹⁷

The WSP, not the DAS network operator, exchanges voice traffic with the public switched telephone network (PSTN).¹⁸ DAS business plans do not touch the safety and traditional interconnection issues with which the Commission is normally concerned. The DAS network is not responsible for the hand-off to the 911 emergency centers—the WSP is accountable for that. DAS operators also do not interconnect with other carriers or the PSTN—that also is handled by the WSP. DAS networks do not need phone numbers—numbering is the WSP's function.

2. Issues Involving DAS Siting

There are aesthetic and engineering advantages to the deployment of the low height antennae that the cell phone industry is increasingly utilizing either in their own systems or through independent, third-party DAS networks. CTIA articulates the industry transition well:

Traditional "macrocell" infrastructure—huge antennas bolted to enormous towers and other tall structures—has done an excellent job of extending coverage across Pennsylvania and the rest of the nation, and it will continue to play a critical role in maintaining and expanding that coverage. However, continually-increasing consumer usage due to the widespread adoption of smartphones and the develop-

ment of wireless broadband dependent applications and services, among other factors, has created a voracious demand for additional wireless *capacity* even in areas where *coverage* is ubiquitous. Further, the forthcoming transition to fifth generation ("5G") wireless networks will require even more infrastructure deployment as the wireless industry continues to enhance its network capabilities to the benefit of consumers.¹⁹

As the FCC has noted, "DAS deployments offer robust and broad coverage without creating the visual and physical impacts of multiple macrocells." Two years ago, the FCC noted that "DAS and small-cell deployments are a comparatively cost-effective way of addressing increased demand for wireless broadband services, particularly in urban areas. As a result, providers are rapidly increasing their use of these technologies, and the growth is *projected to increase exponentially* in the coming years."²⁰

The challenge of DAS deployment is principally one of land use: Although the facilities used in these networks are smaller and less obtrusive than traditional cell towers and antennas, they must be deployed more densely—i.e., in many more locations—to function effectively. As a result, local land-use authorities in many areas are facing substantial increases in the volume of siting applications for deployment of these facilities. This trend in infrastructure deployment is expected to continue, and even accelerate, as wireless providers begin rolling out 5G services.²¹

At the urging of the wireless industry, Congress and the FCC have increasingly struggled with the associated wireless facility siting issues, attempting to find the line between the preservation of local zoning rights and the public's increasing demand for added wireless capacity. The FCC's 2009 Shot Clock Ruling²² prescribed specific time frames for municipal review and permitting of wireless towers so that wireless deployment would not be delayed or burdened by unreasonable municipal challenges to siting.²³ The FCC further directed that permit denials must be based upon "substantial evidence," prescribed review of environmental impacts, prohibited discriminatory treatment, and established an accelerated judicial review of permit denials. As part of its consideration of the role of DAS facilities in its 2011 Pole Attachment Order,²⁴ the then-Chairman of the FCC acknowledged that "DAS deployments use multiple antennas to extend wireless coverage and provide service more efficiently than conventional wireless antennas."²⁵

Next, in 2012, Congress passed the Spectrum Act,²⁶ which directed that a state or local government may not deny, and shall approve, any request for a modification of

¹³ Mobile cellular service providers such as Verizon Wireless, AT&T Mobility, Sprint, and T-Mobile are traditional, retail CMRS providers in this category. Municipal Association Comments at 4.

¹⁴ The Municipal Associations describe DAS as follows: "DAS is principally a repeater system that extends or boosts a provider's radio frequency ("RF") signals or spectrum from their network to the edge in order to support end user mobile and stationary devices in areas where their signal coverage and capacity are lacking." Municipal Association Comments at 2. We take this as a general description and not necessarily an engineering one. Crown Castle Reply Comments at 9, CTIA Reply Comments at 3.

¹⁵ PCIA Comments at 3. The OCA Comments cite to three different sources for similar summaries of a DAS network. OCA Comments at 3-4.

¹⁶ DAS networks operate indoors and outdoors. In most indoor applications, the network operator is dealing with a single land owner or landlord. The issues addressed by the commenters principally apply to outdoor DAS and the use of public spaces. As the Municipal Association's explain: "Outdoor DAS focuses on bringing coverage to an outdoor area where the existing network cannot provide adequate coverage or capacity (e.g. a rural area where the signals cannot reach or a dense urban area where the network cannot provide sufficient capacity). It creates capacity boosts where there is a weak signal. Installation of outdoor DAS is more challenging than indoor DAS, because of the outdoor weather elements creating the need for sufficient structure to support wind-load and secure closets for equipment." Municipal Association Comments at 2.

¹⁷ ExteNet Comments at 2.

¹⁸ See, for example In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, FCC No. 14-153, ¶ 34, 29 FCC Rcd. 12,842 (Report and Order released Oct. 21, 2014), 80 Fed. Reg. 1238 (Jan. 8, 2015) (Wireless Infrastructure Order) at ¶ 31 and ExteNet Comments at 21.

¹⁹ CTIA Comments at 1-2 (emphasis in original).

²⁰ Wireless Infrastructure Order at ¶ 34 (emphasis added).

²¹ Streamlining Deployment of Small Cell Infrastructure By Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition For Declaratory Ruling, FCC WT Docket No. 16-421, FCC Notice dated December 22, 2016 ("Mobilitie Petition") at 2.

²² In Re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, FCC No. 09-99, 24 FCC Rcd 13994 (Declaratory Ruling Released Nov. 18, 2009) (Shot Clock Ruling). The FCC Shot Clock Ruling presumptively established what constitutes "a reasonable period of time" for a municipality to act in response to an application to occupy a municipal right-of-way. Shot Clock Ruling at ¶ 37.

²³ These rules were extended to DAS facilities in 2014.

²⁴ Implementation of Section 224 of the Act; A National Broadband Plan for Our Future; WC Docket No. 07-245 and GN Docket No. 09-51 (Report and Order and Order On Reconsideration released April 7, 2011) (Pole Attachment Order).

²⁵ FCC 2011 Pole Attachment Order at 138-139 (statement of Chairman Julius Genachowski) (mandating a time frame for pole and right-of-way owners to provide broadband providers and deployers of wireless broadband technologies like DAS access to utility poles so as not to delay broadband buildout).

²⁶ As part of the Middle Class Tax Relief and Job Creation Act of 2012, 112 Pub.L. 96, Title VI, § 6409(a), 126 Stat. 156, 232 (2012) (Section 6409(a)), codified at 47 U.S.C. § 1455(a) (Spectrum Act).

an existing wireless tower or base station.²⁷ The FCC's ensuing Wireless Infrastructure Order implemented this Act, as well as extended all prior zoning privileges to DAS facilities.

Nor has all the action been at the federal level. At the end of 2012, the Pennsylvania General Assembly enacted the Wireless Broadband Collocation Act (Act 191), which provides for a streamlined approval process for certain qualifying wireless collocations, modifications and replacements of existing facilities, including DAS networks.²⁸ Act 191 extends the wireless industry's rights beyond federal law, including a definition of eligible facilities and a 90-day deadline for decisions on license approvals.

3. Regulation Of DAS Operators As Public Utilities

Turning to the threshold jurisdictional inquiry, DAS networks meet the initial legal test of public utility status since they are operating facilities that convey or transmit messages or communications.²⁹ The more challenging question, however, is whether the DAS operators are doing so by the technology of "mobile domestic cellular radio," a form of service that is expressly excluded from the definition of "public utility."³⁰

Such technology-based regulatory differentiation is not unusual. The Pennsylvania General Assembly has also excluded cable phone and any other form of IP-based telecommunications from Commission jurisdiction except for very limited purposes not germane here.³¹ Indeed, by these various exclusions, the Commission has very limited jurisdiction over telecommunications services in Pennsylvania and focuses on traditional incumbent and competitive "landline" telephone offerings. No entity that uses facilities that provision mobile services, other than DAS network operators, has sought a CPC from us.³²

4. Wireless Service

It is clear that DAS facilities are used to provide a wireless service. In its 2014 rulemaking that extended the wireless tower zoning reforms to DAS networks and their antennae, the FCC ruled that these are wireless facilities entitled to the same siting advantages created in the 1996 Telecommunications Act, the 2009 *Shot Clock Ruling*, the 2011 *Pole Attachment Order*, and the 2012 *Spectrum Act*.³³

Specifically, the FCC stated that DAS "is used to provide personal wireless service" and the antennae installed by DAS network operators are wireless towers³⁴

²⁷ 47 U.S.C. § 1455(a)(1).

²⁸ 53 P.S. §§ 11702.1, et seq.

²⁹ 66 Pa.C.S. § 102; see § 102(2)(iv) (relating to exclusions from the definition of "public utility") ("Any person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for...[c]onveying or transmitting messages or communications... by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation... [except that] [t]he term does not include... [a]ny person or corporation, not otherwise a public utility, who or which furnishes mobile domestic cellular radio telecommunications service.");

³⁰ As we noted in our initial order: "CMRS is a defined term in the federal Communications Act but not in the Pennsylvania Public Utility Code (Code). However, we view CMRS as synonymous with "mobile domestic cellular radio telecommunications service," which is the term used in the Code to describe wireless service." Investigation Order at 3 n.4.

³¹ Voice-Over-Internet Protocol Freedom Act, P.L. 627 of 2008, codified at 73 P.S. §§ 2251.1, et seq.

³² The Commission did, on one occasion, agree to certificate a "fixed wireless" operation (i.e., immovable end-user base station in the end-user's premises), which did not ultimately become operational and was not issued a CPC. Application of Vanguard Telecom Corp., d/b/a Cellular One, for Approval to Offer, Render, furnish, or Supply Facilities-based Competitive Local Exchange Telecommunication Services and Facilities-based Competitive Access Provider Services; Docket Nos. A-310621 F0002 and A-310621 F0003.

³³ Wireless Infrastructure Order at ¶ 271 (emphasis added).

³⁴ It is worth reflecting on the fact that no macro tower has ever sought to be certificated by us, only the smaller cells.

for purposes of federal law. As it described in the Wireless Infrastructure Order:

We clarify that to the extent DAS or small-cell facilities, including third-party facilities such as neutral host DAS deployments, are or will be used for the provision of personal wireless services, their siting applications are subject to the same presumptively reasonable timeframes that apply to applications related to other personal wireless service facilities.³⁵

The FCC's conclusion that DAS networks are facilities that utilize wireless (radio) technology in order to provide personal wireless service is persuasive.³⁶ The FCC sets the rules for CMRS compensation, availability of capacity, auctioning and management of spectrum, customer information, pole attachments, and all other things that are wireless. The regulatory classification of DAS by the FCC as a provider of "personal wireless service" is persuasive as we seek to answer the same question under state law.

Nevertheless, the DAS operators contend in this proceeding that they are providing a landline service no different from the typical middle mile, point-to-point, "backhaul service" offered by almost every telecommunications carrier.³⁷ This position, however, is based upon an incomplete description of the DAS network. Simplified, it asserts that the radio frequency—the spectrum—is owned and transmitted by the retail WSP and only passively carried by the DAS carrier as a throughput on terrestrial facilities.

There are several flaws with this line of reasoning. First, the view that the DAS antenna is passive because it does not generate signal is unreasonably restrictive. Even where the signal is generated at the head end (or hub), the DAS antenna transmits (or receives) the radio signal to (and from) the wireless end-user customer.³⁸ Moreover, the DAS operator's node provides other active functions such as RF-to-optical-RF signal conversion or simple RF conversion at the node/antenna.³⁹

The DAS operator is operating equipment that plays a vital and active role in a wireless session by providing an antenna that directly interfaces with the end-user's wireless device—both sending and receiving radio signal. The DAS antenna receives RF at the node, converts it to digital or optical format for transport over a cable or fiber line, only to be converted back to RF at the hub and handed back to the WSP, or the CMRS carrier's ultimate end-user. The fact that the retail WSP holds title to the spectrum license or may generate the signal for the DAS network to carry does not diminish the active collection, conversion, and distribution of the wireless signal by the DAS network.

Nor is it universally true among DAS operators that there is no operator-supplied radio involved or that the retail WSP generates the radio signal back at the hub, as some commenters assert.⁴⁰ For example, ExteNet de-

³⁵ Wireless Infrastructure Order at ¶ 270. The FCC uses the term "personal wireless services," which it defines as "commercial mobile services, unlicensed wireless services and common carrier exchange access service." 47 U.S.C. § 332(c)(7)(C)(i).

³⁶ The DAS carriers agree that the federal definition should be applied. See, for example CTIA Comments at 10 ("Thus, whether the DAS service provided by CAPs constitutes CMRS under federal law—and thus "mobile domestic cellular radio telecommunications service" under Pennsylvania law—depends on whether it is both a "mobile service" and an "interconnected service" under federal law.")

³⁷ ExteNet Comments at 16 ("In this circumstance, the radios, antennas and facilities qualify as equipment and facilities used to convey communications to the public for compensation, just as traditional wireline transport facilities do.")

³⁸ CTIA Comments at 3.

³⁹ Id. at 3 n.3.

⁴⁰ The CTIA asserts: "The [DAS operators] do not have any radios in their DAS facilities—all radio equipment is provided by the wireless service provider, either in the form of its base station or in the form of its end users' mobile devices." CTIA Comments at 11.

scribes its network as supplying radios and generating the radio signal.⁴¹ The FCC notes that small cell operators,⁴² one form of microcells, supply radio transceivers at the node.⁴³

There is no homogeneity among DAS networks.⁴⁴ As the PCIA warns, “it would be a mistake to attempt to define DAS as a specific technological configuration currently deployed by a particular company.”⁴⁵ We agree that it would be an error to base our ruling on any one narrow view of a network.

Rather, DAS networks should be defined by their functionality (the service furnished), not by any particular configuration of facilities. Our statute excludes from our jurisdiction any person that operates equipment that “furnishes mobile domestic cellular radio telecommunications service.” There is no requirement under our law that the service be a stand-alone offering. The term “furnish” as used in the statutory exception means (second definition) “to provide” or “to supply.”⁴⁶ As previously discussed, DAS networks are used to furnish, supply and provide personal wireless services and, thus, meet this definition.

We disagree with the proposition that DAS networks are just like the landline transport facilities that have been traditionally certificated by us. Stated simply, it is the DAS antennae that cause the crossover into the wireless realm and make the difference under Pennsylvania law. BCAP, representing the cable companies, states that “backhaul transport service is separate and distinct from the antenna-based service offered by DAS operators that may also include a transport segment.”⁴⁷

Our Investigation Order specifically asked the DAS carriers to identify “the demarcation point between a DAS provider’s network and the provider’s network that it serves, as determined in legal agreements or otherwise. . . .” ExteNet, the only commenter to respond to this question directly, reported that “[t]he hub is traditionally the demarcation or ‘meet-me’ point between the DAS provider and WSP network. The parties may agree to a different point. In newer architectures, the demarcation point is located in the [WSP] carrier’s facility.”⁴⁸ Based upon this explanation, we conclude that the DAS provider is responsible for the facilities that are located between the end-user’s device and the WSP hub, not just from the antenna to the hub. This further buttresses the conclusion that DAS facilities are used to furnish a wireless service.

⁴¹ “The nodes are typically deployed with multiband antennas. . . Each antenna is connected to small distributed remote radio units. . . .” ExteNet Comments at 6.

⁴² The CTIA observes that: “DAS networks should not be confused with ‘small cell’ (i.e., picocell, microcell, metacell and/or femtocell) technologies, which are also used to extend coverage and add capacity to wireless providers.” CTIA Comments at 4. Later it recognizes the industry confusion over nomenclature: “Crown Castle NG describes its product as a ‘small cell solution.’ Regardless of nomenclature, the product is a neutral-host, small node, scalable system typical of a DAS.” CTIA Comments at 18 n.44.

⁴³ Wireless Infrastructure Order at ¶ 31.

⁴⁴ As Crown Castle acknowledges, even about its DAS network, “there is no single combination of equipment that defines a DAS network.” Crown Castle Comments at 3.

⁴⁵ PCIA Comments at 3 (“While this description is high-level, it would be a mistake—both technologically and from a legal or policy perspective—to attempt to define DAS as a specific technological configuration currently deployed by a particular company. DAS is a generic description of a network for providing telecommunications service. Like all telecommunications networks, it is evolving rapidly and being deployed in differing manners by different providers. Accordingly, the Commission should avoid trying to set legal or regulatory treatment based on a narrowly-defined technological configuration that does not accurately reflect an evolving market.”).

⁴⁶ <http://www.macmillandictionary.com/us/dictionary/american/furnish>; <https://www.merriam-webster.com/dictionary/furnish>; <https://en.oxforddictionaries.com/definition/furnish>. *Black’s Law Dictionary* confirms that the word “furnish” (first definition) means: “To supply or provide.”

⁴⁷ BCAP Reply Comments at 1 (emphasis added). We decline to render any ruling on the jurisdictionality of cable company facilities, although BCAP requests one. We are only dealing with DAS networks at this time.

⁴⁸ ExteNet Comments at 7.

In treating DAS facilities as wireless in nature, the FCC rejected the same arguments that the DAS operators now assert before us, namely that the DAS network is merely terrestrial back haul:

*Some commenters argue that the shot clocks should not apply because some providers describe DAS and small-cell deployments as wireline, not wireless, facilities. The City of Eugene, Oregon, for example, argues that the Commission should not consider DAS a personal wireless service because one DAS provider has argued that its service is “no different from, and indeed competes directly with, the fiber-based backhaul/private line service provided by Incumbent Local Exchange Carriers.” This argument is not persuasive. Determining whether facilities are “personal wireless service facilities” subject to Section 332(c)(7) does not rest on a provider’s characterization in another context; rather, the analysis turns simply on whether they are facilities used to provide personal wireless services.*⁴⁹

The wireless association’s rebuttal to this citation is circular.⁵⁰ The FCC did not equivocate in applying the label of “personal wireless service” to DAS.⁵¹ The point made in the FCC’s Wireless Infrastructure Order is that, to the extent a DAS operator employs the FCC’s rules regarding siting, it agrees that it is providing “personal wireless service.”

State law also bears on this point. At the end of 2012, Pennsylvania enacted the Wireless Broadband Collocation Act (Act 191), which provides for a streamlined approval process for certain qualifying wireless collocations, modifications and replacements of existing facilities, including DAS.⁵² Act 191 extends favorable land use rules to and “wireless telecommunications facilities” beyond federal law.⁵³ DAS operators use these rules, which are applicable to “equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services.” Again, by taking advantage of the special siting rules applicable to wireless facilities, DAS carriers implicitly concede that their facilities are used to furnish a wireless service.

5. Mobile Service

Continuing, because we propose to conclude that DAS facilities are used to furnish radio (i.e., wireless) services, the only remaining legal issue related to our jurisdictional inquiry is whether the service is “mobile.”⁵⁴ The FCC has only ruled that DAS operators fall into the general category of “personal wireless service” but has not

⁴⁹ Wireless Infrastructure Order at ¶ 271 (emphasis added).

⁵⁰ Interestingly, the individual carriers themselves did not address this important point. However, from the industry association comments it is clear that the operators have availed themselves of the benefits of both the FCC’s Shot Clock and the federal Spectrum Act, as well as our state Act 191.

⁵¹ CTIA Reply Comments at 8 (It is clear from the actual language of the Report and Order that the FCC did not “recognize[] DAS providers as PCS,” as the Municipal Associations insist, and that the FCC merely clarified that where DAS facilities are or will be used in the provision of PCS, local zoning boards considering siting applications are subject to the deadlines of the Shot Clock Order.) and PCIA Reply Comments at 15-16 (“Rather, it addressed the extent to which DAS facilities qualify for the same siting timeframes laid in the FCC’s 2009 ‘Shot Clock’ order. Section 332(c)(7) of the Communications Act differentiates between local government actions that have an impact on personal wireless services and decisions that concern personal wireless service facilities. The FCC did not establish or change any regulatory classification of services provided via DAS networks.”).

⁵² 53 P.S. §§ 11702.1, et seq.

⁵³ Including a definition of eligible facilities and a 90-day deadline for decisions on license approvals. Remedies are in the county courts of common pleas, which decisions are to be rendered on “an expedited basis.” There is no role provided for the Commission under Act 191 and the premise of the Act seems incongruous with the “public utility” status of the DAS provider. Because certificated “public utilities” may override local zoning requirements, requiring DAS providers to be certificated as “public utilities” would seem to render the provisions of Act 191 relating to DAS rights on certain facilities within local municipalities unnecessary.

⁵⁴ No one has argued that the service is not “commercial.”

specified which of the three types are involved: “commercial mobile services, unlicensed wireless services and common carrier exchange access service.”⁵⁵

Whether the service is mobile or fixed turns on the end-user’s equipment and whether it is mobile under the federal rules, which we will apply here. Incorporating the federal definitions into this analysis, commercial mobile radio is “any mobile service (as defined in section 3) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public.”⁵⁶ Section 3(27) of the federal Communications Act defines a “mobile service” as “radio communication service carried on between mobile stations or receivers and land stations, and by *mobile stations* communicating among themselves.”⁵⁷ The Act, in turn, defines a “mobile station” as “a *radio-communication station capable of being moved and which ordinarily does move.*”⁵⁸

The Commenters do not specify the type of consumer equipment with which the DAS networks communicate. Our view and the record of this case lead to the conclusion that the wireless communication is to mobile devices such as tablets and smart phones. The DAS operators’ comments support this conclusion. The CTIA acknowledges that DAS network transmits “the [radio] signals. . . to the end user’s *mobile device.*”⁵⁹ In describing the operation of its network, Crown Castle acknowledges the “radio transmissions between the Node [the DAS antenna] and a carrier customer’s subscriber’s *mobile device.*”⁶⁰

The commenting DAS operators resist application of the term “mobile” on the grounds that they only provide “transport service over fiber optic lines between stationary hubs and stationary nodes” and deny providing “a service between the Node and any consumer’s mobile device.”⁶¹ This is a continuation of the position that a DAS network is exclusively using landline facilities to stream the WSP signal that the FCC expressly rejected in its Wireless Infrastructure Order and with which this Order concurs. This logic turns all definitions on their head. The large dishes on the macro towers are stationary also, but no one argues that these are part of a fixed, not mobile, service.

Next, the DAS operators argue that they do not provide an “interconnected” service. “Section 332(d)(2) of the Communications Act states that ‘the term ‘interconnected service’ means service that is interconnected with the public switched network (as such terms are defined by regulation by the [FCC]).”⁶² The DAS operators, elsewhere in their comments, concede that calls that flow through their antennae are connected to the PSTN. The argument here instead appears to be that the interconnection function is performed by the WSP and not the DAS operator. However, DAS networks provide a WSP’s end-user customer with connectivity to the WSP’s network, which is interconnected to the PSTN. Thus, DAS service assists in making interconnected voice and/or data service available to end-users a/k/a the public or a substantial portion thereof.

⁵⁵ 47 U.S.C. § 332(c)(7)(C)(i). The DAS commenters do not assert that they are furnishing either unlicensed wireless services or common carrier exchange access service.

⁵⁶ *Id.* at § 332(d).

⁵⁷ *Id.* at § 3(27) (emphasis added).

⁵⁸ *Id.* at § 3(28) (emphasis added).

⁵⁹ CTIA Comments at 10 (emphasis added).

⁶⁰ Crown Castle Comments at 4 (emphasis added).

⁶¹ *Id.* at 11.

⁶² CTIA Comments at 12.

In conclusion, DAS facilities furnish mobile domestic cellular radio telecommunications service and, hence, cannot be certificated as public utilities under the Code.

6. *Effects Of Loss Of Public Utility Status*

As a preliminary matter, we note that the primary adverse consequence of the possible decertification of DAS networks raised by any party relates solely to facilities siting—gaining access to public rights-of-way and zoning permits to deploy new facilities or to connect to existing structures. None of the traditional earmarks of utility regulation—the establishment of just and reasonable rates or the maintenance of reasonable service—are matters of expressed concern by any commenter.

It is argued that decertification of DAS networks would constitute a barrier to entry in violation of federal law.⁶³ In our view, decertification of DAS does not violate federal law. Certainly, federal law precludes state and local governments from enacting competitive barriers to market entry against DAS network operators. However, we fail to see how allowing DAS networks to operate free from Commission oversight forms one.

Moreover, federal law cannot be used to compel the Commission to certificate a non-utility in violation of state law based on the effects that losing utility status may have on a facilities siting regimen administered by other governmental units. Section 253 of the Telecommunications Act of 1996 (TA-96)⁶⁴ does not compel the Commission to come to the aid of a non-jurisdictional entity. To the extent that a local zoning board, for example, enacts an unreasonable requirement, it is that local regulation that violates Section 253 and not the Commission’s failure to offer assistance.

Moreover, federal law expressly preempts any attempt by this Commission to regulate either market entry of, or the rates charged by, an entity providing CMRS.⁶⁵ Thus, federal law precludes us from requiring DAS network operators to obtain a CPC.

In any event, predictions regarding the loss of CPC status among DAS network providers range from no significant change forecast by the municipal participants to an apocalypse projected by the DAS network operators.⁶⁶ Several commenters who are DAS operators argue that denying CPCs to providers of DAS service may prohibit or may have the effect of prohibiting DAS service in Pennsylvania by impeding their ability to deploy DAS networks in Pennsylvania. According to one commenter, pole owners frequently require proof that the attaching party holds certification from a governmental authority like the Commission. The commenter adds that local governments in Pennsylvania commonly require the presentation of a CPC as a condition to access public rights-of-way.⁶⁷

We are very mindful of the DAS operator’s description of poor treatment at the hands of pole owning utilities and municipal licensing authorities,⁶⁸ as well as instances of overreaching by DAS network operators that the municipalities describe. We now explore those specific

⁶³ Under Section 253(a) of the TA-96, “[n]o State or local statute or regulation. . . may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” 47 U.S.C. § 253(a).

⁶⁴ 47 U.S.C. §§ 201, et seq.

⁶⁵ 47 U.S.C. § 332(c)(3).

⁶⁶ See, e.g.: Crown Castle Comments at 17 (“such an action. . . would likely discourage innovation. . . [and] disrupt the marketplace.”); PCIA Comments at 12-13 (“could well have the legal effect of blocking those providers from accessing public rights-of-way pursuant to 15 Pa. Cons. Stat. § 1511 and the practical effect of the same regarding utility poles.”); ExteNet Comments at 2. (“as a practical matter creates at best a high hurdle to market entry and at worst a barrier to entry.”).

⁶⁷ Crown Castle Comments at 13-14, 15.

⁶⁸ *Id.*

points of friction between DAS operators and property holders.

7. Pole Attachments

The Commission does not regulate pole attachments. The opportunity to do so exists, but the Commission has never triggered the “reverse preemption” provisions of the federal Communications Act.⁶⁹ Pennsylvania utilities and pole attachers, therefore, follow the federal rules as designed and administered by the FCC. The FCC recently tightened and strengthened the pole attachment rules, providing lower rates and easier, more efficient attachment by all telecommunications carriers.⁷⁰

DAS commenters argue that pole access often is denied absent “proof” of telecommunications status.⁷¹ ExteNet observes: “As a practical matter, requesting proof of certification is a short cut for utility pole owners. It allows them to avoid expensive, time-consuming research in order to make their own legal determination about what the requesting entity is or is not entitled to by law or regulation.”⁷² The analogy is that a CPC is “a ‘ticket’ which demonstrates that the holder is entitled to certain rights and privileges and undertakes certain responsibilities.”⁷³

At the same time, the DAS commenters acknowledge the FCC has extended pole attachment rights to all telecommunications service providers. Specifically, Section 224 of TA-96 grants pole access rights so long as a company is a telecommunications service provider.⁷⁴ This Order expressly recognizes that DAS operators provide telecommunications service. Non-certificated telecommunications providers routinely gain access to poles, evidencing that a CPC is not required to attach to poles.⁷⁵ Thus, no CPC is required for DAS facilities to attach to utility poles.

We decline to issue certificates as a “shortcut,” because of alleged unreasonable practices surrounding pole attachments. But, we would also find that it is illegal for any utility to require a CPC from this Commission as a requirement for allowing a telecommunication service provider to exercise its pole occupancy rights.⁷⁶ While the Commission does not regulate pole attachments, going forward, the Commission should entertain complaints alleging deteriorated pole access by electric and telephone public utilities as alleged violations of Section 1501 of the Code⁷⁷ and subject to fines and penalties.⁷⁸

⁶⁹ 47 U.S.C. § 224(c).

⁷⁰ Pole Attachment Order. Under this ruling, wireless carriers have clearly defined access to poles, including pole-tops and benefit from the lowered attachment rate and specified procedures designed to enhance attachment.

⁷¹ ExteNet Comments at 1 (“The... reality is that a DAS provider without a CPC would be unable to document to pole owners that it is a telecommunications provider, and therefore entitled to access to poles at reasonable rates... This creates a barrier to entry contrary to Section 253(a).”).

⁷² ExteNet Comments at 19.

⁷³ *Id.* at 18.

⁷⁴ PCIA Comments at 10 (“technically, certification by a state commission is not required for a provider to access poles... Nonetheless, telecommunications providers often encounter opposition.”).

⁷⁵ Municipal Association Reply Comments at 4 (“Throughout the Commonwealth, cable operators of all sizes routinely negotiate pole attachment agreements and still manage to maintain a profitable business model and serve Pennsylvania residents. It would seem that the wireless industry’s fear of a pole attachment Armageddon is negated in its entirety with proper utilization of the rights and benefits conferred by the Pole Act. (See PCIA Comments, page 10, explaining that a DAS provider “without a CPC will face opposition, impediments, and potentially outright barriers to accessing the critical infrastructure.”).

⁷⁶ To the extent that current pole attachment agreement require a telecommunications service to also hold a CPC from this Commission, we note that such a provision would also violate our ruling here today.

⁷⁷ 66 Pa.C.S. § 1501.

⁷⁸ When Gamma Ventures sought a Commission certificate, we so warned all public utilities that access to utility poles is an existing right of all telecommunications carriers that does not require a certificate from this Commission. In Re Application of Gamma Ventures, LLC for Certificate of Public Convenience and Necessity to Provide Telecommunications Services in Pennsylvania, Docket No. A-2014-2412630 (Order entered June 19, 2014). This warning is once again provided as part of this proceeding.

We also note that DAS carriers may register with the FCC to provide interstate telecommunications services,⁷⁹ and suggest that the DAS operators employ the fact of registration as “proof” of “telecommunications” status to the extent that such is necessary.

In conclusion, loss of a CPC does not affect a DAS operator’s rights to attach to utility poles.

8. Public Right-Of-Way Occupancy

The DAS carriers also complain about the behaviors of local municipalities in granting them occupancy in public rights-of-way. Specifically, the DAS operators claim that “certification is also critical” to a provider’s access to public rights-of-way, because “[u]nder Pennsylvania law, access to the public right-of-way is available [only] to ‘public utility corporation[s]’”⁸⁰ citing to 15 Pa.C.S. § 1511(e).⁸¹ We disagree. While this statutory section does address public utility access to rights-of-way, it does not preclude non-certificated entities from also occupying public rights-of-way, and such access is guaranteed for DAS operators through other laws.

TA-96 clearly prohibits any state or local action that would prevent the placement of DAS facilities in public rights-of-way:

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.⁸²

TA-96 expressly recognizes, but also limits the use of local right-of-way regulation:

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, *on a competitively neutral and nondiscriminatory basis*, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.⁸³

The municipalities concede the requirement to allow public right of way access is obligatory regardless of the possession of a CPC:

Under Section 253(a) of TA-96, if a wireless provider, such as those that utilize DAS systems as a part of their CMRS, can demonstrate a need for its proposed facility, that provider cannot be blocked from installing and operating such facilities by the local zoning authority. By virtue of the fact that DAS systems are typically constructed to infill specific existing capacity and coverage gaps, the DAS provider need only demonstrate the need for such facilities to the local zoning authority and comply with reasonable standards to gain approval for construction, modification and/or placement of facilities in the public rights-of-way.⁸⁴

To ensure that pole owners are aware of our concerns, this order will be served upon the associations representing them and published in the *Pennsylvania Bulletin*.

⁷⁹ ExteNet Comments at 3.

⁸⁰ PCIA Comments at 11. See also Crown Castle Comments at 15 (“For access to public rights-of-way, possessing a CPC may be even more critical... therefore get access to the public rights-of-way, the company must be a “public utility corporation.”).

⁸¹ 15 Pa.C.S. § 1511(e) (“A public utility corporation shall have the right to enter upon and occupy streets, highways, waters and other public ways and places for one or more of the principal purposes specified in subsection (a) and ancillary purposes reasonably necessary or appropriate for the accomplishment of the principal purposes, including the placement, maintenance and removal of aerial, surface and subsurface public utility facilities thereon or therein.”).

⁸² 47 U.S.C. § 253(a).

⁸³ 47 U.S.C. § 253(c) (emphasis added).

⁸⁴ Municipal Association Comments at 12. See also Municipal Association Comments at 15 (“A DAS provider does not need public utility status to site its facilities and/or

Furthermore, the commenters raising concerns about public right-of-way access fail to consider the rules established under state and federal law to facilitate the deployment of wireless facilities, including DAS networks. As noted previously, there have been three recent developments that have granted greater and better defined public right-of-way access to wireless facilities, including DAS network facilities. The FCC's 2009 Shot Clock Ruling; the FCC's 2014 Wireless Infrastructure Order (implementing the federal Spectrum Act of 2012); and, finally, the Pennsylvania Wireless Broadband Collocation Act of 2012 (Act 191),⁸⁵ have narrowed time frames, required written bases for municipal action, and limited the grounds for rejection. In other words, DAS access to rights-of-way is robust and becoming more so due to efforts that have nothing to do with the issuance by this Commission of a CPC.

In conclusion, we see no benefit conferred upon DAS operators for public right-of-way occupancy that they would not have in the absence of a CPC.

9. Overriding Zoning Rules And Exercising Eminent Domain

One of the most troubling aspects of this case stems from the fact that the Pennsylvania General Assembly has conferred special powers on certificated public utilities, including an exemption from local zoning rules and the power of eminent domain.⁸⁶ Other industries, such as retail CMRS or cable companies, which also compete in the telecommunications space, do not possess such rights.

By granting a CPC, the Commission simultaneously confers DAS operators with the powers of eminent domain and special exemption from local zoning regulations that apply to utility structures other than buildings.⁸⁷ These are powerful rights, preserved for special industries and carefully written into our corporate statutes.⁸⁸

The Municipal Associations describe the use of these powers:⁸⁹

CPC issuance to DAS providers pits municipal zoning authority (as preserved by TA-96 and recognized by the FCC in its October 2014 Report and Order) against the rights and privileges associated with Commission certification. It creates an adversarial framework that impedes the interaction between local zoning authorities (i.e., Pennsylvania municipalities) and the wireless industry. The industry's belief that CPCs allow DAS providers unrestricted access to the public rights-of-way—like traditional public utilities enjoy—and to install their wireless facilities without

equipment to provide service in Pennsylvania. The right of a DAS provider to access the public rights-of-way to either install new poles, or to attach to existing infrastructure, is not diminished by the refusal to grant a CPC to that provider. First and foremost, a DAS provider still has the ability to locate its facilities on poles and other infrastructure in the public rights-of-way.⁹⁰

⁸⁵ The various individual municipal comments also recognize the DAS carriers' rights in this regard. City of Allentown Comments at 2, City of Philadelphia Comments at 2, City of Wilkes Barre Comments at 2 ("Moreover, there are ample federal and state zoning laws and regulations that protect wireless providers, including DAS contractors. These include, but are not limited to, the 1996 Telecommunications Act, the FCC's Wireless Infrastructure Order, the FCC's 2009 'Shot Clock' Order, and the PA Wireless Broadband Collocation Act of 2012. In short, DAS contractors are strongly protected under federal and state law without having to grant them utility status.")

⁸⁶ Section 1103 of the Business Corporation Law (BCL) defines "public utility corporation" as including "[a]ny domestic or foreign corporation for profit that . . . is subject to regulation as a public utility by the Pennsylvania Public Utility Commission or an officer or agency of the United States." 15 Pa.C.S. § 1103.

⁸⁷ See, for example, *Duquesne Light Co. v. Upper St. Clair Twp.*, 105 A.2d 287 (Pa. 1954); *South Coventry Twp. v. Philadelphia Elec. Co.*, 504 A.2d 368 (Pa. Cmwlth. 1986), and *Heitzel v. Zoning Hearing Bd. of Millcreek Twp.*, 533 A.2d 832, 833 (Pa. Cmwlth. 1987).

⁸⁸ 15 Pa.C.S. § 1511(a).

⁸⁹ Municipal Association Comments at 17 ("With a CPC in hand, they often argue that they are not subject to any type of municipal regulation, including basic zoning requirements. . . . Furthermore, DAS providers often argue that they are entitled to use their public utility status for access to municipal and state-owned property for the placement of facilities and equipment.")

proceeding through the municipal zoning process or gaining any type of municipal approvals, is misplaced.⁹⁰

This is troublesome and creates an opportunity for competitive, for-profit companies to legally "take" private property. It also opens the door for situations in which DAS providers are able to use the Commission's certification to access private property without having to negotiate with the property owner. Surely this was not the intention of the General Assembly when it created the Public Utility Code and outlined the rights and benefits to which a traditional, certificated public utility should be entitled.⁹¹

The individual municipal comments echo this concern:

Public utilities can legally take ownership of virtually any public or private property so long as they provide the property owner with just compensation. This is one of the most intrusive powers that could ever be conferred upon a governmental entity, let alone a private company.⁹²

Even without a CPC, however, DAS operators will still have the property zoning and occupancy rights under the many, various protections previously catalogued in this Order.⁹³ Moreover, these rights are protected by federal law specifically for wireless facilities (in addition to the broader protections of Section 253):

The regulation of the placement, construction, and modification of personal wireless service facilities^[94] by any State or local government or instrumentality thereof. . . shall not unreasonably discriminate among providers of functionally equivalent services; and shall not prohibit or have the effect of prohibiting the provision of personal wireless services.⁹⁵

As previously discussed, similar zoning rights are guaranteed to DAS operators under Act 191.

Upon review, the only property rights that DAS network operators would forgo with the loss of certificated public utility status would be the power of eminent domain and to override local zoning rules. This outcome is appropriate in our opinion and is consistent with the federal and state approach to the siting of wireless facilities, which is one of streamlining local zoning and not overriding it. The property rights granted to traditional public utilities are based upon the concepts of natural monopoly, universal obligation to serve the public, protection of the public from unjust or discriminatory charges and inadequate service. These concepts have no application here. DAS operators have sought CPCs to obtain the property rights associated with public utility status.

No statute or regulatory rule has granted such powers to DAS facility operators. The General Assembly has been enduringly silent on the issuance of CPCs to DAS operators. Indeed, Act 191 applies and shapes the zoning rules applicable to wireless facility siting. It does not override them. Also, Act 191 recognizes no special corporate status

⁹⁰ Municipal Association Reply Comments at 7-8.

⁹¹ Id. at 7.

⁹² City of Allentown Comments at 2, City of Philadelphia Comments at 2, City of Wilkes Barre Comments at 2.

⁹³ We also note the likelihood that the FCC is set for another round of wireless facility siting review. *Mobilitee Petition*, FCC Notice dated December 22, 2016.

⁹⁴ As noted previously, the FCC has ruled that DAS networks are "personal wireless service facilities" in the Wireless Infrastructure Order and extended these rights to them.

⁹⁵ 47 U.S.C. § 332(c)(7)(B). This same section compels zoning action "within a reasonable period of time" and be "in writing and supported by substantial evidence contained in a written record. . . ." These rights have been improved (from a DAS perspective) subsequently under the Shot Clock Ruling and the Wireless Infrastructure Order.

for DAS operators under the Public Utility Code. Nor was the Commission given any authority or asked to play any role under Act 191. Oversight of zoning disputes over wireless facility siting was given to “the courts of common pleas of the county where [the facility] is located.”⁹⁶ The same is true under federal law.⁹⁷

In summary, the premise of these enacted statutes and rules is incongruous with granting “public utility” status to the DAS network provider. Certifying DAS carriers as “public utilities” with the right to override local zoning requirements renders the provisions of Act 191, for example, unnecessary. By certifying, the Commission extends the DAS operators rights beyond those intended for them by the Pennsylvania General Assembly under Act 191 and the Congress by the Spectrum Act.

We are not comfortable providing greater property rights to any industry than are defined by the General Assembly.

Conclusion

This Commission has issued certificates to DAS network operators as far back as 2005, when the industry was in its nascent stages and without any discussion or debate. It has continued to grant CPCs, but has increasingly questioned the legality and need of doing so given the heightened DAS siting activity in recent years and the associated controversies.

The explosive deployment of DAS networks in the last two or three years has caused the Commission to open this docket to evaluate the prudence and effect of issuing CPCs to a portion of the wireless industry whose business focus is the deployment of towers and antennae that extends and makes WSP deployment, particularly CMRS, more robust.

Since those original certifications, DAS facility operators have developed a more favorable environment for ensuring that their equipment can be effectively positioned without a certificate from the Commission. The Pennsylvania General Assembly and United States Congress have enacted statutes that expressly define and grant the property rights necessary to deploy wireless networks. Moreover, the FCC has issued several decisions further bolstering these rights. These actions obviate the DAS operators’ objective in seeking the Commission’s certification in the first place—gaining property rights for wireless facility siting. These efforts are ongoing and will further refine DAS operator property rights.

Today, we conclude that DAS operators are operating networks that furnish wireless service to mobile devices. Given that our enabling state statute unequivocally places the operation of CMRS facilities outside of our regulatory purview and based upon the comments presented here, we declare DAS networks to be beyond the Commission’s regulatory reach.

DAS networks are not public utilities under Pennsylvania state law. As articulated above, where a carrier operates an antenna, the function of which is to receive and transmit wireless radio, the service is more than simply terrestrial, wireline back haul and, we have concluded that, the facilities provide CMRS.

We fully support the deployment of broadband services, no matter the medium. The Commission is not authorized, however, to grant super property rights to DAS

⁹⁶ 53 P.S. § 11702.5(a).

⁹⁷ 47 U.S.C. § 332(c)(7) (“commence an action in any court of competent jurisdiction”).

networks and we decline to exceed the statutory authority granted us by the General Assembly.

Next Steps

In view of the forgoing analysis, if the DAS industry seeks the affirmative conferment of “public utility corporation” rights, the debate needs to be transitioned to General Assembly and/or Congress. We would also note that state legislatures around the country are enacting further reforms for wireless facility deployment.⁹⁸ Were such an effort to come to Pennsylvania, the Commission would participate if invited to do so.

Going forward, absent a change of law, the Commission will not issue certificates of public convenience to companies for the operation of DAS networks and certificates may not be used for the placement of DAS network facilities.

As to existing certificates issued to DAS network operators, the Commission staff will undertake research and engage in individual discussions with those companies to determine whether their certificates should be rescinded. The Commission’s actions do not affect the placement of any facilities that occurred while a DAS operator may have held a CPC from this Commission. On the other hand, existing certificates shall not be used to define property rights to construct new DAS facilities.

The technology will undoubtedly change, and basing our ruling upon a particular configuration of facilities would not be advisable. However, the facilities that provision CMRS include the antennae themselves,⁹⁹ as well as associated radio transceivers, antennae, coaxial or fiber-optic cable, regular and backup power supplies, and associated equipment. Any proposed new tower structure built for the sole or primary purpose of supporting the antenna and associated facilities would also be included in facilities excluded from public utility status under the Public Utility Code.

As noted by both the Office of Consumer Advocate and the PCIA, there are a variety of wireline-based backhaul carriers that the Commission certifies and it is not our intention to foreclose DAS carriers from obtaining a certificate for that line of business.¹⁰⁰

If a company provides other services that are within the Commission’s jurisdiction, the company may amend its initial application with supporting data. In so doing, the Commission will remove the DAS network aspect from the prior orders granting certification and focus strictly on the wireline portion of the company’s business model;¹⁰¹ *Therefore,*

It Is Ordered That:

1. Distributed Antennae System facilities furnish mobile domestic cellular radio telecommunications service within the meaning of Section 102(2)(iv) of the Public Utility Code and are, therefore, excluded from the definition of “public utility” set forth in Section 102(1)(vi).

⁹⁸ In Arizona, SB 1214 would allow an entity to install, operate, and maintain microcell equipment and small cell equipment in the public highways within a political subdivision under certain conditions. In California, SB 649 would apply the prohibitions that relate to the siting of wireless telecommunications facilities in the public rights-of-way to the approval of small cell facilities. HF 380 in Iowa proposes specific “rules and limitations” for the application for and deployment of small wireless facilities. In Virginia, SB 1282, a bill that seeks to provide a uniform procedure for the way in which wireless infrastructure is approved by localities and installed in the public rights-of-way has been sent to the Governor for his signature.

⁹⁹ The FCC’s rules, while not binding upon us, are helpful. Section 17.2(a) defines “antenna structure” as including “the radiating and/or receive system, its supporting structures and any appurtenances mounted thereon.” 47 C.F.R. § 17.2(a).

¹⁰⁰ PCIA Comments at 8.

¹⁰¹ As part of this process, the Bureau of Technical Utility Services may also investigate claims of zero intrastate revenues, which may be a separate basis for rescinding existing or declining to issue new certificates to offer intrastate services.

2. No Certificate of Public Convenience is required for Distributed Antennae System facilities to attach to utility poles, and, therefore, decertification does not affect a Distributed Antennae System operator's rights, as a telecommunications service provider, to attach its facilities to utility poles.

3. Within 90 days of the entry date of this Order, the Bureau of Technical Utility Services shall complete an investigation of previously-granted certificates of public convenience for the purposes of identifying carriers engaged in the construction and operation of Distributed Antennae System networks.

4. Within 180 days of the entry date of this Order, the Bureau of Technical Utility Services shall complete an examination of those previously-certificated companies identified as Distributed Antennae System carriers for the purpose of determining whether or not such companies provide other services within the Commission's jurisdiction. The Bureau of Technical Utility Services may ask for additional time as needed.

5. The Bureau of Technical Utility Services shall issue revised orders clarifying that the certificates of Distributed Antennae System network operators that offer services other than CMRS as defined in this Order are still valid as to those non-Distributed Antennae System services.

6. Bureau of Technical Utility Services shall refer Distributed Antennae System-only companies to the Law Bureau for the purposes of issuing default orders to rescind their Certificates of Public Convenience upon 30 days' notice in accordance with due process.

7. Bureau of Technical Utility Services shall notify the Secretary's Bureau to revoke the provisional authority of any pending applications of Distributed Antennae System-only networks and to return those applications as unfiled.

8. In addition to the parties to this proceeding, a copy of this order be served on the Energy Association of Pennsylvania, the Pennsylvania Telephone Association and the Broadband Cable Association of Pennsylvania.

9. This Order shall be published in the *Pennsylvania Bulletin*.

10. The formal proceeding to examine the issues surrounding certification of Distributed Antennae System providers in Pennsylvania is marked closed.

ROSEMARY CHIAVETTA,
Secretary

Statement of Chairperson Gladys M. Brown

For over 20 years, the Commission has been granting certificates of public convenience (CPCs) to Competitive Access Providers (CAPs). The Commission should continue granting Distributed Antenna System (DAS) providers CPCs as CAPs. DAS is a form of wholesale common carrier telecommunications transport service regardless of the services provided over that connection or the technology or combinations of technologies used to do it.¹⁰²

The Commission should reject claims that any use of wireless technology by any DAS provider prohibits the Commission from granting CPCs because the Commission

¹⁰² The point-to-point fixed location wireless transport DAS provides has been a common carrier telecommunications service under federal law since the late 1960's when MCI was allowed to provide fixed point-to-point microwave technology, a form of fixed wireless service, as a specialized common carrier to compete against incumbents in the long-distance business. Peter Huber et al., *Federal Telecommunications Law* (2nd Ed. 2011), § 1.5.3. Pennsylvania's CAPs have long provided a similar common carrier telecommunications wholesale service.

cannot regulate wireless under Section 102 of the Public Utility Code, 66 Pa.C.S. § 102. The Commission must distinguish between the DAS providers' common carrier wholesale telecommunications service which relies on fixed wireless technology, which is within the Commission's jurisdiction, from retail mobile wireless service sold to consumers that is not regulated by the Commission under Section 102.

Continuing the practice of granting CPCs to DAS is more consistent with federal and state law especially in light of our prior practice and the overwhelming comments in support of certification.¹⁰³ The Commission authorized a CPC for a non-DAS applicant who used wireless technology, as have others.¹⁰⁴ DAS providers are a wholesale telecommunications common carrier service that partially relies on wireless technology, owns no spectrum, needs no numbers, and serves all carriers. Retail wireless, on the other hand, serves only their own customers, owns spectrum, and needs numbers. DAS transports the calls of all carriers to locations that, in turn, interconnect with the Public Switched Network (PSN).¹⁰⁵ The indirect transport DAS provides to the PSN is not only for wireless calls either; it includes wireline calls, 911 calls, and the internet.

The harm caused by refusing to grant CPCs to DAS providers cannot be overstated. DAS providers with no CPC lack eminent domain or exemption from local zoning. DAS is the next generation of wholesale transport service needed to offload astronomical increases in the demand for the broadband needed to carry voice calls and access the internet, both of which are telecommunications service under federal law. DAS transports all of this traffic for any carrier and also offloads their traffic onto fiber networks that, in turn, indirectly connect to the PSN. This is less expensive than each provider building their own network. The fact that a third-party may be involved with DAS does not make DAS anything less than a common carrier wholesale provider of transport service.

The denial of CPCs to DAS providers may not be competitively or technologically neutral as required by Section 253 of federal law. The absence of a CPC means DAS providers have no eminent domain or local zoning exemption. However, DAS providers affiliated with a carrier who has a CPC can leverage the eminent domain and local zoning exemption of their partner's CPC to their mutual advantage. Stand-alone DAS providers may be competitively disadvantaged because they cannot leverage any eminent domain or zoning exemption although they still must compete to serve the same wireless carriers.

The impact to local municipalities may also be worsened by denying CPCs to DAS. The absence of a CPC means that parties in conflict with DAS providers' actions

¹⁰³ The FCC's Time Warner decision at WT Docket No. 06-255 (2007) and the Commonwealth Court decision in *RTCC v. Pa. PUC*, 941 A.2d 751 (Pa. Commw. 2008) support that result. The services provided over a wholesale telecommunications network, which includes wholesale transport service, is irrelevant when deciding if the carrier is providing wholesale telecommunications service. A carrier providing wholesale telecommunications common carrier service has legal rights under state and federal law. The FCC has twice upheld our law on wholesale service and rejected petitions to preempt Pennsylvania law because incumbent carriers refused to provide access to wholesale providers. *DQE v. North Pittsburgh*, File No. EB-05-MD-027EB (2007); *Fiber Technologies v. North Pittsburgh Telephone Company*, File No. EB-05-MD-014 (2007).

¹⁰⁴ Application of Vanguard Telecom Corp.; Docket Nos. A-310621 F0002 and A-310621 F0003. The Commission authorized a CAP and CLEC CPC but the applicant was purchased by ATT and never completed the process. Wisconsin issues CPCs; Texas is considering it.

¹⁰⁵ Federal courts rejected industry claims on appeal that regulators abused discretion or erred as a matter of law by redefining the phrase "Public Switched Network" to be anything other than the traditional Public Switched Telephone Network (PSTN) under federal law in the recent decision upholding the FCC's reclassification of Basic Internet Access Service (BIAS) and PCS as wireless service as CMRS common carrier telecommunications service. *USTA v. FCC*, Docket No. 15-1063 (DCCA: June 14, 2016), pp. 63-64.

will not have recourse to the Commission under Section 1501 of the Code, 66 Pa.C.S. § 1501. On the other hand, DAS providers with CPCs make it easier for the Commission to address conflicts between DAS providers and localities under Section 1501.

The absence of a CPC could discourage investment in DAS networks in rural Pennsylvania as well. DAS providers will be less willing to invest in those areas because the needed legal rights are unpredictable. The reduced presence, in turn, makes it more expensive for wireless and broadband providers to serve rural areas that are already more expensive to service. DAS networks serve all carriers. The cost to build separate networks makes it more expensive, not less, to serve rural high cost areas.

For these reasons, the Commission should continue to certify DAS as a wholesale telecommunications transport service regardless of the technology or combinations of technologies used to provide the service.

GLADYS M. BROWN,
Chairperson

Statement of Vice Chairperson Andrew G. Place

Before us for disposition are the results of the Commission formal proceeding that was initiated more than a year ago regarding “the operations of distributed antennae systems (DAS), the relevant regulatory oversight of the Commission under applicable Pennsylvania and federal law, and other attendant issues.”¹⁰⁶ The Commission solicited and received comments and reply comments in the underlying formal proceeding.

The credible comments on the record of this proceeding carefully analyze and strongly support the premise that DAS providers can continue to be classified as public utilities. There is no technical or legal reason to discontinue the past practice of the Commission in granting such applications to the extent that individual DAS provider applications for certification to the Commission meet the requisite statutory and regulatory requirements under applicable Pennsylvania and federal law.

The current practice of certifying DAS entities as public utilities and competitive access providers (CAPs) follows the Commission’s long trend in properly and lawfully certifying competitive telecommunications carriers that wish to enter the Pennsylvania marketplace and offer both intrastate and interstate services. This practice has been consistent with the relevant mandates of the federal Telecommunications Act of 1996 (TA-96) that this Commission has implemented and continues to police consistent with the parameters of applicable Pennsylvania law. The relevant certification process was established so as to not present any barrier to entry and to not “prohibit or have the effect of prohibiting the ability of any entity to provide any *interstate or intrastate* telecommunications service.” 47 U.S.C. § 253(a) (emphasis added). This process has been refined through subsequent case adjudications, court appeals, and other proceedings including various mergers.¹⁰⁷

¹⁰⁶ Docket No. M-2016-2517831, Order initiating proceeding entered February 23, 2016, at 1.

¹⁰⁷ See generally *In re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799, Order entered June 3, 1996, 1996 WL 482990; Order on Reconsideration entered September 9, 1996, 26 Pa.B. 4588 (1996), 1996 WL 482990 (collectively *Implementation Orders*); Application of Intrado Communications, Inc. for Approval to Offer, Render, Furnish or Supply Telecommunications Services as a Competitive Local Exchange Carrier to the Public in the Service Territories of: Verizon Pennsylvania Inc.; Verizon North Inc.; The United Telephone Company of Pennsylvania d/b/a Embarq Pennsylvania, Docket Nos. A-2008-2027726, A-2008-2027733, A-2008-2027713, Order entered August 1, 2008 (CLEC supplying alternative 911/E911 connectivity services is entitled to rights and responsibilities of Sec. 251 and 252 of TA-96, 47 U.S.C. §§ 251 and 252); Application of Comcast Business Communications, LLC d/b/a Comcast Long Distance for Expanded Authority to Offer, Render, Furnish or Supply Telecommunications Services as a Competitive Local Exchange Carrier to the

The Commission’s evolving implementation and enforcement of TA-96 have resulted in numerous benefits for the Commonwealth and its citizens. The Commission’s actions have facilitated wholesale interconnection arrangements and agreements between competing telecommunications carriers. They have permitted competitive carriers entering the Pennsylvania marketplace to obtain valuable numbering resources when and where needed, and the Commission has continued to effectively exercise its delegated authority to conserve, manage and reclaim such resources. The Commission is also able to exercise appropriate regulatory oversight over the physical network facilities and the quality and reliability of services that certified competitive telecommunications carriers provide. To the extent that the network facilities of certified competitive carriers handle or otherwise transport wireline and/or wireless 911/E911 emergency call traffic, the Commission exercises appropriate oversight so that such traffic reaches the appropriate public safety answering points (PSAPs) on a timely and reliable basis. The market entry of Commission certified competitive carriers provides service and pricing alternatives for various retail and wholesale access services, including broadband access and availability. Furthermore, the installation, operation, and maintenance of new network infrastructure within the Commonwealth have beneficial effects for employment, economic development, and new business models.

Telecommunications and broadband networks and their technologies, architectures, and physical facilities continue to evolve. Such networks are capable and do provide multijurisdictional services that utilize a variety of communications protocols while the Commission exercises appropriate regulatory oversight over the services and network facilities of the telecommunications public utilities that operate under its jurisdiction.

A. *The Use of A Technology and Architecture Mix Does Not Bar DAS Certification*

The use of a technology and architecture mix by DAS providers for the wholesale transport of telecommunications and communications traffic does not technically and legally remove them from the Commission’s jurisdiction. The technology and architecture mix does not equate or transform them into wireless service providers (WSPs) or commercial mobile radio service (CMRS) providers.¹⁰⁸ As the CTIA Comments in this proceeding specifically indicate:

For purposes of the current inquiry, it is important to note that DAS networks are not merely the antennas that are deployed at the remote DAS nodes. As explained above, a DAS network requires, in addition to the antennas and other equipment installed at each DAS node, high capacity transport facilities [typically fiber optic cable] and head-end sites with signal processing, conversion and/or amplification equipment. Conversely, it is important to note that neutral-host DAS networks are *not* the equivalent of a wireless service provider’s systems. A neutral-host DAS facility is a separate mini-network

public in the Commonwealth of Pennsylvania, et al., Docket Nos. A-2008-2029089 et al., Order entered September 29, 2008; Final Order Regarding the Commission’s Plan to Implement A One-Year Timeframe for Inactive Telecommunications Carriers To Provide Service On An Annual Basis Within the Commonwealth of Pennsylvania, Docket Nos. M-2011-2273119 and M-00960799, Order entered July 19, 2012; Proposed Modifications to the Application Form for Approval of Authority to Offer, Render, Furnish, or Supply Telecommunications Services to the Public in the Commonwealth of Pennsylvania, Docket No. M-00960799, Final Order entered May 22, 2014; Application of Momentum Telecom, Inc. for approval of the Abandonment or Discontinuance of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the Public in the Commonwealth of Pennsylvania, Docket No. A-2014-2450071, Order entered May 20, 2015.

¹⁰⁸ The terms CMRS providers and WSPs are hereby used interchangeably.

operating seamlessly within a wireless service provider's radio network (or within the networks of multiple providers), comprising a combination of antennas, backhaul facilities and associated transmission equipment.

* * *

DAS CAPs typically provide "RF Transport Service" or "Dedicated Point-to-Point Permanent Virtual Circuit Transport Service" to wireless service providers pursuant to tariff. The service uses optical signaling over dedicated transport facilities to provide wireless service providers with links to DAS nodes from which they can radiate RF [radio frequency] coverage. While the configurations of DAS networks vary, they generally require the customer (i.e., the wireless service provider) to collocate equipment at the head end/hub to transmit and receive the customer/wireless service provider RF traffic to and from the antenna at remote DAS nodes. In this way, the RF signals are generated and received by the wireless service provider's own equipment (i.e., the wireless service provider's collocated transceiver and the wireless service provider's end-user handset), and the DAS CAP "provides optical transit services for Customer [i.e., wireless service provider] RF signals."

* * *

DAS CAPs provide point-to-point transport services to wireless carriers, not retail end users. DAS CAPs receive communications signals that their wireless service provider customers hand off to them at fixed points, and then the DAS CAPs transport those signals over their fiber optic facilities. The handoff may occur at the DAS CAP's hub, where the wireless service provider's base station is collocated or connected, or it may occur at a DAS node when the signal originates from a retail end-user's mobile device registered on the wireless service provider's network. When an RF signal is transmitted from a mobile device to a DAS node, the signal is handed over to the DAS CAP at the antenna, converted to light waves, and then transported through the CAP's optic network to the hub or head end. The signal is then converted back to an RF signal and handed off to the wireless service provider at its base station. The wireless service provider's base station equipment ultimately controls the RF transmissions. When the communication travels in the opposite direction, the wireless service provider's base station equipment originates signals that are handed off to the DAS CAP at its hub. The CAP then transports the signals across its fiber optic lines, converts them back into RF near the DAS node. The wireless provider's base station controls the transmission of the RF signals from the antenna to the end user's mobile device.

* * *

As described above, although DAS CAP services are used to help facilitate wireless service, the actual "transmission by radio" is performed by the wireless service provider, not the CAP. The CAPs do not have any radios in their DAS facilities—all radio equipment is provided by the wireless service provider, either in the form of its base station or in the form of its end users' mobile devices.

Second, DAS CAPs do not provide "mobile service" because they do not provide communication between mobile stations or between mobile stations and land stations. A "mobile station" is defined by the Commu-

nications Act as a "radio-communication station capable of being moved and which ordinarily does move." DAS CAPs provide transport between fixed points, i.e., the wireless service provider's equipment at the CAP's head end/hub and the antennas at the DAS nodes. Neither the base station facilities nor the antennas "ordinarily . . . move," and therefore they are not "mobile stations" within the meaning of the [federal Communications] Act.

CTIA Comments, at 5—7, 10—12 (emphasis in the original, footnotes omitted).

It is plainly obvious from the majority of the initial and reply comments received in this proceeding, in order for the DAS providers to facilitate the wholesale transport of various types of wireless traffic associated with their respective WSP customers, the various radiofrequency transmissions depend on the WSP network equipment and the WSP end-user mobile devices. Most importantly, such transmissions depend entirely on the electromagnetic spectrum radiofrequencies that the WSPs and their end-users' devices utilize. As Crown Castle aptly indicates "[w]ithout the radio frequency signal, which is generated and controlled by Crown Castle's wireless carrier customers, the [DAS] antennae are no more capable of providing service than they would be boxed up in a warehouse."¹⁰⁹

Furthermore, it is beyond question that it is the WSPs and their mobile telecommunications switching offices (MTSOs) that control the flow of the wireless traffic that originates with or terminates to the mobile devices of their respective end-users.¹¹⁰ The DAS provider networks, with their mixed fixed wireless antenna and terrestrial fiber optic links simply facilitate the wholesale transport of such traffic. The DAS networks do not possess the requisite electromagnetic spectrum radiofrequencies that enable wireless traffic to materialize in the first place.¹¹¹ Also, DAS providers do not have the technical means to control the flows of the same traffic to the ultimate wireless or landline network services end-user. For example, DAS providers operating as CAPs lack numbering resources that are crucial for the appropriate routing of ordinary wireless voice calls. In these important respects, the wholesale transport functionalities that DAS providers furnish to WSPs and other entities do not equate with a retail distribution function. Instead, the WSPs' electromagnetic spectrum radiofrequencies, their network facilities, and the WSPs' end-user mobile devices (with their embedded intelligence and antennas) create this retail distribution function. Rather, the DAS providers' wholesale transport services are comparable to the conventional point-to-point dedicated special access services that are offered by a number of other providers both within Pennsylvania and throughout the nation. Such providers include incumbent local exchange carriers (ILECs), competitive local exchange carriers (CLECs), and other CAPs that are certified as public utilities by the Commission. It is also widely known that WSPs already utilize special access services from these provider categories both in Pennsylvania and elsewhere (e.g., backhaul services from WSP macro cell towers).

The fixed wireless antenna, the radiofrequency signal conversion, and the terrestrial fiber optic transport combination of network architecture, equipment, and facilities of the DAS providers is not something novel for this

¹⁰⁹ Crown Castle Comments, at 8.

¹¹⁰ The same WSP networks and MTSOs also control the flows of traffic between their wireless end-user subscribers and the end-user subscribers of landline based network services.

¹¹¹ Such scarce and critical electromagnetic spectrum radiofrequencies are usually purchased, owned, and allocated to WSPs.

Commission. The Commission has approved in the past certification applications by competitive carriers where combinations of wireless and landline network architectures were put forward as potential innovative solutions for wholesale access and transport services.¹¹² The Commission has explicitly permitted the use of “any technology” under the statutory mandates of Chapter 30 of the Public Utility Code and operational relationships between Chapter 30 ILECs with their wireless affiliate so that such ILECs could timely meet their broadband deployment commitments through wireless network solutions, facilities, and equipment provided by their affiliate.¹¹³ Naturally, this has not transformed or equated the corresponding ILEC operations and Chapter 30 responsibilities to those of the affiliated and unregulated WSP.

The FCC pronouncements that ostensibly equate DAS providers and their networks with WSPs are not dispositive of the issue whether DAS providers can continue to operate and be certified as public utilities in Pennsylvania. The relevant FCC directives primarily dealt with the issue of encouraging and facilitating the timely and ubiquitous deployment of wireless infrastructure capable of providing broadband access services throughout the United States including Pennsylvania. This is a laudable goal that statutorily the states, including this Commonwealth, are asked to participate.¹¹⁴ This goal is not only enshrined in federal law but it is also one of the statutory directives to this Commission and is contained in Chapter 30 of the Public Utility Code. However, when it comes to the issues and specifics of public utility certification and regulatory oversight of DAS provider operations, the states play that role and not the FCC. Not surprisingly, a very large number of states including Pennsylvania have chosen to regulate the market entry and operations of DAS providers through certifications, registrations, or some other form of licensing.¹¹⁵ That would not have occurred if DAS providers and their respective wholesale transport networks were considered, classified, or otherwise identified as WSPs or as mere extensions of unaffiliated CMRS provider operations.

In summary, the DAS providers primarily engage in wholesale transport functions and services through their respective networks and only facilitate but do not themselves provide CMRS services. Thus, they legally and technically can and do qualify for the public utility classification and regulatory treatment by this Commission under applicable Pennsylvania law. Consequently, this Commission did not reach any erroneous decisions in certifying and regulating DAS providers as CAPs.

¹¹² See generally Amended Application of Vanguard Telecom Corp., d/b/a CellularOne, for approval to offer, render, furnish, or supply Facilities-based Competitive Local Exchange Telecommunication Services and Facilities-based Competitive Access Provider Services, Docket Nos. A-310621F0002 & A-310621F0003, Tentative Order entered April 8, 1999, 29 Pa.B. 2107; Amended Application of Vanguard Telecom Corp. for Approval to Offer, Render, Furnish, or Supply Telecommunications Services as a Competitive Local Exchange Carrier to the Public in the Commonwealth of Pennsylvania in the Areas Served By Selected Rural Telephone Companies; Amended Application of Vanguard Telecom Corp. for Approval to Offer, Render, Furnish, or Supply Telecommunications Services as a Competitive Access Provider to the Public in the Commonwealth of Pennsylvania in the Areas Served By Selected Rural Telephone Companies, Docket Nos. A-310621F0002 & A-310621F0003, Order entered August 23, 2000. Vanguard did not operate as a CLEC and CAP in Pennsylvania because it was eventually absorbed into the wireless operations of AT&T. Vanguard was a CMRS carrier when it had applied for CLEC and CAP certification, and it was providing interexchange services under Commission authority, August 23, 2000 Order, at 5.

¹¹³ Petition of David K. Ebersole, Jr. and the Office of Consumer Advocate for a Declaratory Order, Docket No. P-2012-2323362, Tentative Order entered December 26, 2012, Final Order entered February 28, 2013.

¹¹⁴ See generally 47 U.S.C. § 1302(a) (Sec. 706(a) of TA-96).

¹¹⁵ “ExteNet and its wholly owned subsidiaries hold authorizations to provide intrastate telecommunications services in 35 states including the Commonwealth. . . It also provides point-to-point data transport services (i.e. fiber only networks).” ExteNet Systems (ExteNet) Comments, at 3.

B. *The Lack of Commission Certification for DAS Providers Will Create Negative Effects*

A change in the existing Commission policy of certifying and regulating the wholesale transport operations of DAS providers within Pennsylvania will create negative effects that are not sustainable under applicable Pennsylvania and federal law. This is evidenced by the credible and on the record comments that have been received in the underlying proceeding. Since DAS providers that engage in wholesale transport functions and services are not WSPs or mere extensions of unaffiliated WSPs, the lack of Commission action and certification of relevant applications will run contrary to the federal statutory prohibition of “barriers to entry” under Section 253(a) of TA-96. 47 U.S.C. § 253(a). DAS providers that will voluntarily apply and seek CAP certification from this Commission but will be unable to obtain it will be simply put in an unequal footing with other incumbent and competitive carriers that already operate in Pennsylvania and already provide similar wholesale access and transport services. The comments of ExteNet are instructive in this respect:

Denying a CPC [certificate of public convenience] to a carrier that utilizes DAS architecture is also discriminatory. Because the Commission has already granted CPCs to public utilities that have deployed DAS network architecture, any theoretical change could be prospective only. That means that carriers with existing authorizations, like Level 3 or Zayo, would continue to offer their services and receive any rights and privileges, such as nondiscriminatory access to poles, ducts and conduits, while new entrants effectively would be denied access to deploy new networks within the Commonwealth. Such a discriminatory outcome runs afoul of Section 253(c).

In many respects, the distinction between providers of traditional fiber transport services and DAS providers is in name and marketing only. Traditional fiber transport service providers can, and do, provide telecommunications services using DAS architecture alongside their traditional fiber transport services. Similarly, ExteNet provides the same traditional fiber transport services alongside its DAS architecture. Thus, the differentiation of who is a provider of DAS services may rest solely in the company’s marketing of itself or may be indistinguishable altogether.

ExteNet Comments, at 14-15 (footnotes omitted).

Such an outcome not only is inimical to the proper functioning of competitive telecommunications services markets within Pennsylvania, but it also unnecessarily upends the Commission’s long-term and sound certification practices that are rooted on the Implementation Orders of TA-96. If this Commission’s regulatory jurisdiction is not complemented with the requisite degree of technological neutrality, we may find that this agency and its staff will have to engage in needless searching expeditions on whether a provider of wholesale transport services is or is not connected with the antennas of a DAS architecture in order to pass judgment on a certification application. This approach can and will lead to inconsistent and discriminatory results that in themselves will constitute unlawful “barriers to entry” under TA-96.

Similarly, any modification of existing CAP certificates of DAS providers will create its own level of uncertainty and the distinct possibility of inconsistent outcomes that can cause costly litigation before the Commission as well

as in appellate courts of proper jurisdiction.¹¹⁶ Such providers already render wholesale transport services not only to WSPs but to other entities as well.¹¹⁷ This may oblige both already certified and potential entrant DAS providers to undergo needless organizational contortions through the use of unnecessary “separate corporate structures solely to meet a regulatory dictate.”¹¹⁸ This approach will have inherent disadvantages for a DAS provider that may include “the formation of multiple entities within the Commonwealth” potentially requiring “various certifications” and “intercompany agreements as well as the creation of separate accounting and tax books for each entity.”¹¹⁹

Such an environment is not conducive to attracting innovative competitive telecommunications carriers to enter and operate within the Commonwealth. In turn, this may discourage continuous and needed investment in telecommunications and broadband network infrastructure within Pennsylvania or, alternatively, it may make such capital investment more expensive and more limited than it should be. Naturally, this outcome does not at the end create any benefits for Pennsylvania consumers, especially in areas that are in need of broadband access services at higher speeds than what may already be available. In addition, the same outcome does not permit the Commission to fulfill its statutory directives on the State level and its continuous implementation obligations on the federal level.

ANDREW G. PLACE,
Vice Chairperson

Statement of Commissioner John F. Coleman, Jr.

The Commission initiated this proceeding to obtain answers to questions about the operations and jurisdiction of distributed antennae systems (DAS). As stated in our order initiating this proceeding, the legal and factual issues surrounding whether to certificate operators of DAS networks had yet to be fully and openly vetted in an on-the-record proceeding before the Commission. Therefore, we established a notice and comment process to more thoroughly vet DAS. Following input received from interested parties, we are now in a position to act.

In my view, the threshold question here is whether the Commission has jurisdiction under state law to issue a Certificate of Public Convenience (CPC) to DAS operators seeking to offer service in Pennsylvania. In my view, the answer to this question hinges on whether DAS operators operate facilities providing commercial mobile radio service (CMRS) that excludes these operators from the definition of “public utility” under Pennsylvania law.

I acknowledge that both sides make reasonable arguments on whether DAS operators are excluded from being public utilities. On one hand, DAS networks could be viewed as providing fiber-based transport service that is fixed, not mobile, and hence, is not excluded from the definition of “public utility.” On the other hand, DAS networks could be viewed as providing mobile wireless service that is expressly excluded from the definition of “public utility.”

I support the proposed motion because I believe DAS operators come under the CMRS exclusion in the Public Utility Code and therefore, are not public utilities.¹²⁰ I agree with the motion that DAS operators are excluded from the definition of “public utility” because they provide wireless service that is a mobile and interconnected service.¹²¹ As CMRS providers, DAS operators cannot be certificated by the Commission¹²² and do not need a CPC to operate lawfully in Pennsylvania.

It has been argued that denying CPCs to DAS operators may prohibit or may have the effect of prohibiting DAS operations by impeding the deployment of DAS networks in Pennsylvania in violation of federal law.¹²³ Specifically, the DAS operator commenters are concerned about access to public rights-of-way and to utility poles. I am sympathetic to these concerns and agree that all parties involved should act reasonably with the siting of DAS facilities. However, these policy concerns should not drive our decision here. Rather, our decision should be based on the law and whether DAS operators are excluded from the definition of “public utility” under the CMRS exclusion. In any event, for the reasons set forth in the motion, I do not agree that the loss of public utility status is a competitive barrier to entry in violation of federal law.

Admittedly, the timing of a decision that DAS operators are not public utilities is not ideal, given that the Commission previously has certificated numerous of these entities. However, I do not believe that the timing should prevent us from doing what I believe is the right thing legally. Therefore, I support the “next steps” proposed in the motion to address the certification status of DAS operators on a per-operator basis, in accordance with applicable law.

In closing, my support of the proposed motion should not be construed as being anti-DAS or anti-wireless service. Rather, it is based entirely on my reading of the law, and I do not take my position lightly. I recognize the important role that DAS networks play in providing wireless service, including broadband, to end-users in Pennsylvania and nationwide. I also recognize the potential impediments that can exist when providers seek to deploy their DAS networks. However, I believe that with the rules established under state and federal law to facilitate the deployment of wireless infrastructure, DAS operators can effectively deploy DAS networks in Pennsylvania without public utility status. To the extent DAS providers believe these rules are not adequate, I urge them to voice their concerns to the Federal Communications Commission¹²⁴ and/or the General Assembly to effectuate any necessary or appropriate changes.

JOHN F. COLEMAN, Jr.,
Commissioner

[Pa.B. Doc. No. 17-560. Filed for public inspection March 31, 2017, 9:00 a.m.]

¹²⁰ Section 102(2)(iv) of the Public Utility Code excludes from the definition of “public utility” any person or corporation, not otherwise a public utility, who furnishes mobile domestic cellular radio telecommunications service a/k/a wireless service. 66 Pa.C.S. § 102(2)(iv).

¹²¹ CMRS is not defined by Pennsylvania law. However, to be considered CMRS under federal law, the service must be a wireless service that is mobile and interconnected. See 47 U.S.C. § 332(d)(1).

¹²² As noted in the motion, federal law preempts the Commission from regulating the market entry of CMRS carriers. 47 U.S.C. § 332(c)(3).

¹²³ Under Section 253(a) of the Communications Act, “[n]o State or local statute or regulation . . . may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” 47 U.S.C. § 253(a).

¹²⁴ The FCC recently initiated a proceeding to determine whether any further FCC action is necessary to address any problems with the siting of wireless network facilities. *Mobilite, LLC Petition for Declaratory Ruling*, WT Docket No. 16-421, Public Notice, (December 22, 2016) at page 2.

¹¹⁶ ExteNet Comments, at 14 and n. 13.

¹¹⁷ PCIA Comments, at 9; ExteNet Comments, at 14-15.

¹¹⁸ ExteNet Comments, at 16.

¹¹⁹ ExteNet Comments, at 16-17.

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 April 17, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

A-2017-2587970. Esther M. Kachel (309 North Hanover Street, Elizabethtown, Lancaster County, PA 17022) for the right 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 Berks, Chester, Dauphin, Lancaster, Lebanon and York, to points in Pennsylvania, and return.

A-2017-2588719. Tochi Enterprise, Inc., t/a DSB Transport (702 Old Liverpool Road, Liverpool, Onondaga County, NY 13008) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Allegheny, Beaver, Berks, Blair, Butler, Cambria, Clinton, Cumberland, Dauphin, Fayette, Jefferson, Lawrence, Northumberland and Washington, to points in Pennsylvania, and return. *Attorney:* Nathaniel J. Flandreau, Esquire, Nauman, Smith, Shissler & Hall, LLP, P.O. Box 840, Harrisburg, PA 17108-0840.

A-2017-2592369. Assisted Multicare Transportation, Inc. (15 Abby Road, Windsor, York County, PA 17366) persons, in paratransit service, between points in Pennsylvania.

A-2017-2592565. Accommodating Brilliant Caring Travels, LLC (2021B Cunningham Drive, Suite 2, Hampton, VA 23666) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Berks, Bucks, Chester, Montgomery and Philadelphia, to points in Pennsylvania, and return.

A-2017-2592762. Kenneth A. Snyder (215 West Market Street, Middleburg, Snyder County, PA 17842) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Snyder County, to points in Pennsylvania, and return.

A-2017-2593701. A & H Trans, Inc. (815 Chestnut Hill Drive, Parkesburg, Chester County, PA 19365) for the right to transport as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2017-2594373. Haggerty's Rides, Inc. (111 Cynthia Drive, Canonsburg, Washington County, PA 15317) for the right to begin 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 Washington County to points in Pennsylvania, and return.

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-2017-2592837. Hock Investments, LLC, t/a Lancaster Craft Brew Tours (1923 Fruitville Pike, Lancaster, Lancaster County, PA 17601) discontinuance of service and cancellation of its certificate—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Lancaster County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2017-2593567. 1st Choice Limousine & Transportation Group, LLC (526 Mockingbird Way, Warrington, Montgomery County, PA 18976) discontinuance of service and cancellation of its certificate—persons, in limousine service, from points in the Counties of Montgomery, Bucks, Delaware and Chester, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David Temple, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-561. Filed for public inspection March 31, 2017, 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 April 17, 2017, 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. Jason Bradley Enterprises, Inc.; Docket No. C-2016-2576607

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 Jason Bradley Enterprises, Inc., (respondent) is under suspension effective November 11, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 3149 W 22nd Street, Erie, PA 16506.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 22, 2011, at A-8913948.

4. That respondent has failed to maintain evidence of both Liability insurance and Cargo 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-8913948 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: 11/22/16

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. 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:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler 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. Accord 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. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Modesto Services, LLC; Docket No. C-2017-2587171

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 Modesto Services, LLC, (respondent) is under suspension effective January 08, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 228 N. Madison St., Allentown, PA 18102.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 11, 2016, at A-8918935.

4. That respondent has failed to maintain evidence of Cargo and 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-8918935 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: 2/15/17

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. 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:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler 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. Accord 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. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-562. Filed for public inspection March 31, 2017, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Request for Information

The Philadelphia Parking Authority will be releasing request for information No. 17-04, Cloud Hosting and Managed Services, on Friday, March 31, 2017. Information and important dates for this solicitation can be obtained from the web site www.philapark.org or by calling Mary Wheeler, Manager of Contract Administration, at (215) 683-9665.

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 17-563. Filed for public inspection March 31, 2017, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 17-008.P, Miscellaneous Roofing Materials Draw Down, until 2 p.m. on Wednesday, April 19, 2017. Information (including mandatory prebid information) can be obtained from www.philaport.com under "Our Port," then "Procurement" or call (215) 426-2600.

JEFF THEOBALD,
Executive Director

[Pa.B. Doc. No. 17-564. Filed for public inspection March 31, 2017, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. David Laurence Halperin, RN; File No. 14-51- 07808; Doc. No. 0975-51-2015

On September 22, 2016, David Laurence Halperin, RN, license No. RN618493L, last known of Wilkes-Barre, Luzerne County, was revoked based on pleading guilty to a felony.

Individuals may obtain a copy of the adjudication by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 17-565. Filed for public inspection March 31, 2017, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Sheila Holland Malcomb, RN; File No. 14-51- 03719; Doc. No. 1194-51-2014

On February 2, 2016, Sheila Holland Malcomb, RN, Pennsylvania license No. RN358004L, last known of Gulf Shores, AL, was indefinitely suspended based on disciplinary action taken by another state.

Individuals may obtain a copy of the adjudication by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 17-566. Filed for public inspection March 31, 2017, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March Meeting

As part of its regular business meeting held on March 9, 2017, in Scranton, PA, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved or tabled the applications of certain water resources projects; and 2) took additional actions, as set forth in the following Supplementary Information.

The business meeting was held on March 9, 2017.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: 1) adoption of a budget for the 2018 Fiscal Year; 2) approval/ratification of two grant agreements; 3) adoption of a resolution setting a 5-year docket term for withdrawals related to unconventional natural gas under the discretion provided in 18 CFR 806.31(a) (relating to term of approvals); and 4) a report on delegated settlements with the following project sponsors, under SRBC Resolution 2014-15: Talen Energy Corp./Susquehanna Nuclear, in the amount of \$9,000; Sugar Hollow Trout Park and Hatchery, in the amount of \$2,000; Mount Nittany Medical Center, in the amount of \$8,993.75; Toggenburg Mountain Winter Sports Center, in the amount of \$3,500; and Moxie Freedom, LLC, in the amount of \$8,500.

Project Applications Approved:

The Commission approved the following project applications:

1. Project Sponsor and Facility: Anadarko E&P Onshore, LLC (West Branch Susquehanna River), Nippenose Township, Lycoming County, PA. Renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20130301).
2. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, PA. Renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20121202).
3. Project Sponsor and Facility: Crossgates Golf Course, Manor Township and Millersville Borough, Lancaster County, PA. Renewal of consumptive water use of up to 0.300 mgd (peak day) (Docket No. 19910515).
4. Project Sponsor and Facility: Crossgates Golf Course (Conestoga River), Manor Township and Millersville Borough, Lancaster County, PA. Renewal of surface water withdrawal of up to 0.300 mgd (peak day) (Docket No. 19910515).
5. Project Sponsor: Pennsylvania Department of Environmental Protection—South-central Regional Office, City of Harrisburg, Dauphin County, PA. Facility Location: Leacock Township, Lancaster County, PA. Groundwater withdrawal of up to 0.020 mgd (peak day) and emergency or backup groundwater withdrawal of up to 0.173 mgd (peak day) from Hollander Well.

6. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (First Fork Sinnemahoning Creek), Wharton Township, Potter County, PA. Renewal of surface water withdrawal of up to 0.231 mgd (peak day) (Docket No. 20121222).

7. Project Sponsor and Facility: Silver Springs Ranch, LLC, Monroe Township, Wyoming County, PA. Consumptive water use of up to 0.087 mgd (peak day).

8. Project Sponsor and Facility: Silver Springs Ranch, LLC, Monroe Township, Wyoming County, PA. Groundwater withdrawal of up to 0.088 mgd (30-day average) from Borehole 1 (BH-1).

9. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Dallas Operation, Dallas Township, Luzerne County, PA. Modification to remove pumping restriction for March and April for previously approved groundwater withdrawal (Docket No. 20050301).

10. Project Sponsor and Facility: SWEPI, LP (Pine Creek), Pike Township, Potter County, PA. Renewal of surface water withdrawal of up to 0.936 mgd (peak day) (Docket No. 20130313).

11. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (formerly Talisman Energy USA, Inc.) (Sugar Creek), West Burlington Township, Bradford County, PA. Renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20130310).

12. Project Sponsor and Facility: West Manchester Township Authority, West Manchester Township, York County, PA. Reactivation of a previously approved groundwater withdrawal at a reduced rate of up to 0.183 mgd (30-day average) from Well 7.

13. Project Sponsor and Facility: York County Solid Waste and Refuse Authority, Manchester Township, York County, PA. Renewal of consumptive water use of up to 0.999 mgd (peak day) and addition of collected stormwater as an approved source for consumptive use (Docket No. 19860902).

Project Applications Tabled:

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.028 mgd (30-day average) from existing Well 4.
2. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.042 mgd (30-day average) from existing Well 5.
3. Project Sponsor: King Valley Golf Club, Inc. Project Facility: King Valley Golf Course (Boiling Springs Run), Kimmel Township, Bedford County, PA. Application for surface water withdrawal of up to 0.090 mgd (peak day).
4. Project Sponsor: King Valley Golf Club, Inc. Project Facility: King Valley Golf Course, Kimmel Township, Bedford County, PA. Application for consumptive water use of up to 0.090 mgd (peak day).
5. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, PA. Application for modification to request a reduction of the maximum instantaneous rate for Well 3 from the previously approved rate of 1,403 gpm to 778 gpm and to revise the passby to be consistent with current Commis-

sion policy (Docket No. 20070607). The previously approved withdrawal rate of 1.020 mgd (30-day average) will remain unchanged.

6. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Minor modification to add new sources (Wells PW-1 and PW-6) to existing consumptive use approval (Docket No. 20060604). The previously approved consumptive use quantity of 0.360 mgd (peak day) will remain unchanged.

7. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Application for groundwater withdrawal of up to 0.145 mgd (30-day average) from Well PW-1.

8. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Application for groundwater withdrawal of up to 0.298 mgd (30-day average) from Well PW-6.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: March 21, 2017

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 17-567. Filed for public inspection March 31, 2017, 9:00 a.m.]

