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# PENNSYLVANIA BULLETIN

Volume 43

Number 15

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Pages 1989—2126

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Department of Banking and Securities  
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(Master Transmittal Sheets):**

**No. 461, April 2013**

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## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2013.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 81 ]

#### Amendments to the Pennsylvania Rules of Professional Conduct to Address the Need for Changes in Detection of Conflicts of Interest, Outsourcing, Technology and Client Development, and Technology and Confidentiality

##### Notice of Proposed Rulemaking

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that the Court amend Pennsylvania Rules of Professional Conduct (RPC) 1.6 and 1.17, as set forth in Annex A; RPC's 1.1, 5.3 and 5.5, as set forth in Annex B; RPC's 1.18, 7.1, 7.2, and 7.3, as set forth in Annex C; and RPC's 1.0, 1.1, 1.4, and 4.4, as set forth in Annex D.

In August 2012, the ABA House of Delegates approved changes to the Model Rules of Professional Conduct by adopting resolutions proposed by the ABA Commission on Ethics 20/20. The work of the ABA Commission reflected changes in 21st century technology, lawyer mobility, and the legal marketplace. The amendments proposed in this Notice follow the recommendation of the Pennsylvania Bar Association, whose Legal Ethics and Professional Responsibility Committee ("PBA Ethics Committee") had issued reports after study of the ABA's approved changes to the Model Rules. The PBA Ethics 20/20 Resolutions are available online at <http://www.pabar.org/public/committees/lglethic/resouces.asp>. This Notice incorporates the key points outlined in the PBA Ethics Committee Reports and provides explanatory commentary on the proposed changes.

##### *Detection of Conflicts of Interest (see Annex A)*

A lawyer exploring the possibility of joining a different firm or organization, or law firms considering a merger, must identify possible conflicts of interest in a manner consistent with a lawyer's duty of confidentiality. The purpose of the proposed changes to RPC 1.6 (Confidentiality of Information) is to provide guidance to the lawyer or law firms, while their effect is to confer limited authority to disclose information to another firm to detect conflicts of interest before the lawyer is hired or the firms merge as long as the limited disclosures do not "compromise the attorney-client privilege or otherwise prejudice the client." The PBA Ethics Committee carefully considered but rejected claims that the proposed changes would jeopardize the client-lawyer relationship and the duty of confidentiality for the mere purpose of business expediency; and that when disclosing confidential information, lawyers should be required to confirm the client's consent in writing or advise the client to seek independent counsel.

New Comment (19) to RPC 1.6 instructs that the disclosure may not take place until "substantive discussions regarding the new relationship have occurred" and "should ordinarily include no more than the identity of the persons and entities involved in a matter, a brief

summary of the general issues involved, and information about whether the matter has terminated." The Comment provides three examples of when any disclosure is prohibited: a corporate client is seeking advice on a corporate takeover that has not been publicly announced; a person has consulted a lawyer about the possibility of divorce before the person's intentions are known to the person's spouse; and a person has consulted a lawyer about a criminal investigation that has not led to a public charge. Under those circumstances, the lawyer must obtain the client's or former client's "informed consent," which term is defined in RPC 1.0(e).

New Comment (20) to RPC 1.6 permits disclosed information to be used or further disclosed "only to the extent necessary to detect and resolve conflicts of interest." That Comment also explains that new RPC 1.6 does not restrict the use of information acquired by means independent of any disclosure under the Rule and also does not affect the disclosure of information within a law firm when the disclosure is otherwise authorized.

In connection with sharing information with non-lawyers outside the lawyer's own firm, an amendment to Comment (25), as renumbered, refers the reader to new Comments (3) and (4) of RPC 5.3 (Responsibilities Regarding Nonlawyer Assistance), which are discussed in the section on Outsourcing, *infra*.

Proposed changes to Comment (19) to RPC 1.6 and Comment (4) to RPC 1.17 (Sale of Law Practice) address disclosures in connection with the purchase of a law practice. The latter Comment would emphasize that a client file constitutes "detailed" information relating to the representation, and disclosure of the file requires client consent.

##### *Outsourcing (see Annex B)*

Although domestic and foreign outsourcing of legal and law-related work is on the increase, the current Rules have not specifically addressed outsourcing. The purpose of the proposed changes to RPC's 1.1, 5.3 and 5.5 is to help lawyers and law firms better understand how ethically to retain outside lawyers.

Proposed new Comments to RPC 1.1 (Competence) identify the factors that a lawyer must consider when retaining lawyers outside the firm to provide assistance in a client matter. Comment (6) provides that the lawyer must "reasonably believe that the other lawyers' services will contribute to the competent and ethical representation of the client." The reasonableness of the decision to retain a lawyer outside the lawyer's own firm will depend upon the circumstances, including the experience of the nonfirm lawyers; the nature of the assigned services; and the ethical rules and ethical environments of the jurisdictions in which the services will be performed, particularly as they relate to confidential information. Comment (7) provides that lawyers from different firms "ordinarily should consult with each other and the client about the scope of their respective representations and the allocation of responsibility among them." Even without inclusion of the term "ordinarily," the term "should" is permissive and defines an area in which the lawyer has discretion to exercise professional judgment. PA RPC, SCOPE, par. (14).

In connection with the lawyer's decision to outsource, the PBA Ethics Committee struck language in Comment (6) to the Model Rule providing that the lawyer "should ordinarily obtain informed consent from the client."

Under current RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants), lawyers with managerial authority within a law firm have a duty to establish internal policies and procedures to provide reasonable assurance that nonlawyers in the firm act in a manner compatible with the Rules of Professional Conduct. Proposed amendments to both the title of RPC 5.3, which substitutes "Assistance" for "Assistants," and Comment (1), as renumbered, would now require the managerial lawyer to institute similar measures applicable to nonlawyers outside the firm who work on firm matters.

New Comment (3) to RPC 5.3 explains that a lawyer who uses a nonlawyer outside the firm for legal services to a client must make reasonable efforts to ensure that the services are provided in a manner that is compatible with the lawyer's professional obligations. The extent of this obligation will also depend upon the circumstances, including those outlined above in connection with Comment (6) to RPC 1.1. New Comment (3) also provides that efforts to ensure the ethical provision of legal services will include communicating directions appropriate under the circumstances to the nonlawyer outside the firm.

New Comment (4) to RPC 5.3 provides that where the client directs the selection of a particular nonlawyer service provider outside the firm, the lawyer ordinarily should agree with the client concerning the allocation of responsibility, as between the client and the lawyer, for monitoring the nonlawyer.

Comment (1) to RPC 5.5 would now include a sentence that would make clear that a lawyer cannot engage in outsourcing in a manner that would facilitate the unauthorized practice of law by lawyers or nonlawyers.

*Technology and Client Development (see Annex C)*

The purpose of the proposed changes to RPC's 1.18, 5.5, 7.1, 7.2, and 7.3 is to address ethics-related issues that have arisen from lawyers' use of new marketing services, such as law firm websites, blogs, social and professional networking sites, pay-per-click ads, pay-per-lead services, and online videos.

Under current subsection (a) of RPC 1.18 (Duties to Prospective Client), a prospective client relationship is formed between a lawyer and another person when they "discuss" the possibility of forming a client-lawyer relationship; "discussion" implies a two-way verbal exchange. Under new subsection (a), when a person "consults" with a lawyer about the possibility of forming a client-lawyer relationship, RPC 1.18's duties are triggered.

Comment (2) to RPC 1.18 explains that whether written, oral or electronic communications constitute a "consultation" depends on the circumstances. By way of example, the Comment states that a consultation is likely to have occurred if a lawyer, either in person or through the lawyer's advertising in any medium, specifically requests or invites the submission of information about a potential representation without "clear and reasonably understandable warnings and cautionary statements that limit the lawyer's obligations," and the person provides the requested or invited information. In contrast, no consultation has occurred if a person unilaterally communicates information to a lawyer, including in response to: an unsolicited email or other communication; advertising that merely describes the lawyer's education, experience, areas of practice, and contact information; or advertising that provides legal information of general interest.

Comment (3) to RPC 7.1 (Communications Concerning a Lawyer's Services) would be changed to clarify that disclaimers or qualifying language in an advertisement

may preclude a finding that a statement is misleading to "the public" rather than "a prospective client."

Proposed Comment (2) to RPC 7.2 (Advertising) would permit a lawyer to publicly disseminate the lawyer's email address and website, while Comments (3) and (6) to that Rule recognize that the Internet and other forms of electronic information are now among the most powerful mediums for getting information to the public.

Under the proposed amendments to Comment (6) to RPC 7.2, a lawyer would still be allowed to pay for advertising permitted by RPC 7.2 but would not be permitted to pay another person for "recommending the lawyer's services or for channeling professional work in a manner that violates Rule 7.3 (Direct Contact with Prospective Clients)." A "recommendation" occurs if the communication "endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities."

Significantly, a lawyer would be permitted to pay others for generating client leads, such as Internet-based client leads, if three conditions are met: 1) the lead generator does not "recommend" the lawyer; 2) any payment to the lead generator is consistent with RPC 1.5(e), pertaining to division of fees, and RPC 5.4, pertaining to professional independence of a lawyer; and 3) the lead generator's communications are not false or misleading under RPC 7.1. To comply with RPC 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that the lead generator: 1) is recommending the lawyer; 2) is making the referral without payment from the lawyer; or 3) has analyzed a person's legal problems when determining which lawyer should receive the referral.

Although the ABA Commission on Ethics 20/20 considered deleting the word "channeling" in Comment (6) to RPC 7.2, the Commission heard concerns that some forms of lead generation might be problematic, even if no "recommendation" occurs. By keeping the prohibition against "channeling" in the Rule, a lawyer would violate RPC 7.2 by paying someone to distribute a lawyer's business cards to accident victims without actually "recommending" the lawyer in explicit terms; as explained by the Commission, "such a person would be 'channeling' professional work without 'recommending' the lawyer." Thus, "channeling" serves as a reminder that lawyers should not use others to engage in forms of client development that violate RPC 7.3 (Direct Contact with Prospective Clients).

Amendments to the title and text of RPC 7.3 would delete references to "prospective client" and replace that term with either "person" or "the target of the solicitation," thereby broadening the prohibition of the rule to include contacts with all possible future clients, not just those who have actually shared information with a lawyer and thus have become "prospective clients" under RPC 1.18 (Duties to Prospective Clients).

A new proposed Comment (1) to RPC 7.3 is intended to provide a clearer definition of "solicitation." A targeted communication initiated by the lawyer is a "solicitation" if the communication is: 1) directed to a specific person; and 2) offers to provide, or can reasonably be understood as offering to provide, legal services. Comments (2) and (3) will make clear that direct in-person, live telephone or real-time electronic contact by a lawyer with someone known to need legal services is prohibited.

In contrast, new proposed Comment (1) provides that a lawyer's communication typically does not constitute a

“solicitation” if the communication is: 1) directed to the general public, such as through a billboard, Internet banner advertisement, website, or a television commercial; 2) in response to a request for information; or 3) automatically generated in response to Internet searches.

Finally, the term “prospective clients” would be deleted from Comment (21) to RPC 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law), which amendment would be consistent with the language changes to the text of RPC 7.3. Comment (21) to RPC 5.5 appears in Annex B.

*Technology and Confidentiality (see Annex D)*

The purpose of the proposed amendments to RPC’s 1.0, 1.1, 1.4, 1.6 and 4.4 is to offer guidance to lawyers about their duty to protect confidential information in light of technology changes that have transformed how lawyers communicate with their clients and store confidential information.

Paragraph (n) of RPC 1.0 (Terminology) updates the existing definition of a “writing” by replacing the word “e-mail” with the term “electronic communications.” Comment (9) to RPC 1.0, which discusses the mechanism of screening of a disqualified lawyer within a law firm, clarifies that the screened lawyer is to be denied access to “information in electronic form” as well as law firm files.

Although Comment (6) to RPC 1.1 (Competence) implicitly encompasses a lawyer’s duty to remain current with changes in the law and its practice, including the benefits and risks associated with relevant technology, the proposed amendment to Comment (6) makes that duty explicit.

Comment (4) to RPC 1.4 (Communication) currently requires a lawyer to promptly return or acknowledge client telephone calls. Technology has overtaken that duty, and the proposed amendment to Comment (4) would require a lawyer to “promptly respond to or acknowledge client communications.”

New paragraph (d) of RPC 1.6 (Confidentiality of Information), which appears in Annex A, imposes a duty on a lawyer to make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Guidance for applying the text of paragraph (d) would be included in new Comment (25) to RPC 1.6, which also appears in Annex A. That Comment requires a lawyer to act competently to safeguard privileged information against “unauthorized access by third parties” and “inadvertent or unauthorized disclosure by the lawyer.” The Comment requires that the lawyer make “reasonable efforts” to prevent the access or disclosure and provides five factors to be considered in determining the reasonableness of the lawyer’s efforts, although those factors are not all-inclusive. Those five factors are: 1) the sensitivity of the information; 2) the likelihood of disclosure if additional safeguards are not employed; 3) the cost of employing additional safeguards; 4) the difficulty of implementing the safeguards; and 5) the extent to which the safeguards adversely affect the lawyer’s ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). The Comment provides that a client may require the lawyer to implement special security measures not required by the Rule and may give informed consent to forgo security measures that would otherwise be required by the Rule.

Current paragraph (b) of RPC 4.4 (Respect for Rights of Third Persons) addresses a lawyer’s obligation upon receipt of inadvertently disclosed documents. Amendments to paragraph (b) and to Comment (2) to RPC 4.4 make clear that the term “documents,” which typically refers to information existing in paper form, includes “electronically stored information” such as emails and embedded data, commonly referred to as “metadata,” but “only if the receiving lawyer knows or reasonably should know that the metadata was inadvertently sent to the receiving lawyer.” Another amendment to Comment (2) defines the phrase “inadvertently sent,” as follows: “when it is accidentally transmitted, such as when an email or letter is misaddressed or a document, including electronically stored information, is accidentally included with information that was intentionally transmitted.”

Interested persons are invited to submit written comments by mail, facsimile, or email regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382), Email address [Dboard.comments@paccourts.us](mailto:Dboard.comments@paccourts.us) on or before May 16, 2013.

*By The Disciplinary Board of the  
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary*

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL  
PROVISIONS**

**PART V. PROFESSIONAL ETHICS AND CONDUCT**

**Subpart A. PROFESSIONAL RESPONSIBILITY**

**CHAPTER 81. RULES OF PROFESSIONAL  
CONDUCT**

**Subchapter A. RULES OF PROFESSIONAL  
CONDUCT**

**§ 81.4. Rules of Professional Conduct.**

The following are the Rules of Professional Conduct:

**CLIENT-LAWYER RELATIONSHIP**

**Rule 1.6. Confidentiality of Information.**

\* \* \* \* \*

(c) A lawyer may reveal such information to the extent that the lawyer reasonably believes necessary:

\* \* \* \* \*

(6) to effectuate the sale of a law practice consistent with Rule 1.17[ . ]; or

**(7) to detect and resolve conflicts of interest from the lawyer’s change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.**

**(d) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.**

(e) The duty not to reveal information relating to representation of a client continues after the client-lawyer relationship has terminated.

Comment:

\* \* \* \* \*

*[ Disclosure Adverse to Client ] Detection of Conflicts of Interest*

\* \* \* \* \*

(19) Paragraph (c)(7) recognizes that lawyers in different firms may need to disclose limited information to each other to detect and resolve conflicts of interest, such as when a lawyer is considering an association with another firm, two or more firms are considering a merger, or a lawyer is considering the purchase of a law practice. See Rule 1.17, Comment (4). Under these circumstances, lawyers and law firms are permitted to disclose limited information, but only once substantive discussions regarding the new relationship have occurred. Any such disclosure should ordinarily include no more than the identity of the persons and entities involved in a matter, a brief summary of the general issues involved, and information about whether the matter has terminated. Even this limited information, however, should be disclosed only to the extent reasonably necessary to detect and resolve conflicts of interest that might arise from the possible new relationship. Moreover, the disclosure of any information is prohibited if it would compromise the attorney-client privilege or otherwise prejudice the client (e.g., the fact that a corporate client is seeking advice on a corporate takeover that has not been publicly announced; that a person has consulted a lawyer about the possibility of divorce before the person's intentions are known to the person's spouse; or that a person has consulted a lawyer about a criminal investigation that has not led to a public charge). Under those circumstances, paragraph (a) prohibits disclosure unless the client or former client gives informed consent. A lawyer's fiduciary duty to the lawyer's firm may also govern a lawyer's conduct when exploring an association with another firm and is beyond the scope of these Rules.

(20) Any information disclosed pursuant to paragraph (c)(7) may be used or further disclosed only to the extent necessary to detect and resolve conflicts of interest. Paragraph (c)(7) does not restrict the use of information acquired by means independent of any disclosure pursuant to paragraph (c)(7). Paragraph (c)(7) also does not affect the disclosure of information within a law firm when the disclosure is otherwise authorized, see Comment (6), such as when a lawyer in a firm discloses information to another lawyer in the same firm to detect and resolve conflicts of interest that could arise in connection with undertaking a new representation.

(21) A lawyer may be ordered to reveal information relating to the representation of a client by a court or by another tribunal or governmental entity claiming authority pursuant to other law to compel the disclosure. Absent informed consent of the client to do otherwise, the lawyer should assert on behalf of the client all nonfrivolous claims that the order is not authorized by other law or that the information sought is protected against disclosure by the attorney-client privilege or other applicable law. In the event of an adverse ruling, the lawyer must consult with the client about the possibility of appeal to the extent required by Rule 1.4.

[ (20) ] (22) Paragraph (c) permits disclosure only to the extent the lawyer reasonably believes the disclosure

is necessary to accomplish one of the purposes specified. Where practicable, the lawyer should first seek to persuade the client to take suitable action to obviate the need for disclosure. In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to accomplish the purpose. If the disclosure will be made in connection with a judicial proceeding, the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable.

[ (21) ] (23) Paragraph (c) permits but does not require the disclosure of information relating to a client's representation to accomplish the purposes specified in paragraphs (c)(1) through [ (c)(6) ] (c)(7). In exercising the discretion conferred by this Rule, the lawyer may consider such factors as the nature of the lawyer's relationship with the client and with those who might be injured by the client, the lawyer's own involvement in the transaction and factors that may extenuate the conduct in question. A lawyer's decision not to disclose as permitted by paragraph (c) does not violate this Rule. Disclosure may be required, however, by other Rules. Some Rules require disclosure only if such disclosure would be permitted by paragraph (c). See Rules 1.2(d), 4.1(b), 8.1 and 8.3. Rule 3.3, on the other hand, requires disclosure in some circumstances regardless of whether such disclosure is permitted by this Rule. See Rule 3.3(c).

*Withdrawal*

[ (22) ] (24) If the lawyer's services will be used by the client in materially furthering a course of criminal or fraudulent conduct, the lawyer must withdraw, as stated in Rule 1.16(a)(1). After withdrawal the lawyer is required to refrain from making disclosure of the client's confidences, except as otherwise provided in Rule 1.6. Neither this Rule nor Rule 1.8(b) nor Rule 1.16(d) prevents the lawyer from giving notice of the fact of withdrawal, and the lawyer may also withdraw or disaffirm any opinion, document, affirmation, or the like. Where the client is an organization, the lawyer may be in doubt whether contemplated conduct will actually be carried out by the organization. Where necessary to guide conduct in connection with this Rule, the lawyer may make inquiry within the organization as indicated in Rule 1.13(b).

*Acting Competently to Preserve Confidentiality*

[ (23) A lawyer must ] (25) Paragraph (d) requires a lawyer to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See Rules 1.1, 5.1 and 5.3. **The unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (c) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to**

which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to forgo security measures that would otherwise be required by this Rule. Whether a lawyer may be required to take additional steps to safeguard a client's information in order to comply with other law, such as state and federal laws that govern data privacy or that impose notification requirements upon the loss of, or unauthorized access to, electronic information, is beyond the scope of these Rules. For a lawyer's duties when sharing information with nonlawyers outside the lawyer's own firm, see Rule 5.3, Comments (3)—(4).

[ (24) ] (26) When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this Rule. **Whether a lawyer may be required to take additional steps in order to comply with other law, such as state and federal laws that govern data privacy, is beyond the scope of these Rules.**

*Former Client*

[ (25) ] (27) The duty of confidentiality continues after the client-lawyer relationship has terminated. See Rule 1.9(c)(2). See Rule 1.9(c)(1) for the prohibition against using such information to the disadvantage of the former client.

*Lobbyists*

[ (26) ] (28) A lawyer who acts as a lobbyist on behalf of a client may disclose information relating to the representation in order to comply with any legal obligation imposed on the lawyer-lobbyist by the Legislature, the Executive Branch or an agency of the Commonwealth, or a local government unit which are consistent with the Rules of Professional Conduct. Such disclosure is explicitly authorized to carry out the representation. The Disciplinary Board of the Supreme Court shall retain jurisdiction over any violation of this Rule.

**Rule 1.17. Sale of Law Practice.**

\* \* \* \* \*

**Comment:**

\* \* \* \* \*

*Client Confidences, Consent and Notice*

(4) Negotiations between seller and prospective purchaser prior to disclosure of information relating to a specific representation of an identifiable client no more violate the confidentiality provisions of Rule 1.6 than do preliminary discussions concerning the possible associa-

tion of another lawyer or mergers between firms, with respect to which client consent is not required. **See Rule 1.6(c)(6) and (7).** Providing the purchaser access to [ the ] client-specific detailed information relating to the representation [ and to the ], such as the client's file, however, requires client consent. The Rule provides that before such information can be disclosed by the seller to the purchaser the client must be given actual written notice of the contemplated sale and file transfer including the identity of the purchaser and any proposed change in the terms of future representation, and must be told that the decision to consent or make other arrangements must be made within 60 days. If actual notice is given, and the client makes no response within the 60 day period, client consent to the sale will be presumed.

\* \* \* \* \*

**Annex B**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART V. PROFESSIONAL ETHICS AND CONDUCT**

**Subpart A. PROFESSIONAL RESPONSIBILITY**

**CHAPTER 81. RULES OF PROFESSIONAL CONDUCT**

**Subchapter A. RULES OF PROFESSIONAL CONDUCT**

**§ 81.4. Rules of Professional Conduct.**

The following are the Rules of Professional Conduct:

**CLIENT-LAWYER RELATIONSHIP**

**Rule 1.1. Competence.**

\* \* \* \* \*

**Comment:**

\* \* \* \* \*

***Retaining or Contracting With Other Lawyers***

(6) Before a lawyer retains or contracts with other lawyers outside the lawyer's own firm to provide or assist in the provision of legal services to a client, the lawyer must reasonably believe that the other lawyers' services will contribute to the competent and ethical representation of the client. See also Rules 1.2, 1.4, 1.6, and 5.5(a). The reasonableness of the decision to retain or contract with other lawyers outside the lawyer's own firm will depend upon the circumstances, including the education, experience and reputation of the nonfirm lawyers; the nature of the services assigned to the nonfirm lawyers; and the legal protections, professional conduct rules, and ethical environments of the jurisdictions in which the services will be performed, particularly relating to confidential information.

(7) When lawyers from more than one law firm are providing legal services to the client on a particular matter, the lawyers ordinarily should consult with each other and the client about the scope of their respective representations and the allocation of responsibility among them. See Rule 1.2. When making allocations of responsibility in a matter pending before a tribunal, lawyers and parties may have additional obligations that are a matter of law beyond the scope of these Rules.

*Maintaining Competence*

[ (6) ] (8) To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology**, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

**LAW FIRMS AND ASSOCIATIONS**

Rule 5.3. Responsibilities Regarding Nonlawyer [ Assistants ] Assistance.

\* \* \* \* \*

**Comment:**

[ (1) Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

(2) Paragraph (a) requires lawyers with managerial authority within a law firm to make reasonable efforts to establish internal policies and procedures designed to provide reasonable assurance that nonlawyers in the firm will act in a way compatible with the Rules of Professional Conduct. See Comment (1) to Rule 5.1. Paragraph (b) applies to lawyers who have supervisory authority over the work of a nonlawyer. Paragraph (c) specifies the circumstances in which a lawyer is responsible for conduct of a nonlawyer that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer. ]

(1) Paragraph (a) requires lawyers with managerial authority within a law firm to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that nonlawyers in the firm and nonlawyers outside the firm who work on firm matters act in a way compatible with the professional obligations of the lawyer. See Comment (6) to Rule 1.1 and Comment (1) to Rule 5.1. Paragraph (b) applies to lawyers who have supervisory authority over such nonlawyers within or outside the firm. Paragraph (c) specifies the circumstances in which a lawyer is responsible for the conduct of such nonlawyers within or outside the firm that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer.

*Nonlawyers Within the Firm*

(2) Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment,

particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

*Nonlawyers Outside the Firm*

(3) A lawyer may use nonlawyers outside the firm to assist the lawyer in rendering legal services to the client. Examples include the retention of an investigative or paraprofessional service, hiring a document management company to create and maintain a database for complex litigation, sending client documents to a third party for printing or scanning, and using an Internet-based service to store client information. When using such services outside the firm, a lawyer must make reasonable efforts to ensure that the services are provided in a manner that is compatible with the lawyer's professional obligations. The extent of this obligation will depend upon the circumstances, including the education, experience and reputation of the nonlawyer; the nature of the services involved; the terms of any arrangements concerning the protection of client information; and the legal and ethical environments of the jurisdictions in which the services will be performed, particularly with regard to confidentiality. See also Rules 1.1, 1.2, 1.4, 1.6, 5.4(a), and 5.5(a). When retaining or directing a nonlawyer outside the firm, a lawyer should communicate directions appropriate under the circumstances to give reasonable assurance that the nonlawyer's conduct is compatible with the professional obligations of the lawyer.

(4) Where the client directs the selection of a particular nonlawyer service provider outside the firm, the lawyer ordinarily should agree with the client concerning the allocation of responsibility for monitoring as between the client and the lawyer. See Rule 1.2. When making such an allocation in a matter pending before a tribunal, lawyers and parties may have additional obligations that are a matter of law beyond the scope of these Rules.

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice Of Law.

\* \* \* \* \*

**Comment:**

[ 1. ] (1) A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person. **For example, a lawyer may not assist a person in practicing law in violation of the rules governing professional conduct in that person's jurisdiction.**

\* \* \* \* \*

[ 21. ] (21) Paragraphs (c) and (d) do not authorize communications advertising legal services [ **to prospective clients** ] in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their

services [ to prospective clients ] in this jurisdiction is governed by Rules 7.1 to 7.5.

Annex C

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.18. Duties to Prospective Clients.

(a) A person who [ discusses ] consults with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has [ had discussions with ] learned information from a prospective client shall not use or reveal information which may be significantly harmful to that person [ learned in the consultation ], except as Rule 1.9 would permit with respect to information of a former client.

(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer [ received ] learned information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

(d) When [ a ] the lawyer has [ received disqualifying ] learned information as defined in paragraph (c), representation is permissible if:

\* \* \* \* \*

Comment:

(1) Prospective clients, like clients, may disclose information to a lawyer, place documents or other property in the lawyer's custody, or rely on the lawyer's advice. A lawyer's [ discussions ] consultations with a prospective client usually are limited in time and depth and leave both the prospective client and the lawyer free (and sometimes required) to proceed no further. Hence, prospective clients should receive some but not all of the protection afforded clients.

(2) [ Not all persons who communicate information to a lawyer are entitled to protection under this Rule. A person who communicates information, such as an unsolicited e-mail or other communication, ] A person becomes a prospective client by consulting with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter. Whether communications, including written, oral, or electronic communications, constitute a consultation depends on the circumstances. For example, a consultation is likely to have occurred if

a lawyer, either in person or through the lawyer's advertising in any medium, specifically requests or invites the submission of information about a potential representation without clear and reasonably understandable warnings and cautionary statements that limit the lawyer's obligations, and a person provides information in response. See also Comment (4). In contrast, a consultation does not occur if a person provides information to a lawyer, such as in an unsolicited e-mail or other communication, in response to advertising that merely describes the lawyer's education, experience, areas of practice, and contact information, or provides legal information of general interest. Such a person communicates information unilaterally to a lawyer[ , ] without any reasonable expectation that a client-lawyer relationship will be established, and is thus not a [ "prospective client" within the meaning of paragraph (a). ] "prospective client." A person who participates in an initial consultation, or communicates information, with the intent to disqualify a lawyer from representing a client with materially adverse interests is not entitled to the protections of paragraphs (b) or (c) of this Rule. A person's intent to disqualify may be inferred from the circumstances.

\* \* \* \* \*

(4) In order to avoid acquiring disqualifying information from a prospective client, a lawyer considering whether or not to undertake a new matter should limit the initial [ interview ] consultation to only such information as reasonably appears necessary for that purpose. Where the information indicates that a conflict of interest or other reason for non-representation exists, the lawyer should so inform the prospective client or decline the representation. If the prospective client wishes to retain the lawyer, and if consent is possible under Rule 1.7, then consent from all affected present or former clients must be obtained before accepting the representation.

(5) A lawyer may condition [ conversations ] a consultation with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter. See Rule 1.0(e) for the definition of informed consent. If the agreement expressly so provides, the prospective client may also consent to the lawyer's subsequent use of information received from the prospective client.

\* \* \* \* \*

INFORMATION ABOUT LEGAL SERVICES

Rule 7.1. Communications Concerning a Lawyer's [ Service ] Services.

\* \* \* \* \*

Comment:

\* \* \* \* \*

(3) An advertisement that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison can be



substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead [ a prospective client ] the public.

\* \* \* \* \*

**Rule 7.2. Advertising.**

\* \* \* \* \*

**Comment:**

(1) To assist the public in **learning about and** obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.

(2) This Rule permits public dissemination of information concerning a lawyer's name or firm name, address, **email address, website,** and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

(3) Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television **and other forms** of advertising, against advertising going beyond specified facts about a lawyer, or against "undignified" advertising. Television [ **is now one of** ], **the Internet, and other forms of electronic communication are now among** the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television, **Internet, and other forms of electronic** advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant. [ **Similarly, electronic media, such as the Internet, can be an important source of information about legal services, and lawful communication by electronic mail is permitted by this Rule.** ] But see Rule 7.3(a) for the prohibition against [ **the** ] a solicitation [ **of a prospective client** ] through a real-time electronic exchange [ **that is not initiated by the prospective client** ] initiated by the lawyer.

\* \* \* \* \*

*Paying Others to Recommend a Lawyer*

(6) Subject to the limitations set forth under [ **paragraph** ] paragraphs (c) and (j), a lawyer is allowed to pay for advertising permitted by this Rule, but otherwise is not permitted to pay another person for **recommending the lawyer's services or for channeling profes-**

**sional work in a manner that violates Rule 7.3. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities.** Paragraph (c)(1), however, allows a lawyer to pay for advertising and communications permitted by this Rule, including the cost of print, directory listings, on-line directory listings, newspaper ads, television and radio air time, domain-name registrations, sponsorship fees, [ **banner ads** ] **Internet-based advertisements,** and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff and website designers. **Moreover, a lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(e) and 5.4, and the lead generator's communications are consistent with Rule 7.1. To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral.** See also Rule 5.3 for the duties of lawyers and law firms with respect to the conduct of non-lawyers [ **who prepare marketing materials for them** ] and **Rule 8.4(a).** This restriction does not prevent an organization or person other than the lawyer from advertising or recommending the lawyer's services. Thus, a legal aid agency or prepaid legal services plan may pay to advertise legal services provided under its auspices. Likewise, a lawyer may participate in lawyer referral programs and pay the usual fees charged by such programs. Paragraph (c) does not prohibit paying regular compensation to an assistant, such as a secretary, to prepare communications permitted by this Rule.

\* \* \* \* \*

**Rule 7.3. [ Direct Contact with Prospective ] Solicitation of Clients.**

(a) A lawyer shall not solicit in-person or by intermediary professional employment from a [ **prospective client** ] person with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted is a lawyer or has a family, close personal, or prior professional relationship with the lawyer. The term "solicit" includes contact in-person, by telephone or by real-time electronic communication, but, subject to the requirements of Rule 7.1 and Rule 7.3(b), does not include written communications, which may include targeted, direct mail advertisements.

(b) A lawyer may contact, or send a written communication to, [ **a prospective client** ] **the target of the solicitation** for the purpose of obtaining professional employment unless:

\* \* \* \* \*

**Comment:**

(1) **A solicitation is a targeted communication initiated by the lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services. In contrast, a lawyer's communication typically does not constitute a solicitation if it is**

directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to Internet searches.

(2) There is a potential for abuse [ **inherent in direct solicitation, including** ] when a solicitation involves direct in-person, live telephone or real-time electronic [ **communication, ] contact** by a lawyer [ **of prospective clients** ] with someone known to need legal services. These forms of contact subject [ **the lay** ] a person to the private importuning of a trained advocate, in a direct interpersonal encounter. The [ **prospective client** ] person, who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult fully to evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer's presence and insistence upon being retained immediately. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.

[ (2) ] (3) This potential for abuse inherent in direct in-person, live telephone or real-time electronic solicitation [ **of prospective clients** ] justifies its prohibition, particularly since [ **lawyer advertising and written communication permitted under Rule 7.2 offer** ] lawyers have alternative means of conveying necessary information to those who may be in need of legal services. [ **Advertising and written** ] In particular, communications [ **, which may be mailed, or autodialed** ] can be mailed or transmitted by email or other electronic means that do not involve real-time contact and do not violate other laws governing solicitations. These forms of communications and solicitations make it possible for [ **a prospective client** ] the public to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting [ **the prospective client** ] the public to direct in-person, telephone or real-time electronic persuasion that may overwhelm [ **the client's** ] a person's judgment.

[ (3) ] (4) The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to [ **prospective client** ] the public, rather than direct in-person, live telephone or real-time electronic contact, will help to assure that the information flows cleanly as well as freely. The contents of advertisements and communications permitted under Rule 7.2 can be permanently recorded so that they cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications, in violation of Rule 7.1 The contents of direct in-person, live telephone or real-time electronic [ **conversations between a lawyer and prospective client** ] contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations from those that are false and misleading.

[ (4) ] (5) There is far less likelihood that a lawyer would engage in abusive practices against [ **an individual who is** ] a former client, or a person with whom

the lawyer has a close personal or family relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for abuse when the person contacted is a lawyer. Consequently, the general prohibition in Rule 7.3(a) is not applicable in those situations. Also, paragraph (a) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or bona fide political, social, civic, fraternal, employee or trade organizations whose purposes include providing or recommending legal services to [ **its** ] their members or beneficiaries.

[ (5) ] (6) But even permitted forms of solicitation can be abused. Thus, any solicitation which contains information which is false or misleading within the meaning of Rule 7.1, which involves coercion, duress or harassment within the meaning of Rule 7.3(b)(3), or which involves contact with [ **a prospective client** ] someone who has made known to the lawyer desire not to be solicited by the lawyer within the meaning of Rule 7.3(b)(2) is prohibited. Moreover, if after sending a letter or other communication [ **to a client** ] as permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate with the [ **prospective client** ] recipient of the communication may violate the provisions of Rule 7.3(b).

[ (6) ] (7) This Rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third-parties for the purposes informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to [ **a prospective client** ] people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

#### Annex D

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### § 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

#### CLIENT-LAWYER RELATIONSHIP

##### Rule 1.0. Terminology.

\* \* \* \* \*

(n) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, [ **Photostat-**

ting ] photostating, photography, audio or video recording, and [ e-mail ] electronic communications. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

Comment:

\* \* \* \* \*

Screened

\* \* \* \* \*

(9) The purpose of screening is to assure the affected parties that confidential information known by the personally disqualified lawyer remains protected. The personally disqualified lawyer should acknowledge the obligation not to communicate with any of the other lawyers in the firm with respect to the matter. Similarly, other lawyers in the firm who are working on the matter should be informed that the screening is in place and that they may not communicate with the personally disqualified lawyer with respect to the matter. Additional screening measures that are appropriate for the particular matter will depend on the circumstances. To implement, reinforce and remind all affected lawyers of the presence of the screening, it may be appropriate for the firm to undertake such procedures as a written undertaking by the screened lawyer to avoid any communication with other firm personnel and any contact with any firm files or other [ materials ] information, including information in electronic form, relating to the matter, written notice and instructions to all other firm personnel forbidding any communication with the screened lawyer relating to the matter, denial of access by the screened lawyer to firm files or other [ materials ] information, including information in electronic form, relating to the matter, and periodic reminders of the screen to the screened lawyer and all other firm personnel.

\* \* \* \* \*

Rule 1.1. Competence.

\* \* \* \* \*

Comment:

\* \* \* \* \*

Maintaining Competence

(6) To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

Rule 1.4. Communication.

\* \* \* \* \*

Comment:

\* \* \* \* \*

Communicating with Client

\* \* \* \* \*

(4) A lawyer's regular communication with clients will minimize the occasions on which a client will need to request information concerning the representation. When a client makes a reasonable request for information, however, paragraph (a)(4) requires prompt compliance with the request, or if a prompt response is not feasible, that the lawyer, or a member of the lawyer's staff,

acknowledge receipt of the request and advise the client when a response may be expected. [ Client telephone calls should be promptly returned or acknowledged. ] A lawyer should promptly respond to or acknowledge client communications.

\* \* \* \* \*

TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

Rule 4.4. Respect for Rights of Third Persons.

\* \* \* \* \*

(b) A lawyer who receives a document, including electronically stored information, relating to the representation of the lawyer's client and knows or reasonably should know that the document, including electronically stored information, was inadvertently sent shall promptly notify the sender.

Comment:

\* \* \* \* \*

(2) Paragraph (b) recognizes that lawyers sometimes receive [ documents that were ] a document including electronically stored information, that was mistakenly sent or produced by opposing parties or their lawyers. A document, including electronically stored information, is inadvertently sent when it is accidentally transmitted, such as when an email or letter is misaddressed or a document, including electronically stored information, is accidentally included with information that was intentionally transmitted. If a lawyer knows or reasonably should know that such a document, including electronically stored information, was sent inadvertently, then this Rule requires the lawyer to promptly notify the sender in order to permit that person to take protective measures. Whether the lawyer is required to take additional steps, such as returning the [ original ] document, including electronically stored information, is a matter of law beyond the scope of these Rules, as is the question of whether the privileged status of a document, including electronically stored information, has been waived. Similarly, this Rule does not address the legal duties of a lawyer who receives a document, including electronically stored information, that the lawyer knows or reasonably should know may have been [ wrongfully ] inappropriately obtained by the sending person. For purposes of this Rule, "document, including electronically stored information" includes [ e-mail or other electronic modes of transmission ], in addition to paper documents, email and other forms of electronically stored information, including embedded data (commonly referred to as "metadata"), that is subject to being read or put into readable form. Metadata in electronic documents creates an obligation under this Rule only if the receiving lawyer knows or reasonably should know that the metadata was inadvertently sent to the receiving lawyer.

(3) Some lawyers may choose to return a document or delete electronically stored information unread, for example, when the lawyer learns before receiving [ the document ] it that it was inadvertently sent [ to the wrong address ]. Where a lawyer is not required by applicable law to do so, the decision to voluntarily return such a document or delete electronically stored infor-

**mation** is a matter of professional judgment ordinarily reserved to the lawyer. See Rules 1.2 and 1.4.

[Pa.B. Doc. No. 13-652. Filed for public inspection April 12, 2013, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CHS. 1, 2, 21 AND 25 ]

**Order Amending Rules 124, 910, 911, 2116, 2118, 2135, 2140 and 2544 of the Rules of Appellate Procedure; No. 223 Appellate Procedural Rules Doc.**

#### Order

#### *Per Curiam*

*And Now*, this 27th day of March, 2013, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 42 Pa.B. 1640 (March 31, 2012):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 124, 910, 911, 2116, 2118, 2135, 2140 and 2544 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective and apply to all appeals and petitions for review filed 60 days after adoption.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### DOCUMENTS GENERALLY

#### Rule 124. Form of Papers; Number of Copies.

(a) *Size and other physical characteristics.*—All [ **documents** ] **papers** filed in an appellate court shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(1) The [ **document** ] **papers** shall be prepared on white paper (except for covers, dividers and similar sheets) of good quality.

(2) The first sheet (except the cover of a brief or reproduced record) shall contain a 3 inch space from the top of the paper for all court stampings, filing notices, etc.

(3) [ **The text** ] **Text** must be double spaced, but quotations more than two lines long may be indented and single spaced. **Footnotes may be single spaced.** Except as provided in subdivision (2), margins must be at least one inch on all four sides.

(4) [ **The lettering** ] **Lettering** shall be clear and legible and no smaller than 14 point [ 12 ] **in the text and 12 point in footnotes.** [ **The lettering** ] **Lettering** shall be on only one side of a page, except that exhibits

and similar supporting documents, briefs and reproduced records may be lettered on both sides of a page.

(5) Any metal fasteners or staples must be covered. **Originals must be unbound.** [ **Documents and papers** ] **Copies** must be firmly bound.

(6) No backers shall be necessary.

(b) *Nonconforming papers.*—The prothonotary of an appellate court may accept any nonconforming [ **paper or other document** ] **papers.**

(c) *Copies.*—Except as otherwise prescribed by these rules:

(1) An original of an application for continuance or advancement of a matter shall be filed.

(2) An original and [ **eight copies of any other application in the Supreme Court and an original and** ] three copies of any other application in the [ **Superior Court or the Commonwealth Court** ] **appellate courts** shall be filed, but the court may require [ **that** ] additional copies [ **be furnished** ].

**Official Note: The 2013 amendment increased the minimum text font size from 12 point to 14 point and added a minimum footnote font size of 12 point. This rule requires a clear and legible font. The Supreme, Superior, and Commonwealth Courts use Arial, Verdana, and Times New Roman, respectively, for their opinions. A brief using one of these fonts will be satisfactory.**

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 910. Jurisdictional Statement. Content. Form.

(a) *General [ Rule ] rule.* The jurisdictional statement required by Rule 909 shall contain the following in the order set forth:

(1) A reference to the official and unofficial reports of the opinions delivered in the courts below, if any, and if reported, the citation thereto. Any unreported opinions shall be appended to the jurisdictional statement[ . ];

(2) A statement of the basis, either by Act of Assembly or general rule, for the jurisdiction of the Supreme Court or the cases believed to sustain that jurisdiction;

(3) The text of the order in question, or the portions thereof sought to be reviewed, and the date of its entry in the court. The order may be appended to the statement;

(4) A concise statement of the procedural history of the case[ . ]; **and**

(5) The questions presented for review, expressed in the terms and the circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the statement, or fairly comprised therein will ordinarily be considered by the Court.

(b) *Matters of [ Form ] form.* The jurisdictional statement need not be set forth in numbered paragraphs in the manner of a pleading. It shall be as short as possible and shall not exceed [ **five pages** ] **1000 words**, excluding the appendix.

(c) *Certificate of compliance.* A jurisdictional statement that does not exceed five pages when produced on a word processor or typewriter shall

be deemed to meet the requirements of subdivision (b) of this rule. In all other cases, the attorney or the unrepresented filing party shall include a certification that the statement complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the statement.

(d) *Nonconforming [Statements] statements.* The Prothonotary of the Supreme Court shall not accept for filing any statement that does not comply with this rule. He shall return it to the appellant, and inform all parties in which respect the statement does not comply with the rule. The prompt filing and service of a new and correct statement within seven days after return by the Prothonotary shall constitute a timely filing of the jurisdictional statement.

**Rule 911. Answer to Jurisdictional Statement. Content. Form.**

(a) *General rule.* An answer to a jurisdictional statement shall set forth any procedural, substantive or other argument or ground why the order appealed from is not reviewable as of right and why the Supreme Court should not grant an appeal by allowance. The answer need not be set forth in numbered paragraphs in the manner of a pleading and shall not exceed [ five pages ] 1000 words.

(b) *Certificate of compliance.* An answer to a jurisdictional statement that does not exceed five pages when produced on a word processor or typewriter shall be deemed to meet the requirements of subdivision (a) of this rule. In all other cases, the attorney or the unrepresented filing party shall include a certification that the answer complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the answer.

*Official Note:* The Supreme Court has, in a number of cases, determined that a party has no right of appeal, but has treated the notice of appeal as a petition for allowance of appeal and granted review. See *Gossman v. Lower Chanceford Tp. Bd. of Supervisors*, 503 Pa. 392, 469 A.2d 996 (1983); *Xpress Truck Lines, Inc. v. Pennsylvania Liquor Control Board*, 503 Pa. 399, 469 A.2d 1000 (1983); *O'Brien v. State Employment Retirement Board*, 503 Pa. 414, 469 A.2d 1008 (1983). See also Pa.R.A.P. 1102. Accordingly, a party opposing a jurisdictional statement shall set forth why the order appealed from is not reviewable on direct appeal and why the Court should not grant an appeal by allowance.

**CHAPTER 21. BRIEFS AND REPRODUCED RECORD**

**CONTENT OF BRIEFS**

**Rule 2116. Statement of Questions Involved.**

(a) *General rule.*—The statement of the questions involved must state concisely the issues to be resolved, expressed in the terms and circumstances of the case but without unnecessary detail. The statement [ shall be no more than two pages and ] will be deemed to include every subsidiary question fairly comprised therein. No question will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby. Each question shall be followed by an answer stating simply whether the court or government unit agreed, disagreed, did not answer, or did not address the question. If a qualified answer was given to the question, appellant shall indicate the nature of the qualification, or

if the question was not answered or addressed and the record shows the reason for such failure, the reason shall be stated briefly in each instance without quoting the court or government unit below.

\* \* \* \* \*

*Official Note:* [ Based on former Supreme Court Rule 52, and makes no change in substance. See also former Superior Court Rule 42 and former Commonwealth Court Rule 93.

The 2008 amendments are intended to reinforce the importance placed upon a party's statement of a limited number of concise questions that enable the court to understand the nature of the legal issue, and in a general way what points it will be called on to decide. Thus, a party should incorporate the pertinent terms and circumstances of the case, but without details such as names, dates, amounts or particulars that are irrelevant to the resolution of the issues presented to the court.

Previously, some practitioners violated Pa.R.A.P. 124 to avoid the 15-line and one-page restrictions of Pa.R.A.P. 2116 by adjusting fonts, spacing, and margins. Appellate courts may find issues to be waived when they are not set forth in compliance with the Rules of Appellate Procedure. The increase from one to two pages should provide ample space for most parties to articulate their questions in an informative yet concise manner. A party requiring more than two pages for a statement of questions should file an application under Pa.R.A.P. 123 asking for extra pages, explaining why additional pages are needed, and attaching the proposed questions to the application. See Pa.R.A.P. 105.

The current language of the Rule is consistent with the standard set forth in Pa.R.A.P. 1115(a)(3) for questions presented for review in a Petition for Allowance of Appeal to the Supreme Court. ]

In conjunction with 2013 amendments to Rules 2135 (length of briefs) and 2140 (brief on remand or following grant of reargument or reconsideration) adopting an optional word limit in lieu of page limits, the 2013 amendment eliminated the page limit for the statement of questions involved. The word count does, however, include the statement of questions, and a party should draft the statement of questions involved accordingly, with sufficient specificity to enable the reviewing court to readily identify the issues to be resolved while incorporating only those details that are relevant to disposition of the issues. Although the page limit on the statement of questions involved was eliminated in 2013, verbosity continues to be discouraged. The appellate courts strongly disfavor a statement that is not concise.

**Rule 2118. Summary of Argument.**

[ The summary of argument shall be a concise summary of the argument of the party in the case, suitably paragraphed. The summary of argument should not exceed one page and should never exceed two pages. The summary of argument should not be a mere repetition of the statement of questions presented. The summary should be a succinct, although accurate and clear picture of the argument actually made in the brief concerning the questions.

**Official Note:** Based on former Supreme Court Rule 54 and former Superior Court Rule 47 and extends the rule to the Commonwealth Court.

Because the summary of argument, if properly prepared, will be helpful to the court in following oral argument and will often render unnecessary inquiries by the court which consume time allowed for argument, counsel are urged to prepare the summary with great care. ]

The summary of argument shall be a concise, but accurate, summary of the arguments presented in support of the issues in the statement of questions involved.

**Official Note:** In conjunction with 2013 amendments to Rules 2135 (length of briefs) and 2140 (brief on remand or following grant of reargument or reconsideration) adopting an optional word limit in lieu of page limits, the 2013 amendment eliminated the page limit for the summary of argument. Although the page limit on the summary of the argument was eliminated in 2013, verbosity continues to be discouraged. The appellate courts strongly disfavor a summary that is not concise.

**Rule 2135. Length of Briefs.**

(a) *General [Rule] rule.* Unless otherwise [ provided ] prescribed by an appellate court:

(1) a principal brief shall not exceed [ 70 pages of production when produced on a word processor/computer or typewriter ] 14,000 words.

(2) In cross appeals under Rule 2136 (briefs in cases involving cross appeals), the first brief of the deemed or designated appellee and the second brief of the deemed or designated appellant shall not exceed 16,500 words.

(3) a reply brief shall not exceed [ 25 pages of production when produced on a word processor/computer or typewriter ] 7,000 words.

(b) *Supplementary [Matter] matter.* [ Pages ] The cover of the brief and pages containing the table of contents, tables of citations, proof of service and any addendum containing opinions, etc., or any other similar supplementary matter provided for by these rules shall not count against the [ page ] word count limitations set forth in subdivision (a) of this rule.

(c) *Size and physical characteristics.* Size and other physical characteristics of briefs shall comply with Rule 124.

(d) *Certificate of compliance.* A principal brief that does not exceed 30 pages when produced by a word processor or typewriter shall be deemed to meet the limitations in paragraph (a)(1). The first brief of the deemed or designated appellee and the second brief of the deemed or designated appellant that does not exceed 35 pages shall be deemed to meet the limitations in paragraph (a)(2). A reply brief that does not exceed 15 pages when produced on a word processor or typewriter shall be deemed to meet the limitation in paragraph (a)(3). In all other cases, the attorney or the unrepresented filing party shall include a certification that the brief complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the brief.

**Official Note[—2003]:** [ The 2003 amendment eliminates a confusing distinction between typewritten, word processor/computer and conventional offset printing methods of production which are no longer meaningful. In light of the 1979 amendments eliminating paperbooks and the advances in word processor/computer technology, offset printing of briefs has become obsolete as a method for production of briefs. The 2003 amendment permits typewritten briefs despite the fact that the vast majority of briefs are produced on word processor/computers. ]

A principal brief is any party's initial brief and, in the case of a cross appeal, the appellant's second brief, which responds to the initial brief in the cross appeal. See the [ notes to Pa.R.A.P. 2136 ] note to Rule 2136 (briefs in cases involving cross appeals). Reply briefs permitted by Rule 2113 (reply brief) and any subsequent brief permitted by leave of court are subject to the word count limit or page limit set by this rule.

The 2013 amendments changed the method by which the length of principal and reply briefs will be measured from a page count method to a word count method. A principal brief may not exceed 14,000 words and a reply brief may not exceed 7,000 words. More words are permitted in certain briefs in cross appeals. This rule includes a requirement that the attorney or unrepresented filing party include a certificate of compliance with briefs filed pursuant to the word count limitations. The rule makes an exception to the certification requirement when a principal brief does not exceed 30 pages, a reply brief does not exceed 15 pages or the first brief of the deemed or designated appellee and the second brief of the deemed or designated appellant do not exceed 35 pages; such briefs will be deemed to meet the word count requirement.

It is important to note that each appellate court has the option of reducing the [ number of pages allowed ] word count for a brief, either by general rule, see Chapter 33 (Business of the Supreme Court), Chapter 35 (Business of the Superior Court), and Chapter 37 (Business of the Commonwealth Court), or by order in a particular case.

**Rule 2140. Brief on Remand or Following Grant of Reargument or Reconsideration.**

(a) *General [Rule] rule.*—Following a remand from the Supreme Court to the Superior Court or the Commonwealth Court, or an Order allowing reargument or reconsideration by any appellate court, unless otherwise directed by the Court having jurisdiction of the case, each party shall, within the time period specified below, either refile the brief previously filed together with a supplemental brief if desired, or prepare and file a substituted brief in accordance with this Rule.

\* \* \* \* \*

(d) [ Page limits. ] *Length of briefs*—A substituted brief shall not exceed [ 70 pages when produced on a word processor/computer or typewriter ] the maximum length of a principal brief as set forth in Rule 2135(a)(1). A supplemental brief shall not exceed [ 40 pages when produced on a word processor/computer or typewriter ] 9,300 words. A reply brief shall not exceed [ 25 pages when produced on a word

processor/computer or typewriter ] the maximum length of a reply brief under Rule 2135(a)(3).

(e) *Certificate of compliance.*—A substituted brief that does not exceed 30 pages when produced on a word processor or typewriter shall be deemed to meet the limitation in Rule 2135(a)(1). A supplemental brief that does not exceed 20 pages when produced on a word processor or typewriter shall be deemed to meet the supplemental brief limitation in subdivision (d) of this rule. A reply brief that does not exceed 15 pages shall be deemed to meet the limitation in Rule 2135(a)(3). In all other cases, the attorney or unrepresented filing party shall include a certification that the brief complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the brief.

*Official Note:* The number of copies of original, substituted and supplemental briefs to be filed on reargument or reconsideration is to be set by the Prothonotary of the [ Appellate Court ] appellate court with jurisdiction over the appeal and may be changed from time to time without notice to bar. See 2013 amendments to Rule 2135 (length of briefs) and the Official Note regarding word counts and page limits generally.

#### CHAPTER 25. POST-SUBMISSION PROCEEDINGS

##### APPLICATION FOR REARGUMENT

#### Rule 2544. Contents of Application for Reargument.

\* \* \* \* \*

(b) *No supporting brief.*—All contentions in support of an application for reargument shall be set forth in the body of the application as prescribed by [ Paragraph ] paragraph (a)(3) of this rule. No separate brief in support of an application for reargument will be received, and the prothonotary of the appellate court will refuse to file any application for reargument to which is annexed or appended any supporting brief.

(c) *Length.*—Except by permission of the court, an application for reargument shall not exceed [ 15 pages when produced on a word processor/computer or typewriter ] 3,000 words, exclusive of pages containing table of contents, table of citations and any addendum containing opinions, *etc.*, or any other similar supplementary matter provided for by this rule.

(d) *Certificate of compliance.* An application for reargument that does not exceed 8 pages when produced on a word processor or typewriter shall be deemed to meet the limitation in subdivision (c) of this rule. In all other cases, the attorney or unrepresented filing party shall include a certification that the application for reargument complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the application for reargument.

(e) *Essential requisites of application.*—The failure of an applicant to present with accuracy, brevity, and clarity whatever is essential to a ready and adequate understanding of the points requiring reconsideration will be a sufficient reason for denying the application.

[ (e) ] (f) *Multiple applicants.*—Where permitted by Rule 512 (joint appeals) a single application for reargument may be filed.

[ *Official Note:* Former Supreme Court Rule 64, and former Superior Court Rule 113A permitted the applicant in effect to dump an undigested mass of material (i.e., briefs in and opinions of the court) in the lap of the court, with the burden on the individual judges and their law clerks to winnow the wheat from the chaff. This rule, which is patterned after Rule 1115 (content of petition for allowance of appeal), places the burden on the applicant to prepare a self-contained succinct and coherent presentation of the case and the reasons in support of allowance of reargument. ]

[Pa.B. Doc. No. 13-653. Filed for public inspection April 12, 2013, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

#### [ 231 PA. CODE PART II ]

#### Proposed New Pa.O.C. Rules 1.1—11.6 and Explanatory Notes

The Orphans' Court Procedural Rules Committee intends to recommend that the Supreme Court of Pennsylvania vacate Orphans' Court Rules 1.1 through 14.5 and adopt new Orphans' Court Rules governing the practice and procedures for the areas currently covered by these rules. The new rules are divided into sections addressing, *inter alia*, the filing and audit of Accounts, procedures for Orphans' Court matters raised by citation and petition, pre-hearing and post-hearing dispositions, and rules for practice before the Registers of Wills. In some cases, the current Orphans' Court rule has not been modified substantially, but is merely being relocated to a new section based upon the revised structure of the proposed new rules (e.g., Rules governing Specific Types of Petitions are moved from Rule 12 to Chapter IV and Rules governing Guardianships are moved from Rule 14 to Chapter V). The proposal also contains Explanatory Comments, which accompany certain rules to elucidate upon the addition or modification of certain provisions or to provide additional analysis of the relationship between the particular rule and another Orphans' Court rule and/or statutory provisions in the Probate, Estates and Fiduciaries Code.

This proposal has not been submitted to the Supreme Court of Pennsylvania for review in advance of this publication. The proposal, though, has been reviewed by an advisory group of Orphans' Court judges appointed by then-Chief Justice Ralph J. Cappy, and these judges have provided insights, comments, and suggestions incorporated into the proposal that is being published.

The Explanatory Report following this Publication Notice highlights the Committee's goals and considerations in revising the current version of Orphans' Court Rules and formulating this proposal. Please note that the Committee's Explanatory Report should not be confused with the official Explanatory Comments that accompany certain rules. Also be aware that the Supreme Court does not adopt the Committee's Explanatory Comments or the contents of the Explanatory Report.

Because the proposal vacates in its entirety the current Orphans' Court Rules 1.1 through 14.5 and replaces the

vacated rules with proposed new and/or renumbered Orphans' Court Rules, this proposal does not contain bolded and underlined text to show additions; nor does it contain brackets to indicate deletions.

This proposal is a substantial overhaul of the current Orphans' Court Rules which have remained relatively intact for nearly four decades. As a result, the Committee encourages and welcomes input from attorneys and judges concerning this proposal, including comments that may address only a specific rule or series of rules. We request only that interested persons submit suggestions, comments, and/or objections in writing to the Committee through counsel, no later than June 13, 2013, at the following address:

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By the Orphans' Court  
Procedural Rules Committee

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Chair

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

(*Editor's Note:* As part of this proposed recommendation, the Committee is proposing to delete the text of Rules 1—14 which appear in 231 Pa. Code pages 1-1—14-2, serial pages (363255), (363256), (307573), (307575)—(307579), (236781), (323245)—(323249), (326689)—(326691), (323253)—(323255), (272413)—(272415), (236797)—(236799), (323257), (276615), (276617)—(276625), (323259) and (323260), and replace them with the following rules, which are printed in regular type to enhance readability.)

#### I. PRELIMINARY RULES

Rule	
1.1.	Short Title and Citation.
1.2.	Construction and Applications of Rules.
1.3.	Definitions.
1.4.	Waiver of Time Limitations.
1.5.	Local Rules.
1.6.	Mediation by Local or Special Order.
1.7.	Entry and Withdrawal of Counsel.
1.8.	Forms.

#### Rule 1.1. Short Title and Citation.

These Rules shall be known as the Pennsylvania Orphans' Court Rules, and shall be referred to individually herein as "Rule" and cited as "Pa.O.C. Rule \_\_\_\_\_."

**Official Note:** Rule 1.1 is substantively similar to former Rule 17.

#### Rule 1.2. Construction and Applications of Rules.

(a) The Rules adopted by the Supreme Court regulating the practice and procedure of the Orphans' Court Divisions of this Commonwealth, and the Local Rules adopted by such Courts, shall be liberally construed to secure the just, timely and efficient determination of every action or proceeding to which they are applicable. The Court at every stage of any action or proceeding may disregard any error or defect of procedure that does not affect the substantive rights of the parties in interest.

(b) The principles of interpretation and related matters set forth in Pa.R.C.P. 101 through 153 inclusive, with the exception of Pa.R.C.P. 126 and 133, shall apply to these Rules.

(c) Throughout these Rules, the singular shall include the plural.

**Official Note:** Rule 1.2(a) is identical to former Rule 2.1. Rule 1.2(b) is new. Rule 1.2(c) has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 102.

#### Explanatory Comment

The Orphans' Court Division exercises equitable powers and applies equitable principles.

The question frequently arises as to the effect and use of the notes and explanatory comments which are issued with the Orphans' Court Rules. Notes and explanatory comments are not part of the Rules but they may be used in construing the Rules. The Supreme Court of Pennsylvania has stated in *Laudenberger v. Port Authority of Allegheny County*, 496 Pa. 52, 59, 436 A.2d 147, 151 (1981):

These explanatory notes have not been officially adopted or promulgated by this Court, nor do they constitute part of the rule. However, they indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purposes for which the rule was drafted.

#### Rule 1.3. Definitions.

The following words and phrases when used in these Rules shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the Chapter in which the particular Rule is included:

"Accountant"—a Fiduciary or other party who has filed an Account;

"Account"—a financial report by a Fiduciary of the principal and income transactions in the form prescribed by Rule 2.1;

"Adult"—an individual eighteen years of age or over;

"Clerk"—the Clerk of the Orphans' Court Division or its equivalent;

"Commonwealth"—the Commonwealth of Pennsylvania;

"Court"—the Orphans' Court Division of the Court of Common Pleas or any judge thereof having jurisdiction;

"Electronic Filing"—the electronic transmission via the Internet of Legal Papers to the Clerk;

"Facsimile copy"—a copy of a document transmitted and received by facsimile equipment;

"Fiduciary"—an executor, administrator, Guardian, trustee or agent, and any other person acting in any similar capacity, whether domiciliary or ancillary, individual or corporate, subject to the jurisdiction of the Court;

"Filing Party"—a party, or an attorney acting on behalf of a party, who files a Legal Paper;

"Guardian"—a Fiduciary who is appointed by the Court to provide for the care and management of the estate, the person, or both, of an individual or class of individuals under a legal disability;

"Guardian or Trustee ad litem"—a Fiduciary who is appointed by a court to represent an individual or class of individuals under a legal disability in legal proceedings;



“Incapacitated Person”—a person who has been adjudicated incapacitated pursuant to 20 Pa.C.S. § 5501 *et seq.*;

“Interested Party,” or “Interested Parties”—one or more individuals or entities having or claiming an interest in the estate, trust, person or other entity that is the subject of the legal proceeding;

“Legal Papers”—any document that is filed in connection with an action or proceeding pending before the Court;

“Local Rule”—every Rule promulgated in accordance with Rule 1.5;

“Majority”—when used in reference to age, means of the age of eighteen years or over;

“Minor”—an individual under the age of eighteen years;

“Objector”—an individual or entity filing objections to an Account pursuant to Rule 2.7;

“Personal Representative”—the executor or administrator of any description of a decedent’s estate;

“Petition for Adjudication/Statement of Proposed Distribution”—a uniform, statewide form promulgated by the Supreme Court used in conjunction with the filing of an Account (see Appendix of forms);

“Pleading”—a type of Legal Paper that must be signed and Verified in accordance with Rules 3.13 and 3.14 and includes, but is not limited to, petitions, answers, replies, preliminary objections and motions;

“Publication”—the publication in a newspaper of general circulation where such newspaper is originally issued and circulated;

“Register of Wills” or “Register”—the Register of Wills or its equivalent having jurisdiction or authority to probate wills and grant letters as provided in 20 Pa.C.S. § 901;

“Supreme Court”—the Supreme Court of the Commonwealth;

“Verified”—when used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

**Official Note:** This definitional section is new, but some of the definitions are substantively identical to the definitions in former Rule 2.3 and other definitions are taken from and are substantially similar to Pa.R.C.P. 76.

#### **Rule 1.4. Waiver of Time Limitations.**

The Court, upon its own motion or the motion of any party, may extend or shorten any time period prescribed by these Rules.

**Official Note:** Rule 1.4 is substantively similar to former Rule 2.2, except that former Rule 2.2 only expressly permitted the Court to extend time limits, not shorten the time period as now provided.

#### **Rule 1.5. Local Rules.**

(a) All previously promulgated Local Rules are hereby vacated, effective \_\_\_\_\_.

(b) The Orphans’ Court Divisions of the several judicial districts of this Commonwealth may adopt Local Rules regulating practice and procedure. Such Local Rules shall not be inconsistent with these Rules.

(c) The local rules applicable to practice in the Civil or Trial Division of the local Court of Common Pleas shall not be applicable in the Orphans’ Court Division unless

these Rules or the local Orphans’ Court Division so directs by Local Rule adopted in accordance with this Rule.

(d) Local Rules shall be numbered to correspond to the numbers of these Rules.

(e) All proposed Local Rules and proposed amendments to Local Rules shall be submitted in writing to the Supreme Court Orphans’ Court Procedural Rules Committee (“Committee”) for review in advance of promulgation. The submitting Court shall not adopt the proposed Local Rule or proposed amendment to the Local Rule until the submitting Court receives written notification from the Committee that the proposed Local Rule or the proposed amendment to the Local Rule is not inconsistent with these Rules.

(f) After written notification is received from the Committee, the submitting Court shall fully comply with all the following requirements:

(1) The Local Rule shall be in writing;

(2) Seven certified copies of the Local Rule shall be filed by the Court promulgating the Local Rule with the Administrative Office of Pennsylvania Courts;

(3) Two certified copies of the Local Rule shall be distributed by the Court promulgating the Local Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and

(4) The Local Rules shall be kept continuously available in the office of the Clerk for public inspection and copying by any person, upon request and the payment of reasonable costs for reproduction.

(g) A Local Rule shall become effective not less than thirty days after the date of publication of the Local Rule in the *Pennsylvania Bulletin*.

(h) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a Local Rule. In any case of noncompliance with a Local Rule, the Court shall advise the party of the specific provision at issue and provide a reasonable time for the party to comply with the Local Rule.

(i) The Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a Local Rule and may suspend that Local Rule pending action by the Supreme Court on that recommendation.

**Official Note:** Rule 1.5 is new, but it based upon former Rule 1.2, and has been augmented and modified based upon Pa.R.Crim.P 105.

#### **Explanatory Comment**

After the Court has alerted the party to the Local Rule pursuant to subparagraph (h), the Court may impose a sanction for subsequent noncompliance either on the individual party or counsel who has entered a written appearance on behalf of a party, but may not dismiss the petition, or grant or deny relief because of non-compliance with the Local Rule. *Cf.* Pa.R.Crim.P. 105 Comment.

#### **Rule 1.6. Mediation by Local Rule or Special Order.**

The Court, by Local Rule or special order, may direct the parties to participate in private or court-sponsored mediation.

**Official Note:** Rule 1.6 has no counterpart in former Orphans’ Court Rules.

**Explanatory Comment**

The confidentiality of mediation is provided by statute, see 42 Pa.C.S. § 5949.

**Rule 1.7. Entry and Withdrawal of Counsel.**

(a) *Appearance.* Any counsel appearing before the Court or the Register shall enter a written appearance by filing a praecipe with the Clerk or the Register, by entering counsel’s information and signing a cover sheet when Legal Papers are filed, if so provided by Local Rule, or by submitting to the Court or Register an appearance slip as prescribed by Local Rule.

(b) *Withdrawal.* Counsel who has entered an appearance as provided in subparagraph (a) shall not be permitted to withdraw without filing a motion to withdraw and obtaining the Court’s leave, unless co-counsel, if any, will remain in representation of the party or there is a simultaneous entry of appearance by other counsel that will not delay the litigation.

**Official Note:** Rule 1.7 has no counterpart in former Orphans’ Court Rules, but is based upon many Local Rules of similar import.

**Rule 1.8. Forms.**

(a) Forms adopted by the Supreme Court for practice and procedure before the Registers of Wills and Orphans’ Court Divisions of the Commonwealth shall be used exclusively by all Registers and Clerks. Where Supreme Court adopted forms exist, no other forms shall be allowed or required by Local Rule or practice.

(b) The forms adopted by the Supreme Court for statewide practice are set forth in an Appendix to these Rules. The forms may be revised and supplemented from time to time. The forms shall also be maintained for public access at the official website of the Administrative Office of the Pennsylvania Courts.

(c) A Court may require Legal Papers to be accompanied by a cover sheet or checklist in the form set forth in the Local Rule. A Court that imposes such requirements must promulgate a Local Rule, numbered Local Rule 1.8(c), stating the requirements and setting forth the form of the cover sheet or checklist.

**Official Note:** Rule 1.8 is substantively similar to former Rule 1.3, but with some modifications.

**Explanatory Comment**

Rule 1.8 has been modified from former Rule 1.3 by now mandating the exclusive use of forms promulgated by the Supreme Court. Previously, forms approved or mandated for use pursuant to Local Rule could be accepted by the local Register of Wills and Clerk so long as the local Register of Wills and Clerk also permitted and accepted forms promulgated by the Supreme Court. Now, if the Supreme Court has promulgated or approved a form for use before the Register or Clerk, then such form is the only one that may be used by the applicant or petitioner and accepted by the local Register of Wills or Clerk. The mandatory state-wide forms are set forth in the Appendix hereto. The current website for electronic access to the forms is found at [www.pacourts.us/forms](http://www.pacourts.us/forms) under the For-the-Public category. The forms posted on the website are capable of on-line completion.

**II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS**

Rule	
2.1.	Form of Account.
2.2.	Form; Assets Transfer by the Exercise of a Power of Appointment.

2.3.	Form; Separate Accounts for Minors.
2.4.	Petition for Adjudication/Statement of Proposed Distribution; Virtual Representation.
2.5.	Audit Notice.
2.6.	Filing with the Clerk.
2.7.	Objections to Accounts, Petitions for Adjudication/Statements of Proposed Distribution.
2.8.	Responsive Pleadings Allowed After Objections are Filed.
2.9.	Confirmation of Accounts; Awards.
2.10.	Foreign Heirs and Unknown Distributees.
2.11.	Appointment of Official Examiners.

**Rule 2.1. Form of Account.**

(a) Except where otherwise provided by a special order of the Court in a particular matter, Accounts shall be prepared and filed with the Clerk in conformity with the form of the Model Accounts set forth in the Appendix, or any other form adopted by the Supreme Court subsequent to the date of adoption of these Rules.

(b) As illustrated in the Model Accounts, Accounts shall conform to the following rules:

(1) The dates of all receipts, disbursements and distributions, the sources of the receipts, and the persons to whom disbursements and distributions are made and the purpose thereof shall be stated. When a number of payments have been received from the same source or disbursed or distributed to the same recipient for the same purpose over a period of time, such receipts, disbursements or distributions need not be itemized, but may be stated in total amounts only, with beginning and ending dates within the period covered.

(2) Except where otherwise provided by a special order of the Court in a particular matter, principal and income shall be accounted for separately within the Account.

(3) Assets held by the Accountant on the closing date of the Account shall be separately itemized.

(4) Every Account shall contain:

- (i) a cover page;
- (ii) a summary page with page references;
- (iii) separate schedules, as needed, which set forth receipts, gains or losses on sales or other dispositions, disbursements, distributions, investments made, changes in holdings, and other schedules as appropriate; and

(iv) signature and verification pages by the Accountant. The verification of a Personal Representative’s Account shall contain a statement that the Grant of Letters and the first complete advertisement thereof occurred more than four months before the filing of the Account, unless the Personal Representative has been directed by the Court to file an Account prior to that time.

(c) The Uniform Fiduciary Accounting Principles with accompanying commentaries and illustrations, recommended by the Committee on National Fiduciary Accounting Standards in collaboration with the National Center for State Courts, shall serve as an elaboration of the requirements of this Rule.

(d) When a non-profit corporation incorporated for charitable purposes or a cemetery company is required to file an Account, the corporation or company may file its financial statements for its three most recent fiscal years, Verified to be true and correct, in lieu of an Account in the form required by this Rule.

(1) Upon application or its own motion, the Court may require the corporation or company to submit the financial information in some other form or for some longer period.

(2) Upon application or its own motion, the Court may require more or less financial information as it deems appropriate, including some or all of the following:

(i) the statute or other authority under which the corporation or company was incorporated and the date of its incorporation;

(ii) the names and addresses of the trustees or directors of the corporation or company;

(iii) a concise statement of the general purpose of the corporation or company; and

(iv) a copy of the corporation's or company's charter or articles of incorporation and bylaws.

**Official Note:** Rule 2.1 is substantively similar to former Rule 6.1 and Rule 12.15, except that certain subparagraphs have been reordered and Rule 12.15 and its Official Note have become subparagraph (d).

#### Explanatory Comment

Piggy-backed Accounts and limited Accounts are permitted pursuant to 20 Pa.C.S. §§ 762, 3501.2, and 7791.1.

#### Rule 2.2. Form; Assets Transfer by the Exercise of a Power of Appointment.

Appointive assets shall be accounted for separately, and testamentary assets shall be segregated from appointive assets.

**Official Note:** Rule 2.2 is substantively similar to subparagraph (d) of former Rule 6.1.

#### Rule 2.3. Form; Separate Accounts for Minors.

A separate Account shall be filed for the estate of each Minor, unless the Court upon cause shown directs otherwise.

**Official Note:** Rule 2.3 is identical to former Rule 6.2.

#### Rule 2.4. Petition for Adjudication/Statement of Proposed Distribution; Virtual Representation.

(a) A Petition for Adjudication/Statement of Proposed Distribution shall be filed with the Clerk at the time of filing an Account.

(b) In addition to other information required by the form, the Petition for Adjudication/Statement of Proposed Distribution shall set forth the name of each Interested Party (whether *sui juris* or not) who is not receiving notice of the filing of the Account and the Petition for Adjudication/Statement of Proposed Distribution because another individual or entity is proposed to represent such Interested Party pursuant to 20 Pa.C.S. § 751(6) or §§ 7721—7726, and shall set forth additional facts as to the following:

(1) a statement of the Interested Party's interest in the property; and

(2) for representation being proposed pursuant to 20 Pa.C.S. § 751(6),

(i) a statement that the Interested Party is not *sui juris* or is unborn, unknown or unascertained; and

(ii) one of the following:

(A) a statement that the proposed representative has an interest in the property similar to that of the Interested Party who is not *sui juris* or is unborn, unknown or unascertained; or

(B) a statement that the proposed representative is the *sui juris* living ancestor of the Interested Party who is not *sui juris* or is unborn, unknown or unascertained and that such living *sui juris* ancestor has an interest in the

property that is not adverse to that of the Interested Party who is not *sui juris* or is unborn, unknown or unascertained; and

(3) for representation in trust matters being proposed pursuant to 20 Pa.C.S. §§ 7721—7726,

(i) an explanation about how the Interested Party's interest in the property can be adequately represented by the proposed representative pursuant to 20 Pa.C.S. § 7723,

(ii) a statement that with respect to the matter at issue there is no conflict of interest between the proposed representative and the Interested Party to be represented that will or might affect the impartiality of the proposed representative (except as provided pursuant to 20 Pa.C.S. § 7723(7)); and

(iii) one of the following:

(A) either a statement that the proposed representative has been informed of the right to decline such representation pursuant to 20 Pa.C.S. § 7725 within the time period set forth therein and has failed to inform the trustee in writing that he or she declines to be the proposed representative; or

(B) a statement that the consent to serve signed by the proposed representative is attached as an exhibit to the Petition for Adjudication/Statement of Proposed Distribution.

(c) The Petition for Adjudication/Statement of Proposed Distribution shall be accompanied by such Legal Papers as are required by the form.

(d) The Accountant shall sign and Verify the Petition for Adjudication/Statement of Proposed Distribution in accordance with Rules 3.13 and 3.14.

(e) Counsel for the Accountant shall sign the Petition for Adjudication/Statement of Proposed Distribution in accordance with and pursuant to Rule 3.13.

**Official Note:** Although substantially modified, Rule 2.4 is derived from former Rule 6.9. One modification is to require averments for virtual representation under 20 Pa.C.S. § 751(6) generally and representation in "trust matters" pursuant to 20 Pa.C.S. § 7721 *et seq.* Another substantial modification is the addition of subparagraph (e) that requires counsel to sign the Petition for Adjudication/Statement of Distribution attesting that the submitted Petition for Adjudication/Statement of Distribution accurately replicates the Model Form and subjects counsel to rules and sanctions as provided in Pa.R.C.P. 1023.1 through Pa.R.C.P. 1023.4. (*See* Rule 3.13.)

#### Explanatory Comment

The Supreme Court has adopted form petitions for adjudication of a decedent's estate, trust, Guardian of an Incapacitated Person's estate, Guardian of a Minor's estate, and the estate of a principal stated by an agent under a power of attorney. These form petitions for adjudication are the exclusive forms for adjudicating an Account, and consequently, the local Court and Clerk must accept these state-wide forms and may not permit or allow any other forms previously permitted under Local Rules. The exclusive state-wide form Petitions for Adjudication/Statement of Proposed Distribution appear in the Appendix and are available electronically at [www.pacourts.us/forms](http://www.pacourts.us/forms) under the For-the-Public category.

Cover sheets or checklists may be required by Local Rule as permitted by Pa. O.C. Rule 1.8(c).

**Rule 2.5. Audit Notice.**

(a) No Account shall be confirmed unless the Accountant has given written notice of the filing of the Account as provided in subparagraph (d) to the following, as applicable:

(1) every unpaid claimant who has given written notice of his or her claim to the Accountant or who has performed any action that is the equivalent of giving written notice as provided in 20 Pa.C.S. §§ 3384 or 7755;

(2) any other individual or entity with an asserted claim known to the Accountant, that is not shown in either the Account or the Petition for Adjudication/Statement of Proposed Distribution as being either paid in full or to be paid in full; and

(3) any other individual or entity known to the Accountant to have or claim an interest in the estate or trust as a beneficiary, heir, or next of kin, except for those legatees or claimants whose legacies or claims have been satisfied in full as reflected in the Account or will be satisfied in full as proposed in the Petition for Adjudication/Statement of Proposed Distribution.

(b) Notice to an individual or entity shall be given in accordance with Rule 3.18; provided, however, that if the individual or entity is represented by counsel who has entered his or her appearance in accordance with Rule 1.7, notice shall be given to counsel and the individual or entity.

(c) If notice is required to be given to a Personal Representative or trustee, such notice shall also be given to the beneficiaries of the estate or trust, to the extent known.

(d) Written notice, as provided in subparagraph (a) above, shall be mailed at least 20 days prior to the audit or the date by which objections must be filed to the Account, whichever is later, and shall state the date of the audit, and the time and place of the audit to the extent then known. If the time and place of the audit is not known at the time the audit notice is mailed, the audit notice shall state that the time and place of the audit will be provided upon request. A copy of the Account, Petition for Adjudication/Statement of Proposed Distribution, and any Legal Papers filed therewith shall be sent with the audit notice, unless the recipient of the audit notice is a trust beneficiary who is not a "qualified beneficiary" as defined in 20 Pa.C.S. § 7703, or unless the Court, by special order, directs otherwise.

(e) If the audit of an Account is continued, additional notice shall be mailed to those who received written notice of the filing of the Account at least 20 days prior to the date of the continued audit. The additional audit notice shall state the date of the continued audit, and the time and place of the continued audit to the extent then known. If the time and place of the continued audit is not known at the time the additional audit notice is mailed, the additional audit notice shall state that the time and place of the continued audit will be provided upon request.

(f) All audit notices and additional audit notices shall be sent by first-class United States mail, postage prepaid.

(g) A certificate of service and a copy of the audit notice shall be appended to the Petition for Adjudication/Statement of Proposed Distribution or filed with the Clerk prior to the audit or continued audit date.

(h) The audit notice shall contain the information provided in subparagraphs (1), (2), and (3), as applicable, and, in all cases, shall contain a statement as provided in subparagraph (4):

(1) the Accountant's position on any dispute or interpretation question, known to the Accountant, together with a copy of any instrument or material parts thereof containing any provision which forms the basis of the dispute or question;

(2) the Accountant's understanding of the nature of each contested or unpaid claim, a detailed explanation that specifically identifies the claim, whether the claim is admitted or contested, and if admitted, why the claim is not being paid in full;

(3) if the Account and Petition for Adjudication/Statement of Proposed Distribution is not sent with the audit notice pursuant to subparagraph (d) above, the audit notice shall state the amount of all compensation paid or payable to the Accountant, all attorneys' fees paid or payable, and that copies of the Account and Petition for Adjudication/Statement of Proposed Distribution are available upon request; and

(4) that any recipient of the audit notice who objects to any transaction shown in the Account, any interpretation or position taken by the Accountant, or to any payment, failure to pay, distribution proposed, or any other aspect of the Petition for Adjudication/Statement of Proposed Distribution must file written objections on or before the audit date, with the Clerk, in accordance with Rule 2.7, or if there is no such objection, then no action need be taken and such recipient is deemed to have approved the Account, as stated, and agreed with the Accountant's position on any dispute or question as set forth in the Petition for Adjudication/Statement of Proposed Distribution, if any, and the Accountant's proposed disbursements and distribution.

(i) For an Account with a charitable interest, refer to Rule 7.1.

**Official Note:** Although substantially modified, Rule 2.5 is derived from former Rule 6.3.

**Explanatory Comment**

Pursuant to the cross-references to 20 Pa.C.S. §§ 3384 and 7755, notice of the claim given to Accountant's counsel of record is notice to the Accountant. See 20 Pa.C.S. § 3384(b)(4). If the Court is inclined not to agree with Accountant's position, interpretation or proposed disbursements and distribution, best practice would be for the Court to direct the Accountant to notify the Interested Parties of the Court's position and what additional action must be taken by any Interested Party who objects to the Court's position.

**Rule 2.6. Filing with the Clerk.**

All Accounts shall be filed with the Clerk.

**Official Note:** Rule 2.6 is derived from what was formerly Rule 6.6. Former Rule 6.4 regarding the time for filing the first Account of the Personal Representative has been deleted as it is codified in 20 Pa.C.S. § 3501.1.

**Rule 2.7. Objections to Accounts, Petitions for Adjudication/Statements of Proposed Distribution.**

(a) Objections to an Account, objections to a Petition for Adjudication/Statement of Proposed Distribution, or objections to an audit notice shall be filed with the Clerk on or before the time and date of the audit, with a copy sent by first-class United States mail, postage prepaid, to the Accountant or the Accountant's counsel, if represented, and to each Interested Party and claimant who received the audit notice, to the extent known.

(b) Objections shall be in writing, with consecutively numbered paragraphs, signed by counsel, or if not represented by counsel, then by all the Objectors in accordance with Rule 3.13, and Verified by at least one of the Objectors in accordance with Rule 3.14.

(c) Each objection shall:

(1) be specific as to description and amount;

(2) raise one issue of law or fact, but if there are several objections relating to the same issue, all such objections shall be included in the same paragraph as subparts; and

(3) briefly set forth the reason or reasons in support thereof.

(d) Upon application or its own motion, the Court may extend the time for filing objections.

**Official Note:** Although substantially modified, Rule 2.7 is derived from former Rule 6.10.

#### Explanatory Comment

If the audit notice received by the Objector has a service list appended to it setting forth the name and address of each Interested Party who received the audit notice, the Objectors should mail the objections to every name and address appearing on the service list.

#### Rule 2.8. Responsive Pleadings Allowed After Objections are Filed.

(a) Answers to objections, preliminary objections to objections, and answers to preliminary objections are permitted, but a party does not waive any rights by failing to file an answer to objections, preliminary objections to objections, or an answer to preliminary objections.

(b) Answers to objections and preliminary objections to objections must be filed with the Clerk within 20 days after objections are served upon the Accountant or his or her counsel, pursuant to Rule 2.7(a), or the date of the audit, whichever is later. A copy of the answers to objections or preliminary objections to objections shall be provided to the Objector or his or her counsel, if represented, and to each Interested Party and claimant who received the audit notice pursuant to Rule 2.5.

(c) Preliminary objections to objections shall be limited to lack of jurisdiction over the subject matter and lack of standing.

(d) If an answer to objections is filed, no responsive Pleading to the answer is permitted. If preliminary objections are filed, answers to the preliminary objections may be filed within 20 days after the date when the preliminary objections are served upon the Objector or his or her counsel, if represented.

(e) The Court may summarily decide preliminary objections to objections and may do so prior to the filing of an answer to the preliminary objections.

**Official Note:** Rule 2.8 has no counterpart in former Orphans' Court Rules.

#### Explanatory Comment

Preliminary objections to objections are limited in the grounds that may be raised. Insufficient specificity, failure to conform to law, and the inclusion of scandalous or impertinent matter, *inter alia*, are not properly raised as

preliminary objections to Objections. (*Cf.* Rule 3.9 and Pa.R.C.P. 1028).

#### Rule 2.9. Confirmation of Accounts; Awards.

(a) An Account shall be confirmed or Petition for Adjudication/Statement of Proposed Distribution approved when an adjudication or a decree of distribution is issued by the Court and docketed by the Clerk, expressly confirming the Account or approving the Petition for Adjudication/Statement of Proposed Distribution and specifying, or indicating by reference to the Petition for Adjudication/Statement of Proposed Distribution, the names of those to whom the balance available for distribution is awarded and the amount or share awarded to each.

(b) An adjudication confirming an Account discharges the fiduciaries as to those transactions set forth in the Account.

**Official Note:** Rule 2.9 is substantively similar to former Rule 6.11(a). Former Rule 6.11(b) has been deleted.

#### Rule 2.10. Foreign Heirs and Unknown Distributees.

(a) If it appears that the decedent may have heirs in a foreign country but their location, existence or identity is unknown, the Accountant or his or her counsel shall notify the consulate of the country prior to audit of the facts indicating that the decedent may have had heirs in that country.

(b) Whenever the existence, identity or whereabouts of a distributee is unknown, or it appears that a distributee may not have the actual benefit, use, enjoyment or control of the money or other property if awarded to him or her, or the Court is requested to withhold distribution or to make an award other than to the distributee or his or her nominee, the Accountant or his or her counsel shall submit to the Court or auditor, as the case may be, a written report outlining the investigation made and the facts relevant thereto. The report shall be in such form and may be filed at such place and time as shall be prescribed by Local Rule or special order of the Court.

**Official Note:** With only minor modifications, Rule 2.9 is substantively similar to former Rules 13.2 and 13.3. Former Rule 13.1 has been deleted.

#### Rule 2.11. Appointment of Official Examiners.

The Court by Local Rule or special order may appoint an official examiner who shall examine the assets held or transacted by any Fiduciary whenever directed by the Court.

**Official Note:** Rule 2.11 is substantively identical to former Rule 9.1. The appointment and conduct of Auditors and Masters is provided in Chapter X.

### III. PETITION PRACTICE AND PLEADING

#### Petition Practice

Rule 3.1.	Petitions Generally.
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**Pleadings in General**

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- 3.17. Service of Legal Papers Other than Citations or Audit Notices.
- 3.18. Notice or Citation to Individuals and Entities.

**Petition Practice****Rule 3.1. Petitions Generally.**

Matters may be raised before the Court by written petition filed with the Clerk in conformity with these Rules. Petitions for Adjudication shall be governed by Chapter II.

**Official Note:** Rule 3.1 has no counterpart in former Orphans' Court Rules.

**Explanatory Comment**

The filing of an Account provides the proceeding for raising questions related to the administration or distribution of an estate or trust, including a guardianship or Minor's estate as well as a decedent's estate. Application to the Orphans' Court may also be commenced by a petition that is Verified or attested by an affidavit. *See* 20 Pa.C.S. §§ 761, 762.

**Rule 3.2. Captions; Headings.**

Pleadings shall be captioned "Court of Common Pleas of \_\_\_\_\_ County, Orphans' Court Division" and shall include a heading identifying the type of Pleading filed, or in the case of a petition, identifying the nature of the relief requested therein. The caption shall also include the docket number, if one has been assigned to the matter by the Clerk or Register.

**Official Note:** Rule 3.2 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1018.

**Rule 3.3. Contents of All Pleadings; General and Specific Averments.**

The following rules shall apply to all Pleadings:

(a) The material facts on which a cause of action or defense is based shall be stated in a concise and summary form.

(b) Averments of fraud or mistake shall be averred with particularity. Malice, intent, knowledge, and other conditions of mind may be averred generally.

(c) In pleading the performance or occurrence of conditions precedent, it is sufficient to aver generally that all conditions precedent have been performed or have occurred. A denial of such performance or occurrence shall be made specifically and with particularity.

(d) In pleading an official document or official act, it is sufficient to identify it by reference and aver that the document was issued or the act done in compliance with law.

(e) In pleading a judgment, order or decision of a domestic or foreign court, judicial or administrative tribunal, or board, commission or officer, it is sufficient to aver the judgment, order or decision without setting forth matter showing jurisdiction to render it.

(f) Averments of time and place shall be specifically stated.

(g) Any part of a Pleading may be incorporated by reference in another part of the same Pleading or in

another Pleading in the same action. A party may incorporate by reference any matter of record in any state or federal court of record whose records are within the county in which the action is pending, or any matter which is recorded or transcribed verbatim in the office of the prothonotary, clerk of any court of record, recorder of deeds or Register of such county.

(h) When any claim or defense is based upon an agreement, the Pleading shall state specifically if the agreement is oral or written.

(i) When any claim or defense is based upon a writing, the Pleading shall have attached to it a copy of the writing, or the material part thereof, but if the writing or copy is not accessible to the pleader, it is sufficient so to state, identifying the reason thereof, and setting forth the substance of the writing.

**Official Note:** Rule 3.3 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1019.

**Rule 3.4. Form of Petition; Exhibits; Consents; Signing and Verification.**

(a) In addition to the requirements of Rules 3.2 and 3.3, a petition shall set forth:

(1) a title indicating briefly the purpose of the petition;

(2) a concise statement of the facts relied upon to establish the Court's jurisdiction and to justify the relief requested;

(3) the questions of law with respect to the petition and the relief requested;

(4) the names and addresses of every Interested Party who has an interest in the matter that is the subject of the petition;

(5) whether the Commonwealth is an Interested Party as required by these Rules or applicable law;

(6) the name of any individual who is an Interested Party but is not *sui juris*, along with the following information:

(i) the name and address of the Guardian, agent under power of attorney, or another individual being proposed to represent such individual, if any;

(ii) if such individual is a Minor and no Guardian has been appointed for such Minor's estate, the Minor's age, the names and addresses of his or her parents, and the individual with whom he or she resides or the facility at which he or she resides; and

(iii) if the individual who is not *sui juris* is proposed to be represented in the matters at issue by another individual or entity pursuant to 20 Pa.C.S. §§ 751(6) or 7721—7726, then subparagraph (7) below shall also apply.

(7) the name of each Interested Party (whether *sui juris* or not) who is not receiving notice of the filing of the petition because another individual or entity is proposed to represent such Interested Party pursuant to 20 Pa.C.S. §§ 751(6) or 7721—7726, and shall set forth additional facts as to the following:

(i) a statement of the Interested Party's interest in the property; and

(ii) for representation being proposed pursuant to 20 Pa.C.S. § 751(6),

(A) a statement that the Interested Party is not *sui juris* or is unborn, unknown or unascertained; and

(B) one of the following:

(I) a statement that the proposed representative has an interest in the property similar to that of the Interested Party who is not *sui juris* or is unborn, unknown or unascertained; or

(II) a statement that the proposed representative is the *sui juris* living ancestor of the Interested Party who is not *sui juris* or is unborn, unknown or unascertained and that such living *sui juris* ancestor has an interest in the property that is not adverse to that of the Interested Party who is not *sui juris* or is unborn, unknown or unascertained; and

(iii) for representation in trust matters being proposed pursuant to 20 Pa.C.S. §§ 7721—7726,

(A) an explanation about how the Interested Party's interest in the property can be adequately represented by the proposed representative pursuant to 20 Pa.C.S. § 7723,

(B) a statement that with respect to the matter at issue there is no conflict of interest between the proposed representative and the Interested Party to be represented that will or might affect the impartiality of the proposed representative (except as provided pursuant to 20 Pa.C.S. § 7723(7)); and

(C) one of the following:

(I) either a statement that the proposed representative has been informed of the right to decline such representation pursuant to 20 Pa.C.S. § 7725 within the time period set forth therein and has failed to inform the trustee in writing that he or she declines to be the proposed representative; or

(II) a statement that the consent to serve signed by the proposed representative is attached as an exhibit to such petition.

(8) a prayer for the relief desired.

(b) A proposed form of decree bearing the caption of the case and setting forth the relief requested in the prayer of the petition shall be attached to the front of the petition. In the case of a petition requiring a citation under Rule 3.5(a), a proposed form of preliminary decree for the issuance of the citation to the Interested Parties, subject to subparagraph (a)(7) of this Rule, shall also be attached to the front of the petition.

(c) Petitioner shall attach to the petition such exhibits, consents or approvals as may be required by these Rules, applicable statute, or Local Rule. If the petitioner is unable to attach any necessary exhibit, consent or approval, the petition shall so state and identify the reason thereof.

(d) The petition shall be Verified by at least one of the petitioners in accordance with Rule 3.14 and signed by counsel, or if not represented by counsel, then by all the petitioners in accordance with Rule 3.13.

**Official Note:** Rule 3.4 is based upon former Rule 3.3 and Rule 3.4, but has been modified to require averments for virtual representation under 20 Pa.C.S. § 751(6) generally and representation in “trust matters” pursuant to 20 Pa.C.S. § 7721 *et seq.* Another modification is the addition of subparagraph (d) that requires petitioner's counsel to sign the petition, or all of the petitioners to sign the petition, if unrepresented, thereby subjecting these signatories to rules and sanctions as provided in Pa.R.C.P. 1023.1 through Pa.R.C.P. 1023.4. (See Rule 3.13.)

### Rule 3.5. Mode of Proceeding on Petition.

#### (a) Citation Practice.

(1) When personal jurisdiction over an Interested Party is required and has not previously been obtained, or when a citation is otherwise required by applicable statute, the petition shall include a preliminary decree for the issuance of a citation to those Interested Parties for whom a citation is necessary to show cause why the relief requested in the petition should not be granted.

(2) The citation to obtain personal jurisdiction and a copy of the petition shall be served upon each cited party at least 20 days before the date when a responsive Pleading is due, in the same manner as service of original process under Pa.R.C.P. 402 through 404, Pa.R.C.P. 420, and Pa.R.C.P. 422 through 424 inclusive. If service cannot be made under the foregoing rules, the Court may order service by Publication in accordance with Pa.R.C.P. 430.

(3) If the citation is not being issued in order to obtain personal jurisdiction over an Interested Party, the petition and the citation may be served by first-class United States mail, postage prepaid, at least 20 days before the date when a responsive Pleading is due.

(4) If the citation and petition are not served at least 20 days before the date when a responsive Pleading is due, the Court, upon request, may authorize the reissuance of the citation.

(5) Once the citation to obtain personal jurisdiction has been served upon the cited party by original process in accordance with subparagraph (a)(2), then notice of a rescheduled return date or any other rescheduled date for filing a responsive Pleading or appearing before the Court may be served by first-class United States mail, postage prepaid, at least 20 days before such rescheduled date.

(5) If an Interested Party (whether *sui juris* or not) is represented by another, the citation and petition shall be served upon the Interested Party's representative(s) pursuant to Rule 3.18.

(6) Proof of service of the citation shall be filed with the Clerk on or before the return date.

(7) On or before the return date, each Interested Party identified in the citation, or such Interested Party's representative identified in the citation, may file a responsive Pleading in accordance with these Rules.

#### (b) Notice Practice.

(1) In all cases where personal jurisdiction over an Interested Party is not required or has been previously obtained, the petitioner shall, either in advance of filing or contemporaneously therewith, provide a copy of the petition to the Interested Parties identified in the petition. The petition shall have affixed to its first page a notice to plead that shall be in substantially in the following form:

To: \_\_\_\_\_

You are hereby notified to file a written response to the (name of Pleading) within twenty (20) days from the date of notice or the date of filing, whichever is later; or the Court may deem that you have no objection to the relief requested in the petition and may grant such relief without further notice to you.

(2) A certificate of service, listing the names and addresses of those individuals and entities receiving notice of the filing of the petition, shall be appended to, or filed contemporaneously with, the petition.

(3) Unless the Court orders otherwise, each Interested Party identified in the petition, or such Interested Party's representative identified in the petition, may file a responsive Pleading in accordance with these Rules within 20 days of the date of notice or the date of the filing, whichever is later.

(4) If an Interested Party (whether *sui juris* or not) is not receiving notice of the filing of the petition because he or she is represented by another, a copy of the petition shall be sent in accordance with subparagraph (b)(1) to the Interested Party's representative pursuant to Rule 3.18.

(c) *Failure to File a Responsive Pleading.*

An Interested Party identified in the petition who does not file a responsive Pleading shall be deemed to have joined in the petition and the relief requested therein for purposes of any subsequent appeal.

(d) *Consents/Statements of No Objection; Joinders.*

No citation or notice to plead is required where all individuals and/or entities identified in the petition as Interested Parties (or any representative thereof) satisfy one of the following:

- (1) they are named petitioners in the petition;
- (2) they filed joinders to the petition; or
- (3) they signed a document, that is attached to the petition as an exhibit, consenting to or stating that they have no objection to the relief requested in the petition.

**Official Note:** Subparagraphs (a) and (b) of Rule 3.5 are derived from former Rule 3.5. Subparagraphs (c) and (d) of this Rule have no counterpart in former Orphans' Court Rules.

#### Explanatory Comment

The Court, by Local Rule or special order, may establish a procedure for rules to show cause as provided in Pa.R.C.P. 206.4 *et seq.*

#### Responsive Pleadings

##### Rule 3.6. Pleadings Allowed After Petition.

Pleadings allowed after the filing of a petition are limited to:

- (a) an answer which can include new matter;
- (b) a reply, if an answer contains new matter;
- (c) preliminary objections to the petition as permitted by Rule 3.9;
- (d) an answer to preliminary objections;
- (e) a petition to join one or more persons as parties to the proceeding and an answer thereto; and
- (f) motions only as provided in Rule 1.7 (concerning the withdrawal of counsel), Rule 6.2 (regarding judgment on the Pleadings), and Rule 6.3 (regarding summary judgment).

**Official Note:** Rule 3.6 has no counterpart in former Orphans' Court Rules, but is based, in part, on Pa.R.C.P. 1017.

#### Explanatory Comment

Any Interested Party may file a new petition bringing a new issue or dispute before the Court in the same trust or estate or may file a cross-petition seeking alternative relief.

##### Rule 3.7. Time for Filing and Service of Responsive Pleadings.

(a) A copy of the responsive Pleading shall be sent to the petitioner or his or her counsel, if represented, and all Interested Parties identified in the Petition or counsel representing an Interested Party if so identified in the Petition. A certificate of service, listing the names and addresses of those individuals and entities receiving a copy of the responsive Pleading shall be appended to, or filed contemporaneously with, the responsive Pleading.

(b) A notice to plead in substantially the form provided in Rule 3.5(b)(1) shall be affixed to the first page of an answer that contains new matter and preliminary objections which aver a fact that is not contained in the petition.

(c) Each subsequent Pleading shall be filed within 20 days after service of the preceding Pleading, but no Pleading need be filed unless the preceding Pleading included a notice to plead that complies with the requirements of Rule 3.5(b)(1).

**Official Note:** Rule 3.7 is new, but is derived from Pa.R.C.P. 1026.

#### Explanatory Comment

The Court, by Local Rule, may establish procedures for the disposition of matters after the Pleadings are closed.

##### Rule 3.8. Headings of Responsive Pleadings.

All responsive Pleadings shall contain a heading identifying the name of the Pleading to which it is responding.

**Official Note:** Rule 3.8 has no counterpart in former Orphans' Court Rules.

##### Rule 3.9. Preliminary Objections.

(a) *General.* Preliminary objections may be filed to any petition by any Interested Party or the Interested Party's representative.

(b) *Grounds for Preliminary Objections.* Preliminary objections filed to any petition under the Rules of Chapter III are limited to the following grounds:

- (1) lack of jurisdiction over the subject matter of the action or lack of jurisdiction over the person, improper venue, or improper form of service;
- (2) failure of a Pleading to conform to law or rule of court or inclusion of scandalous or impertinent matter;
- (3) insufficient specificity in a Pleading;
- (4) legal insufficiency of a Pleading (demurrer);
- (5) lack of standing or lack of capacity to sue, nonjoinder of a necessary party, or misjoinder of a cause of action; and
- (6) pendency of a prior action or agreement for alternative dispute resolution.

(c) *Form.* All preliminary objections shall be raised at one time in one Pleading, shall state specifically the grounds relied upon, and may be inconsistent.

(d) *Disposition of Preliminary Objections.*

(1) A party may file an amended Pleading, without consent of any other party and without leave of Court, within 20 days after service of the preliminary objections. If a party files an amended Pleading, the preliminary objections to the original Pleading shall be deemed moot.



(2) In all other instances, the Court shall determine promptly all preliminary objections. If an issue of fact is raised, the Court shall consider evidence by deposition or otherwise.

(e) *Pleadings Allowed Subsequent to the Disposition of Preliminary Objections.*

(1) If the preliminary objections are overruled, the party who filed the preliminary objections shall have the right to file an answer within 20 days after entry of the order overruling the preliminary objections or within such other time as the Court shall direct.

(2) If the filing of an amended petition or a new petition is allowed or required, it shall be filed within 20 days after entry of the order concerning such amended or new petition or within such other time as the Court shall direct.

(3) New preliminary objections may be filed to any amended or new petition in accordance with this Rule.

**Official Note:** Rule 3.9 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1028.

#### Explanatory Comment

Preliminary objections raising an issue under subparagraphs (b)(2), (b)(3), (b)(4), and in some instances (b)(1), may be determined from the facts of record so that further evidence is not required. In such situations, the Court may summarily decide preliminary objections prior to the filing of an answer.

Preliminary objections raising an issue under subparagraphs (b)(5) and (b)(6), and in some instances (b)(1), cannot be determined from the facts of record. In such situations, if the preliminary objections are not endorsed with a notice to plead in the form required by Rule 3.5(b)(1), no reply will be required under Rule 3.10, and the preliminary objections will be overruled.

Pleadings may be amended only in accordance with subparagraphs (d)(1), (e)(2) or Rule 3.15.

For preliminary objections to Objections to an Account, Petition for Adjudication/Statement of Proposed Distribution or an audit notice, *cf.* Rule 2.8(c) for a more limited scope of permitted preliminary objections.

#### Rule 3.10. Denials; Effect of Failure to Deny.

(a) A responsive Pleading shall admit or deny each averment of fact in the preceding Pleading or any part thereof. Admissions and denials in a responsive Pleading shall refer specifically to the paragraph in which the averment admitted or denied is set forth. A party denying only a part of an averment shall specify so much of it as is admitted and shall deny the remainder.

(b) Averments in a Pleading to which a responsive Pleading is required are admitted when not denied specifically or by necessary implication. A general denial or a demand for proof, except as provided by subparagraph (c) of this Rule, shall have the effect of an admission.

(c) A statement by a party that after reasonable investigation the party is without knowledge or information sufficient to form a belief as to the truth of an averment shall have the effect of a denial.

(d) Averments in a Pleading to which no responsive Pleading is required shall be deemed to be denied.

(e) A responsive Pleading shall be signed by counsel, or if not represented by counsel, then by all the respondents in accordance with Rule 3.13. A responsive Pleading that

admits or denies any averment of fact shall be Verified by at least one of the respondents in accordance with Rule 3.14.

**Official Note:** Rule 3.10 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1029.

#### Explanatory Comment

Reliance on subparagraph (c) does not excuse a failure to admit or deny a factual allegation when it is clear that the respondent must know whether a particular allegation is true or false. *Cf. Cercone v. Cercone*, 254 Pa. Super. 381, 386 A.2d 1 (1978).

#### Rule 3.11. Answer with New Matter.

All applicable affirmative defenses shall be pleaded in the answer under the heading "New Matter." A party may set forth as new matter any other material facts that are not merely denials of the averments of the preceding Pleading.

**Official Note:** Rule 3.11 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1030.

#### Pleadings in General

#### Rule 3.12. Format of Pleadings and Other Legal Papers.

All Legal Papers filed with the Court must conform to the following requirements:

(a) The document shall be on 8 1/2 inch by 11 inch paper.

(b) The document shall be prepared on white paper (except for dividers and similar sheets) of good quality.

(c) The text must be double spaced, but quotations more than two lines long may be indented and single-spaced. Margins must be at least one inch on all four sides.

(d) The lettering shall be clear and legible and no smaller than font 12. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents may be double-sided.

(e) Every Pleading shall be divided into paragraphs numbered consecutively. Each paragraph shall contain as far as practicable only one material allegation.

**Official Note:** Rule 3.12 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 204.1 and Pa.R.C.P. 206.1(c).

#### Explanatory Comment

This Rule governing the format of Legal Papers is modeled after Pa.R.C.P. 204.1 and thus is substantively identical to Pa.R.A.P. 124(a) and Pa.R.Crim.P. 575(C). *See* Explanatory Comment to Pa.R.C.P. 204.1. The goal is to foster uniformity in the formatting of Legal Papers filed in all judicial tribunals, regardless of the level of court or division of court; this uniformity, in turn, will promote the objective of the unified judicial system under the Constitution of 1968 and facilitate the statewide practice of law.

#### Rule 3.13. Signing.

(a) Every Pleading, and any brief or memorandum of law, of a party represented by counsel who has entered an appearance shall include counsel's name and shall be signed by counsel. Every Pleading, and any brief or memorandum of law, of a party not represented by counsel of record shall include the name of the party, shall be signed by the party, and shall include an address where Legal Papers may be served and a telephone number.

(b) If the Legal Papers include a facsimile telephone number and/or email address, that party or his or her counsel agrees to accept service of Legal Papers by transmitting a Facsimile copy or by electronic transmission.

(c) By signing a Legal Paper, the party and counsel are subject to Pa.R.C.P. 1023.1 through 1023.4. The Court has authority to impose sanctions and grant relief in accordance with Pa.R.C.P. 1023.4.

**Official Note:** Rule 3.13 has no counterpart in former Orphans' Court Rules, but subparagraphs (a) and (b) but are derived from Pa.R.C.P. 1025. Rule 3.13(c) is based upon Pa.R.C.P. 1023.1 *et seq.*

#### Explanatory Comment

The Official Note appearing after Pa.R.C.P. 1023.1 and the Explanatory Comment appearing after Pa.R.C.P. 1023.4 are fully incorporated by reference herein.

#### Rule 3.14. Verification.

(a) A verification shall be attached to every Pleading, Verified by oath or an affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, averring that every fact not appearing of record in the action or containing a denial of fact is true upon the signer's personal knowledge or information and belief. A Pleading may be Verified upon personal knowledge as to a part and upon information and belief as to the remainder. The signer need not aver the source of the information or expectation of ability to prove the averment or denial at the trial.

(b) If a Pleading contains averments that are inconsistent in fact, the verification shall state that the signer has been unable after reasonable investigation to ascertain which of the inconsistent averments, specifying them, are true but that the signer has knowledge or information sufficient to form a belief that one of them is true.

(c) The verification shall be made by one or more of the parties filing the Pleading unless all the parties (1) lack sufficient knowledge or information, or (2) are outside the jurisdiction of the Court and the verification of none of them can be obtained within the time allowed for filing the Pleading. In such cases, the verification may be made by any person having sufficient knowledge or information and belief and shall set forth the source of the person's information as to matters not stated upon his or her own knowledge and the reason why the verification is not made by a party.

**Official Note:** Rule 3.14 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1024.

#### Rule 3.15. Amendment.

A party may amend a Pleading pursuant to Rule 3.9(d)(1) or, at any time, either by written consent of all other parties filed with the Clerk or by leave of Court. The amended Pleading may aver transactions or occurrences that have happened before or after the filing of the original Pleading. An amendment may be made to conform the Pleading to the evidence offered or admitted.

**Official Note:** Rule 3.15 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1033.

#### Explanatory Comment

Rule 3.9(d)(1) provides for amending a Pleading after the filing of preliminary objections.

#### Rule 3.16. Pleading More Than One Cause of Action; Alternative Pleadings.

(a) More than one cause of action may be stated in a Pleading. Each cause of action shall be stated in a separate count, preceded by a heading, and the count shall name the parties to that cause of action and shall contain a separate request for relief.

(b) Causes of action and defenses may be pleaded in the alternative.

**Official Note:** Rule 3.16 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1020.

#### Service of Legal Papers

#### Rule 3.17. Service of Legal Papers Other than Citations or Audit Notices.

(a) Copies of all Pleadings, and any brief or memorandum of law in connection therewith, other than audit notices served pursuant to Rule 2.5 or citations served pursuant to Rule 3.5(a), filed in an action or served upon any party to an action shall be served upon every other party to the action. Service shall be made:

(1) by handing, or mailing by first-class United States mail, postage prepaid, a copy to, or leaving a copy for, each party at the address of the party's counsel of record listed on an entry of appearance or prior Pleading of the party, or at such other address as a party may agree, or

(2) by transmitting a Facsimile copy to the party's counsel of record as provided by subparagraph (c), or

(3) by electronic transmission in accordance with Rule 8.1(h).

(b) If there is no attorney of record,

(1) Service shall be made by handing a copy to the party or by mailing a copy to, or leaving a copy for, the party at the address listed on an entry of appearance or prior Pleading or the residence or place of business of the party, or by transmitting a Facsimile copy as provided by subparagraph (c) or by electronic transmission in accordance with Rule 8.1(h).

(2) If such service cannot be made, service shall be made by leaving a copy at, or mailing a copy to, the last known address of the party to be served.

(c)(1) A Facsimile copy may be served or a copy transmitted electronically if the parties agree thereto or if a facsimile telephone number and/or email address is included on an entry of appearance or prior Legal Paper filed with the Court.

(2) A Facsimile copy shall begin with a facsimile cover sheet containing:

(i) the name, firm, address, telephone number, of both the party making service and the party served,

(ii) the facsimile telephone number of the party making service and the facsimile telephone number to which the Facsimile copy was transmitted,

(iii) the title of the Legal Paper served, and

(iv) the number of pages transmitted.

(3) Service is complete when transmission is confirmed as complete.

(d) The Court may order notice by Publication in accordance with Pa. R.C.P. 430.

**Official Note:** Rule 3.17 has no counterpart in former Orphans' Court Rules, but is based on Pa.R.C.P. 440 with modifications.

### Explanatory Comment

The Notes and the Explanatory Comment appearing after Pa.R.C.P. 440 are fully incorporated by reference herein.

#### Rule 3.18. Notice or Citation to Individuals and Entities.

(a) Whenever notice or a citation is to be given to an individual:

(1) If the individual is *sui juris*, or if the individual has reached the age of 18 and is believed to be incapacitated (within the meaning of 20 Pa.C.S. § 5501 *et seq.*), but for whom no Guardian is known to have been appointed by a Pennsylvania Court or by the court of any other jurisdiction (including a Guardian ad litem with respect to the matter at issue), then such notice or citation shall be provided:

(i) to the individual; or

(ii) if the individual will be represented with respect to the matter at issue by a representative under the provisions of 20 Pa.C.S. §§ 7721—7726, then such notice or citation may instead be provided to such representative, including notice as required by 20 Pa.C.S. § 7725 that each such representative may decline to act as a representative for the *sui juris* individual.

(2) If the individual is not *sui juris*, or is unborn, unknown or unascertained, then such notice or citation shall be provided to such individual's representative with respect to the matter at issue under the provisions of 20 Pa.C.S. §§ 751(6) or 7721—7726, including notice required by 20 Pa.C.S. § 7725 that each such representative may decline to act as a representative for the individual; provided, however, that if a Guardian or Trustee ad litem has been appointed to represent such individual by the Court having jurisdiction over the matter at issue, then such notice or citation shall also be provided to the Guardian or Trustee ad litem.

(b) Whenever notice or a citation is to be given to an entity, then such notice or citation shall be provided:

(i) to the entity, through the entity's duly authorized representative; or

(ii) if the entity will be represented with respect to the matter at issue by a representative under the provisions of 20 Pa.C.S. §§ 7721—7726, then such notice or citation may instead be provided to such representative, including notice as required by 20 Pa.C.S. § 7725 that each such representative may decline to act as a representative for the entity.

(c) If counsel has entered an appearance on behalf of an individual, entity or representative who would otherwise receive notice or a citation as provided under subparagraphs (a) and (b), then such notice or citation shall instead be given to counsel, except as provided in Rule 2.5(b) in which the audit notice must be given to both counsel and the individual, entity or representative.

(d) Notwithstanding the foregoing, if the Court having jurisdiction over the matter determines that the representation is or might be inadequate, then the Court may in its discretion direct to whom notice or a citation shall be provided.

**Official Note:** Rule 3.18 is derived from former Rule 5.2, but has been substantially modified to address virtual representation under 20 Pa.C.S. § 751(6) generally and representation in "trust matters" pursuant to 20 Pa.C.S. §§ 7721 *et seq.* Cf. Rule 2.5(b) for different

requirements that the audit notice must be mailed to the individual or entity and to counsel representing such individual or entity.

### IV. RULES GOVERNING SPECIFIC TYPES OF PETITIONS

Rule

4.1.	Declaratory Judgment.
4.2.	Family Exemption.
4.3.	Intestate Share to Surviving Spouse from Real Estate.
4.4.	Revocation, Vacating or Extension of Time for Filing of Surviving Spouse's Election.
4.5.	Appointment of a Guardian ad litem or a Trustee ad litem.
4.6.	Appointment of a Guardian for the Estate or Person of a Minor.
4.7.	Appointment of a Trustee.
4.8.	Discharge of Fiduciary and Surety.
4.9.	Partition.
4.10.	Public Sale of Real Property.
4.11.	Private Sale of Real Property or Options Therefor.
4.12.	Mortgage or Lease of Real Property.
4.13.	Inalienable Property.
4.14.	Designation of a Successor Custodian.
4.15.	Confirmation of Appointment.

#### Rule 4.1. Declaratory Judgment.

(a) *Commencement of Action.* An action for declaratory judgment shall be commenced by petition and citation directed to the Interested Parties.

(b) *Contents of Petition.* In addition to the requirements provided by the Rules in Chapter III, the petition shall contain sufficient averments to entitle petitioner to the declaratory relief requested under the Pennsylvania Declaratory Judgments Act including:

(1) a concise statement of the facts relied upon to justify a declaratory judgment proceeding;

(2) the question of law, if any, with respect to which declaratory relief is requested;

(3) identify all Interested Parties; and

(4) a prayer for the relief desired.

(c) *Exhibits.* A copy of the will, trust, other governing instrument, or any other document to be construed shall be attached to the petition as an exhibit.

(d) *Preliminary Decree.* If necessary, a form of preliminary decree directing the issuance of a citation to every Interested Party shall be attached to the face of the petition as the first page.

(e) *Final Decree.* A form of final decree setting forth the declaratory relief shall be attached to the face of the petition and after the preliminary decree if one included with the petition.

**Official Note:** Rule 4.1 has no counterpart in former Orphans' Court Rules, but is derived from Philadelphia Local Rule 1.2.P.

#### Rule 4.2. Family Exemption.

(a) In addition to the requirements provided by the Rules in Chapter III, a petition for a family exemption shall set forth the following:

(1) facts establishing a prima facie right of the petitioner to the exemption;

(2) if the exemption is claimed from real estate, a request for the appointment of two appraisers to appraise the same;

(3) a description of the property claimed; and

(4) whether allowance of the claim prior to the audit or confirmation of the Account is requested.

(b) The manner of appraising the property, of filing and confirming the appraisal, and of advertising or giving notice thereof shall be prescribed by Local Rules.

(c) The Court may, at the request of the petitioner, award in distribution, specific real estate included in the Account in satisfaction of, or on account of, the family exemption without compliance with the procedure outlined in subparagraphs (a)(2), (a)(3), and (b) of this Rule, if all Interested Parties agree in writing that the petitioner is entitled to the family exemption and to the valuation at which such real estate is to be awarded.

**Official Note:** Rule 4.2 is substantively similar to former Rule 12.1.

#### Explanatory Comment

The Act of 1959, Nov. 10, P. L. 1450 (20 P. S. § 320.211) increased the exemption to \$1,000.00 where decedent died after that date. The Act of 1963, June 11, P. L. 124 (20 P. S. § 320.211) added parents as possible claimants. The suggested general language not only avoids exceptions for effective dates but also may obviate future revisions of the Rule should the Legislature continue to expand the scope of the exemption. Subparagraph (c) is an adaptation of a similar provision in Rule 4.3. It would facilitate the award where all Interested Parties are in accord.

#### Rule 4.3. Intestate Share to Surviving Spouse from Real Estate.

(a) When no Account is filed and all or part of the spouse's intestate share under 20 Pa.C.S. § 2102 is claimed from real estate, the claim shall be presented by petition, which shall conform to the requirements provided by the Rules in Chapter III, and shall set forth the following:

- (1) facts establishing a prima facie right of the spouse to the statutory intestate share;
- (2) a description of the real estate; and
- (3) a request for the appointment of two appraisers to appraise the real estate.

(b) The manner of appraising the property, of filing and confirming the appraisal, and of advertising or giving notice thereof shall be prescribed by Local Rules.

(c) The Court may, at the request of the surviving spouse, award specific real estate in satisfaction of, or on account of, the spouse's statutory intestate share without compliance with the procedure outlined in subparagraphs (a) and (b) of this Rule if all Interested Parties agree in writing that the surviving spouse is entitled to the statutory share and to the valuation at which such real estate is to be awarded.

**Official Note:** Rule 4.3 is substantively identical to former Rule 12.2 with minor modifications, including replacing the words "statutory allowance" and "allowance" with "statutory intestate share" and "intestate share", respectively.

#### Explanatory Comment

Deletion of specific reference to the former statutory allowance of \$10,000.00 increased to \$20,000.00 allows greater flexibility. The Rule would not have to be amended in the future if the statutory amount should be increased. With the broader language employed there is no longer any need to refer to the specific statutory provisions. As amended, the Rule recognizes the present practice of making the award of real estate in satisfaction of the spouse's allowance a part of the distribution decree when a court accounting is filed. While this Rule will be

employed only in a minimum of instances for the foregoing reason and also because of the availability of Section 3546 of the Probate, Estates and Fiduciaries Code, it, nevertheless, is considered advisable to preserve in its altered form as a guide when it is to be employed.

#### Rule 4.4. Revocation, Vacating or Extension of Time for Filing of Surviving Spouse's Election.

(a) In addition to the requirements provided by the Rules in Chapter III, a petition to revoke or vacate an election of a surviving spouse to take against the will and other conveyances of the decedent shall set forth the following:

- (1) the date of the decedent's death, whether his will has been probated and, if so, a reference to the place of recording;
- (2) the name and capacity of the Fiduciary of the decedent's estate, if any, and a reference to the record of his appointment;
- (3) the names, addresses and relationship, if known, of the other Interested Parties and the nature and the extent of each of their interests;
- (4) the names of the Interested Parties who have consented to the revocation or vacating of the election and the names of those who have not consented;
- (5) a description and valuation of the decedent's real and personal property affected by the election;
- (6) the date and manner of executing the election desired to be revoked or vacated; whether the same has been recorded, registered or filed, and if so, the date and place thereof;
- (7) whether the surviving spouse has made or executed and delivered at any place an election contrary to that desired to be revoked or vacated and whether that election has been recorded, registered or filed, and if so, the date and place thereof;
- (8) the facts relied upon to justify the revocation or vacating of the election; and
- (9) a request for a citation upon the Interested Parties who have not joined in the petition or who have not consented thereto to show cause why the election should not be revoked or vacated.

(b) A petition for the extension of the time in which the surviving spouse may file an election to take against the will and other conveyances shall be filed prior to the expiration of six months as provided in 20 Pa.C.S. § 2210 with the Clerk of the county where decedent's will was probated in such form as Local Rules may prescribe.

(c) Notice of the filing of any petition under this Rule shall be provided to the personal representative of decedent's estate in accordance with Rule 3.5(b)(1).

**Official Note:** Rule 4.4 is substantively identical to former Rule 12.3, except for the addition of the statutory reference and providing the place for filing the extension of time as is required by 20 Pa.C.S. § 2210.

#### Rule 4.5. Appointment of a Guardian ad litem or a Trustee ad litem.

(a) On petition of the Accountant or any Interested Party, or upon its own motion, the Court may appoint one or both of the following if the Court considers that the interests of the non *sui juris* individuals are not adequately represented:

- (1) a Guardian ad litem to represent a Minor or a person believed to be incapacitated (within the meaning

of 20 Pa.C.S. § 5501 *et seq.*), but for whom no Guardian of the estate is known to have been appointed by a Pennsylvania Court or by the court of any other jurisdiction; and/or

(2) a Trustee ad litem to represent an absentee, a presumed decedent, or unborn or unascertained persons not already represented by a Fiduciary.

(b) The same person may be appointed as Guardian ad litem and Trustee ad litem when the interests represented are not conflicting. Application for such an appointment may be made in one petition.

(c) In addition to the requirements provided by the Rules in Chapter III, the petition shall set forth the following:

(1) the name, age and address of the Minor or person believed to be incapacitated (within the meaning of 20 Pa.C.S. § 5501 *et seq.*), but for whom no Guardian of the estate is known to have been appointed;

(2) the relationship, if any, of such non *sui juris* individual to any Interested Party and to the decedent or settlor;

(3) the interest of such non *sui juris* individual in the property or in the matter at issue;

(4) the provisions of any instrument creating such interests;

(5) the necessity for such interests to be represented by a Guardian ad litem or a Trustee ad litem; and

(6) the proceedings in which such non *sui juris* individual are to be represented.

(d) A decree appointing a Guardian ad litem or a Trustee ad litem shall specify the period or proceedings during which the Guardian or Trustee ad litem shall act as such.

**Official Note:** Rule 4.5 is substantively identical to former Rule 12.4, with some modifications to provide for person believed to be incapacitated within the meaning of 20 Pa.C.S. §§ 5501 *et seq.*, but not yet adjudicated as such or for whom no Guardian is known to have been appointed.

#### **Rule 4.6. Appointment of a Guardian for the Estate or Person of a Minor.**

(a) A petition for the appointment of a Guardian for the estate or person of a Minor shall be filed by the Minor, if he or she is fourteen years of age or older, and if under such age, by his or her parents, the person with whom he or she resides, the person by whom he or she is maintained, or by any person as next friend of the Minor.

(b) *Contents of Petition.* In addition to the requirements provided by the Rules in Chapter III, the petition shall set forth the following:

(1) the name, address and age of the Minor, and the names and addresses of his or her parents, if living;

(2) the name, address and relationship of the petitioner to the Minor, if the petition is not filed by the Minor;

(3) whether the Minor's parents consent to the petition, if the petition is not being filed by the Minor's parents;

(4) the need for the appointment of a Guardian;

(5) that the Minor has no Guardian presently appointed or that a Guardian already appointed has died or

has been discharged or removed by the Court, together with the date of such death, discharge or removal and a reference to the Court order discharging or removing the previously appointed Guardian;

(6) the name, address and age of the proposed Guardian and his or her relationship to the Minor, if any;

(7) the nature of any interest of the proposed Guardian adverse to that of the Minor including, *inter alia*, a reference to any estate in which the Minor is interested and in which the proposed Guardian is a Fiduciary or surety or employee of a Fiduciary or surety therein;

(8) if the petition is for the appointment of a Guardian of the person, the religious persuasion of the Minor's parents and the religious persuasion of the proposed Guardian;

(9) if the petition is for the appointment of a Guardian of the estate of the Minor, an itemization of the assets of such estate, their location, approximate value and income, if any;

(10) if the Minor is entitled to receive any money as a party to any action or proceeding in any court, a reference to the court record and the amount to which the Minor is entitled; and

(11) that notice has been given to the United States Veterans' Administration or its successor, if the Minor is the child of a veteran and insurance or other gratuity is payable to him or her by the United States Veterans' Administration, or its successor.

(c) *Exhibits.* The following shall be attached to the petition:

(1) the proposed Guardian's written consent to the appointment; and

(2) the Minor's parents written consents to the petition if they are not the petitioners and if they consent to the petition.

(d) If the appointment of the same person is requested as Guardian of the estates or persons of several Minors who are children of the same parent(s), a single petition shall be filed for such appointments, but shall include in the caption separate docket numbers for each Minor.

(e) If the Minor is fourteen years of age or older, the Minor's appearance in Court at the time of the hearing shall be governed by Local Rule.

**Official Note:** Rule 4.6 is substantively identical to former Rule 12.5, except clarifying that separate docket numbers must be assigned to each Minor.

#### **Explanatory Comment**

Although a single petition may be filed for the appointment of the same person as Guardian of the estates or persons of several Minors, separate Accounts must be filed for the estate of each Minor. *See* Rule 2.3.

#### **Rule 4.7. Appointment of a Trustee.**

(a) *Contents of Petition.* A petition for the appointment of a trustee may be filed by a resigning trustee, the current trustee or any trust beneficiary and shall conform to the requirements provided by the Rules in Chapter III and set forth the following:

(1) the situs of the trust and if any Court previously has exercised jurisdiction over the trust;

(2) the provisions of the instrument creating the trust;

(3) the general character, location, and value of the trust property;

(4) the reasons why any individual or corporation named in the trust instrument as trustee or successor trustee is unable or unwilling to serve;

(5) the names, addresses and relationships of all trust beneficiaries and that those who have not joined in or consented to the petition have been given notice of the filing of the petition, or the reason for failing to give any qualified beneficiary such notice;

(6) if the trust includes a charitable interest for which notice is required under Rule 7.1, whether the Office of the Attorney General has been given notice, or the reason for failing to give the Office of the Attorney General such notice, and whether the Office of the Attorney General has issued a statement of no objection to the petition; and

(7) the name and address of the proposed trustee and his or her relationship, if any, to any Interested Party; and

(8) whether the proposed trustee has any interest in the trust.

(b) *Exhibits.* The following shall be attached to the petition:

(1) a copy of the trust instrument;

(2) the signed written consents of all qualified beneficiaries as defined in § 7703 who have not signed or joined in the petition, but who consent to the appointment of the proposed trustee;

(3) the statement of no objection from the Office of the Attorney General if the trust includes a charitable interest for which notice is required under Rule 7.1; and

(4) The proposed trustee's written consent to the appointment.

**Official Note:** Rule 4.7 is derived from former Rule 12.6, but it has been modified to reflect the additions and changes required by 20 Pa.C.S. §§ 7764.

#### **Rule 4.8. Discharge of Fiduciary and Surety.**

(a) *Account Previously Filed.* A petition for the discharge of a Fiduciary and his or her surety, or of the surety alone, subsequent to an Account having been filed and confirmed, shall conform to the requirements provided by the Rules in Chapter III and set forth the following:

(1) the nature of the Fiduciary capacity;

(2) the date and a reference to the record of the Fiduciary's appointment;

(3) the date of filing the Fiduciary's Account and the date of the Court's adjudication or order confirming the Account absolutely; and

(4) that the entire estate has been distributed to the creditors and parties entitled thereto and that no other property belonging to the estate has been received or remains to be accounted for by the Fiduciary.

(b) *Account Annexed.* In lieu of filing and advertising an Account, a Personal Representative who is distributing an estate under the provisions of 20 Pa.C.S. § 3531, or the Guardian of the estate of a Minor who has attained Majority and whose gross estate does not exceed the statutory limitation of an administration without appointment of a Guardian, may annex an Account to the petition for discharge with the information required

above, modified to indicate any previous distribution, and suggesting the proper distribution of any balance on hand.

**Official Note:** Rule 4.8 is substantively identical to former Rule 12.7.

#### **Explanatory Comment**

Pursuant to Rule 2.8(b), an adjudication of an Account discharges the Fiduciaries as to the transactions set forth in the adjudicated Account.

#### **Rule 4.9. Partition.**

In addition to the requirements provided by the Rules in Chapter III, a petition for partition shall set forth the following:

(a) the date of the decedent's death and whether he or she died testate or intestate, in whole or in part;

(b) a description, giving the size and location, of the property to be partitioned, the liens and charges to which it is subject and the rents due from tenants thereof, and that the property has not been partitioned or valued for partition;

(c) the names, addresses and relationship of those interested in the land to be partitioned, the extent of the interest of each of such person, and, if such interest is created by a recorded deed or will, a reference to such record; and

(d) a request for a citation upon the Interested Parties who have not joined as petitioners to appear and show cause why an inquest in partition should not be granted.

**Official Note:** Rule 4.9 is substantively identical to former Rule 12.8.

#### **Rule 4.10. Public Sale of Real Property.**

(a) In addition to the requirements provided by the Rules in Chapter III, a petition for the public sale of real property shall set forth the reason for filing the petition, a description, stating the size and location of the property to be sold, and the liens and charges to which it is subject.

(b) Public notice of the sale shall be given as required by law and as may be further required by the Court by Local Rule or special order.

**Official Note:** Rule 4.10 is substantively identical to former Rule 12.9.

#### **Rule 4.11. Private Sale of Real Property or Options Therefor.**

(a) *Contents of Petition.* In addition to the requirements provided by the Rules in Chapter III, a petition for the private sale or exchange of real property, or for the grant of an option for any such sale or exchange shall set forth the following:

(1) the information required in a petition for the public sale of real property under Rule 4.10(a); and

(2) the name and address of the proposed purchaser and the terms of the proposed sale, exchange or option, the consideration therefor, and that this is more than can be obtained at public sale.

(b) *Exhibits.* The petition shall be supported by the affidavits of at least two competent persons setting forth that they have inspected the real property to be sold, exchanged or optioned and, in the case of an exchange, the property to be received, that they are acquainted with the value of real estate in the locality of such property, that they are not personally interested in the proposed

sale, exchange or option, and that in their opinion the proposed consideration is more than can be obtained at public sale.

**Official Note:** Rule 4.11 is substantively identical to former Rule 12.10.

**Rule 4.12. Mortgage or Lease of Real Property.**

In addition to the requirements provided by the Rules in Chapter III, a petition to mortgage or lease real property shall set forth the following:

(a) the information required in a petition for the public sale of real property, as nearly as may be; and

(b) the name of the proposed mortgagee or lessee and the terms of the proposed mortgage or lease.

**Official Note:** Rule 4.12 is substantively identical to former Rule 12.11.

**Rule 4.13. Inalienable Property.**

In addition to the requirements provided by the Rules in Chapter III, a petition under Chapter 83 of the Probate, Estates and Fiduciaries Code to sell real property at public or private sale or to mortgage real property shall set forth the facts required by 20 Pa.C.S. § 8301, as applicable, and the following:

(a) the names of all Interested Parties who have not joined as petitioners or provided their consent to the petition, and their addresses, if known; and

(b) if the petition is for the public or private sale of real property subject to a life estate with remainder over and the real property is not held in trust, the petition shall request the appointment of a named trustee to make the sale and hold the proceeds in trust.

**Official Note:** Rule 4.13 is substantively identical to former Rule 12.12.

**Rule 4.14. Designation of a Successor Custodian.**

A petition for the designation of a successor custodian under the Pennsylvania Uniform Gifts to Minors Act shall conform to the requirements provided by the Rules in Chapter III and set forth as far as practicable the information required in a petition for the appointment of a Guardian of the estate of a Minor.

**Official Note:** Rule 4.14 is substantively identical to former Rule 12.13.

**Rule 4.15. Confirmation of Appointment.**

(a) *Contents of Petition.* Where a trustee is appointed pursuant to a trust instrument or by the unanimous agreement of all qualified beneficiaries as defined in 20 Pa.C.S. § 7703, a petition for the Court to confirm such appointment shall conform to the requirements provided by the Rules in Chapter III and shall set forth the following:

(1) the reason for filing the petition; and

(2) the pertinent provisions of the instrument creating the trust and providing for the appointment of the trustee.

(b) *Exhibits.* The following shall be attached to the petition:

(1) a copy of the trust instrument duly certified by counsel to be a true and correct copy; and

(2) the designated trustee's written consent to service.

**Official Note:** Rule 4.15 is substantively identical to former Rule 12.14.

**V. GUARDIANSHIPS OF INCAPACITATED PERSONS**

Rule

5.1. Form of Citation and Notice.

5.2. Adjudication of Incapacity and Appointment of a Guardian of the Person and/or Estate of an Incapacitated Person.

5.3. Review Hearing.

5.4. Proceedings Relating to Real Estate.

**Rule 5.1. Form of Citation and Notice.**

The citation and notice to be attached to and served with a petition for adjudication of incapacity and the appointment of a Guardian shall be in the form approved by the Supreme Court.

**Official Note:** Former Rules under Rule 14 (i.e., Rule 14.1 *et seq.*) have been relocated to this Chapter V. Rule 5.1 is substantively identical to former Rule 14.5, except that the notice and citation must be in the form approved by the Supreme Court and not in a substantially similar form. *See* Rule 1.8. Former Rule 14.1 has been deleted as it was a restatement of what is already provided in Rule 1.5.

**Explanatory Comment**

The Supreme Court has adopted forms for use in guardianship proceedings which are contained in the Appendix. The form of citation and notice found in the body of former Rule 14.5 have been moved to the Appendix. As of 2011, these forms are the Annual Report of Guardian of the Estate, Annual Report of Guardian of the Person, and Important Notice—Citation with Notice. In accordance with Rule 1.8, these forms must be used exclusively; local forms are not permitted to replace or supplant these forms.

**Rule 5.2. Adjudication of Incapacity and Appointment of a Guardian of the Person and/or Estate of an Incapacitated Person.**

A petition to adjudicate an individual as an Incapacitated Person shall meet all requirements set forth at 20 Pa.C.S. § 5511 *et seq.* A citation and notice in the form adopted by the Supreme Court shall be attached to and served with a petition. The procedure for determining incapacity and for appointment of a Guardian shall meet all requirements set forth at 20 Pa.C.S. §§ 5512 and 5512.1.

**Official Note:** Rule 5.2 is identical to former Rule 14.2; it has simply been relocated to Chapter V of these Rules.

**Explanatory Comment**

The Supreme Court has promulgated a form notice to be served with the citation and petition to adjudicate an individual as incapacitated. This form notice is located in the Appendix. In accordance with Rule 1.8, this form notice must be used exclusively and replaced or supplanted by a local form.

**Rule 5.3. Review Hearing.**

A petition for a review hearing shall set forth:

(a) the date of the adjudication of incapacity;

(b) the name and address of the Guardian;

(c) if the Incapacitated Person has been a patient in a mental hospital, the name of such institution, the date of admission, and the date of discharge;

(d) the present address of the Incapacitated Person, and the name of the person with whom the Incapacitated Person is living;

(e) the names and addresses of the presumptive Adult heirs of the Incapacitated Person; and

(f) an averment that:

(1) there has been significant change in the Incapacitated Person's capacity;

(2) there has been a change in the need for guardianship services; or

(3) the Guardian has failed to perform duties in accordance with the law or act in the best interest of the Incapacitated Person.

**Official Note:** Rule 5.3 is identical to former Rule 14.3; it has simply been relocated to Chapter V of these Rules.

#### Explanatory Comment

For the Court's disposition of a petition for a review hearing and evidentiary burden of proof, *see* 20 Pa.C.S. § 5512.2.

#### Rule 5.4. Proceedings Relating to Real Estate.

A petition for the public or private sale, exchange, lease, or mortgage of real estate of an Incapacitated Person or the grant of an option for the sale, exchange or lease of the same shall conform as far as practicable to the requirements of these Rules for Personal Representatives, trustees and Guardians of Minors in a transaction of similar type.

**Official Note:** Rule 5.4 is identical to former Rule 14.4; it has simply been relocated to Chapter V of these Rules.

### VI. RULES RELATING TO PRE-HEARING AND HEARING PROCEDURE

Rule 6.1.	Depositions, Discovery, Production of Documents and Perpetuation of Testimony.
6.2.	Motion for Judgment on the Pleadings.
6.3.	Motion for Summary Judgment.
6.4.	Subpoenas and Notices to Attend.
6.5.	Injunctions.

#### Rule 6.1. Depositions, Discovery, Production of Documents and Perpetuation of Testimony.

The Court, by Local Rule or special order, may prescribe the practice relating to depositions, discovery, production of documents and perpetuation of testimony. To the extent not provided for by such Local Rule or special order, the practice relating to such matters shall conform to the practice in the Trial or Civil Division of the local Court of Common Pleas and Pa. R.C.P. 1532 and 4001 *et seq.*

**Official Note:** Rule 6.1 is identical to former Rule 3.6; it has simply been relocated to Chapter VI of these Rules.

#### Rule 6.2. Motion for Judgment on the Pleadings.

After the relevant Pleadings are closed, but within such time as not to unreasonably delay the hearing, any party may move for judgment on the Pleadings. The Court shall enter such judgment or order as shall be proper on the Pleadings.

**Official Note:** Rule 6.2 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1034.

#### Explanatory Comment

The Official Note to Pa.R.C.P. 1034 is fully incorporated by reference herein, except that the Court may, but is not required to, promulgate Local Rules governing the procedure for these motions.

#### Rule 6.3. Motion for Summary Judgment.

(a) After the relevant Pleadings are closed, but within such time as not to unreasonably delay a hearing, any party may move for summary judgment in whole, or in part, as a matter of law in the manner set forth in Pa.R.C.P. 1035.1, 1035.2, and 1035.4.

(b) The party against whom the motion for summary judgment is filed shall respond in accordance with Pa.R.C.P. 1035.3(a)—(b) and 1035.4, except that a responsive Pleading shall be filed within 20 days after service of the motion, not 30 days as provided in Pa.R.C.P. 1035.3(a).

(c) The Court shall rule upon the motion for summary judgment as provided in Pa.R.C.P. Nos. 1035.3(c)—(e) and 1035.5.

**Official Note:** Rule 6.3 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1035.1. *et seq.*

#### Explanatory Comment

In order to be consistent with Rules 2.5, 2.8, 3.5, 3.7, and 3.9, the period of time to respond to a motion for summary judgment is shortened from the thirty days permitted under Pa.R.C.P. 1035.3(a) to twenty days. The Notes, Official Note and Explanatory Comments to Pa.R.C.P. 1035.1 *et seq.* are incorporated by reference herein, except that the Court may, but is not required to, promulgate Local Rules governing the procedure for these motions.

#### Rule 6.4. Subpoenas and Notices to Attend.

Subject to Rule 6.1, parties can be noticed to attend a deposition pursuant to Pa.R.C.P. 4007.1(a) and third parties can be compelled to attend a hearing or deposition in accordance with Pa.R.C.P. 234.1 through 234.9.

**Official Note:** Rule 6.4 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 234.1 *et seq.*

#### Explanatory Comment

The procedure for obtaining a subpoena shall conform to the practice set forth in Pa.R.C.P. No. 234.1 *et seq.* The Notes, Official Notes, and Explanatory Comments to Pa.R.C.P. Nos. 234.1 *et seq.* are fully incorporated by reference herein.

#### Rule 6.5. Injunctions.

Upon petition, the Court may issue a preliminary, special, or permanent injunction in accordance with the rules and procedures provided in Pa.R.C.P. 1531.

**Official Note:** Rule 6.5 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. 1531.

#### Explanatory Comment

With the repeal of 20 Pa.C.S. § 772, the propriety of and procedure for obtaining an injunction in an Orphans' Court matter was uncertain. This Rule clarifies that an injunction may be requested and issued in this Court. The procedure for requesting the issuance of an injunction shall conform to the practice set forth in Pa.R.C.P. 1531. The Notes and Explanatory Comments to Pa.R.C.P. Nos. 1531 are fully incorporated by reference herein.

### VII. CHARITIES—NOTICE TO ATTORNEY GENERAL

Rule 7.1.	Charities—Notice to the Attorney General.
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**Rule 7.1. Charities—Notice to the Attorney General.**

(a) In every proceeding involving or affecting a charitable interest with the exception hereinafter set forth, at least 20 days advance written notice thereof shall be given to the Attorney General of the Commonwealth of Pennsylvania at the principal office in Harrisburg, Pennsylvania, or to a deputy of the Attorney General designated for such purpose for the judicial district in which the proceeding is pending. The notice shall include or be accompanied by such of the following as may be appropriate

- (1) the caption of the case;
  - (2) a description of the nature of the proceeding;
  - (3) the date, time and place when the matter is to be heard by the Court to the extent then known;
  - (4) the name of the decedent, settlor, Incapacitated Person or Minor, if not disclosed by the caption;
  - (5) a copy of the will or other instrument creating the charitable interest;
  - (6) the name and address of any specific charity which may be affected by the proceeding;
  - (7) if the charitable interest is a present interest, a description and the approximate market value of that interest;
  - (8) if the charitable interest is a future interest and the estimated present value of the property involved exceeds \$25,000, a brief description thereof including the conditions precedent to its vesting in enjoyment and possession, the names and ages of persons known to have interests preceding such charitable interest, and the approximate market value of the property involved;
  - (9) a description of any unresolved claim and any material question of interpretation or distribution likely to be submitted for adjudication which may affect the value of the charitable interest;
  - (10) the names and addresses of all Fiduciaries;
  - (11) the name and address of counsel for the Fiduciary;
  - (12) the name and address of counsel for any charity who has received notice or has appeared for the charity and the name of the charity which counsel represents; and
  - (13) a copy of an Account, if the proceeding involves an Account and the charity is not a pecuniary legatee in an amount of \$25,000 or less which has been or will be paid in full.
- (b) Proof of service of the above notice or an acknowledgment of such notice received from the Attorney General or a deputy of the Attorney General shall be filed with the Clerk in every proceeding involving a charitable interest prior to the entry of any decree.
- (c) Unless the Court directs otherwise, no notice to the Attorney General or a deputy of the Attorney General shall be required with respect to a pecuniary legacy to a charity in the amount of \$25,000 or less which has been or will be paid in full.

**Official Note:** This Rule is substantively identical to former Rule 5.5; it has simply been relocated to Chapter VII of these Rules.

**Explanatory Comment**

See Appendix for form of notice under this Rule.

**VIII. ELECTRONIC FILING**

Rule  
8.1. Electronic Filing and Service of Legal Papers.

**Rule 8.1. Electronic Filing and Service of Legal Papers.**

(a) *Authorization for Electronic Filing.*

(1) A Court may permit or require Electronic Filing of Legal Papers. Any Court that implements Electronic Filing shall establish procedures governing such filing by Local Rule which shall be consistent with the procedures set forth herein.

**Explanatory Note:** Those jurisdictions which require e-filing must also provide the necessary technical assistance to those parties who lack the capacity to electronically file Legal Papers.

(2) This Rule does not mandate the implementation of Electronic Filing by a Court.

(b) *Electronic Filing of Legal Paper.*

(1) A Filing Party may file a Legal Paper with the Clerk by means of Electronic Filing.

(2) Legal Papers and exhibits shall be filed in portable document format (.pdf).

(3) Exhibits to a Legal Paper shall be converted to portable document format (.pdf) by scanning or other method.

(4) Any party may require the Filing Party to file the original or a hard copy of a Legal Paper or exhibit by filing a notice to file with the Clerk and serving a copy of the notice upon the Filing Party. The Filing Party shall file the specified document with the Clerk within 14 days after service of the notice. Upon disposition of the matter before the Court, an original document may be returned to the party who filed it or retained by the Court, as the Court may determine.

(c) *Signature, Verification and Retention of Legal Paper.*

(1) The original Legal Paper shall be properly signed, and where required, Verified.

(2) The Electronic Filing of a Legal Paper constitutes a certification by the Filing Party that the original document was signed, and where applicable, Verified.

(3) Unless retained by the Court, the Filing Party shall maintain the original of all documents so certified, together with any exhibits filed, for 5 years after the later of:

- (i) the disposition of the case;
- (ii) the entry of an order resolving the issue raised by the Legal Paper; or
- (iii) the disposition by an appellate court of the issue raised by the Legal Paper.

(d) *Website and Filing Date.*

(1) The Court shall designate a website for the Electronic Filing of Legal Papers. A user name and password shall be issued to authorized users.

(2) The Court shall provide Electronic Filing access at all times. The time and date of the filing shall be that registered by the Court's computer system.

(3) The Court shall provide, through its website, an acknowledgement that the filing has been processed. Such acknowledgement shall include the date and time of filing in a form which can be printed for retention by the Filing Party.

(e) *Delay in Filing.* A Filing Party shall be responsible for any delay, disruption, or interruption of electronic transmission, and for the legibility of the document electronically filed, except for delays caused by the failure of the Court's website. The Filing Party may petition the Court to resolve any dispute concerning an alleged failure of the Court's website.

(f) *Fees.*

(1) A Filing Party shall pay the fee for electronically filing a Legal Paper as provided by the Court.

(2) The Court may assess an additional automation fee for each Legal Paper electronically filed which shall be used for the development, implementation, maintenance, and training in the use of the Court Electronic Filing system and other related uses.

(g) *Local Procedures.* The Court may develop further administrative procedures, as needed, to implement this Rule and to provide for security of the Electronic Filing system, as required by changing technology.

(h) *Service of Legal Papers by Parties.*

(1) Service of original process shall not be permitted by electronic means, unless agreed to by the respondent.

(2) Service of subsequent Legal Papers may be effected by electronic transmission if the parties agree, or if an email address appears on an entry of appearance, or other Legal Paper previously filed with the Court in the action. Electronic service is complete when the Legal Paper is sent to the recipient's email address, or when the recipient is notified by email that a Legal Paper affecting the recipient has been filed and is available for review on the Court's website.

(i) *Service of Legal Papers by Court and Clerk.* The Clerk and the Court may serve all notices, opinions, and orders via electronic means where the parties have agreed to receipt of Legal Papers by electronic transmission, or if the underlying Legal Papers related to the notice, opinion or order were filed by Electronic Filing, or if an email address appears on an entry of appearance or other Legal Paper previously filed with the Court in the action.

**Official Note:** Rule 8.1 is substantively identical to former Rule 3.7, but has been relocated to Chapter VIII of these Rules.

#### Explanatory Comment

Subparagraph (i) of Rule 8.1 differs from its counterpart in former Rule 3.7 in two respects: first, this subparagraph permits the Clerk and Court to serve not only notices, but also opinions and orders, via electronic means; and second, it provides that the Clerk and Court are able to send its notices, opinions, and orders via electronic means if the underlying Legal Papers were filed electronically.

**Explanatory Note:** This Rule is designed as a general enabling mechanism by which local judicial districts can, if they so choose, implement Electronic Filing. Implementation procedures not inconsistent with this Rule will be determined by Local Rules of Court.

Nothing in this Rule is intended to change the procedural requirements of Orphans' Court practice, as embodied in the statutes and rules of Court. Rather this Rule is intended to facilitate the delivery of Legal Papers to the Court and the parties, as well as to reduce record management burdens in the office of the Clerk. The terms "Electronic Filing," "Filing Party," and "Legal Paper" are defined in Rule 1.3.

The Court may, from time to time, modify the approved Electronic Filing system to take into consideration the costs and security of the system and the maintenance of electronic data and images.

Existing procedures regarding record retention for paper documents by the Clerk shall apply to electronically filed documents. A local Court which permits Electronic Filing may require filing and maintenance of paper documents or exhibits; it may also accept paper documents, convert such documents to electronic format, and destroy the paper documents. (See *Record Retention & Disposition Schedule with Guidelines*, adopted by the Supreme Court of Pennsylvania by Order, dated November 28, 2001, as part of the amendment to Pa.R.J.A. 507).

### IX. PETITION FOR RECONSIDERATION

Rule	
9.1.	Exceptions.
9.2.	Petitions for Reconsideration.

#### Rule 9.1. Exceptions.

No exceptions may be filed to any order or decree of the Court.

#### Explanatory Comment

The former exception practice is discontinued.

#### Rule 9.2. Petitions for Reconsideration.

A Court, upon petition, may reconsider orders that are final under Pa.R.A.P. 341(b) or 342, or interlocutory orders subject to immediate appeal under Pa.R.A.P. 311, so long as the order granting reconsideration is consistent with Pa.R.A.P. 1701(b)(3). A Court, upon petition, may reconsider an interlocutory order at any time.

**Official Note:** The period for filing an appeal is not tolled by the filing of a petition for reconsideration unless the Court grants the petition for reconsideration prior to the expiration of the appeal period. See R.A.P. 1703(b)(3). Interlocutory orders may be reconsidered anytime during the pendency of the proceeding. See *Key Automotive Equip. v. Abernethy*, 431 Pa. Super. 358, 362, 636 A.2d 1126, 1128 (1994); 42 Pa.C.S.A. § 5505.

### X. AUDITORS AND MASTERS

Rule	
10.1.	Notice of Hearings.
10.2.	Filing of Report.
10.3.	Form of Auditor's Report.
10.4.	Form of Master's Report.
10.5.	Transcript of Testimony.
10.6.	Notice of Filing Report.
10.7.	Confirmation of Report.
10.8.	Security for Expenses and Fees.

#### Rule 10.1. Notice of Hearings.

An auditor or master shall give notice of scheduled hearings in such manner and to such parties as Local Rules shall prescribe.

**Official Note:** Rule 10.1 is substantively identical to former Rule 8.1; it has simply been relocated to Chapter X of these Rules.

#### Rule 10.2. Filing of Report.

An auditor or master shall file his or her report within 90 days after his or her appointment, unless, upon application, the Court extends the time; and, in default thereof, his or her appointment may be vacated and compensation and reimbursement for services and expenses denied.

**Official Note:** Rule 10.2 is substantively identical to former Rule 8.2; it has simply been relocated to Chapter X of these Rules.

**Rule 10.3. Form of Auditor's Report.**

An auditor's report shall include a statement of the questions involved, findings of fact, conclusions of law, and, if the Account is approved by the auditor, it shall also expressly confirm the Account and shall specify, or indicate by reference to the Statement of Proposed Distribution, the names of the persons to whom the balance available for distribution is awarded and the amount or share awarded to each of such persons.

**Official Note:** Rule 10.3 is identical to former Rule 8.3; it has simply been relocated to Chapter X of these Rules.

**Rule 10.4. Form of Master's Report.**

A master's report shall state the number, times, dates and duration of the hearings held, the number, extent and causes of any delays or continuances, and the basis of the Court's jurisdiction, and shall include a statement and discussion of the questions involved, findings of fact and conclusions of law, and specific recommendations.

**Official Note:** Rule 10.4 is identical to former Rule 8.4; it has simply been relocated to Chapter X of these Rules.

**Rule 10.5. Transcript of Testimony.**

The transcript of testimony taken before an auditor or master shall be filed with the report.

**Official Note:** Rule 10.5 is identical to former Rule 8.5; it has simply been relocated to Chapter X of these Rules.

**Rule 10.6. Notice of Filing Report.**

An auditor or master shall give notice of the filing of the report or of the intention to file the report in such manner and to such parties as Local Rules shall prescribe.

**Official Note:** Rule 10.6 is identical to former Rule 8.6; it has simply been relocated to Chapter X of these Rules.

**Rule 10.7. Confirmation of Report.**

(a) The report of an auditor shall be confirmed in such manner as Local Rules shall prescribe.

(b) The report of a master shall not be approved until a decree is entered adopting its recommendations.

**Official Note:** This Rule is identical to former Rule 8.7; it has simply been relocated to Chapter X of these Rules.

**Rule 10.8. Security for Expenses and Fees.**

An auditor or master, the Accountant, or any Interested Party may apply to the Court at any time for leave to require security for the payment of the auditor's or master's expenses and fees, and, when such leave is granted, the auditor or master may decline to proceed until security is entered.

**Official Note:** Rule 10.7 is substantively identical to former Rule 8.8; it has simply been relocated to Chapter X of these Rules.

**XI. REGISTER OF WILLS**

Rule	
11.1.	Forms.
11.2.	Petition Practice.
11.3.	Hearings.
11.4.	Appeals from the Register of Wills.
11.5.	Notice to Beneficiaries and Intestate Heirs.
11.6.	Status Report by Personal Representative.

**Rule 11.1. Forms.**

The forms adopted by the Supreme Court for statewide practice before the Register as set forth in the Appendix shall be used when applicable. No other forms shall be allowed or required by Local Rule or practice.

**Rule 11.2. Petition Practice.**

When a matter requires the Register to exercise discretion or decide an issue of fact or law, the Pleading and practice shall conform as near as practical to the practice and procedure before the Court as provided by Chapter III of these Rules and 20 Pa.C.S. § 906 (relating to caveats). The Register may issue a citation if appropriate, and may require a party to prepare the form of citation. Service of citations issued by the Register shall be the responsibility of the party requesting the issuance of the citation.

**Rule 11.3. Hearings.**

(a) Evidentiary hearings before the Register shall be recorded by stenographic or electronic means, the cost of which shall be paid by the party initiating the matter unless otherwise directed by the Register.

(b) The Register may issue subpoenas to compel attendance at evidentiary hearings as provided in 20 Pa.C.S. § 903(a).

(c) The Pennsylvania Rules of Evidence shall be applicable to all evidentiary hearings before the Register.

(d) The Register may require parties to submit memoranda and/or proposed findings of fact and conclusions of law.

(e) The Register shall promptly decide the matter at issue by written order or decree. The order or decree may, but need not, contain a brief opinion or recitation of relevant facts and legal conclusions as found by the Register.

**Rule 11.4. Appeals from the Register of Wills.**

Appeals to the Court from an order or decree of the Register of Wills shall be by petition and governed by Chapter III of these Rules and any applicable Local Rules.

**Rule 11.5. Notice to Beneficiaries and Intestate Heirs.**

(a) Within three (3) months after the grant of letters, the Personal Representative to whom original letters have been granted or the Personal Representative's counsel shall send a written notice of estate administration in the form approved by the Supreme Court to:

(1) every person, corporation, association, entity or other party named in decedent's will as an outright beneficiary whether individually or as a class member;

(2) the decedent's spouse and children, whether or not they are named in, or have an interest under, the will;

(3) where there is an intestacy in whole or in part, to every person entitled to inherit as an intestate heir under Chapter 21 of the Probate, Estate and Fiduciaries Code;

(4) the appointed Guardian of the estate, parent or legal custodian of any beneficiary who is a Minor;

(5) the appointed Guardian of the estate or, in the absence of such appointment, the institution or person with custody of any beneficiary who is an adjudicated Incapacitated Person;

(6) the Attorney General on behalf of any charitable beneficiary whose interest exceeds \$25,000 or which will not be paid in full;

(7) the Attorney General on behalf of any governmental beneficiary;

(8) the trustee of any trust which is a beneficiary; and

(9) such other persons and in such manner as may be required by any Local Rule of Court.

(b) "Beneficiary" shall be deemed to include any person who may have an interest by virtue of the Pennsylvania anti-lapse statute, 20 Pa.C.S. § 2514.

(c) Notice shall be given by personal service or by first-class, prepaid mail to each person and entity entitled to notice under subdivision (a)(1)—(9) whose address is known or reasonably available to the Personal Representative.

(d) Within ten (10) days after giving the notice required by subdivision (a) of this Rule, the Personal Representative or the Personal Representative's counsel shall file with the Register a certification that notice has been given as required by this Rule. No fee shall be charged by the Register for filing the certification required by this subdivision.

(e) Upon the failure by the Personal Representative or the Personal Representative's counsel to file the certification on a timely basis, the Register shall, after ten (10) days prior written notice to the delinquent Personal Representative and his counsel, notify the Court of such delinquency.

(f) This Rule shall not alter or diminish existing rights or confer new rights.

(g) The Register shall deliver a copy of Rule 5.6 and the forms of notice and certification approved by the Supreme Court to each Personal Representative and counsel at the time letters are granted.

**Official Note:** Rule 11.5 is identical to former Rule 5.6; it has simply been relocated to Chapter XI of these Rules. The form of notice and certification of notice required by Rule 11.5 is set forth in the Appendix.

#### Explanatory Comment

It is not the intention of the Rule to require notice beyond the degree of consanguinity entitling a person to inherit under Chapter 21 of the Probate, Estates and Fiduciaries Code.

#### Rule 11.6. Status Report by Personal Representative.

(a) *Report of Uncompleted Administration.* If administration of an estate has not been completed within two years of the decedent's death, the Personal Representative or counsel shall file at such time, and annually thereafter until the administration is completed, a report with the Register of Wills showing the date by which the Personal Representative or counsel reasonably believes administration will be completed.

(b) *Report of Completed Administration.* Upon completion of the administration of an estate, the Personal Representative or his, her or its counsel shall file with the Register of Wills a report showing:

(1) completion of administration of the estate;

(2) whether a formal Account was filed with the Orphans' Court;

(3) whether a complete Account was informally stated to all parties in interest;

(4) whether final distribution has been completed; and

(5) whether approvals of the Account, receipts, joinders and releases have been filed with the Clerk of the Orphans' Court.

(c) *Form of Report.* The Report required by this Rule shall be in substantially the prescribed form.

(d) *No Fee.* No fee shall be charged for filing the report required by this Rule.

(e) *Copy of Rule.* Upon the grant of letters, the Register shall give a copy of this Rule to each Personal Representative and his, her or its counsel.

(f) *Failure to File a Report.* After at least ten (10) days prior notice to a delinquent Personal Representative and counsel, the Clerk of the Orphans' Court shall inform the Court of the failure to file the report required by this Rule with a request that the Court conduct a hearing to determine what sanctions, if any, should be imposed.

**Official Note:** Rule 11.6 is identical to former Rule 6.12; it has simply been relocated to Chapter XI of these Rules. The form of status report required by Rule 11.6 is set forth in the Appendix.

## XII. ADOPTIONS

(*Editor's Note:* New Rules were published separately at 41 Pa.B. 2932 (June 11, 2011).)

## XIII. ABORTION CONTROL ACT

No new rules.

### EXPLANATORY REPORT

#### Proposed New Pa.O.C. Rules 1.1—11.6 & Explanatory Notes

#### Background

In 2006, the Orphans' Court Procedural Rules Committee ("Committee") began an extensive project to promote uniformity and to standardize the content of forms and pleadings being used across the Commonwealth. To that end, the Committee developed a series of statewide form petitions for adjudication/statements of proposed distribution for various fiduciaries stating Accounts as well as revising and developing Model Accounts for decedent's estates, trusts and charitable remainder unitrusts. The Committee also revised and developed statewide forms for use in guardianships of incapacitated persons and for use before the Registers of Wills. During the Committee's work in developing standardized, statewide forms, the Committee became aware of various and differing procedures among the counties for adjudicating and confirming an Account, for issuing citations, for ensuring notice to interested parties, and for resolving petitions and the issues raised therein. Moreover, the Committee noted that some counties lacked established written procedures for handling certain aspects of Orphans' Court litigation, resulting in unwritten customs or case-by-case determinations. In addition, the repeal of the equity rules in 2003 created a vacuum as Orphans' Court Rule 3.1 provides that in the absence of an applicable Orphans' Court Rule, pleading and practice in Orphans' Court should conform to the pleading and practice in equity.

Given these shortcomings, once the Committee completed its initial promulgation of statewide forms, the Committee began exploring the possibility of revising and amending the current Orphans' Court Rules. The Committee presented a proposal to then-Chief Justice Cappy

in the fall of 2007. Justice Cappy not only embraced the proposal, but also appointed a working group of experienced Orphans' Court judges to provide assistance, overview and input. In announcing the Committee's project and the judicial appointments, Chief Justice Cappy explained that the "intent here is to simplify the current system and standardize governing procedures so everyone has a clearer idea of what is expected and better outcomes are realized for the citizens of Pennsylvania."

Again, quoting from the News Release issued by the Administrative Office of Pennsylvania Courts on October 17, 2007:

The proposed rule review is intended to:

- Promote standardization of statewide practice and reduce variations caused by reliance on local practice.
- Provide better direction to practitioners and judges throughout the state, especially in counties without dedicated Orphans' Court divisions.
- Clarify certain procedures involving citation practice and pleadings.
- Harmonize Orphans' Court proceedings with general civil practice to the extent possible, given the unique subject matter within Orphans' Court jurisdiction.

This project has continued in earnest for nearly five years. The Committee extends recognition and gratitude to prior Committee Chairs, Judge Calvin S. Drayer and Mary Jane Barrett, Esq., for their leadership and commitment to this project.

The Committee now publishes its proposal and solicits the input, comments and suggestions of practitioners and jurist throughout the Commonwealth, particularly those who practice routinely in the Orphans' Court divisions of various counties.

#### *Proposed new Orphans' Court Rules 1.1 through 11.6*

This proposal reorganizes the placement of current Orphans' Court Rules. In brief summary, Chapter I contains introductory rules which consolidate and expand upon current Rule 1 and Rule 2; Chapter II contains rules and procedures specific to the filing and auditing of Accounts and the resolution of issues through the accounting process which encompasses and adds to the rules found in Rule 6, Rule 12 and Rule 13; Chapter III

sets forth rules and procedures concerning the use and resolution of issues through citations and petitions which modifies and expands upon some of the rules currently found in Rule 3 and Rule 5; Chapter IV contains only rules relocated from Rule 12; Chapter V contains only rules relocated from Rule 14; Chapter VI provides rules relating to pre-hearing and hearing procedures which includes current Rule 3.6 and several new rules borrowed from civil practice; Chapter VII contains only current Rule 5.5; Chapter VIII contains only current Rule 3.7; Chapter IX provides new post-hearing procedures which dispense with current Rules 7.1 and 7.2, Chapter X contains the rules currently found as part of Rule 8; and Chapter XI sets forth rules relating to practice before the Register of Wills which relocates Rule 5.6 and Rule 6.12 and provides additional new rules.

As part of this proposal, all local rules will need to be revised, renumbered and reissued within one year from the adoption of the new Supreme Court Orphans' Court Rules. It is hoped that a period of one year will give each local Orphans' Court division sufficient time to review and reissue any local rules that it wishes to retain and draft any new local rules that it feels are necessary and appropriate.

The purpose of this proposal is two-fold: to provide uniformity in the Orphans' Court divisions across the Commonwealth; and where possible and reasonable, to conform Orphans' Court practice to civil practice. Following each rule in this proposal is a note indicating whether the proposed rule derives from a current Orphans' Court Rule, either in total or with modifications, or whether the rule derives from a rule of civil practice.

The Committee hopes by its proposal to provide a more uniform and efficient system for resolving disputes in Orphans' Court so that practitioners specializing in Orphans' Court matters can practice in multiple counties and so that other practitioners entering the division of the Orphans' Court either rarely or for the first time can still provide effective and competent representation to their clients. Improving the system for the good of the public and the efficient administration of justice is the ultimate goal.

[Pa.B. Doc. No. 13-654. Filed for public inspection April 12, 2013, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF FUNERAL DIRECTORS [ 49 PA. CODE CH. 13 ]

#### Corrective Amendment to 49 Pa. Code § 13.12

The State Board of Funeral Directors (Board) has discovered a discrepancy between the agency text of 49 Pa. Code § 13.12 (relating to fees) as deposited with the Legislative Reference Bureau and as published at 39 Pa.B. 414, 417 (January 24, 2009) and the official text as codified in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 413, April 2009) and as currently appearing in the *Pennsylvania Code*. The biennial renewal fee was codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: The State Board of Funeral Directors has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 13.12. The corrective amendment to 49 Pa. Code § 13.12 is effective April 4, 2009, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 13.12 appears in Annex A.

(*Editor's Note:* For a proposed rulemaking relating to this corrective amendment, see 43 Pa.B. 2044 (April 13, 2013).)

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS LICENSURE

#### § 13.12. Fees.

Following is the schedule of fees charged by the Board:  
Initial registration for student trainee ..... \$25

Annual registration for student trainee .....	\$15
Initial registration for resident intern .....	\$25
Initial registration for preceptor or change .....	\$25
Initial license for funeral director .....	\$25
Initial license for restricted business corporation, professional corporation, partnership or shared funeral establishment .....	\$150
Initial license for estate or widow, sole proprietor- ship or branch office .....	\$125
Initial registration for supervisor .....	\$25
Change director or name on existing license without reinspection .....	\$35
Address change with inspection .....	\$125
Reinspection after failure .....	\$85
Certification .....	\$25
Verification of licensure or registration .....	\$15
Biennial renewal .....	\$325
Application for limited license .....	\$35
Biennial renewal of limited license .....	\$35
Application for continuing education course .....	\$100
Application for continuing education provider .....	\$100
Renewal of registration of continuing education provider .....	\$50

[Pa.B. Doc. No. 13-655. Filed for public inspection April 12, 2013, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 65 ]

### Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2014.

#### B. *Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

#### D. *Purpose and Background*

The proposed rulemaking is designed to enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

#### E. *Summary of Proposal*

Penns Creek, Section 03 (confluence of Elk Creek downstream to 600 meters downstream of Swift Run), was managed as a stocked trout fishery until 1992 when it was designated by the Commission as a Class A wild trout stream and the stocking of hatchery trout ceased. During 1993, landowner and angler surveys were conducted to help inform a management direction for this stream section. Based on the survey information gathered as well as biological data collected during 1991 and 1992, miscellaneous special regulations (later renamed all-tackle trophy trout under § 65.4a (relating to all-tackle trophy trout)) were developed for Section 03 and implemented on January 1, 1995. Section 03 has been managed as all-tackle trophy trout for the last 17 years (1995-2012). Commission fishery surveys conducted between 1995 and 2012 documented that the Penns Creek wild brown trout population responded positively since the stocking cessation and the implementation of all-tackle trophy trout regulations and has subsequently maintained itself at a high level over time in terms of both abundance and size structure.

During 2012, Commission staff conducted a review of the management of Penns Creek, Section 03. As a result of the assessment, there was internal support for evaluating whether the size structure of the wild brown trout population could be further enhanced by implementing a more restrictive angling regulation that would provide increased protection to the largest fish in the population. To obtain public feedback on a potential regulation

change, Commission staff contacted landowners with a letter and also conducted a public meeting on June 16, 2012, in Aaronsburg, PA.

To meet the Commission's objective of further improving the size structure of the wild brown trout population in Penns Creek, Section 03, so that the abundance of large fish in the population is maximized while also considering the public feedback received, the Commission proposes that this stream section be removed from the All-Tackle Trophy Trout Program under § 65.4a and a new harvest slot limit be established on an experimental basis. The Commission proposes that the regulation be established for a 7-year period from January 1, 2014, through December 31, 2020, during which time the trout population would be monitored to determine the effectiveness of the regulation at meeting biological and social objectives for the Penns Creek fishery. The new regulation would allow for the harvest of up to 2 trout per day that are at least 7 inches but less than 12 inches in length from the opening day of trout season through Labor Day and no harvest would be permitted for the remainder of the year. The Commission proposes that all tackle types be permitted.

Penns Creek provides a unique opportunity to evaluate a new special regulation on a productive limestone stream. The productive nature of Penns Creek provides ideal conditions to allow for a favorable response of the wild brown trout population to trend toward larger sizes than may be occurring under the current all-tackle trophy trout regulations, which may be limiting the abundance of larger trout and population size structure.

The Commission therefore proposes that § 65.24 be amended to read as set forth in Annex A.

#### F. *Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. *Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

#### H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-240. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART II. FISH AND BOAT COMMISSION**  
**Subpart B. FISHING**  
**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
<b>Centre and Mifflin</b>	<b>Penns Creek, from the confluence of Elk Creek downstream 7 miles to 600 meters downstream of Swift Run</b>	<p><b>Open to fishing year-round. All tackle types are permitted. From 8 a.m. on the first Saturday after April 11 through Labor Day—the daily creel limit for trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed.</b></p> <p><b>From the day after Labor Day until 8 a.m. on the first Saturday after April 11, no trout may be killed or possessed.</b></p> <p><b>Inland regulations apply to all other species.</b></p> <p><b>This miscellaneous special regulation will remain in effect until December 31, 2020.</b></p>
* * * * *		

[Pa.B. Doc. No. 13-656. Filed for public inspection April 12, 2013, 9:00 a.m.]

**[ 58 PA. CODE CH. 65 ]**  
**Fishing; Special Fishing Regulations**

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

**A. Effective Date**

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

**B. Contact Person**

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

**C. Statutory Authority**

The proposed amendments to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

**D. Purpose and Background**

The proposed rulemaking is designed to enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

**E. Summary of Proposal**

At its October 2012 meeting, the Commission removed 45 waters from the Early Season Trout Stocked Waters program under § 65.10 (relating to Early Season Trout Stocked Waters Program) and re-designated them as approved trout waters open to year-round fishing under § 65.19 (relating to approved trout waters open to year-round fishing). Included in this action were the Shenango River (from the Shenango River Dam downstream 1.5 miles to SR 3025) and the Youghiogheny River (from the Youghiogheny Reservoir downstream to the confluence with the Casselman River). These two river sections are also currently regulated under miscellaneous special regulations under § 65.24. The language of these miscellaneous special regulations is consistent with § 65.10. Therefore, to be consistent with the Commission's prior action, the miscellaneous special regulations on these waters should be removed.

The Executive Director exercised his authority under § 65.25 (relating to temporary changes to fishing regulations) to remove these miscellaneous special regulations.



See 42 Pa.B. 7788 (December 22, 2012). These temporary modifications became effective on January 1, 2013, and will remain in effect until the Commission, by appropriate action, amends § 65.24.

The Commission therefore proposes that § 65.24 be amended as set forth in Annex A.

*F. Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

*G. Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rule-

making to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-241. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
[ Mercer	Shenango River from the dam downstream to SR 3025, a distance of 1.5 miles.	Closed season on trout: April 1 until 8 a.m., first Saturday after April 11. Daily limit—First Saturday after April 11 until Labor Day: 5 trout per day; day after Labor Day to midnight, March 31 of the following year—3 trout per day. Inland regulations apply to warmwater/coolwater species. ]
* * * * *		
[ Somerset, Fayette, Westmoreland and Allegheny	Youghioghny River from Reservoir downstream to confluence with Casselman River.	Closed season on trout: April 1 until 8 a.m., first Saturday after April 11. Daily limit—First Saturday after April 11 until Labor Day—5 trout per day; day after Labor day to midnight, March 31 of following year: 3 trout per day. Inland regulations apply to warmwater/coolwater species. ]
* * * * *		

[Pa.B. Doc. No. 13-657. Filed for public inspection April 12, 2013, 9:00 a.m.]

# GAME COMMISSION

[ 58 PA. CODE CH. 143 ]

## Hunting and Furtaker Licenses; Hunter Education Training

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2013, meeting to amend § 143.12 (relating to hunter education training) to give the Director the authority to establish hunter education course registration fees or certificate replacement fees.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2013, meeting of the Commission. Comments can be sent until April 12, 2013, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*(Editor's Note: The Commission requested the comment due date in the previous paragraph.)*

### 1. Purpose and Authority

The proposed amendments provide for future hunter education program flexibility. These proposed amendments will enable implementation of planned improvements to the hunter education replacement training certificate process by providing for online fulfillment capabilities. This will result in a significant improvement to customer service. The Commission is proposing to amend § 143.12 to give the Director the authority to establish hunter education course registration fees and certificate replacement fees.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 143.12 were proposed under this authority.

### 2. Regulatory Requirements

The proposed rulemaking will amend § 143.12 to give the Director the authority to establish hunter education course registration fees or certificate replacement fees.

### 3. Persons Affected

Persons wishing to participate in hunter education programs within this Commonwealth may be affected by the proposed rulemaking.

### 4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

### 5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-353. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

### PART III. GAME COMMISSION

### CHAPTER 143. HUNTING AND FURTKER LICENSES

### Subchapter A. GENERAL

### § 143.12. Hunter education training.

\* \* \* \* \*

(b) *Training certificate.* The Commission will issue an appropriate certificate of training to each student who successfully completes an approved hunter education course. The Commission will issue a replacement hunter education training certificate to a person who provides sufficient affirmation or evidence of successful completion of that course of instruction. A [ \$10 ] **certificate replacement** fee shall be remitted by any person requesting a replacement hunter education training certificate.

(c) *Waiver.* The Director may waive any course registration fee required by this section when the waiver is determined to be consistent with the Commission's hunter education training program or the intent of the act.

(d) *Establishment of fees.* **The Director will establish the value of a course registration fee or certificate replacement fee required under this section.**

[Pa.B. Doc. No. 13-658. Filed for public inspection April 12, 2013, 9:00 a.m.]

[ 58 PA. CODE CH. 139 ]

[ Correction ]

## Seasons and Bag Limits

Two errors occurred in the proposed rulemaking which appeared at 43 Pa.B. 1712, 1715 (March 30, 2013). In the preamble, the time period for incidental fisher captures in WMUs 3A, 3D and 4E was incorrect. In § 139.4 (relating to seasons and bag limits for the license year), the listing for "Deer, Archery (Antlered and Antlerless) WMUs 2B, 5C and 5D" was incomplete. The correct version of this text is as follows, with ellipses referring to the remaining text of the proposed rulemaking.

1. Purpose and Authority

\* \* \* \* \*

Concerning furbearer seasons, the Commission is proposing to increase the daily and season bag limit for beaver to 20 daily, 20 per season in WMUs 2C and 5C. Increases in nuisance complaints warrant this change which is consistent with the Beaver Management Plan. Also, the numbers and density of incidental fisher captures during the past 3 years in WMUs 3A, 3D and 4E are comparable to those observed in WMUs currently open to harvest and would warrant adding these WMUs to the list of WMUs with an established fisher trapping season.

\* \* \* \* \*

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**(SEASONS AND BAG LIMITS TABLE)**

**2013-2014 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

\* \* \* \* \*

**WHITE-TAILED DEER**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> (Statewide)	Oct. 5  Dec. 26	and  Jan. 11, 2014	One antlered and an antlerless deer with each required antlerless license.
Deer, Archery (Antlerless) WMUs 2B, 5C and 5D	Sept. 21  Nov. 18	and  Nov. 30	An antlerless deer with each required antlerless license.
Deer, Archery (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Jan. 13, 2014	Jan. 25, 2014	One antlered and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 1A, 1B, 2B, 3A, 3D, 4A, 4C, 5A, 5B, 5C and 5D	Dec. 2	Dec. 14	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Dec. 2	Dec. 6	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Dec. 7	Dec. 14	One antlered, and an antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) (Statewide) Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license	Oct. 24	Oct. 26	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 19	Oct. 26	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> (Statewide)	Dec. 26	Jan. 11, 2014	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup>	Dec. 26	Jan. 25, 2014	One antlered, or

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
WMUs 2B, 5C and 5D			one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 25, 2014	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

\* \* \* \* \*

[Pa.B. Doc. No. 13-562. Filed for public inspection March 29, 2013, 9:00 a.m.]

[ 58 PA. CODE CH. 137 ]

**Wildlife; Feral Swine and Wild Boar Eradication**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2013, meeting to add § 137.35 (relating to feral swine and wild boar eradication) to remove protection for feral swine and wild boar Statewide, wherever found, and also to prohibit the importation, possession and release into the wild of feral swine and wild boar.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2013, meeting of the Commission. Comments can be sent until April 12, 2013, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

(*Editor's Note:* The Commission requested the comment due date in the previous paragraph.)

1. *Purpose and Authority*

The Commission has determined that the complete eradication of feral swine and wild boar from the wild in this Commonwealth is necessary to prevent further harm to its natural resources, agricultural industry, forest products industry and threats to human health and safety. The Commission previously promulgated an Executive Order to remove protection for feral swine. The Pennsylvania Supreme Court declared that the Commission has jurisdiction over matters relating to wild boars (a member of the family *Suidae*, and also a feral swine) in *Seaton v. PGC*, 937 A.2d 1028 (Pa. 2007). The Commission is proposing to remove protection for feral swine and wild boar Statewide, wherever found, to protect the natural resources of this Commonwealth, its traditional agricultural and forest products industries and mitigate threats to human health and safety. The Commission is also proposing to prohibit the importation, possession and release into the wild of feral swine and wild boar to further these ends.

Section 322(c)(2) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Remove protection, declare an open season or increase, reduce or close a season." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." Section 137.35 is proposed to be added under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will add § 137.35 to remove protection for feral swine and wild boar Statewide, wherever found, and also to prohibit the importation, possession and release into the wild of feral swine and wild boar.

3. *Persons Affected*

Persons wishing to take, trap or possess wild of feral swine or wild boar within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-351. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART III. GAME COMMISSION

#### CHAPTER 137. WILDLIFE

#### § 137.35. Feral swine and wild boar eradication.

(a) *Protection removed.* Protection on feral swine and wild boar is removed Statewide, except in those areas designated as containing broad scale official eradication trapping operations as designated by Executive Order of the Director.

(b) *Eligibility to take.* Persons who possess a valid hunting or furtaking license or persons who qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) are eligible to participate in the unlimited taking of feral swine and wild boar by firearm, bow or crossbow in areas where protection on feral swine and wild boar has been removed. Takings of feral swine and wild boar shall be conducted in conformance with the limitations of section 2308 of the act (relating to unlawful devices and methods) and §§ 141.4 and 141.20 (relating to hunting hours; and protective material required).

(c) *Eligibility to trap.* Persons who possess a valid hunting or furtaking license or persons who qualify for license and fee exemptions under section 2706 of the act are eligible to apply for a permit authorizing them to engage in feral swine and wild boar eradication trapping operations. Trapping of feral swine and wild boar shall be conducted in conformance with best management practices identified by the Commission and listed on the permit.

(d) *Reporting.* Takings of feral swine and wild boar resulting from authorized shooting or trapping operations shall be reported to the appropriate local Commission regional office within 24 hours of the kill. The report must include:

(1) The name, address and pertinent license or permit information.

(2) The date, time and an accurate description of the location of kill.

(3) A report number and sex of wild boar and feral swine.

(e) *Surrender of carcass.* The carcasses of feral swine and wild boar killed under the authorizations of this section shall be surrendered to the Commission for disease sampling and testing upon request.

(f) *Importation prohibited.* Effective July 1, 2013, it is unlawful to import feral swine or wild boar of any description or other name into this Commonwealth.

(g) *Possession prohibited.* Effective July 1, 2014, it is unlawful to possess feral swine or wild boar of any description or other name within this Commonwealth.

(h) *Release into the wild prohibited.* It is unlawful to release feral swine or wild boar into the wild.

(i) *Inapplicability.*

(1) This section may not be construed to limit the applicability of sections 2121 and 2141 of the act (relating to killing game or wildlife to protect property; and killing game or wildlife to protect person) and § 141.3 (relating to protection removed under certain circumstances).

(2) This section may not be construed to extend to any member of the family *Suidae* defined as a domestic animal by the Department of Agriculture and held as part of a commercial production agricultural operation regulated by the Department of Agriculture.

(j) *Penalties.* A person violating this section is subject to the penalties in the act.

[Pa.B. Doc. No. 13-659. Filed for public inspection April 12, 2013, 9:00 a.m.]

## LIQUOR CONTROL BOARD

[ 40 PA. CODE CH. 11 ]

### Sale by Licensed Limited Distilleries and Distilleries

The Liquor Control Board (Board), under the authority of sections 207(i) and 505.4 of the Liquor Code (47 P. S. §§ 2-207(i) and 5-505.4), proposes to add § 11.221 (relating to sale by licensed limited distilleries and distilleries).

#### Summary

The act of December 22, 2011 (P. L. 530, No. 113) (Act 113) made changes to numerous sections of the Liquor Code, including section 505.4, regarding distilleries. Under section 505.4 of the Liquor Code, the Board may issue, effective February 20, 2012, a limited distillery license that allows the holder to: operate a distillery that may not produce more than 100,000 gallons of distilled liquor per year; and sell bottled liquors produced on the licensed premises to the Board, to licensees and to the public.

This proposed rulemaking permits licensed limited distilleries and distilleries to deliver their products directly to consumers, retail licensees or the Board, similar to licensed limited wineries. While section 505.4 of the Liquor Code does not explicitly address the issue, legislative staff members have confirmed that the intent of Act 113 was to enable limited distillery and distillery licensees to have the same privileges as limited wineries. Toward that end, the licensed limited distillery language was modeled after section 505.2 of the Liquor Code (47 P. S. § 5-505.2), which allows the Board to issue limited winery licenses. Section 505.4 of the Liquor Code authorizes limited distillery and distillery licensees to sell their products to consumers, retail licensees and the Board and does not place constraints on the manner in which products are delivered. Therefore, this proposed rulemaking would promote clarity and reduce confusion as to whether limited distilleries and distilleries have privileges identical to limited wineries. Therefore, consistent with § 11.111 (relating to sale by limited winery licensees), this proposed rulemaking allows licensed limited distilleries and distilleries to deliver their products through the use of vehicles properly registered with the Board or through properly licensed transporters.

#### Affected Parties

The proposed rulemaking will affect licensed limited distilleries and distilleries. Currently, there are eight active and two pending limited distilleries licensed by the Board and two active distilleries licensed by the Board. Potentially affected parties licensed by the Board have been or will be given notice of this proposed rulemaking.

*Paperwork Requirements*

This proposed rulemaking is not expected to have adverse impact on the amount of paperwork required to be completed by the regulated community.

*Fiscal Impact*

This proposed rulemaking is not expected to have adverse fiscal impact on the regulated community or State and local governments. The proposed rulemaking is likely to have a positive fiscal impact on limited distilleries and distilleries, similar to that experienced by limited wineries.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 27, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

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

*Contact Person*

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

JOSEPH E. BRION,  
*Chairperson*

**Fiscal Note:** 54-73. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 40. LIQUOR**

**PART I. LIQUOR CONTROL BOARD  
CHAPTER 11. PURCHASES AND SALES**

**Subchapter N. LICENSED LIMITED  
DISTILLERIES AND DISTILLERIES**

Sec.

11.221. Sale by licensed limited distilleries and distilleries.

**§ 11.221. Sale by licensed limited distilleries and distilleries.**

(a) A licensed limited distillery or distillery may sell on the licensed premises liquor produced on the premises in accordance with the Liquor Code and this title.

(b) Liquor produced by a licensed limited distillery or distillery may be shipped by common carrier or

transporter-for-hire, as provided in Chapter 9, Subchapter A (relating to transportation of liquor, malt or brewed beverages or alcohol).

(c) A licensed limited distillery or distillery may accept checks drawn by the purchaser on his account, and from retail customers, credit cards issued by banking or financial institutions, subject to State or Federal regulations.

(d) Mail, Internet and telephone orders may be accepted. Delivery of products must be accomplished through the use of vehicles properly registered by the licensed limited distillery or distillery or through properly licensed transporters. It is the responsibility of the licensed limited distillery or distillery licensee to ensure that liquor is not delivered to minors and that proper invoices and records are maintained.

[Pa.B. Doc. No. 13-660. Filed for public inspection April 12, 2013, 9:00 a.m.]

**STATE BOARD OF  
CRANE OPERATORS**

[ 49 PA. CODE CH. 6 ]

**Fees**

The State Board of Crane Operators (Board) proposes to amend § 6.4 (relating to fees) to read as set forth in Annex A.

*Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The increased biennial renewal fees will be implemented with the November 1, 2014, biennial renewal.

*Statutory Authority*

Section 701(a) of the Crane Operator Licensure Act (act) (63 P. S. § 2400.701(a)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties imposed under the act are not sufficient to meet expenditures over a 2-year period.

*Background and Need for Proposed Rulemaking*

Under section 701 of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees and civil penalties.

The current biennial renewal fee of \$100 was established with the Board's initial rulemaking in 2010. The fee was established based upon an estimate of the costs of administering the functions of the Board and an expected licensed population of approximately 2,750 licensees. As of October 2012, there are approximately 2,780 licensed crane operators. Therefore, under the present fee structure, the Board produces approximately \$278,000 in biennial renewal revenues. In addition, the Board receives approximately \$40,000 in other revenue from application fees and civil penalties for a total of \$318,000 in revenue over a 2-year period.

However, at the May 23, 2012, Board meeting, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2010-2011 and 2011-2012 and projected revenue and expenses through FY 2014-2015. Although the Board received an initial appropriation of \$85,000 from the Professional Licensure Augmentation Account (PLAA) when it was created in 2008, it incurred expenses in excess of that amount since then and was required to pay that amount back to the PLAA within 3 years (by December 8, 2011). As of the beginning of FY 2012-2013, the Board incurred a deficit of \$182,660.46. Licenses renew for the first time as of November 1, 2012, so there will be renewal revenue during this fiscal year. However, it is not sufficient to recoup the current deficit and cover budgeted expenses for the year. The BFO projects a remaining deficit of \$15,660.46 by the end of the fiscal year. In addition, under the present fee structure, the Board can expect biennial revenue of approximately \$318,000. The BFO projects expenses of approximately \$337,000 over the next 2 fiscal years (FYs 2013-2014 and 2014-2015) and expenses of approximately \$357,000 during the following biennium (FYs 2015-2016 and 2016-2017), adding to the deficit situation. Without an increase in the biennial renewal fee, the BFO projects continuing deficits for the foreseeable future.

Therefore, the Board determined that it was necessary to raise fees to meet or exceed projected expenditures in compliance with section 701(a) of the act. As a result, the Board voted at its October 1, 2012, meeting to increase the biennial renewal fees, beginning with the November 2014 renewal, to read as set forth in Annex A. The proposed new biennial renewal fees will enable the Board to avoid the projected deficits and meet its estimated expenditures for a number of years to come.

*Description of Proposed Amendments*

The proposed rulemaking would amend § 6.4 to increase the biennial renewal fee for licensed crane operators from \$100 to \$160.

*Fiscal Impact*

The proposed rulemaking will increase the biennial renewal fees for licensees of the Board. There are currently approximately 2,780 licensees that will be required to pay \$60 more to renew their licenses when they expire in 2014 and thereafter. The proposed rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

*Paperwork Requirements*

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

*Sunset Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 2, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the

House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Christopher McNally, Board Counsel, State Board of Crane Operators, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication in the *Pennsylvania Bulletin*. When submitting comments, reference Regulation No. 16A-7102—Fees.

RAYMOND A. FEIDT,  
*Chairperson*

**Fiscal Note:** 16A-7102. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 6. STATE BOARD OF CRANE OPERATORS**

**GENERAL PROVISIONS**

**§ 6.4. Fees.**

(a) The schedule of fees charged by the Board is as follows:

	*	*	*	*	*
Biennial renewal fee .....					[ \$100 ] \$160
	*	*	*	*	*

[Pa.B. Doc. No. 13-661. Filed for public inspection April 12, 2013, 9:00 a.m.]

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

[ 49 PA. CODE CH. 45 ]

**Termination of Grandfather Provisions**

The State Board of Examiners in Speech-Language and Hearing (Board) proposes to amend § 45.21 (relating to waivers) to read as set forth in Annex A.

*Effective Date*

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

*Statutory Authority*

Section 5(2) of the Speech-Language and Hearing Licensure Act (act) (63 P. S. § 1705(2)) authorizes the Board to adopt and revise rules and regulations consistent with the act as may be necessary to implement the provisions of the act.

*Background and Need for the Rulemaking*

In 1984, the General Assembly created the Board and first authorized and required licensure of speech-language pathologists, audiologists and teachers of the hearing impaired. To be licensed under section 7(a) of the act (63 P. S. § 1707(a)), an applicant shall: hold a master's degree in speech-language pathology, audiology or education of the hearing impaired, as appropriate, or the equivalent from an accredited institution; have at least 1 year of supervised professional experience in the appropriate field; and pass a licensure examination. However, at the time the act was passed, the General Assembly recognized that persons were already practicing who may not meet the newly established licensure standards and did not intend to prohibit these existing practitioners from continuing to practice if they met certain minimum qualifications. Accordingly, section 7(c) of the act provides a waiver of the newly enacted requirements for existing practitioners who, as of the effective date of the act, held a bachelor's degree in the appropriate field, had been employed as a practitioner for at least 9 consecutive months in the 3 years immediately preceding the effective date of the act and filed an application with the Board. The act was effective February 19, 1985. Therefore, in its initial regulations promulgated in 1988, the Board provided in § 45.21(c) that it would waive the newly enacted requirements for an applicant who held an appropriate bachelor's degree by February 19, 1985, and was employed as a practitioner for at least 9 consecutive months between February 19, 1982, and February 19, 1985. The regulations do not include a termination date for licensure of existing practitioners under this waiver provision.

In providing for licensure of these existing practitioners, the General Assembly required under section 7(c)(2) of the act that the Board apply the relaxed licensure "requirements for any applicant who, on the effective date of this act: (2) files an application with the board. . . ." While it would not be reasonable to require each existing practitioner to apply exactly on February 19, 1985, the General Assembly must have intended that existing practitioners apply within a reasonable time after enactment of the act. It has now been 27 years since the act was enacted. Clearly, 27 years is much longer than a reasonable period of time in which to apply for licensure under the more relaxed standards for "existing practitioners." Accordingly, the Board proposes to eliminate the process by which those individuals that qualified as "existing practitioners" in 1985 apply for licensure under the waiver provision.

*Description of Proposed Rulemaking*

The proposed rulemaking would amend § 45.21 to provide that the Board will no longer license applicants who apply under the "existing practitioner" provision in the act.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would not have a fiscal impact on, or create additional paperwork for, the regu-

lated community, the general public or the Commonwealth and its political subdivisions as it is eliminating an outdated waiver provision.

*Sunset Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 2, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, ST-SPEECH@pa.gov within 30 days of publication in the *Pennsylvania Bulletin*. When submitting comments, reference No. 16A-6806 (termination of grandfather provisions).

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

**Fiscal Note:** 16A-6806. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

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

**Subchapter B. LICENSURE**

**§ 45.21. Waivers.**

(a) The Board will waive the education, experience and examination requirements of this subchapter for an applicant who:

\* \* \* \* \*

[ (4) Earned a bachelor's degree, as of February 19, 1985, with a major, as appropriate, in speech-language pathology, audiology or teaching of the hearing-impaired from an accredited college or university, and was employed in the appropriate field as a speech-language pathologist, audiologist or teacher of the hearing-impaired for at least 9 consecutive months during the period February 19,



1982—February 19, 1985. The applicant shall file an application with the Board, and shall cause the degree-awarding institution and the applicable employer to submit to the Board certification of degree and certification of employment status. An applicant who was self-employed during the applicable period shall so certify. ]

(b) The Board will not grant a license under section 7(c) of the act (63 P. S. § 1707(c)) to an applicant who applies after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*).

[Pa.B. Doc. No. 13-662. Filed for public inspection April 12, 2013, 9:00 a.m.]

## STATE BOARD OF FUNERAL DIRECTORS

[ 49 PA. CODE CH. 13 ]

### Fees

The State Board of Funeral Directors (Board) proposes to amend § 13.12 (relating to fees) to read as set forth in Annex A.

#### *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. It is anticipated that the increased biennial renewal fees will be implemented with the January 31, 2014, biennial renewal.

#### *Statutory Authority*

Section 18.1 of the Funeral Director Law (act) (63 P. S. § 479.18.1) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

#### *Background and Need for Amendment*

Under section 18.1 of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from other fees, fines and civil penalties. In 2006, facing rising deficits for the foreseeable future, the Board undertook a proposed rulemaking to implement a fee increase in an attempt to avoid continued deficits and restore the Board's fiscal integrity. At the time, it was anticipated that the increase would be implemented in time for the February 1, 2008, biennial renewal. Unfortunately, due to circumstances beyond the Board's control, the final-form rulemaking was not published until January 24, 2009, and was not implemented until the 2010 biennial renewal. This delay caused additional deficits to accrue. For that reason, the Board recognized that it might have to look into the possibility of another fee increase to address the lingering deficits.

At the December 7, 2011, Board meeting, representatives from the Department of State's Bureau of Finance

and Operations (BFO) presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2009-2010 and 2010-2011, and projected revenue and expenses through FY 2014-2015. By the beginning of FY 2009-2010, the Board accrued a deficit of over \$1 million. At the end of FY 2010-2011, in spite of the implementation of the fee increase, the BFO reported that the Board continued to run a deficit of \$790,540.68. At the current fee levels, the Board receives revenue of approximately \$2.06 million over a 2-year period (consisting of a renewal year and a nonrenewal year). Budgeted expenditures for the next 2 fiscal years (FYs 2012-2013 and 2013-2014) are approximately \$2.406 million. Therefore, the Board determined that it was necessary to raise fees to meet or exceed projected expenditures in compliance with section 18.1 of the act and to eliminate the existing deficit. The Board asked the BFO to provide several alternatives with recommendations for a fee increase to remedy the situation. Thereafter, in January 2012, the BFO provided several scenarios, including the possibility of a \$100—\$115 increase, as well as alternatives if the Board were to change to an annual license renewal cycle.

At the time, the Board determined to wait until the close of FY 2011-2012 and review revenue and expenditure projections at that time. In June 2012, the BFO returned with revised estimates and recommended a \$75 increase to the biennial renewal fees as sufficient to eliminate the existing deficit, provide for the current level of operations and return the Board to firm financial ground. As a result, the Board voted at its July 5, 2012, meeting to increase biennial renewal fees from \$325 to \$400 to read as set forth in Annex A.

#### *Description of Proposed Rulemaking*

The proposed rulemaking would amend § 13.12 to increase the biennial renewal fees for funeral directors, funeral supervisors and funeral establishments from \$325 to \$400.

#### *Fiscal Impact*

The proposed rulemaking will increase the biennial renewal fees for licensees of the Board. There are currently approximately 3,240 licensed funeral directors, 1,234 licensed funeral supervisors and 1,642 funeral establishments (including the following license categories: branch, estate, professional corporation, sole proprietor, partnership, restricted business corporation, widow and pre-1935 business corporation) that will be required to pay more to renew their licenses when they expire in 2014 and thereafter. The vast majority of funeral establishments are considered small businesses. They will be impacted because their license fees will increase. The degree to which small businesses will be impacted depends on whether they elect to pay the licensure fees on behalf of their licensed employees, as well as the establishment's license. The proposed rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

#### *Paperwork Requirements*

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

*Sunset Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 2, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Cynthia Montgomery, Regulatory Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication in the

*Pennsylvania Bulletin*. When submitting comments, reference Regulation No. 16A-4822.

MICHAEL J. YEASOCK,  
*Chairperson*

*(Editor's Note:* For a corrective amendment relating to this proposed rulemaking, see 43 Pa.B. 2033 (April 13, 2013).)

**Fiscal Note:** 16A-4822. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS LICENSURE**

**§ 13.12. Fees.**

Following is the schedule of fees charged by the Board:

	*	*	*	*	*
Biennial renewal .....					<b>[ \$325 ] \$400</b>
	*	*	*	*	*

[Pa.B. Doc. No. 13-663. Filed for public inspection April 12, 2013, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fiscal Year 2012-2013 Annual Plan for Awarding Grants under the Pennsylvania Agricultural Fair Act

The Department of Agriculture (Department), under section 8(a) of the Pennsylvania Agricultural Fair Act (act) (3 P. S. § 1508(a)), announces that the Secretary of Agriculture (Secretary), with the advice and assistance of the Agricultural Fair Advisory Committee (Committee) at its meeting of April 1, 2013, adopted the Fiscal Year (FY) 2012-2013 Annual Plan on the awarding of grants to eligible organizations under the act.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, State-wide agricultural organizations which contribute to the development of agriculture and agribusiness and to eligible agricultural youth groups for support of their programs. The Secretary, with the advice and assistance of Committee created by the act, is to adopt an Annual Plan for awarding of grants subject to the limitations specified in section 5 of the act (3 P. S. § 1505).

The Annual Plan, as adopted by the Secretary, provides for the award of grants to each eligible organization subject to the availability of funds on the following basis:

1. For operating expenses, the maximum payment allowed for each Class Fair under section 5(1)(i)(A) of the act will be paid.
2. For premium reimbursement, the maximum payment allowed under section 5(1)(i)(B) of the act will be paid.
3. For reimbursement to each eligible organization conducting harness horse racing at its annual fair, other than races for colts and fillies 2 and 3 years of age, the maximum amount of reimbursement allowed under section 5(1)(iii) of the act will be paid.
4. For reimbursement to each eligible organization conducting races for colts and fillies 2 and 3 years of age at its annual fair, the maximum amount of reimbursement allowed under section 5(1)(iv) of the act will be paid.
5. For reimbursement of operating costs and premiums, a maximum amount of \$2,000 and in addition a maximum amount of \$10,000 based on a sum equal to 50% of the amount spent by the eligible Statewide agricultural organizations for premium's that are not in the \$2,000

payment as provided under section 5(2) of the act. The total maximum payment hereunder will not exceed \$12,000.

6. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by 4-H Youth groups, a payment which will be calculated according to the following formula:

Tier 1: \$2,000 for total enrollment of up to 1,000 members plus \$1 for each traditional member and \$0.50 for each school enrichment/special interest member.

Tier 2: \$2,500 for total enrollment of 1,001 to 2,000 members plus \$1 for each traditional member and \$0.50 for each school enrichment/special interest member.

Tier 3: \$3,000 for total enrollment of 2,001 to 3,000 members plus \$1 for each traditional member and \$0.50 for each school enrichment/special interest member.

Tier 4: \$3,500 for total enrollment of 3,001+ members plus \$1 for each traditional member and \$0.50 for each school enrichment/special interest member, a maximum reimbursement of \$9,000.

7. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by Future Farmers of America (FFA) youth groups, a payment which will be calculated according to the following formula:

Tier I: County FFA organizations with 100 members or less will receive base funding of \$1,000 with an additional \$2 per member.

Tier II: County FFA organizations with 101 to 210 members inclusive will receive a \$2,000 base funding with no additional moneys on a per member basis.

Tier III: County FFA organizations with 211 members or more will receive funding of \$2,000 with an additional \$2 per member for every member over 210.

8. Any funds remaining after the previously listed grants have been awarded shall be utilized for capital improvement as provided in section 5(1)(ii) of the act.

9. The Secretary will endeavor to disburse the previously listed payments in accordance with the following schedule:

(a) By February 1, 2012, for payment under paragraphs 1—7.

(b) By April 1, 2013, for payment approved and authorized in FY 2012-2013 under paragraph 8.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 13-664. Filed for public inspection April 12, 2013, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 2, 2013.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-21-2013	CNB Bank Clearfield Clearfield County	665 Philadelphia Street Indiana Indiana County	Opened
3-26-2012	Mifflinburg Bank & Trust Company Mifflinburg Union County	500 Market Street Lewisburg Union County	Opened
4-2-2012	F&M Trust Co. of Chambersburg Chambersburg Franklin County	711 Centerville Road Newville Cumberland County	Approved

##### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
3-31-2013	Meridian Bank Devon Chester County	Effective

Amendment to Article I, Section II of the institution's Articles of Incorporation provides for the institution to change their principal place of business from 92 Lancaster Avenue, Devon, PA 19333 to 9 Old Lincoln Highway, Malvern, PA 19355.

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-665. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 2013

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of May, 2013, is 5 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real

property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.63 to which was added 2.50 percentage points for a total of 5.13 that by law is rounded off to the nearest quarter at 5 1/4%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-666. Filed for public inspection April 12, 2013, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications.

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0024015 (Sewage)	Cressona Borough STP 58 S Sillyman Street Rear Cressona, PA 17929	Schuylkill County Cressona Borough	Beaver Creek (3-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0010251— (IW)	US Army Carlisle Barracks 330 Engineer Avenue Carlisle, PA 17013	Cumberland County / North Middleton Township	UNT Letort Spring Run / 7B	Y
PA0246948— (CAFO)	Brian D. Eckman 357 Black Barren Road Peach Bottom, PA 17563	Lancaster County / Fulton Township	UNT Conowingo Creek / 7K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0095907 Sewage	Albert Gallatin School District 120 Puritan Road McClellandtown, PA 15458	Fayette County German Township	UNT of North Branch Browns Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0102768 (Sewage)	Maplewood Jr./Sr. High School 30383 Guys Mills Road Guys Mills, PA 16327	Crawford County Randolph Township	Unnamed Tributary to Woodcock Creek (16-A)	Y
PA0103152 (Sew)	Hydro Pac 7470 Market Road Fairview, PA 16415	Erie County Fairview Township	Unnamed Tributary to Brandy Run (15-A)	Y
PA0040967 (Sewage)	Wolf Run Marina 250 Marina Lane Clarendon, PA 16313	Warren County Mead Township	Allegheny River (16-B)	Y
PA0222453 (Sewage)	Scenic Heights Golf Course 7830 Knoyle Road Wattsburg, PA 16442	Erie County Venango Township	Unnamed Tributary of Sixmile Creek (15-A)	Y

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

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

**PA0023469**, Sewage, SIC Code 4952, **Central Wayne Regional Authority**, 574 Bucks Cove Road, Honesdale, PA 18431. Facility Name: Central Wayne Regional Authority WWTP Project. This existing facility is located in Honesdale Borough, **Wayne County**.

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

The receiving stream, the Lackawaxen River, is located in State Water Plan watershed 01B and is classified for High Quality Waters—Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
CBOD <sub>5</sub>	275	422	XXX	15.0	23.0	30.0
		Wkly Avg			Wkly Avg	
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	385	578	XXX	21.0	31.5	42.0
		Wkly Avg			Wkly Avg	

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
UV Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	147	XXX	XXX	8.0	XXX	16.0
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	119	XXX	XXX	6.5	XXX	13.0
Nov 1 - Apr 30	357	XXX	XXX	19.5	XXX	39.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	47.7	XXX	XXX	2.6	XXX	5.2
Total Copper (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Copper (Final)	0.23	0.36	XXX	0.013	0.020	XXX
Total Lead (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Lead (Final)	0.09	0.16	XXX	0.005	0.009	XXX
Total Zinc (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Zinc (Final)	2.0	3.3	XXX	0.11	0.18	XXX

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

- Combined Sewer Overflows—Management and Control; Continued Implementation of Nine Minimum Controls; Implementation of Long Term Control Plan
- Toxics Reduction Evaluation (TRE)
- Whole Effluent Toxicity (WET) Testing

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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

**Application No. PA0262013**, Concentrated Animal Feeding Operation (CAFO), **Kerwin King (Kerwin King Duck Operation)**, 200 Faggs Manor Road, Cochranville, Pa 19330.

Kerwin King has submitted an application for an Individual NPDES permit for a new CAFO known as Kerwin King Duck Operation, located in Upper Oxford Township, **Chester County**.

The CAFO is situated near Unnamed Tributary to East Branch Big Elk Creek in Watershed 3-I, which is classified for High Quality Trout Stocking and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 137.12 animal equivalent units (AEUs) consisting of 38,000 ducks and 15 heifers. Manure is collected and stored in a covered HDPE-lined manure storage lagoon and as uncollected solid heifer manure. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA0260223**, Concentrated Animal Feeding Operation (CAFO), **Scott Brinton (Riverview Farms CAFO)**, 323 Riverview Road, Peach Bottom, PA 17563.

Scott Brinton has submitted an application for an Individual NPDES permit for a new CAFO known as Riverview Farms CAFO, located in Fulton Township, **Lancaster County**.

The CAFO is situated near an unnamed tributary of the Susquehanna River in Watershed 7-K, which is classified for high quality cold water fishery. The CAFO is designed to maintain an animal population of approximately 468.25 animal equivalent units (AEUs) consisting of 3,000 pigs, 5 cow/calf pair and 8 horses. Manure is collected in an underneath

concrete storage for the swine and is left uncollected in the pasture for the cows and horses. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0261947**, SIC Code 8811, **Helmick Terry T**, 147 Seiger Road, Kutztown, PA 19530. Facility Name: Helmick Residence. This proposed facility is located in Richmond Township, **Berks 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 to Maiden Creek, is located in State Water Plan watershed 3-B and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

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

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

The EPA Waiver is in effect.

**PA0261998**, SIC Code 8811, **Brian B Weidenhammer**, 44 Penn-Bern Road, Bernville, PA 19506-8248. Facility Name: Weidenhammer Property. This proposed facility is located in Bern Township, **Berks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Minimum	Average Monthly	Geo Mean	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (s.u.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

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

**PA0233994**, Concentrated Animal Feeding Operation (CAFO), **Glenn Gorrell (Gorrell Dairy LLC)**, Rd 1 Box 220, Milan, PA 18831.

Glenn Gorrell has submitted an application for an Individual NPDES permit for a new CAFO known as Gorrell Dairy LLC, located in Smithfield Township, **Bradford County**.

The CAFO is situated near Tomjack Creek in Watershed 4-C, which is classified for Trout Stocking and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 1,370.25 animal equivalent units (AEUs) consisting of 700 milking cows, 70 dry cows, and 589 replacements/youngstock (313 heifers and 276 calves).



Manure is collected in one of six manure storage facilities covered under WQM Permit No. 0808201. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0208922 A-1**, Sewage, SIC Code 4952, **Woodward Township Sewer and Water Authority**, P. O. Box 6, Houtzdale, PA 16651-9651. Facility Name: Punkin Hollow Wastewater Treatment Plant. This existing facility is located in Woodward Township, **Clearfield County**.

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

The receiving stream(s), Whiteside Run, is located in State Water Plan watershed 8-D 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 0.56 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	3.3
CBOD <sub>5</sub>	116	186	XXX	25	40	50
Total Suspended Solids	140	210	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	10228		Report	
Total Phosphorus	Report	1364		Report	

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin immediately. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013.

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

The EPA Waiver is not in effect.

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

**PA0095982**, Sewage, **Albert Gallatin Area School District**, 2625 Morgantown Road, Uniontown, PA 15401-6703. Facility Name: North Junior HS STP. This existing facility is located in German Township, **Fayette County**.

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

The receiving stream(s), Unnamed Tributary of North Branch Browns Run, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	0.02	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.13	XXX	0.29
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Report Daily Avg	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15.0
Total Phosphorus	XXX	XXX	XXX	Report Daily Avg	XXX	XXX

The EPA Waiver is in effect.

**PA0098299**, Sewage, **Bruno Family Trust**, 71 E Pine Avenue, Washington, PA 15301. Facility Name: Donegal Center Inc. This existing facility is located in Donegal Township, **Westmoreland County**.

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

The receiving stream, Unnamed Tributary of Fourmile Run, is located in State Water Plan watershed 18-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.022 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	0.022	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15.0

The EPA Waiver is in effect.

**PA0216364**, Industrial Waste, SIC Code 4941, **Center Township Municipal Water Authority Beaver County**, 224 Center Grange Road, Aliquippa, PA 15001-1421. Facility Name: Center Township Water Authority. 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(s), Rag 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 001 are based on a design flow of 1.08 MGD.

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

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.

**PA0217689**, Industrial Waste, SIC Code 4941, **West View Borough Municipal Authority Allegheny County**, 210 Perry Highway, Pittsburgh, PA 15229-1862. Facility Name: Joseph A Berkley WTP. This existing facility is located in Neville Township, **Allegheny 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), Ohio River, is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 MGD.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0.2 MGD.

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

The proposed effluent limits for Outfall 011 are based on a design flow of 0.016 MGD.

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

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

The EPA Waiver is in effect

**PA0216895**, Industrial Waste, SIC Code 4941, **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717-1232. Facility Name: Highridge Water System. This existing facility is located in Fairfield Township, **Westmoreland 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), Tubmill Creek, is located in State Water Plan watershed 18-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>						
May 1 - Oct 31	Report	Report	XXX	25	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	XXX
				Geo Mean		

The proposed effluent limits for Outfall 002 are based on a design flow of 0.141 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	1.8	XXX	3.6
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	1.8	XXX	3.6
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 004 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	1.8	XXX	3.6
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

Discharge from this outfall shall consist of uncontaminated stormwater runoff only.

The EPA Waiver is in effect.

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

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

**WQM Permit No. WQG02231302**, Sewage, **Concord Township**, 43 Thornton Road, Glen Mills, PA 19342-1345.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a grinder pump connected to a common low pressure sewer system.

**WQM Permit No. 4613402**, Sewage, **Berks Montgomery Municipal Authority**, 136 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19525.

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

Description of Action/Activity: Construction and operation of a sanitary pump station to service the proposed Hallowell Tract resident development.

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

**WQM Permit No. 4813401**, Sewerage, **Lehigh Township Municipal Authority**, 1069 Municipal Road, Walnutport, PA 18088-9718.

This existing facility is located in Lehigh Township, **Northampton County**.

Description of Proposed Action/Activity: Application for the proposed installation of a wastewater screening facility at the existing Wood Drive Pump Station.

**WQM Permit No. 4801403-T1**, Sewerage, **Bath Borough Authority**, PO Box 87 160 Mill Street, Bath, PA 18014.

This proposed facility is located in East Allen Township, **Northampton County**.

Description of Proposed Action/Activity: Transfer of a Water Quality Management Permit from East Allen Township Municipal Authority to Bath Borough. Village of Old Jacksonville pump station and collection system.

**WQM Permit No. 4805403-T1**, Sewerage, **Bath Borough Authority**, PO Box 87 160 Mill Street, Bath, PA 18014.

This proposed facility is located in East Allen Township, **Northampton County**.

Description of Proposed Action/Activity: Transfer of a Water Quality Management Permit from East Allen Township Municipal Authority to Bath Borough. Arcadia East Industrial Park pump station, force main and sewers.

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

**WQM Permit No. 3602205, Amendment 13-1**, Industrial Waste, **Advanced Disposal Services Lancaster Landfill, LLC**, 2487 Cloverleaf Road, Elizabethtown, PA 17022.

This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Transfer of Permit.

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

**WQM Permit No. 2013401**, Sewerage, **PA DCNR**, P. O. Box 8551, 400 Market Street, Harrisburg, PA 17105-8551.

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

Description of Proposed Action/Activity: Installation of an underground sewer force main in Pymatuning State Park. The project will re-direct sewage from Linesville Spillway to the Linesville-Pine Joint STP.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011513007	McGettigan Dowlin Forge, LLC 344 Martingale Circle Coatesville, PA 19320	Chester	East Brandywine Township	East Branch Brandywine Creek HQ-TSF, MF
PAI011513010 Replaces PAS10-G464-R2-A1	TC Atwater Land, LP 300 Conshohocken SR Suite 250 Conshohocken, PA 19428	Chester	East Whiteland and Tredyffrin Townships	Valley Creek EV
PAI011513009	French Creek Acquisition, LP 3815 West Chester Pike Newtown Square, PA 19073	Chester	Phoenixville Borough	French Creek TSF-MF
PAI011513004	Kerwin King, Operator 200 Fags Manor Road Cochranville, PA 19330	Chester	Upper Oxford Township	East Branch Big Elk Creek HQ-TSF

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

*Pike County Conservation District: 556 Route 402, Ste. 1, Hawley, PA 18428, 570-226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025213001	LP Cylinder Service, Inc. 627 Route 434 Shohola, PA 18458	Pike	Shohola Twp.	Shohola Creek, HQ-CWF, MF

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


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PAG-12            CAFOs

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**CAFO Notices of Intent Received**


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

**PAG123658**, CAFO, **Jason Fox**, 15629 Trough Creek Valley Pike, Huntingdon, PA 16652.

This proposed facility is located in Union, **Huntingdon County**.

Description of Size and Scope of Proposed Operation/Activity: 563-AEU Swine Operation.

The receiving stream, UNT Little Trough Creek, is in watershed 11-D, and classified for: TSF.

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.

**PAG123745**, CAFO, **Jubilee Dairy Farm**, 1306 Pecks Road, Middletown, PA 17057.

This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Size and Scope of Proposed Operation/Activity: 411-AEU Dairy Operation.

The receiving stream, Conewago Creek, is in watershed 7-G, and classified for: TSF.

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

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Wayne A. Marcho Farms RD#1 Union Hill Road Susquehanna, PA 18847	Susquehanna	422	789.69	Veal	N/A	Renewal
Galen Nolt 222 Little Britain Church Rd Peach Bottom, PA 17563	Lancaster	350	3.03	Dairy/ Swine/ Layers	HQ	R

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Unites</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Stone Hog Production LLC John & Bronson Stone 12547 Stage Road McClure, PA 17841	Snyder	140 Acres	975.91	Swine	N/A	Application
		70.7 owned for manure application				
		31.7 rented for manure application				

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

**SAFE DRINKING WATER**

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

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Application No. 3113502 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Landmark Signature Homes, LLC</b>
Municipality	Porter Township

County	<b>Huntingdon</b>
Responsible Official	Cristian Foust, Owner 138 Arbutus Park Road Bloomsburg, PA 17815
Type of Facility	Public Water Supply
Consulting Engineer	Thomas A Gray, P.E. CDI Corp. db/a L.R. Kimball 615 West Highland Avenue Ebensburg, PA 15931
Application Received:	3/20/2013
Description of Action	GWR 4-log treatment of viruses for EP 101. Installation of additional contact tanks.

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

**Permit No. 4313504, Public Water Supply**

Applicant	<b>Aqua Pennsylvania, Inc.</b>
Township or Borough	Jackson Township
County	<b>Mercer</b>
Responsible Official	Marc A. Lucca
Type of Facility	Public Water Supply
Consulting Engineer	William A. LaDieu, P.E. CET Engineering Services—GHD 1240 North Mountain Road Harrisburg, PA 17112
Application Received Date	March 27, 2013
Description of Action	Installation of three AdEdge filters for the removal of iron and manganese in the existing chemical building and other improvements, including the replacement of the chemical feed system, replacement of the well pumps, and construction of a new chlorine contact pipe.

**MINOR AMENDMENT**

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

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

**Permit No. 0210522GWR, Returned, Minor Amendment.** Public Water Supply.

Applicant **Cheswick Borough**  
220 South Atlantic Avenue  
Cheswick, PA 15024

[Borough or Township] Cheswick Borough

County **Allegheny**

Type of Facility Water system

Consulting Engineer

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

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

**Application No. 2501501-MA1, Minor Amendment.**

Applicant **Millcreek Township Water Authority**

Township or Borough Millcreek Township

Responsible Official **David J. Sterrett**

Type of Facility Public Water Supply

Consulting Engineer Kirt L. Ervin, P.E.  
US Engineering, LLC  
13742 Mary Lane  
Aviston, IL 62216

Application Received Date March 25, 2013

Description of Action Install one PAX PWM-400 active  
mixer inside Bundy Tank.

**Application No. 361W2-T2-MA3, Minor Amendment.**

Applicant **Millcreek Township Water Authority**

Township or Borough Millcreek Township

Responsible Official **David J. Sterrett**

Type of Facility Public Water Supply

Consulting Engineer Kirt L. Ervin, P.E.  
US Engineering, LLC  
13742 Mary Lane  
Aviston, IL 62216

Application Received Date March 25, 2013

Description of Action Install one PAX PWM-400 active  
mixer inside Asbury Tank No. 1.

**Application No. 361W2-T2-MA4, Minor Amendment.**

Applicant **Millcreek Township Water Authority**

Township or Borough Millcreek Township

Responsible Official **David J. Sterrett**

Type of Facility Public Water Supply

Consulting Engineer Kirt L. Ervin, P.E.  
US Engineering, LLC  
13742 Mary Lane  
Aviston, IL 62216

Application Received Date March 25, 2013

Description of Action Install one PAX PWM-400 active  
mixer inside Asbury Tank No. 2.

**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**

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

**WA-19-144C**, Water Allocations. **United Water of Pennsylvania**, Bloomsburg, 4211 East Park Circle, Harrisburg, PA 17111. Town of Bloomsburg, **Columbia County**. Application to request permit renewal. The original permit issued in 1964, allow for a 5,000,000 gpd withdrawal from Fishing Creek. This limit is an annual average. The requested allocation amount has been made to retain United Water Pennsylvania's existing permitted withdrawal.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995  
PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)**

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area,



the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**The Courts at Springmill Station**, Whitmarsh Township, **Montgomery County**. Victoria Ryan, VER-TEX Environmental Services, 700 Turner Way, Aston, PA 19014 on behalf of James H. Turner, Homes Properties, Inc. 8229 Boone Boulevard, Suite 500, Vienna, VA 22181 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no 4-6 heating oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Ambler Gazette* on February 28, 2013.

**Snyder Girotti Elementary School—Bristol School District**, Bristol Borough, **Bucks County**. Ralph DiGuissepe, III, Bristol Borough, 250 Pond Street, Bristol, PA 19007 on behalf of Toby J. Kessler, P.G., Gilmore & Associates, Inc., 65 East Butler Avenue, Suite 100, New Britain, PA 18901, Matthew T. Bailor, CHMM, Gilmore & Associates, Inc., 65 East Butler Avenue, Suite 100, New Britain, PA 18901 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic, lead, and beno. The future use of the site will remain the same.

**Newtown Crossing Pipe Line Tyler State Park**, Newtown Township, **Bucks County**. Brian Flores, 101 Swamp Road, Newtown, PA 19894-1151 on behalf of martin Liebhardt, P.G. Sr., Sunoco, Inc. (R&M) 10 Industrial Highway, MS4, Lester, PA 19029, James Mulry, P.G., Mulry and Cresswell Environmental, Inc., 1679 Horsehoe Pike, Glenwood, PA 19343 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded gasoline. The impact is limited to Tyler State Park, which is intended to remain a public park for the foreseeable future.

**Ambler Crossing—Bast Property**, Borough of Ambler, **Montgomery County**. Robert Bast, Maple Avenue Park Partners, LLP, 110 Spruce Lane, Ambler, PA 19002 on behalf of John Zaharchuk, Ambler Crossing Development Partners, LP, 201 South Maple Avenue, Suite 100, Ambler, PA 19002, Walter H. Hungarter, III, RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406, Ken S. Eden, RT Environmental Services, 215

West Church Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic and asbestos. The future use of the site will remain the same.

**Watson Residence**, City of Philadelphia, **Philadelphia County**. Vincent Watson, 6348 Ross Street, Philadelphia, PA 19144 on behalf of Dana Boyadjian, ECC Horizon, 520 Fellowship Road, Suite E-506, Mount Laurel, NJ 08054, Christian Thomas, Mama's Boy Heating Oil, 1405 South 58th Street, Philadelphia, PA 19143 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The subject site will remain a residential property following project completion. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on February 11, 2013.

**McGonagle Property**, Bristol Borough, **Bucks County**. Shaw McGonagle, 320 East Circle, Bristol, PA 19007 on behalf of Gilbert J. Marshall, Marshall Geoscience Inc., 170 East Frist Avenue, Collegeville, PA 19426, Joseph Diamadi, Marshall Geoscience Inc., 170 East Frist Avenue, Collegeville, PA 19426 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the property is residential. A summary of the Notice of Intent to Remediate was to have been reported in *The Advance of Bucks County* on March 10, 2013.

**500 East Washington Street**, Norristown Borough, **Montgomery County**. John Nugent, III, Executive Director, Redevelopment Authority of Montgomery County, 104 West Main Street, Suite 2, Norristown, PA 19401 on behalf of Matthew Lesley, ARCADIS, U.S. Inc., 824 North Market Street, Suite 820, Wilmington, DE 19801, Ose Carr, ARCADIS, U.S. Inc., 824 North Market Street, Suite 820, Wilmington, DE 19801 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of voc's. The future use of the site will remain the same.

**Greenberg Residence**, Hatboro Borough, **Montgomery County**. Wayne Greenberg, 234 Turner Avenue, Hatboro, PA 19040 on behalf of Ed Applegate, State Farm Insurance, Pennsylvania Fire Claims, P. O. Box 106110, Atlanta, Georgia 30348-6110, Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg PA 18073 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer* on February 27, 2013.

**Frank Residence**, Lower Merion Township, **Montgomery County**. Hans Frank, 44 Linwood Avenue, Ardmore, PA 19003 on behalf of Jeremy Bolyn, Environmental Maintenance Company Inc., 1420 East Mermaid Lane, Glenside PA 19038 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain residential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on January 15, 2013.

**StarLink Logistics Inc.**, Lower Gwynedd Township, **Montgomery County**. Stuart Dearden, StarLink Logistics Inc. 55 Corporate Drive Mill Code 55A-300A, Bridgewater, NJ 08807 on behalf of David J. Kistner, P.G., URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 has submitted a Notice of

Intent to Remediate. Groundwater at the site has been impacted with the release of other organics and pesticide. The intended future use of the Site A, B, and C is non-residential.

**Estate of Kim Greenlee**, Newtown Borough, **Bucks County**. David Sottile, 48 Chestnut Drive, Newtown, PA 18904 on behalf of Jeanne M. Sninski, Esq., Ms. Jeanne M. Sninski, Esq., 48 Chestnut Drive Newtown, PA 18940, Chris Jacangelo, P.G., J. Rockwood & Associates, Inc., Post Office Box 1006, Easton, PA 18904 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The current and future use of the property is residential.

**Edlon Inc.**, Borough of Avondale, **Chester County**. Steve Rau, Edlon, Inc. 150 Pomeroy Avenue, Avondale, PA 19311 on behalf of Chad M. Moore, P.G., Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics. The future use of the site will remain the same.

**Mercer Residence Property**, Nantmeal Township, **Chester County**. Angelika Mercer, 6224 23rd Avenue NE, Seattle, WA 98115 on behalf of Mark E. Zurich, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, Michael Raffoni, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

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

**Lauschtown Trailer Park, Trailer #1**, 551 Lauschtown Road, Denver, PA 17517, Brecknock Township, **Lancaster County**. Hafer Environmental Services, Inc., PO Box 4418, Reading, PA 19606, on behalf of Ronald Weaver, 266 Vera Cruz Road, Reinholds, PA 17569, submitted a Notice of Intent to Remediate site soils contaminated with #2 fuel oil. The site will be remediated to the Residential Statewide Health standard. Future use of the site remains residential.

**Former Exxon Mobil Oil Corporation—Mt. Union Terminal #37-058**, 15534 Croghan Pike, Mt. Union, PA 17260, Shirley Township, **Huntingdon County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of ExxonMobil Environmental Services, 38 Varick Street, Brooklyn, NY 11222, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded and unleaded gasoline. The site will be remediated to a combination of Non-Residential Statewide Health and Site-Specific standards. Future use of the site is commercial.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Hyacinth Church**, 3201 Craft Place, Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Hyacinth Place LLC, 12 Grandview Circle, Canonsburg, PA 15317 submitted a Notice of Intent to Remediate concerning the remediation of site soil and groundwater contaminated metals, VOCs and SVOCs. The intended future use of the site is residential. The Notice of Intent to Remediate was published in the *Pittsburgh Trib* on Wednesday, March 27, 2013

## RESIDUAL WASTE GENERAL PERMITS

**Application Received for Determination of Applicability 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.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR101D001. Ervin Industries Inc.**, 681 East Butler Road, Butler, PA 16002. The Department of Environmental Protection, Bureau Waste Management has received an application for a determination of applicability under the General Permit Number WMGR101. General Permit Number WMGR101 authorizes the beneficial use of steel and iron slag as an additive in asphalt pavement material. The Department determined the application to be administratively complete on March 8, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapenbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR101D001" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

## DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability 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**

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

**General Permit Application No. WMGR017, Program I.D. WMGR017-NE001, Borough of Schuylkill Haven**, 12 West Main Street, Schuylkill Haven, PA 17972. A General Permit Determination of Applicability (DOA) for the beneficial use of water treatment plant sludge from the Tumbling Run Water Plant located in North Manheim Township, **Schuylkill County**. The DOA application was received in the Regional Office on February 14, 2013, revisions were received on March 27, 2013 and the application was deemed administratively complete on March 29, 2013.

Persons interested in obtaining more information about the general permit application may contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the

Pennsylvania 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. 301346. Danbro, L.P.**, 3700 South 26th, Philadelphia, PA 19145. This Final Closure Certification Report is for the 26th Street and Penrose Avenue Site, a closed residual waste landfill, located at 3700 South 26th Street in the City of Philadelphia. The report was received by the Southeast Regional Office on January 24, 2013.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS**

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

**PLAN APPROVALS**

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

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**26-00488E: Laurel Aggregates of Delaware, LLC** (1600 Market Street, 38th Floor, Philadelphia, PA 19102) for crushed and broken limestone mining and quarrying at their lake Lynn Quarry in Springhill Township, **Fayette County**. This is a minor facility Plan Approval application submittal.

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

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**23-0220: Eddystone Rail Co.** (5 Industrial Highway, Eddystone, PA 19022-1585) for installation of a crude oil unloading facility at their current site of the Exelon Generation Co, Eddystone Generating Station, in Eddystone Borough, **Delaware County**. The installation of a marine vessel loading operation with the VOC and HAP emissions routed through a vapor recovery to a non-assisted ground flare for the control of HAP and VOC emissions is subject to the NESHAP requirements of 40 CFR 63, Subpart Y. The facility has taken a throughput limitation to emit less than the major source thresholds, with the projected actual emissions expected to be no more than 24.0 tons of NO<sub>x</sub>, 18.92 tons of VOCs, and 1.04 tons of total HAPs per year. This project does not trigger applicability toward PADEP's NSR regulations or the federal PSD regulations. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**PA 66-315-058: Procter and Gamble Paper Company** (P.O. Box 32, Route 87 South, Mehoopany, PA 18629) for construction and operation of the following in Washington Township, **Wyoming County**: P&G proposes to add new date coders to its diaper production lines.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions de-

signed to keep the facility operating within all applicable air quality requirements. Also, the company shall be required to monitor and record VOC emissions.

Additionally a PSD and NSR applicability analysis was conducted to determine if the Project would result in a significant net increase of any regulated pollutant. This analysis took into account emission increases attributable to the installation of the modification to the diaper lines, emission increases during the contemporaneous period, and emission decreases. The analysis has determined that the proposed modification project to the converting lines does not trigger the requirements of Prevention of Significant Deterioration or Nonattainment New Source Review permitting regulations.

This facility is a Title V facility. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the operations within all applicable air quality requirements.

### OPERATING PERMITS

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

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

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

**17-00001: GenON REMA, LLC** (121 Champion Way, Canonsburg, PA 15317) for renewal of their Title IV Phase II, Acid Rain Permit for their Shawville electric generating station in Bradford Township, **Clearfield County**. The application is subject to the Title IV permit regulatory requirements specified in 40 CFR Part 72. This Title V facility is subject to the Acid Rain Requirements of Title IV of the Federal Clean Air Act as well as the applicable provisions specified in 25 Pa. Code § 127.531 and 40 CFR Parts 72 and 80. Phase II is a continuation of the Acid Rain Program and it became effective on January 1, 2000, for SO<sub>2</sub> and NO<sub>x</sub>. The Title IV Phase II renewal permit establishes SO<sub>x</sub> allowances for the station's four utility boilers. The Title IV permit also includes the proposed NO<sub>x</sub> alternative contemporaneous annual emission limitations as follows; 0.524 lb/mmBtu of heat input for boiler No. 1, 0.542 lb/mmBtu for boiler No. 2, and 0.45 lb/mmBtu of heat input for boilers Nos. 3 and 4, as part of the Phase II NO<sub>x</sub> averaging plan, under 40 CFR 76.11, to average the NO<sub>x</sub> emissions with two units from the Portland, PA plant (Northeast Region), all four units at the Shawville, PA (North Central Region) plant and three units at the Titus, PA plant (South Central Region). Based on the information presented above and included in the application for renewal of Title IV Operating Permit 17-00001, the Department intends to issue a Title IV operating permit for the Shawville Generating Station. The proposed Title IV Phase II, renewal permit will be effective January 1, 2013, to the expiration date of Title V Operating Permit 17-00001, March 25, 2017. The Title IV operating permit will be incorporated into the Title V operating permit at the time of the next revision or renewal of the Title V operating permit. The GenON REMA representative to contact regarding this operating permit is Timothy E. McKenzie, GenON REMA, LLC, 121 Champion Way, Canonsburg, PA 15317.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Re-

gional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Title IV Permit No. 17-00001) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, North Central Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

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

**V13-002: Naval Foundry and Propeller Center** (Building 592—Code 1423, Philadelphia, PA 19112) for operation of a cement mixing, metal melting, metal stress relieving, and metal grit blasting facility as per foundry operations and for the operation of a machining, degreasing, painting and blasting of metal parts facility as per the machine shop in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include sand mixing including two mixers, fourteen electric induction furnaces, sand conveying operations, laser welding, blasting, metal grinding, sawing, sixteen (16) combustion units each rated at 20 MMBTU/hr or less, twenty two (22) combustion units each rated at 2.5 MMBTU/hr or less, propeller cleaning, paint spraying, and film developing. The facility's air emission control devices include baghouses, dust collectors, and particulate recovery.

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

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

**Intent to Issue Operating Permits 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: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-00123: Vita-Line Products, Inc.** (1111 North Park Drive, Hazle Township, PA 18202) for operation of a pet food manufacturing facility in Hazle Township, **Luzerne County**. The operation consists of a receiving operation, product mixing, cutting and drying. The emissions from the operation are controlled by cyclones and baghouses. This is a new State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

*06 SC Intent to Issue OP*

**38-03022: Murrays Inc.** (1501 Willow Street, Lebanon, PA 17042) for operation of a meat derived food stuff processing facility in Lebanon City, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

The estimated potential emissions were: 36 tons of PM per year; 6 tons of CO per year; 7 tons of NO<sub>x</sub> per year; 0.04 ton of SO<sub>x</sub> per year; 0.4 ton of VOCs per year; and 0.1 ton of HAPs per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality

Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**21-03018: Keystone Biofuels, Inc.** (2850 Appleton Street, Suite E, Camp Hill PA 17011) for the operation of a biodiesel manufacturing plant that will consist of two (2) 20,000 gallon methanol storage tanks, two (2) 10,000 gallon sodium methylate storage tanks, twelve (12) 6,300 gallon biodiesel reactor tanks, four (4) 6,300 gallon methanol and sodium methylate reactor tanks, two (2) 20,000 gallon glycerin processing tanks, two (2) 30,000 gallon biodiesel processing tanks, eight (8) 6,300 gallon biodiesel wash tanks, and the installation of a condenser at their facility in Lower Allen Township, **Cumberland County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

The subject facility has actual emissions of 3.8 tons per year of volatile organic compounds and 3.7 tons per year of hazardous air pollutants. 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. The facility includes equipment subject to 40 CFR Part 60, Subpart VVa—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary A. Helsel, PE, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

**67-03008: Multi Color Corp.** (405 Willow Springs Lane, York, PA 17402) for operation of a label printing facility in East Manchester Township, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

Actual VOC emissions at the facility for 2012 are estimated to be approximately 14.1 tons. The Operating Permit will include emission limits and work practice

standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments, protests or requests for a public hearing.

Mr. William Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

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

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

**17-00060 Rosebud Mining Company** (301 Market Street, Kittanning, Pa 16201-1504) for the Lady Jane facility located in Huston Township, **Clearfield County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 0.39 TPY of CO; 1.58 TPY of NO<sub>x</sub>; 0.56 TPY of SO<sub>x</sub>; 26.17 TPY of PM/PM<sub>10</sub>; 0.04 TPY of VOC and 1,758 TPY of CO<sub>2</sub>e. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests. David Shimmel, P.E., Chief, New Source Review Section, may be contacted at 570-327-3568, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

**17-00064 Rosebud Mining Company** (301 Market Street, Kittanning, Pa 16201-1504) for the Cherry Tree facility located in Burnside Township, **Clearfield County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 0.43 TPY of CO; 2.66 TPY of NO<sub>x</sub>; 5.04 TPY of SO<sub>x</sub>; 10.33 TPY of PM/PM<sub>10</sub>; 0.16 TPY of VOC and 661 TPY of CO<sub>2</sub>e. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests. David Shimmel, P.E., Chief, New Source Review Section, may be contacted at 570-327-3568, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

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

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

**63-00899: Pleiger Plastics Co.** (498 Crile Road, Washington, PA 15301) for the operation producing polyurethane parts including wheels, sheets and other specialty moldings located in South Strabane, **Washington County**. In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The emission sources at this facility include natural gas units, shot blasting parts, vapor degreasing, molding centrifuges and tables, and adhesive application. The facility has the potential to emit: 7.11 tpy NO<sub>x</sub>; 5.98 tpy CO; 0.04 tpy SO<sub>x</sub>; 2.64 tpy PM; 2.25 tpy VOC, and 10.74 tpy HAPs. The facility is required to maintain a log of annual fuel usage and routine/preventative maintenance on the control units. The facility must perform weekly

survey of the facility to ensure compliance with the operating permit limitations. The permitted sources are limited to 0.4 lb/MMBtu PM and 4.0 lbs/MMBtu SO<sub>x</sub> over any 1-hour period. The facility elected to comply with requirements to maintain a log of solvent additions and deletions for each solvent cleaning machine as well as ensure that the emissions from each solvent cleaning machine are equal or less than 150 kg/meters squared/month per § 63.464. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 63 Subpart T). The permit includes additional operating requirements, monitoring requirements, recordkeeping requirements, and reporting requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00899) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

**30-00194: EQT Gathering, LLC** (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) for operation of Callisto Compressor Station in Morris Township, **Greene County**. This is a State Only Permit Application submittal.

**26-00594: CalFrac Well Services, Corp. / CalFrac Plant** (2001 Summit View Drive, Smithfield, PA 15478) for the operation of a cement and fly ash storage facility for the oil and gas industry located in Georges Township, **Fayette County**. In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of four storage silos and two blend tanks control by a dust collector used to store materials used for oil and gas well isolation. The facility has the potential to emit less than 1.0 tpy PM / PM<sub>10</sub>. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads once

per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto with earth or other material has been transported by trucking or earth moving equipment, or other means. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00594) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

**63-00980: FTS International Services / 84 Plant** (1432 Route 519, Eighty Four, PA 15330) for the operation of a sand and HCl storage facility for the oil and gas industry located in North Strabane Township, **Washington County**. In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of four sand storage silos, two HCl storage tanks, five liquid fuel storage tanks, and natural gas comfort heaters. The facility has the potential to emit less than 2.0 tpy NO<sub>x</sub>, 0.85 tpy CO, 0.01 tpy SO<sub>x</sub>, 0.31 tpy PM, 0.16 tpy PM<sub>10</sub>, .21 tpy VOC, and 0.001 tpy HCl. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads once per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto with earth or other material has been transported by trucking or earth moving equipment, or other means. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to

State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00980) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

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

*Contact: Matthew M. Williams—Telephone: 814-332-6131*

**16-00134: Car Mate Trailers, Inc.** (32591 Route 66, Leeper, PA 16233) for renewal of the Natural Minor Operating Permit. The facility is located in the Farmington Township, **Clarion County**. The facility is manufacturing motor homes, trailers and transportation equipment. The facility's emitting sources include: 1) Natural gas boiler, 2) Natural gas heating furnace, 3) Paint Booth (AA-200-HS GRACO), 4) Paint Booth (Silver Airless), and, 5) Manual surface coating application, 6) Welding operation, 7) Plasma cutting operation, and 8) Oxy Acetylene operation. The facility has taken a restriction of VOC emissions of no more than 20 tons per year. Actual emission of VOC is less than 10 Tons per year. The NAICS code of the facility is 336213: Motor Home manufacturing. This code is not included in Table 1—Regulated categories and entities potentially affected of the preamble to Subpart XXXXXX (see FR July 23, 2008 page 42979). Thus, the facility is not subject to 40 CFR, Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

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

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

**40-00108: Pennsy Supply, Inc.—Pittston Quarry** (PO Box 3331, Harrisburg, PA 17105) for their facility in Jenkins Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Pennsy Supply, Inc. (Pittston Quarry) (PO Box 3331, Harrisburg, PA 17105) for their facility located in Jenkins Twp, Luzerne County. This Plan Approval No. 40-00108A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00108A is for the replacement two (2) existing screens and seven (7) conveyors on the finishing plant portion if the quarry's existing crushing plant at the Pittston Quarry. The crushing operation is subject to NSPS Subpart OOO requirements. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00108A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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



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

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

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

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

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

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

#### *Coal Applications Received*

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

**03851303. McVile Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Clementine Mine #1 in South Buffalo Township, **Armstrong County** to add acreage to the subsidence control plan. Subsidence Control Plan Acres Proposed 147.1. No additional discharges. The application was considered administratively complete on March 26, 2013. Application received February 21, 2013.

**56961301. RoxCOAL, Inc.**, (PO Box 149, Friedens, PA 15541). To revise the permit for the Sarah Mine in Jenner Township and Jennerstown Borough, **Somerset County** to add permit acreage to the C' coal seam. Underground Acres Proposed 1,549.6, Subsidence Control Plan Acres Proposed 1,549.6. No additional discharges. The application was considered administratively complete on March 28, 2013. Application received October 26, 2012.

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

**33920109. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849) Renewal of an existing bituminous surface mine in Winslow Township, **Jefferson County** affecting 315.0 acres. Receiving streams: Unnamed tributaries to Trout Run, McCreight Run and Soldier Run, all classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is the Reynoldsville Water Authority. This renewal is for reclamation only. Application received: March 18, 2013.

**33050106. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Revision to an existing bituminous surface mine to change the post-mining land use from forestland to unmanaged natural habitat on the Edward Burkett property in Knox & Oliver Townships, **Jefferson County**. Receiving streams: Unnamed tributary to Little Sandy Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 21, 2013.

**24880103 and NPDES Permit No. PA0104779. Energy Resources, Inc.** (c/o Murray Energy Corporation, 46226 National Road, St. Clairsville, PA 43950) Renewal of an existing bituminous surface mine in Horton Township, **Elk County** affecting 541.0 acres. Receiving streams: Unnamed tributary to Mead Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: March 26, 2013.

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

**54830103R6. KK Coal, LLC**, (P. O. Box 8, Cumbola, PA 17930), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 160.0 acres, receiving stream: Schuylkill River Watershed, classified for the following uses: cold water and migratory fishes. Application received: March 13, 2013.

**54-305-030GP12. Wheelabrator Culm Services, Inc.**, (4 Liberty Lane West, Hampton, NH 03842), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54840201 in Mahanoy Township and Shenandoah Borough, **Schuylkill County**. Application received: March 18, 2013.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

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

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

Bulletin and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

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

**NPDES No. PA0235695 (Mining Permit No. 56743705), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A renewal to the NPDES and mining activity permit for the Mine 78 CRDA in Paint Township, **Somerset County**. Surface Acres Affected 116.0. Receiving stream: Unnamed Tributary to Paint Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on August 18, 2010. Application received July 8, 2010.

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

*Outfall 001* discharges to: Unnamed Tributary to Paint Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 14' 29" Long: 78° 47' 43") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	6.53	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mos/kg)		50	50	50
Chlorides (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

*Outfall 002* discharges to: Unnamed Tributary to Paint Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 14' 00" Long: 78° 47' 18") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	1.94	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mos/kg)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

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

**NPDES No. PA0262366 (Mining permit no. 56070103), PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for a surface mine in Stonycreek Township, **Somerset County**, affecting 344.1 acres. Receiving stream(s): unnamed tributaries to/and Schrock Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: May 20, 2012.

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

The treated outfall(s) listed below discharge to unnamed tributaries to/and Schrock Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 007	N

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

<i>Outfalls: 001, 007 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributaries to/and Schrock Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002, 003, 004, 005, 006	N

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

<i>Outfalls: 002, 003, 004, 005, 006</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
Alkalinity must exceed acidity at all times

**NPDES No. PA0249041 (Mining permit no. 56010104), Wilson Creek Energy, LLC**, 609 Georgian Place, Somerset, PA 15501, renewal of an NPDES permit for surface mine in Lincoln and Jenner Townships, **Somerset County**, affecting 135.8 acres. Receiving stream(s): unnamed tributaries to /and Quemahoning Creek, classified for the following use(s): cold water fisheries. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: May 17, 2012.

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

The treated wastewater outfall(s) listed below discharge to unnamed tributaries to/and Quemahoning Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 002, 003	N

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

<i>Outfalls: 001, 002, 003</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
Alkalinity must exceed acidity at all times

The stormwater outfall(s) listed below discharge to unnamed tributaries to/and Quemahoning Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004, 005, 006	N

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

<i>Outfalls: 004, 005, 006</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
Alkalinity must exceed acidity at all times

**NPDES No. PA0269140 (Mining permit no. 32120106), P & N Coal Company, Inc.**, P. O. Box 332, Punxsutawney, PA 15767, new NPDES permit for a surface coal mine in Banks Township, **Indiana County**, affecting 196.1 acres. Receiving stream(s): unnamed tributaries to South Branch Bear Run and unnamed tributary to Brady Run, classified for the following use(s): cold water fishery (CWF). The receiving streams are included in the Bear Run TMDL and West Branch Susquehanna River TMDL. Application received: October 3, 2012.

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

The outfall(s) listed below discharge to unnamed tributaries to South Branch Bear Run and an unnamed tributary to Brady Run:

\*008 and 015 outfalls are associated with the West Branch Susquehanna River TMDL. All other outfalls are associated with Bear Run TMDL.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
010—Treatment Pond TB1	Y
011—Treatment Pond TB4	Y
012—Treatment Pond TB5	Y
013—Treatment Pond TB6	Y
014—Treatment Pond TB7	Y
*015—Treatment Pond TB8	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

The outfall(s) listed below discharge to unnamed tributaries to South Branch Bear Run and an unnamed tributary to Bear Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Sediment Pond A	Y
002—Sediment Pond B	Y
003—Sediment Pond G	Y
004—Sediment Pond H	Y
005—Sediment Pond I	Y
006—Sediment Pond J	Y
007—Sediment Trap ST1	Y
*008—Sediment Trap ST2	Y
009—Sediment Trap ST3	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (mg/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0258491 (Permit No. 37070303). Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 80.1 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: March 4, 2013.

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

The outfall(s) listed below discharge to unnamed tributary to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
004	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES No. PA0595764 on Surface Mining Permit Nos. 5278SM2 and 64980301. Hanson Aggregates Pennsylvania, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a Sandstone Quarry operation in Lake Township, **Wayne County**, affecting 151.63 acres. Receiving stream: unnamed tributary to Middle Creek, classified for the following uses: HQ—cold water fishes and migratory fishes. Application received: December 18, 2012.

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(s) listed below discharge to unnamed tributary to Middle Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S (stormwater)

**NPDES No. PA0224511 on Surface Mining Permit No. 52060301. Springbrook Enterprises, Inc.**, (504 Well Road, Hawley, PA 18428), renewal of an NPDES Permit for a Sandstone, Bluestone and Shale Quarry operation in Blooming Grove Township, **Pike County**, affecting 29.6 acres. Receiving stream: Billings Creek, classified for the following use: HQ—cold water fishes. Application received: January 22, 2013.

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(s) listed below discharge to Billings Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S (stormwater)

**NPDES No. PA0594121 on Surface Mining Permit No. 7974SM1. Hanson Aggregates Pennsylvania, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a Diabase Quarry operation in East Rockhill Township, **Berks County**, affecting 103.2 acres. Receiving stream: unnamed tributary to Tohicken Creek, classified for the following uses: trout stock fishes and migratory fishes. Application received: February 19, 2013.

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(s) listed below discharge to unnamed tributary to Tohicken Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D. (Pit Dewatering)

**NPDES No. PA0223751 on Surface Mining Permit Nos. 52970301 and 5278SM4. G.F. Edwards, Inc.**, (204 Route 435, Elmhurst Township, PA 18444), renewal of an NPDES Permit for a Sandstone Quarry operation in Greene Township, **Pike County**, affecting 240.06 acres. Receiving stream: Wallenpaupack Creek, classified for the following use: HQ. Application received: March 13, 2013.

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(s) listed below discharge to Wallenpaupack Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S (stormwater)

## 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: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E09-971. Milford Township**, PO Box 86, Spinnerstown, PA 18968, Milford Township, **Bucks County**, ACOE Philadelphia District.

To maintain an existing dry hydrant with intake structures in and along the channel of Unami Creek for the purpose of fighting fires.

The site is located near the intersection of Trumbauersville, and Canary Roads (Milford Square, PA, USGS map: N: 2.75 inches; W: 6.75 inches).

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

**E41-644. Roger D. Jarrett**, 5680 State Route 405, Muncy, PA 17756-6356. Jarrett Fresh Water Withdrawal System in Muncy Creek Township, **Lycoming County**, ACOE Baltimore District (Muncy, PA Quadrangle Lat: 41° 12' 17"; Long: -77° 03' 51").

To construct and maintain a surface water withdrawal in Muncy Creek Township—Lycoming County, which is located within the floodway/floodplain of West Branch of the Susquehanna River. The proposed fresh water withdrawal system will be designed to accommodate a withdrawal volume of 3.0 million gallons per day (MGD) to be made available for bulk sale to the natural gas industry. The proposed system includes three (3) 8-inch intake pipes located a maximum of 40 feet into bottom of the river bed. The end of each intake pipe will include a screen structure that is 20 inches in diameter and 24 inches long. It will be installed so that it is approximately 6-inches above the bottom of the river bed utilizing custom made stainless steel pipe supports.

The proposed improvements will not have any effect on the floodway, which is located on West Branch, Susquehanna River and is classified as Warm Water Fishery (WWF) waterway. The construction of the proposed site and withdrawal system will result in approximately 6,800 cubic yards of exported soil volume and 2,800 cubic yards of relocated/imported fill volume. These result in a site volume reduction of approximately 4,000 cubic yards of soil for the proposed construction activities located within the floodway of the West Branch of the Susquehanna River. The proposed project will not result in the construction of any permanent structures within the floodway. The pumping system and all controls are located in a trailer with quick disconnects for control wiring and electric to allow the owner to remove the entire pumping system in the event of a storm that may cause potential flooding in the project area.

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

**E5829-052. Williams Field Services Company, LLC**; 1605 Coraopolis Heights Road, Moon Township, PA 15108; Gibson Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 16-inch natural gas pipeline and timber bridge crossing impacting 77 lineal feet of Bear Swamp Creek (CWF-MF, NRT) (Clifford, PA Quadrangle; N 41° 44' 19" Lat., W -75° 36' 26" Long.),

2) a 16-inch natural gas pipeline and timber bridge crossing impacting 87 lineal feet of an unnamed tributary to Bear Swamp Creek (CWF-MF, NRT) (Clifford, PA Quadrangle; N 41° 44' 05" Lat., W -75° 36' 05" Long.),

3) a 16-inch natural gas pipeline and timber mat crossing impacting 4,356 square feet PEM wetlands (Clifford, PA Quadrangle; N 41° 44' 44" Lat., W -75° 36' 39" Long.),

4) a 16-inch natural gas pipeline and timber mat crossing impacting 436 square feet PEM wetlands (Clifford, PA Quadrangle; N 41° 44' 37" Lat., W -75° 36' 40" Long.),

5) a 16-inch natural gas pipeline and timber mat crossing impacting 3,920 square feet EV-PEM and 436 square feet of EV-PSS wetlands (Clifford, PA Quadrangle; N 41° 44' 19" Lat., W -75° 36' 26" Long.),

6) a 16-inch natural gas pipeline and timber mat crossing impacting 1,742 square feet EV-PEM and 436 square feet of EV-PSS wetlands (Clifford, PA Quadrangle; N 41° 44' 02" Lat., W -75° 35' 59" Long.),

7) a 16-inch natural gas pipeline and timber mat crossing impacting 4,356 square feet PEM wetlands (Clifford, PA Quadrangle; N 41° 43' 32" Lat., W -75° 35' 09" Long.).

The project consists of constructing approximately 2.41 miles of 16" natural gas gathering line from the Gallagher Well Pad routed in a northwesterly direction to the Bear Swamp Pipeline located in Gibson Township, Susquehanna County. The project will result in 164 lineal feet of stream impacts and 0.38 acre of wetland impact, of which 0.02 acre are permanent wetland conversion impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

**E5829-051. Williams Field Services Company, LLC**; 1605 Coraopolis Heights Road, Moon Township, PA 15108; Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch natural gas pipeline and timber bridge crossing impacting 76 lineal feet of Millard Creek (CWF-MF, NRT) (Hop Bottom, PA Quadrangle; N 41° 40' 27" Lat., W -75° 43' 46" Long.),

2) a 12-inch natural gas pipeline and timber bridge crossing impacting 44 lineal feet of an unnamed tributary to Uteley Brook (CWF-MF, NRT) (Hop Bottom, PA Quadrangle; N 41° 40' 16" Lat., W -75° 44' 15" Long.),

3) a 12-inch natural gas pipeline and timber bridge crossing impacting 93 lineal feet of Uteley Brook (CWF-MF, NRT) (Hop Bottom, PA Quadrangle; N 41° 40' 16" Lat., W -75° 44' 16" Long.),

4) an access road within adjacent floodway of Uteley Brook (CWF-MF, NRT) impacting 355 square feet (Hop Bottom, PA Quadrangle; N 41° 40' 09" Lat., W -75° 44' 16" Long.),

5) a 12-inch natural gas pipeline and timber bridge crossing impacting 84 lineal feet of Willow Brook (CWF-MF, NRT) (Hop Bottom, PA Quadrangle; N 41° 39' 42" Lat., W -75° 44' 56" Long.),

6) a temporary road crossing utilizing an 18 inch culvert crossing impacting 28 lineal feet of an unnamed tributary to Willow Brook (CWF-MF, NRT) (Hop Bottom, PA Quadrangle; N 41° 40' 00" Lat., W -75° 45' 06" Long.),

7) an access road within adjacent floodway of unnamed tributary to Willow Brook (CWF-MF, NRT) impacting 134 square feet (Hop Bottom, PA Quadrangle; N 41° 40' 00" Lat., W -75° 44' 06" Long.),

8) a 10-inch natural gas pipeline and timber bridge crossing impacting 78 lineal feet of an unnamed tributary to Willow Brook (CWF-MF, NRT) (Hop Bottom, PA Quadrangle; N 41° 39' 28" Lat., W -75° 45' 30" Long.),

9) a 10-inch natural gas pipeline and timber bridge crossing impacting 70 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Hop Bottom, PA Quadrangle; N 41° 39' 21" Lat., W -75° 46' 19" Long.),

10) a 10-inch natural gas pipeline and timber bridge crossing impacting 76 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Hop Bottom, PA Quadrangle; N 41° 39' 40" Lat., W -75° 46' 22" Long.),

11) a 12-inch natural gas pipeline and timber mat/bridge crossing impacting 0.44 (19,166 s.f.) acre of PFO wetlands (Hop Bottom, PA Quadrangle; N 41° 40' 16" Lat., W -75° 44' 11" Long.),

12) a timber mat/bridge crossing impacting 0.01 (436 s.f.) acre of PEM wetlands (Hop Bottom, PA Quadrangle; N 41° 40' 15" Lat., W -75° 44' 18" Long.),

13) a 12-inch natural gas pipeline and timber mat/bridge crossing impacting 0.15 (6,534 s.f.) acre of PSS wetlands (Hop Bottom, PA Quadrangle; N 41° 40' 09" Lat., W -75° 44' 28" Long.),

14) a 12-inch natural gas pipeline and timber mat/bridge crossing impacting 0.07 (3,049 s.f.) acre of PEM wetlands (Hop Bottom, PA Quadrangle; N 41° 39' 42" Lat., W -75° 45' 01" Long.),

15) a 10-inch natural gas pipeline and timber mat/bridge crossing impacting 0.09 (3,920 s.f.) acre of PEM wetlands (Hop Bottom, PA Quadrangle; N 41° 39' 22" Lat., W -75° 45' 40" Long.),

16) a timber mat/bridge crossing impacting 0.01 (436 s.f.) acre of PEM wetlands (Hop Bottom, PA Quadrangle; N 41° 39' 22" Lat., W -75° 46' 19" Long.).

The project consists of constructing approximately 5.14 miles (collectively) of 10" and 12" natural gas gathering line from the McClean Well Pad routed in a northeasterly direction to the Millard Pipeline in Lenox Township, Susquehanna County. The project will result in 549 lineal feet of direct stream impacts, 489 square feet of floodway only impacts, and 0.77 acre of wetland impact, of which 0.59 acre are permanent wetland conversion impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

**E4129-073: Inflection Energy, LLC**, 1200 17th Street, Suite 1350, Denver, CO 80202-5835, Upper Fairfield Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 12-inch temporary waterline and timber cribbing impacting 50 linear feet of an unnamed tributary to Loyalsock Creek (EV) (Montoursville North, PA Quadrangle 41°17'42"N 76°54'32"W).

The project will result in 50 linear feet of temporary stream impacts all for the purpose of installing a temporary water line for Marcellus well development.

## ACTIONS

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

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel



Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0051811 (IW)	Lca Wlsa Central Water System 6394 Clauser Road Orefield, PA 18069	Lehigh County South Whitehall Township	Unnamed Tributary to Jordan Creek (2-C)	Y
PA0044920 (IW)	Lehighon Electronics Inc. 15 Blakeslee Blvd West (Route 443 & Seneca Ave) Lehighon, PA 18235-0328	Carbon County	Mahoning Township Mahoning Creek (2-B)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0026522 Sewage	New England STP New England Road West Mifflin, PA 15122-2902	Allegheny County West Mifflin Borough	UNT of Monongahela River	N

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0025470 (Sewage)	Fredericksburg STP 17946 Turner Road Meadville, PA 16335	Crawford County Vernon Township	Cussewago Creek (16-D)	Y
PA0102679 (Sewage)	Camp Runamuck 8896 Us Highway 6 Conneaut Lake, PA 16316	Crawford County Sadsbury Township	Unnamed Tributary to Conneaut Lake (16-D)	Y

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

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

**NPDES Permit No. PA0058548**, Sewage, **Keelersville Club**, 2522 Ridge Road, Perkasie, PA 18944

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Keelersville Club STP to Unnamed Tributary to Threemile Run in Watershed 2-D.

**NPDES Permit No. PA0050598**, Sewage, **Bethel Baptist Church**, 754 East Rockhill Road, Sellersville, PA 18960  
This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Bethel Baptist Church STP to Unnamed Tributary to Tohickon Creek in Watershed 2-D.

**NPDES Permit No. PA0027103**, Sewage, **DELCORA**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999

This proposed facility is located in City of Chester, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as DELCORA STP to Delaware River Estuary Zone 4 in Watershed 3-G.

**NPDES Permit No. PA0013021**, Industrial, **PQ Corporation**, 1201 W. Front Street, Chester, PA 19013-3436

This proposed facility is located in Chester City, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge industrial wastewater and Stormwater from a facility known as PQ Corporation Chester Plant to Delaware River, Zone 4 in Watershed 3-G.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*  
**NPDES Permit No. PAS602208**, Storm Water, SIC Code 5093, **H Blinderman & Son Inc.**, P O Box 908, Allentown, PA 18105.

This proposed facility is located in Hellertown Borough, **Northampton County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Storm Water.  
*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**NPDES Permit No. PA0080314**, Sewage, **Steven S. Campbell, Hampden Township**, 230 S. Sporting Hill Road, Mechanicsburg, PA 17050-3097.

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

Description of Proposed Action/Activity: Authorization to discharge to Sears Run in Watershed 7-B.

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

**NPDES Permit No. PA0020567 A-1**, Sewage, SIC Code 4952, **Borough of Northumberland**, 175 Orange Street, Northumberland, PA 17957.

This existing facility is located in Northumberland Borough, **Northumberland County**.

Description of Existing Action/Activity: Issuance of a transferred NPDES Permit following a change in ownership.

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

**PAS708328**, Storm Water, SIC Code 2951, **Suit-Kote Corporation**, 1911 Lorings Crossing, Cortland, NY 13045. Facility Name: Suit Kote. This proposed facility is located in West Mead Township, **Crawford County**.

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

The receiving stream(s), French Creek, is located in State Water Plan watershed 16-D 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 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	15	23	30
Oil and Grease	XXX	XXX	XXX	10	15	30

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	15	23	30
Oil and Grease	XXX	XXX	XXX	10	15	30

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	15	23	30
Oil and Grease	XXX	XXX	XXX	10	15	30

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

- Requirement to Use eDMR System
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

**PA0033901**, Sewage, **Harold P. Newton Jr.** 113 N. Diamond Street, Mercer, PA 16137. Facility name: Willow Bend MHP.

This existing facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Activity: The application is for the transfer of an existing NPDES permit.

**PA0263711—Amendment No. 1**, Sewage, NAICS Code 221320, **Benezette Township**, P. O. Box 10, Benezette, PA 15821. Facility Name: Benezette WWTP. This proposed facility is located in Benezette Township, **Elk County**.

Description of Proposed Activity: The application is for an amendment to the NPDES permit for a new discharge of treated sewage. The proposed amendment is to add total residual chlorine effluent limits to the permit.

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

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

**WQM Permit No. 2313401**, Sewage, **DELCORA**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999.

This proposed facility is located in City of Chester, **Delaware County**.

Description of Action/Activity: Construction and operation of a new pump station and 14,850 ft. of force main from SWDCMA plant to DELCORA WRTP.

**WQM Permit No. WQG02231301**, Sewage, **DELCORA**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999.

This proposed facility is located in City of Chester, **Delaware County**.

Description of Action/Activity: Installation of a 10' DIP relief line, re-line 370 linear feet of 10' VCP sewer and rehab four manholes to eliminate SSO's during wet weather events.

**WQM Permit No. 1501420**, Sewage, **Amendment, East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335.

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

Description of Action/Activity: Rerouting of sewers to an existing sewer system.

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

**WQM Permit No. 3683436, Transfer #1**, Sewerage, **Jessica & Shawn Long**, 475 Snavely Mill Road, Lititz, PA 17543.

This proposed facility is located in Elizabeth Township, **Lancaster County**.

Description of Proposed Action/Activity: Transfer of Permit.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-0530.*

**WQM Permit No. 4913401**, Sewage, SIC Code 4952, **Borough of Northumberland**, 175 Orange Street, Northumberland, PA 17957.

This existing facility is located in Northumberland Borough, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued transferring and consolidating existing treatment system WQM permits.

**WQM Permit No. 4913402**, Sewage, SIC Code 4952, **Borough of Northumberland**, 175 Orange Street, Northumberland, PA 17957.

This existing facility is located in Northumberland Borough, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued transferring and consolidating existing collection system WQM permits.

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

**WQM Permit No. WQG01251302**, Sewage, **Robert J. Heibel**, 1709 Walnut Circle, North East, PA 16428.

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

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

**WQM Permit No. 4397401**, Sewage, **Harold P. Newton Jr.** 113 N. Diamond Street, Mercer, PA 16137. Facility name: Willow Bend MHP.

This existing facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Activity: Transfer of an existing WQM permit.

**WQM Permit No. 2410402**, Sewage, **Amendment No. 1, Benezette Township**, P. O. Box 10, Benezette, PA 15821.

This existing facility is located in Benezette Township, **Elk County**.

Description of Proposed Action/Activity: Amend the treatment train to offer more modes of operation depending on flow and switch to chlorine disinfection.

**WQM Permit No. WQG01101301**, Sewage, **Diane M. Spiece**, 105 Lions Road, Butler, PA 16001.

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

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

**WQM Permit No. WQG02421301**, Sewerage, **Foster Township**, 1185 East Main Street, Bradford, PA 16701.

This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: Sewer extension to Harrisburg Run Road.

**WQM Permit No. 2075408**, Sewage, **Robert A. Ramalay, Sr., Runamuck Inc.**, 8896 Highway 6, Conneaut Lake, Pa 16316-2255.

This existing facility is located in Sadsbury Township, **Crawford County**.

Description of Proposed Activity: Transfer of an existing WQM permit.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAG133582	East Prospect Borough 28 West Maple Street, East Prospect, PA 17317	York	East Prospect Borough	Unnamed Tributaries to Canadochly Creek and Cabin Creek/ WWF, MF	Y

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01151239	Vogel Property 1279 Highspire Road Romansville, PA 19320	Chester	West Bradford Township	Unnamed Tributary to Broad Run EV

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024803002R	Pheasant Ridge Estates Corp. 1700 Cherry Ave. Easton, PA 18404	Northampton	Forks Twp.	Bushkill Creek, HQ-CWF, MF
PAI024506028R	DEPG Stroud Associates, L.P. 521 Plymouth Road Suite 118 Plymouth Meeting, PA 19462	Monroe	Stroud Twp.	Pocono Creek, HQ-CWF, MF
PAI023911002	Mukesh Kadhiwala 2160 Golden Key Road Kutztown, PA 18104	Lehigh	Upper Macungie Twp.	UNT to Cedar Creek HQ-CWF, MF
PAI024812009	PPL Electric Utilities 2 N. 9th St. Allentown, PA 18101	Northampton	Bushkill Twp., Upper Nazareth Twp., Palmer Twp., Plainfield Twp., Stockertown Borough	UNTs to Bushkill Creek, HQ-CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032112006	Dickinson College (Kline Athletic Center) Five North Orange Street Carlisle, PA 17013	Cumberland	Carlisle Borough	Letort Spring Run (HQ-CWF)
PAI032112003	Mike Fraker Carlisle Moose Lodge #761 25 East High Street Carlisle, PA 17013	Cumberland	Middlesex Township	Letort Spring Run (HQ-CWF, EV)

#### VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Borough Bucks County	PAG0200 0913007	PennDott 7000 Geerdes Boulevard King of Prussia, PA 19406	Neshaminy Creek WWF-MF Watson Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAG0200 0913005	Joseph Cairone 6017 Rising Sun Avenue Philadelphia, PA 19111	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Southampton Township Bucks County	PAG0200 0910066-R	County Builders, Inc. 76 Griffith Miles Circle Warminster, PA 18974	Poquessing Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Abington Township Montgomery County	PAG0200 4612096	Medical Mission Sisters 8400 Pine Road Philadelphia, PA 19111	Unnamed Tributary of Rockledge Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4612076	The Rothman Institute 925 Chestnut Street Philadelphia, PA 19107-4216	Unnamed Tributary to Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG0200 461320	Harner Farm 6101 Sheaff Lane Fort Washington, PA 19034	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Washington Twp., Schuylkill County	PAG02005407016R	Edgewood Farms, LP PO Box 472 Schuylkill Haven, PA	Unnamed tributary to Lower Swatara Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Throop Borough, Lackawanna County	PAG02003510016(1)	BGM Enterprises, LLC 930 Dunmore St. Throop, PA 18512	Eddy Creek, WWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495

## NOTICES

2081

*Facility Location:  
Municipality &  
County*Jessup Borough,  
Lackawanna  
County*Permit No.*

PAG02003512022

*Applicant Name &  
Address*Karl Pfeiffenberger  
Scranton Lackawanna  
Industrial Building Co.  
222 Mulberry St.  
P. O. Box 431  
Scranton, PA 18501*Receiving  
Water/Use*Sterry Creek,  
CWF, MF*Contact Office &  
Phone No.*Lackawanna Co.  
Cons. Dist.  
570-281-9495*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802**Facility Location:  
Municipality &  
County*Littlestown  
Borough  
Adams County*Permit No.*

PAG02000107034R

*Applicant Name &  
Address*John Davis,  
Partner Littlestown  
Associates  
255 Kingston Road,  
Suite 180  
York, PA 17402*Receiving  
Water/Use*UNT to Piney Creek/  
WWF*Contact Office &  
Phone No.*Adams Co.  
Conservation District  
670 Old Harrisburg Rd,  
Suite 201  
Gettysburg, PA 17325  
717.334.0636Snake Spring  
Township  
Bedford County

PAG02000508004R

Homewood At Spring  
House Estates  
PO Box 250  
Williamsport, MD 21795Raystown Branch of  
Juniata River/WWFBedford Co.  
Conservation Dist.  
702 West Pitt Street  
Bedford, PA 15522  
814.623.7900Susquehanna  
Township  
Dauphin County

PAG02002211008R

The Harrisburg Authority  
212 Locust Lane,  
Suite 302  
Harrisburg, PA 17101Paxton Creek/WWF  
and Asylum Run/  
WWFDauphin Co  
Conservation District  
1451 Peters Mountain Rd  
Dauphin, PA 17018  
717.921.8100Letterkenny  
Township  
Franklin County

PAG02002810022R

John Van Horn  
FCGA  
5540 Coffey Avenue  
Chambersburg, PA 17201Rocky Springs  
Branch/  
TSFFranklin Co  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17201  
717.264.5499Guilford Township  
Franklin County

PAG02002812019

Ryan Johnston  
WCN-5 900  
Kriner Road, Suite 1  
Chambersburg, PA 17202UNT Conococheague  
Creek/WWF, MFFranklin Co  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17201  
717.264.5499Southampton  
Township  
Franklin County

PAG02002813031

Karsten Carroll  
Volvo Road Machinery  
312 Volvo Way  
Shippensburg, PA 17257

Rowe Run/CWF

Franklin Co  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17201  
717.264.5499Greene Township  
Franklin County

PAG02002806045R

Edwin Martin  
David H. Martin's  
Business Site  
4961 Cumberland  
Highway  
Chambersburg, PA 17202UNT Conococheague  
Creek/CWFFranklin Co  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17201  
717.264.5499Antrim Township  
Franklin County

PAG02002811019R

Tom Shank  
Nottingham Meadows  
Nottingham, LLC  
17877 Virginia Avenue  
Hagerstown, MD 21740UNT to  
Conococheague  
Creek/WWFFranklin Co  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17201  
717.264.5499Waynesboro  
Borough  
Franklin County

PAG02002807041R

WKRD Family Ltd.  
Partnership Turkey Hill  
and Laundromat  
4421 Marsh Road  
Waynesboro, PA 17268West Branch  
Antietam Creek/  
CWFFranklin Co  
Conservation District  
185 Franklin Farm Lane  
Chambersburg, PA 17201  
717.264.5499

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Greene Township Franklin County	PAG02002807021R	Brian McKinley Keystone Investors, LLC (Fayetteville Commons) PO Box 5010 Symra, DE 19977	Conococheague Creek/CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Clay Township Lancaster County	PAG02003612101	Countryside Enterprise 355 Hillcrest Drive Ephrata, PA 17522	Middle Creek/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Clay Township Lancaster County	PAG02003613006	Rachel C. Martin 218 West Girl Scout Road Stevens, PA 17578	Middle Creek/TSF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Columbia Borough Lancaster County	PAG02003613009	Columbia & Reading Railway Co. PO Box 848 Columbia, PA 17512	Shawnee Run/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Providence Township Lancaster County	PAG02003613015	John F. Glick 85 Archery Road New Providence, PA 17560	Big Beaver Creek/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Jackson Township Lebanon County	PAG02003806001	Patrick Kreiser Two Goodyear Lane Newmanstown, PA 17073	UNT to Tulpehocken Creek/TSF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Hanover Borough York County	PAG02006703054R(1)	Cherry Tree Development, LLC 2700 Philadelphia Road Edgewood, MD 21040	UNT to Oil Creek/ WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny Township Butler County	PAG02001013006	NiSource Midstream Services LLC 5151 San Felipe Street Suite 2500 Houston TX 77056-3639	Unt North Branch Bear Creek CWF	Butler County Conservation District 724-284-5270
Shenango Township Lawrence County	PAG02003712009	New Castle Rail Realty Attn: Mr. Gary Bruce 930 Cass Street New Castle PA 16101	Unt Big Run WWF	Lawrence County Conservation District 724-652-4512
Perry Township Clarion County	PAG02-10161-13-002	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461	UNT (CWF) to Clarion River (WWF) UNT (WWF) to Allegheny River (WWF)	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461 717-783-7924

*General Permit Type—PAG-3**Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Brookville Borough Jefferson County	PAR808392	Pilot Travel Ctrs LLC 5508 Lonas Drive Knoxville, TN 37909-3221	Clement Run 17-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Jackson Township Butler County	PAR208303	New Berry, Inc. d/b/a Berry Metal Company 2408 Evans City Road Harmony, PA 16037-7724	Unnamed Tributary to the Connoquenessing Creek 20-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County / Elizabeth Township	PAG043528, Transfer #1	Jessica & Shawn Long 475 Snavely Mill Road Lititz, PA 17543	Hammer Creek / 7-J	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Harborcreek Township Erie County	PAG041097	Robert J. Heibel 1709 Walnut Circle North East, PA 16428	Unnamed Tributary to Sixmile Creek 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Center Township Butler County	PAG041095	Diane M Spiece 105 Loins Road Butler, PA 16001	Crooked Run 20-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-5**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Kingston Township Luzerne County	PAG052216	Pen Fern Oil Company 1 Sterling Avenue Dallas, PA 18612-1517	Toby Creek (05B)/ CWF, MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Dallas Borough Luzerne County	PAG052224	Pump N Pantry, Inc. 100 Grow Avenue Montrose, PA 18801	Toby Creek (05B)/ CWF, MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511



*General Permit Type—PAG-6**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*West View Borough  
Allegheny County

PAG066116

West View Borough  
Municipal Authority  
441 Perry Highway  
Pittsburgh, PA 15229Girtys Run and  
UNT to Girtys RunSouthwest Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA 15222-4745  
(412) 442-4000Aspinwall Borough  
Allegheny County

PAG066113

Aspinwall Borough  
217 Commercial Avenue  
Aspinwall, PA 15215

Allegheny River

Southwest Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA 15222-4745  
(412) 442-4000*General Permit Type—PAG-13**Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.**NPDES  
Permit No.**Applicant Name &  
Address**County**Municipality**Receiving  
Water/Use**DEP Protocol  
(Y/N)*

PAG133674

Stewart S. Olewiler, III  
Manchester Township  
3200 Farmtrail Road  
York, PA 17402

York

Manchester  
TownshipCodorus Creek,  
Little Conewago Creek,  
UNT Codorus Creek,  
UNT Little Conewago  
Creek, UNT Willis  
Run / TSF, MF, WWF &  
MF

Y

PAG133676

Dallastown Borough  
175 E. Broad St.  
Dallastown, PA 17313

York

Dallastown  
BoroughInners Creek, Unnamed  
Tributary to Barshinger  
Creek, Unnamed  
Tributary to Inners  
Creek and Unnamed  
Tributary to Mill  
Creek—7-H

Y

PAG133652

Springfield Township  
9211 Susquehanna Trail  
South Seven Valleys, PA  
17360

York

Springfield  
TownshipUnnamed Tributaries of  
East Branch Codorus  
Creek—7-H

Y

PAG133685

Wrightsville Borough  
York County  
601 Water Street  
PO Box 187  
Wrightsville, PA 17368

York

Wrightsville  
BoroughKreutz Creek and  
Susquehanna  
River—7-I

Y

PAG133715

Strasburg Borough  
Lancaster County  
145 Precision Avenue  
Strasburg, PA 17579

Lancaster

Strasburg  
BoroughUnnamed Tributary to  
Little Beaver Creek,  
Unnamed Tributary to  
Pequea Creek and  
Walnut Run—7-K

Y

PAG133596

City of York  
101 South George Street  
PO Box 509  
York, PA 17401-1231

York

City of York

Codorus Creek, Mill  
Creek, Unnamed  
Tributary to Codorus  
Creek, Unnamed  
Tributary to Willis Run  
and Willis Run—7-H

Y

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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*

**Operations Permit #1513502** issued to: **Valley Township** 890 West Lincoln Highway Coatesville, PA 19320, Valley Township, **Chester County** on March 29, 2013 for the operation of a Airport Road Interconnection with Pennsylvania American Water Company.

**Operations Permit #1513512** issued to: **Pennsylvania American Water**, West Caln Township, **Chester County** on March 29, 2013 for the operation of facilities for an Newly upgraded 7.0 MGD Rock Run Water Treatment Plant approved under construction permit #1509505.

**Permit No. 4612531**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Borough	Hatboro
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Hatch Mott MacDonald 27 Bleeker Street Millburn, NJ 07041-1008
Permit to Construct Issued	March 29, 2013

**Permit No. 1512511, Major Amendment.** Public Water Supply.

Applicant	<b>Downingtown Municipal Water Authority</b> 900 Water Plant Way Downingtown, PA 19335
Borough	Downingtown
County	Chester
Type of Facility	PWS

Consulting Engineer	920 Germantown Pike, Suite 200 Plymouth Meeting, PA 19463
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Permit to Construct Issued	March 29, 2013
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**Permit No. 0913501, Major Amendment.** Public Water Supply.

Applicant	<b>DA-TECH Corporation</b> 141 Railroad Drive Ivyland, PA 18974-1448
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Township	Warwick
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County	<b>Bucks</b>
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Type of Facility	PWS
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Consulting Engineer	Gilmore & Associates 350 Butler Avenue New Britain, PA 18901
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Permit to Construct Issued	March 29, 2013
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*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 0613502 MA, Minor Amendment,** Public Water Supply.

Applicant	<b>Keystone Mobile Homes, Inc.</b>
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Municipality	Exeter Township
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County	<b>Berks</b>
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Responsible Official	Michael J Boisson, Director of Operations 6830 Perkiomen Ave. Birdsboro, PA 19508
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Type of Facility	Installation of 55' of 10" contact piping and a 1,100 gallon contact tank to increase contact time to meet 4-Log Treatment of Viruses for GWR.
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Consulting Engineer	Keith R Showalter, P.E. Systems Design Engineering, Inc. 1032 James Drive Leesport, PA 19533
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Permit to Construct Issued:	3/26/2013
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**Permit No. 6712519, Minor Amendment,** Public Water Supply.

Applicant	<b>Salem United Methodist Church</b>
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Municipality	Lower Windsor Township
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County	<b>York</b>
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Responsible Official	Rosalie Eveler, Chairperson, Ad Board 40 West Snyder Corner Road Red Lion, PA 17356
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Type of Facility	Installation of anion exchange nitrate treatment
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Consulting Engineer	John F Leen IV, P.E. C S Davidson Inc 38 North Duke Street York, PA 17401
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Permit to Construct Issued:	3/26/2013
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**Permit No. 0613504 MA, Minor Amendment, Public Water Supply.**

Applicant **Valley View Blandon, Inc.**  
 Municipality Richmond Township  
 County **Berks**  
 Responsible Official Kevin W Ernst, Owner/Operator  
 35 Rige Drive  
 Fleetwood, PA 19522-9638  
 Type of Facility Installation of six (6) 120 gallon contact tanks to increase contact time to meet 4-Log Treatment of Viruses for GWR.  
 Consulting Engineer Ericka M Thomas-Ernst, P.E.  
 35 Ridge Drive  
 Fleetwood, PA 19522-9638  
 Permit to Construct Issued: 3/26/2013

**Permit No. 0613505 MA, Minor Amendment, Public Water Supply.**

Applicant **Urban Acres, Inc.**  
 Municipality Alsace Township  
 County **Berks**  
 Responsible Official Kevin W Ernst, Owner/Operator  
 35 Rige Drive  
 Fleetwood, PA 19522-9638  
 Type of Facility Installation of six (6) 120 gallon contact tanks to increase contact time to meet 4-Log Treatment of Viruses for GWR.  
 Consulting Engineer Ericka M Thomas-Ernst, P.E.  
 35 Ridge Drive  
 Fleetwood, PA 19522-9638  
 Permit to Construct Issued: 3/25/2013

**Permit No. 0713504 MA, Minor Amendment, Public Water Supply.**

Applicant **Ore Hill Water Association**  
 Municipality Taylor Township  
 County **Blair**  
 Responsible Official George C Fee, President  
 574 Cross Cove Road  
 Roaring Spring, PA 16673  
 Type of Facility Installation of 64' of 2" contact pipe and 112' of 12" contact pipe to increase chlorine contact time to meet 4-Log Treatment of Viruses for GWR.  
 Consulting Engineer Edward Bellock, P.E.  
 Bellock Engineering  
 581 England Road  
 Roaring Spring, PA 16673  
 Permit to Construct Issued: 3/21/2013

**Operations Permit** issued to: **Berkleigh Heights, Inc.**, 3060040, Richmond Township, **Berks County** on 3/25/2013 for the operation of facilities approved under Construction Permit No. 0605522.

**Operations Permit** issued to: **East Hanover Hotel Corporation**, 7220506, East Hanover Township, **Dau-**

**phin County** on 3/19/2013 for the operation of facilities approved under Construction Permit No. 2212506 E.

**Operations Permit** issued to: **UMH Properties, Inc.**, 7380009, Swatara Township, **Lebanon County** on 3/26/2013 for the operation of facilities approved under Construction Permit No. 3812503 MA.

**Operations Permit** issued to: **Ammon Martin**, 4050915, Woodbury Township, **Bedford County** on 3/26/2013 for the operation of facilities approved under Construction Permit No. 0512509.

**Operations Permit** issued to: **Countryside Mobile Home Park**, 7360054, Leacock Township, **Lancaster County** on 3/26/2013 for the operation of facilities approved under Construction Permit No. 3612544 MA.

**Operations Permit** issued to: **Oak Ridge Mobile Home Park**, 7360117, West Cocalico Township, **Lancaster County** on 3/26/2013 for the operation of facilities approved under Construction Permit No. 3612542 MA.

**Operations Permit** issued to: **Scenic View Mobile Home Park**, 7360021, East Earl Township, **Lancaster County** on 3/26/2013 for the operation of facilities approved under Construction Permit No. 3612540 MA.

**Operations Permit** issued to: **North Annville Mobile Home Park**, 7380004, North Annville Township, **Lebanon County** on 3/26/2013 for the operation of facilities submitted under Application No. 3812511 MA.

**Operations Permit** issued to: **Hilltop Acres Mobile Home Park, LLC**, 7360075, Rapho Township, **Lancaster County** on 3/26/2013 for the operation of facilities submitted under Application No. 3612549 MA.

**Operations Permit** issued to: **Mr. Dale Rorapaugh**, 7670125, Newberry Township, **York County** on 3/26/2013 for the operation of facilities submitted under Application No. 6713508 MA.

**Operations Permit** issued to: **Sherman's Valley, LP**, 7500017, Tyrone Township, **Perry County** on 3/26/2013 for the operation of facilities submitted under Application No. 7500017.

**Operations Permit** issued to: **Perry County Non-Profit Housing Corporation**, 7500036, Tyrone Township, **Perry County** on 3/26/2013 for the operation of facilities submitted under Application No. 5013503 MA.

**Operations Permit** issued to: **Wells Tannery Water Supply**, 4290003, Wells Township, **Fulton County** on 3/14/2013 for the operation of facilities submitted under Application No. 2912502 MA.

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

**Permit No. MA-GWR—Operation Public Water Supply.**

Applicant **Country Club Park**  
 [Township or Borough] Potter Township  
 County **Centre**  
 Responsible Official Mr. Budd Brooks  
 Country Club Park  
 c/o Potter Township  
 124 Short Road  
 Spring Mills, PA 16875  
 Type of Facility Public Water Supply

Consulting Engineer Eric S. Lundy, P.E.  
Nittany Engineering &  
Assoc., LLC  
2836 Earlstown Road, Suite 1  
Centre Hall, PA 16828

Permit Issued March 28, 2013

Description of Action 4-log inactivation of viruses at  
Entry Point 100 (Well No. 2).

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

**Permit No. 3213506**, Public Water Supply.

Applicant **Pennsylvania American  
Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

[Borough or Township] White Township

County **Indiana**

Type of Facility Water system

Consulting Engineer

Permit to Construct March 27, 2013  
Issued

**Operations Permit** issued to: **Tri-County Joint Municipal Authority**, PO Box 758, 26 Monongahela Avenue, Fredericktown, PA 15333, (PWSID #5630045) East Bethlehem Township, **Washington County** on March 27, 2013 for the operation of facilities approved under Construction Permit # 6309503.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5650032) Penn Township, **Westmoreland County** on March 27, 2013 for the operation of facilities approved under Construction Permit # 6512502MA.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5650032) Penn Township, **Westmoreland County** on March 27, 2013 for the operation of facilities approved under Construction Permit # 6512502MA-A1.

**Permit No. 1112508MA, Minor Amendment.** Public Water Supply.

Applicant **Teakettle Run Water  
Authority**  
PO Box 202  
Nicktown, PA 15762

[Borough or Township] Barr Township

County **Cambria**

Type of Facility Water system

Consulting Engineer Nittany Engineering &  
Associates, LLC  
2836 Earlstown Road  
Suite 1  
Centre Hall, PA 16828

Permit to Construct March 27, 2013  
Issued

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

**Operation Permit** issued to **Jerry Culver d/b/a West Springfield Mobile Home Court**, PWSID #6250004, Springfield Township, **Erie County**. Permit Number 2587504-MA1 issued April 1, 2013 for the operation of 4-Log treatment of viruses for Entry Point 100. This action is taken under the requirements of the Groundwater Rule.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Prompt Interim Response Conestoga Pines Park Site City of Lancaster, Lancaster County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) is proposing an interim response at the Conestoga Pines Park Site (Site), City of Lancaster, Lancaster County, Pennsylvania.

The Department will treat the VOC contamination in the spring/stream by installing passive treatment devices such as a bubbler at the spring headwaters and also several check/rock/riffle weir dams to aerate the stream and drive off the volatile organic compounds from the stream water. A buffer of thick vegetation or trees will also be planted to keep Park users from entering the contaminated portion of the stream. Lastly, the stream will be regularly tested to monitor the cleanup process. The cost of this response is estimated at \$103,000.

This notice is being provided pursuant to sections 505(b) and 506(b) of HSCA (35 P. S. Sections 6020.505(b) and 6020.506(b)), and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under HSCA. The Administrative Record which contains information about this site and which supports the Department's decision to perform this action at the site is available for public review and comment. The Administrative Record can be examined Monday through Friday from 8:00 a.m. to 3:30 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting David Hrobuchak at 717-705-4843. The Administrative Record can also be reviewed at the Lancaster City Hall, 120 N Duke Street, Lancaster, PA 17608, telephone 717-291-4722 from 8 a.m. to 5 p.m., Monday through Friday.

The Administrative Record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* on April 13, 2013, and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before July 12, 2013 by mailing them to Mr. Hrobuchak at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. The public will have the opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for Tuesday, May 21, 2013, at 7:00 p.m. at the Lancaster City Council Chambers, Southern Market Center, 100 South Queen Street, Lancaster, PA 17608. Persons wishing to present formal oral comment at the hearing should register before 3:00 p.m., May 20, 2013, by calling Mr. Hrobuchak at 717-705-4843. There will be an informational meeting at the beginning of the public hearing.

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 call Mr. Hrobuchak at 717-705-4843 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Proposed Settlement under HSCA/CERCLA

#### GE Static Power HSCA Site

#### Collingdale Borough, Delaware County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P. S. Section 6020.101 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9601 et seq., has entered into a Consent Order and Agreement with the General Electric Company related to the GE Static Power HSCA Site in Collingdale Borough, Delaware County, Pennsylvania.

The GE Static Power HSCA Site is located at 512-520 Pusey Ave., Collingdale, with onsite groundwater contamination. The property is currently owned by 217 Realty, LLC, 2320 Haverford Rd., Suite 200, Ardmore, PA 19003. GE leased the property and conducted onsite operations from approximately 1959 until approximately 1985, using trichloroethylene (TCE) in its manufacturing process. Various cleaners and solvents, including TCE, were stored in an outdoor storage area located on the property, with a reported acid rinse water release in 1979. The site contains groundwater contamination for which the company conducted a groundwater study and monitoring, performing soil borings tests and soil vapor tests. GE also collected sub-slab vapor and sump water testing at five nearby residential properties, and has installed a sub-slab depressurization system on the site. Under a DEP approved plan, GE injected the chemical oxidant persulfate into the groundwater on several occasions, in an effort to reduce TCE contamination concentrations. GE will be collecting data to determine if the remediation strategy was successful, and will work to further characterize the extent of the groundwater contamination.

Through the Consent Order and Agreement, GE seeks to cooperate with the Department by further assessing the nature and extent of potential soil, vapor and groundwater contamination at the site that may be attributable to GE's former onsite operations. GE intends to file a Notice of Intent to Remediate with the Department and to remediate the site to meet a standard or combination of standards, pursuant to Act. 2. The Department has determined that it is in the public interest to resolve the foregoing matter without litigation and to enter into a cooperative settlement with GE.

This notice is provided pursuant to Section 1113 of HSCA, 35 P. S. § 6020.1113. The Consent Order and Agreement may be examined from 8 a.m. 4 p.m. at the Department's offices at 2 East Main Street, Norristown, PA by contacting Ragesh Patel at 484-250-5719 or Bill Blasberg 484-250-5865. A public comment period on the Consent Order and Agreement will extend for a period of 60 days from the date of this notice. Interested parties may submit written comments regarding these agreements to the Department by submitting them to Mr. Patel at the above address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**701 Old Westtown Road Site**, West Goshen Township, **Chester County**. Joe Bush, 701 Old Westtown Road, LP, 200 West Lincoln Highway, Exton, PA 19341 on behalf of Staci Cottone, J&J Spill Service and Supplies, P. O. Box 370, Blue Bell, PA 19422, Michael Welsh, Welsh Environmental, Inc. 131 Clearview Drive, Downingtown, PA 19335 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Bromberg Residence**, Springfield Township, **Montgomery County**. Jodi Bromberg, 7846 Flourtown Avenue, Wyndmoor, PA 19038, Katie Little, 7844 Flourtown Avenue, Wyndmoor, PA 19038 on behalf of Staci Cottone, J&J Spill Services and Supplies, P. O. Box 370, Blue Bell, PA 19422 has submitted a 90 day Final Report concerning

remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**4703 Basin Bridge Road Property**, City of Philadelphia, **Philadelphia County**. Dan Rhoads, Rhoads Industries, 117 Admiral Peary Way, The Navy Yard, Philadelphia, PA 19112 on behalf of Dave Ziel, Urban Outfitters, Inc. 5000 South Broad, Philadelphia, PA 19112 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Greenberg Residence**, Hatboro Borough, **Montgomery County**. Wayne Greenberg, 234 Turner Avenue, Hatboro, PA 19040 on behalf of Ed Applegate, State Farm Insurance Company, Pennsylvania Fire Claims, P. O. Box 106110, Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Titan International, Inc.**, Pottstown Borough, **Montgomery County**. William Glycefer, Titan International Inc., 301 Lilac Lane, Cinnaminson, NJ 08077 on behalf of Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Brasalind Property Inc.**, Borough of West Chester, **Chester County**. Michael S. Welsh, Welsh Environmental, Inc. 131 Clearview Drive, Downingtown, PA 19335 on behalf of Jack Loew, 220 Chestnut Associates, LP, 5 County Club Drive, Downingtown, PA 19335 has submitted a Cleanup Plan concerning remediation of site no. 6 fuel oil contaminated with soil and groundwater. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Giogrio Residence**, Upper Darby Township, **Delaware County**. Mr. & Mrs. Quentin Giogrio, 2455 Hillcrest Road, Drexel Hill, PA 19026 on behalf of Staci Cottone, J&J Spill Service and Supplies, P. O. Box 370, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**1327 East Mahanoy Street Property, (A.K.A. Grabowski Property)**, 1327 East Mahanoy Street Property, Borough of Mahanoy City, **Schuylkill County**, Dean Cruciani, Pennsylvania Tectonics, Inc., has submitted a Final Report (on behalf of his clients, Mr. Eric Grabowski, 348 West State Street, Trenton, NJ 08618 and Mrs. Rose Kern, 1329 East Mahanoy Street, Mahanoy City, PA 17948) concerning the remediation of soil and groundwater contaminated with #2 fuel oil released from corroded copper return and feed lines from two 275 gallon fuel oil aboveground storage tanks located in Mr. Grabowski's basement. The fuel oil migrated beneath the concrete basement floor to a compromised sewer line located in the yard on Mrs. Kern's property. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice re-

garding the submission of the Notice of Intent to remediate was published in *The Republican-Herald* on November 14, 2012. A public notice regarding the submission of the Final Report was published in *The Republican-Herald* on January 30, 2013.

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

**George & Eleanor Miller**, Locust Township, **Columbia County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of George & Eleanor Miller, 102 Airport Road, Catawissa, Pa 17820 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cunene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Stella-Jones Dubois Facility**, Sandy Township, **Clearfield County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Mr. Edgar Board, 392 Larkeytown Road, Dubois, Pa 15108 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.

## 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 environ-

mental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Macready Residence**, Lower Merion Township **Montgomery County**. Matt Johnson, H2M Associates, Inc., 1119 Cherry Hill Road, Perspiring, NJ 07054, Gene Noce, Harleysville Insurance, 35 Maple Avenue, Harleysville, PA 19438 on behalf of Melanie Macready, 117 Bryn Mawr Avenue, Bala Cynwyd, PA 19004 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 11, 2013.

**Willow Grove Crossing Townhouses LP**, Upper Moreland Township, **Montgomery County**. D. Moser, Willow Crossing Townhouse, L.P., c/o the Moser Group, 300 Brookside Court, Chalfont, PA 18914 on behalf of Staci Cottone, J&J Spill Service and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 1, 2012.

**Fairmount Gardens**, City of Philadelphia, **Philadelphia County**. Rev. Herbert H. Lusk, II, Greater Exodus Baptist Church, 800 North Broad Street, Philadelphia, PA 19130 on behalf of Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Christina Ruble, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil contaminated with lead. The Cleanup Plan and Remedial Investigation Report were approved by the Department on November 14, 2012.

**3101 West Girard Avenue Lot 2**, City of Philadelphia, **Philadelphia County**. Lawrence McKnight, P.E. Westrum BT3, L.P., 370 Commerce Drive, Fort Washington, PA 19034, Angelo Waters, P.E., Urban Engineers Inc. 530 Walnut Street, 14th Floor, Philadelphia, PA 19106 on behalf of John Mershon, Westrum BT3, L.P., 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Final Report concerning the remediation of site soil contaminated with PCB. The Final report demonstrated attainment of the Site Specific Standard and Statewide Health Standard and was approved by the Department on March 13, 2013.

**Maple Glen Shopping Center**, Upper Dublin Township **Montgomery County**. Jeffery Brown, Genuardi's Family Markets, LP, 5918 Stoneridge Mall Road,

Pleasanton, CA 94588 on behalf of Gloria Hunsberger, Kleinfelder, East Inc. 180 Sheree Blvd, Suite 3800, Exton, PA 19341 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 24, 2012.

**AMRA Investment LP**, West Whiteland Township **Chester County**. Ann Fisher, AMRA Investment, LP, 110 Summit Drive Exton, PA 19341 on behalf of Michael W. Welsh, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was approved by the Department on March 14, 2013.

**PECO Transformer Oil**, Falls Township **Bucks County**. George Horvat, PECO Energy Company, 2301 Market, Philadelphia, PA 19103 has submitted a 90 day Final Report concerning the remediation of site soil and contaminated with PCB. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 12, 2013.

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

**Metso Paper USA, Inc.**, 987 Griffin Pond Rd, South Abington Township, **Lackawanna County**, Dayne Crowley, AMEC E & I, Inc., 800 North Bell Avenue, Carnegie, PA 15106, has submitted a Final Report on behalf of his client (David Kuzmick, Metso Paper USA, Inc., 987 Griffin Pond Road, Clarks Summit, PA 18411), concerning the remediation of tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene, vinyl chloride and 2-butanone (methyl ethyl ketone) found to be present in groundwater at the property location cited above as a result from an off-site source. The report documented attainment of the Non-Residential Statewide Health Standard and Background for groundwater and was approved on March 27, 2013.

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

**International Paper—South Yard**, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510 has submitted a Final Report concerning the remediation of site soils contaminated with trichloroethene, tetrachloroethene, 1,3,5-trimethylbenzene, arsenic, iron, benzo[a]pyrene and site groundwater contaminated with trichloroethene, tetrachloroethene, cis-1,2-dichloroethene, and vinyl chloride. The Final Report demonstrated attainment of the Site-Specific and Statewide Health Standards and was approved by the Department on March 26, 2013.

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

**Stella-Jones Dubois Facility**, Sandy Township **Clearfield County**. KU Resources, Inc., 22 South Linden, Street, Duquesne, PA 15110 on behalf of Mr. Edgar Board, 392 Larkeytown Road, Dubois, Pa 15108 has submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 10, 2013.

**George & Eleanor Miller**, Locust Township, **Columbia County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Eleanor & George Miller, 102 Airport Road, Catawissa, Pa 17820 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cune, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 22, 2013.

#### MUNICIPAL WASTE GENERAL PERMITS

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGM016. County of Lycoming**, Courthouse, 48 West Third Street, Williamsport PA 17701, This permit is for the processing and beneficial use of trees, tree stumps, limbs, clean pallets, untreated and unpainted scrap lumber, packing crates and brush to produce wood chips for wholesale purposes to be utilized off-site for further processing in the production of mulch material. The application for renewal was found to be administratively complete by the Bureau of Waste Management on October 18, 2012.

Persons with questions may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit No. WMGR028NW03. Lindy Paving, Inc.**, 2340 Second Avenue, Pittsburgh, PA 15219 Site: 158 Lindsay Road, Zelienople, PA 16063. The general permit WMGR028 is for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants to be used as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. This DOA was issued by the Northwest Regional Office on March 22, 2013. The application was received on January 31, 2013.

Persons interested in reviewing the permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814)

332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP5-66-003: PVR NEPA Gas Gathering LLC** (100 Penn Tower, 25 West Third Street, Williamsport, PA 17701) on January 29, 2013, for construction and operation of a Natural Gas Dehydration Station with a thermal oxidizer at their site in Monroe Township, **Wyoming County**.

**GP5-66-002: PVR Marcellus Gas Gathering LLC** (100 Penn Tower, 25 West Third Street, Williamsport, PA 17701) on January 29, 2013, for construction and operation of a Natural Gas Compression Station at their site in Washington Township, **Wyoming County**.

**GP5-66-001: UGI Energy Services, Inc.** (1 Meridian Boulevard, Wyomissing, PA 19610) on January 29, 2013, for construction and operation of a Natural Gas Compression Station at their site in Washington Township, **Wyoming County**.

**GP11-40-001: PPL Susquehanna, SES** (769 Salem Boulevard, Berwick, PA 18603) on March 25, 2013, for construction and operation of a IC Engine at their site in Salem Township, **Luzerne County**.

**GP11-40-002: PPL Susquehanna, SES** (769 Salem Boulevard, Berwick, PA 18603) on March 25, 2013, for construction and operation of a IC Engine at their site in Salem Township, **Luzerne County**.

**GP3-54-001: Pottsville Materials, LLC** (East Dark Water Road, Pottsville, PA 17901) on March 25, 2013, for construction and operation of a 8X27 Vibrator Screen with (1) Conveyor and Water Sprays at their site in New Castle Township, **Schuylkill County**.

**GP3-58-004: Pennsy Supply, Inc.—North Region** (300 Armstrong Road, Pittston, PA 18640) on March 25, 2013, for construction and operation of a (3) Conveyors, (2) 18X24 Discharge, (1) 18X34 Feed with Water Sprays and Classifier at their site in Middletown Township, **Susquehanna County**.

**GP9-58-004: Pennsy Supply, Inc.—North Region** (300 Armstrong Road, Pittston, PA 18640) on March 25, 2013, for construction and operation of a IC Engine at their site in Middletown Township, **Susquehanna County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**GP13-67-05122: York Materials Group, LLC** (950 Smile Way, York, PA 17404) on March 27, 2013, for the resumption of operation, and change of ownership, of the Codorus Batch Asphalt Plant under GP13, at the facility in Manchester Township, **York County**.



**GP13-67-05123: York Materials Group, LLC** (950 Smile Way, York, PA 17404) on March 27, 2013, for change of ownership of the Thomasville Batch Asphalt Plant under GP13, at the facility in Jackson Township, **York County**.

**GP3-67-05098G: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on March 27, 2013, for portable nonmetallic mineral processing equipment under GP3 at the Penroc Quarry in West Manchester Township, **York County**.

**GP9-67-05098G: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on March 27, 2013, for five diesel-fired internal combustion engines under GP9, to power portable nonmetallic mineral processing equipment, at the Penroc Quarry in West Manchester Township, **York County**.

**GP14-06-03154: Henninger Funeral Home, Inc.** (229 North 5th Street, Reading, PA 19601) on March 28, 2013 for an existing human crematory, under GP14, at the facility on 5th Street in the City of Lancaster, **Lancaster County**.

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

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

**GP15-55-134: Kreamer Feed, Inc.** (PO Box 38, 215 Kreamer Avenue, Kreamer, PA 17833) on March 28, 2013, to construct and operate an organic feed mill and for the continued operation of a conventional feed mill, under the General Plan Approval and/or General Operating Permit for Feed Mills (BAQ-GPA/GP-15) at their site in Middlecreek Township, **Snyder County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-03-00258: MDS Energy, Ltd.** (409 Butler Road, Kittanning, PA 16201) on March 26, 2013, to allow installation and operation of One (1) new Caterpillar G379NA, 4SRB, natural gas fired compressor engine, rated at 330 bhp, One (1) existing Natco TEG dehydrator rated at 1.40 MMscf/day, One (1) existing natural gas fired reboiler rated at 0.25 MMBtu/hr, and Three (3) existing storage tanks of various capacities at their Gilpin Compressor Station in Gilpin Township, **Armstrong County**.

**GP3-32-00425A: Simkol Corp.** (1003 Bush Road, New Alexandria, PA 15670) on March 27, 2013, for authorization to install and operate an additional 150 tph screen at the Condor Mine in Young Township, **Indiana County**. GP3-32-00425A also re-authorizes the previously installed 150 tph crusher and screen at this facility.

**GP9-32-00425A: Simkol Corp.** (1003 Bush Road, New Alexandria, PA 15670) on March 27, 2013, for authorization to install and operate a diesel-fired engine to power an additional 150 tph screen, at the Condor Mine in Young Township, **Indiana County**.

**GP4-26-00600: Kubina Metals** (672 Braznell Road, Grindstone, PA 15442) on March 27, 2013, for installation and operation of a burn off oven in Redstone Township, **Fayette County**.

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**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.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0280: Catagnus Funeral Home & Cremation Center, Ltd.** (329 N. Lewis Road, Royersford, PA 19468) on March 28, 2013, to permit the loading door to its existing human crematory unit, which is currently permitted under General Plan Approval and General Operating Permit (BAQ-GPA/GP-14) No. GP14-46-0274, to be opened during the cremation cycle for inspection and repositioning of the charge. The facility is in Limerick Township, **Montgomery County**, and is a non-Title V facility.

Based on a maximum operating schedule of 3,744 hours per year, the expected emission rates of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM), sulfur oxides (SO<sub>x</sub>), and volatile organic compounds (VOCs) are each less than 1.5 tons per year.

The plan approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**66-318-007: Procter & Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) on March 21, 2013, for construction and operation of coating operations on 14 converting lines at their facility in Washington Township, **Wyoming County**.

**39-329-020: PPL Renewable Energy LLC** (2 N 9th Street, GEN-PL2, Allentown, PA 18101) on March 13, 2013, for construction and operation of a IC Engine at their facility in the city of Allentown, **Lehigh County**.

**40-328-008: Transcontinental Gas Pipeline Co, LLC.** (2800 Post Oak Blvd 77056—P. O. Box 1396, Houston, TX 77251) on March 11, 2013, for construction and operation of a Solar Mars Gas Turbine at their facility in Buck Township, **Luzerne County**.

**58-399-037: William Field Service Co., LLC** (1605 Coraopolis Heights Road, Moon Township, PA 15108) on March 25, 2013, for construction and operation of three (3) (CAT G3612LE) Caterpillar natural gas fired compressor engines, (2) dehydration units with reboilers, catalytic converters, and Enclosed Flare at their Zick Compressor Station facility in Lenox Township, **Susquehanna County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-03189A: Perdue Grain & Oil Seed, LLC** (PO Box 1537, Salisbury, MD 21802-1537) on March 29, 2013, for installation of a grain elevator facility in Conoy Township, **Lancaster County**.

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

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

**55-00001E: Sunbury Generation LP** (PO Box 517, Old Trail Road, Sunbury, PA 17876-0517) on April 1, 2013, for a natural gas-fired combined-cycle power plant to produce approximately 1,064 gross MW or less of electricity located in Shamokin Dam Borough, **Snyder County**. The project consists of three identical F class combustion gas turbines set up in a 2X3 and 1X1 configuration. Each combined-cycle turbine will also include a heat recovery steam generator and supplemental duct burners. The project also consists of the construction of a 106 MMBTU/hr natural gas fired auxiliary boiler and 15 MMBTU/hr natural gas fired heater. As part of the project, the facility's coal fired utility boilers are being permanently retired.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**65-01024A: Aquion Energy** (1001 Technology Drive, Mt. Pleasant, PA 15666) on March 26, 2013, to construct begin temporary operation of ten calciners controlled by dust collectors and ten natural gas-fired process heaters rated at 2.732 MMBtu/hr each at Aquion Energy's facility in East Huntingdon Township, **Westmoreland County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0069E: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) On March 25, 2013, for the operation of a primary crusher in Whitmarsh Township, **Montgomery County**.

**46-0262B: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) On March 25, 2013, for the operation of (2) two extruders in Hatfield Township, **Montgomery County**.

**46-0108C: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) On March 26, 2013, for the operation of a secondary cone crusher in Marlborough Township, **Montgomery County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05069R: East Penn Manufacturing Co., Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on March 11, 2013, for modifications to the battery assembly plant in Richmond Township, **Berks County**. The plan approval was extended.

**21-03081A: Keystone BioFuels, Inc.** (2850 Appleton Street, Camp Hill, PA 17011) on March 28, 2013, for the construction and temporary operation of a biodiesel manufacturing plant in Lower Allen Township, **Cumberland 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*

**41-00084A: Moxie Patriot LLC** (612 Center Street South, Suite 200, Vienna, VA 22180) Plan Approval 41-00084A was issued on January 31, 2013, to Moxie Energy LLC for construction of a natural gas-fired combined-cycle power plant to produce approximately 944 MW at the Moxie Patriot Generation Plant located in Clinton Township, **Lycoming County**. On April 2, 2013, the Department issued a revised Plan Approval 41-00084A that included correction of PM<sub>10</sub>/PM<sub>2.5</sub> emission limitations due to the calculation error and for the owner's name correction from Moxie Energy LLC to Moxie Patriot LLC and the facility's name correction from Moxie Patriot LLC/Patriot Power PLT to Moxie Patriot LLC/Moxie Patriot Generation Plant.

**59-00006B: Dominion Transmission, Inc.** (PO Box 2450, Clarksburg, WV 26302-2450) on March 22, 2013, to construct and operate a natural gas-fired salt bath heater, to increase hours of operation for an existing heater and dehydration engine. In addition, Dominion Transmission, Inc. is proposing to decrease the operational hour limitation of Engine #9 to offset the increase in air contaminant emissions due to the proposed construction and operation of the salt bath heater) at their Boom Compressor Station located in Lawrence Township, **Tioga County**. The plan approval has been extended.

**47-309-001: United States Gypsum Co.** (60 PPL Road, Danville, PA 17821) on April 1, 2013, to authorize to continue operation of their wallboard manufacturing plant in Derry Township, **Montour County** pursuant to the terms and conditions of the plan approval an additional 180 days in order to continue the compliance evaluation for the air contaminant sources. The plan approval has been extended.

**47-309-001A: United States Gypsum Co.** (60 PPL Road, Danville, PA 17821) on April 1, 2013, to authorize to continue operation of the railcar handling and unloading system at their wallboard manufacturing plant in Derry Township, **Montour County** pursuant to the terms and conditions of the plan approval an additional 180 days in order to continue the compliance evaluation for the air contaminant sources. The plan approval has been extended.

**08-399-019E: Global Tungsten & Powders Corp.** (1 Hawes Street, Towanda, PA 18848) on April 1, 2013, to extend authorization to operate the sources pursuant to the plan approval an additional 180 days from April 15, 2013 to October 12, 2013 at their facility in Towanda Borough, **Bradford County**. The plan approval has been extended.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**32-00055H: NRG Homer City Services, LLC** (1750 Power Plant Road, Homer City, PA 15748). on April 2, 2013, for a plan approval modification for the Homer City Generating Station in Black Lick & Center Townships, **Indiana County**. The plan approval has been modified to incorporate additional sulfur dioxide (SO<sub>2</sub>) emission limitations to ensure that Homer City Generating Station will not cause a violation of the SO<sub>2</sub> National Ambient Air Quality Standards. Plan approval conditions related to

the required modeling are no longer needed, and are deleted. The plan approval modification is effective April 2, 2013 and expires on April 2, 2015.

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

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

**10-265B: Iron Mountain Information Management—The Underground** (1137 Branchton Road, Boyers, PA 16020) on March 27, 2013, effective March 31, 2013, to issue a plan approval extension for the installation of ten (10) emergency generators at their facility in Cherry Township, **Butler County**.

**25-029C: Erie Coke Corporation** (925 East Bay Drive, Erie, PA 16507) on March 26, 2013, effective April 30, 2013, to issue a plan approval extension for the construction of a coke oven side shed equipped with a fabric filter baghouse to control particulate matter (PM) emissions from coke pushing operations and coke side door leaks. This facility is located in the City of Erie, **Erie County**.

**37-307C: PSC Metals Inc.** (5875 Landerbrook Drive, Suite 200, Mayfield Heights, OH 44124) on March 31, 2013, to issue a plan approval extension for modifications to the exhaust capture system associated with scrap cutting activities at their facility in the City of New Castle, **Lawrence County**.

**37-317B: Ellwood Mill Products** (712 Moravia Street, New Castle, PA 16101) on March 26, 2013, effective March 31, 2013, to issue a plan approval extension for the construction of a natural gas-fired forge furnace with a total heat input of 26.4 mmbtu/hr in New Castle City, **Lawrence County**. This is a State Only facility.

**42-172B: Momentive Specialty Chemicals Inc.** (253 Borden Drive, Mt. Jewett, PA 16740) on April 1, 2013, effective April 30, 2013, to issue a plan approval extension for the introduction of a new operating scenario and installation of a tank. This plan approval is not for the addition of new emissions sources to the facility, but will allow the capability of the use of an alternate operating scenario.

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#### **Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**23-00047: Evonik Corp.** (1200 West Front Street, Chester, Pa 19013) On March 26, 2013, for a renewal of the State Only (Synthetic Minor) Operating Permit, which was issued on April 3, 2008, and amended on April 2, 2009 in City of Chester, **Delaware County**. This proposed renewal of the State Only Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. Evonik manufactures silica from sodium silicate using spray dryers, silos, granulator system, and packaging system, which are controlled by the baghouses. Total PM emissions from the facility are limited to 99.0 tons/yr, & 24.9 tons/yr NO<sub>x</sub> on a 12-month rolling basis. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00112: Superior Woodcraft, Inc.** (160 North Hamilton Road, Doylestown, PA 18901) On March 27, 2013, for a non-Title V, Synthetic Minor facility located in Doylestown Borough, **Bucks County**. Superior Woodcraft, Inc. manufactures high quality wood cabinets at this facility. There are three coating booths and a staining operation that have the potential to emit 23 tons of volatile organic compounds and 10 tons of a single hazardous air pollutant and 25 tons of a combination of hazardous air pollutants. The facility averages 4.0 tons of volatile organic compound emissions per year over the last five years, and the estimated average emissions of hazardous air pollutants are 0.08 ton per year over the last 5 years. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**23-00100: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) On March 28, 2013, for a nonmetallic mineral processing plant and its IC engine power source located in Aston Township, **Delaware County**. This initial operating permit is for a non-Title V (State only) facility. Sources of particulate matter at the facility include 3 crushers (maximum capacity 400 tons/hour), 3 screens and associated conveyors. Particulate matter (PM) emissions from the nonmetallic mineral processing plant are controlled by a wet dust suppression system. Dust from use of roadways is controlled by a water truck. PM<sub>10</sub>/PM<sub>2.5</sub> (particulate matter less than 10 microns/2.5 microns) emissions from the entire facility are limited to 5.9 tons/year, on a 12-month rolling basis. Emissions from the diesel-fueled engine are limited to 23.88 tons/year nitrogen oxides (NO<sub>x</sub>), 5.29 tons/year carbon monoxide (CO), 0.87 ton/year volatile organic compounds (VOC), and 0.89 ton/year PM/PM<sub>10</sub>, all on a 12-month rolling basis. Emissions of sulfur oxides (SO<sub>x</sub>) from the engine are limited by restricting the fuel sulfur content to 15 ppm. The nonmetallic mineral processing plant is subject to the requirements of 40 CFR Part 60 Standards of Performance for Nonmetallic Mineral Processing Plants, Subpart OOO. The engine is subject to the requirements or 40 CFR Part 63 National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, Subpart ZZZZ. The facility shall comply with all requirements of the Subparts. The conditions of Plan Approval 23-0100A form the basis of this initial operating permit and are incorporated into the Operating Permit. Upon final approval, the permit will be issued for five years. The Operating Permit will contain monitoring, recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

**39-00049: ACME Cryogenics Inc./Allentown Plant** (2801 Mitchell Avenue, Allentown, PA 18105) on April 2, 201, for a renewal State Only permit issued for a fabricated pipe and pipe fittings facility in the City of Allentown, **Lehigh County**.

**39-00087: ACME Cryogenics Inc.—Allentown Plant** (2801 Mitchell Avenue, Allentown, PA 18105) on April 2, 2013, got a renewal State Only permit issued for a spray drying facility located in the City of Bethlehem, **Northampton County**.

**40-00046: Wilkes-Barre General Hospital** (575 North River Street, Wilkes-Barre, PA 18702-2634) on

March 20, 2013, for a State Only operating permit for a hospital facility the City of Wilkes-Barre, **Luzerne County**.

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

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

**55-00004: Colonial Furniture Co.** (PO Box 117, Freeburg, PA 17827-0117) on March 19, 2013, issued a state only operating permit for their facility in Freeburg Borough, **Snyder County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00035: EBY Paving & Construction** (1001 East College Avenue, Bellefonte, PA 16823) on March 25, 2013, issued a state only operating permit for their facility in Spring Township, **Centre County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**59-00023: Buckheit Funeral Chapel, P.C.** (637 South Main Street, Mansfield, PA 16933) on March 28, 2013, for operation of their facility located in Richmond Township, **Tioga County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**49-00058: Central Builders Supply Co.** (P. O. Box 152, Sunbury, PA 17801-0152) on March 28, 2013, for operation of their Montandon sand and gravel plant in West Chillisquaque Township, **Northumberland County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**17-00002: Dominion Transmission, Inc.** (501 Martindale St. 4th floor DL Clark Building, Pittsburgh, PA 15212) on March 28, 2013, for operation of their Helvetia Station facility located in Brady Township, **Clearfield County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**41-00073: Penn Recycling, Inc.** (2525 Trenton Ave., Williamsport, PA 17701) on April 1, 2013, issued a state only operating permit for their facility in the City of Williamsport, **Lycoming County**. The facility's main sources include an automobile shredding operation, a shredded material handling system, and an organic solvent-based parts washer. 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: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**32-00311: Lindy Paving Inc.—Homer City Plant** (1981 Old US Highway 119N, Homer City, PA 15748) on March 28, 2013, for operation of a hot mix batch asphalt facility in Center Township, **Indiana County**. The subject facility consists of one hot mix batch asphalt plants rated at 240 tons per hour. The batch plant is limited to 490,000 tons production in any consecutive 12-month

period. The facility has the potential to emit: 99 tpy CO; 30 tpy NO<sub>x</sub>; 22 tpy SO<sub>x</sub>; 9 tpy VOC; 4 tpy PM and 2 tpy HAPs. The facility is required to conduct annual burner tune up tests and stack testing for all criteria pollutants every five years. The facility must perform daily survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

**56-00047: Birds Eye Foods Division / Snyder of Berlin** (1313 Stadium Drive, Berlin, PA 15530) On March 28, 2013, for operation of snack foods in Berlin Borough, **Somerset County**. The subject facility consists of several natural gas processes that provide heat for frying and baking of snack products. The facility has the potential to emit: 30 tpy NO<sub>x</sub>; 24 tpy CO; 0.2 tpy SO<sub>x</sub>; 3 tpy PM; and 2 tpy VOC. The facility is required to maintain a log of annual fuel usage and preventative maintenance including tune ups. The facility must perform weekly survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

**63-00629: Hanson Aggregates BMC, Inc.—Duningsville Asphalt Plant** (339 Somerset Drive Eighty Four, PA 15330) On March 28, 2013, for operation of a hot mix batch asphalt facility in Somerset Township, **Washington County**. The subject facility consists of one hot mix batch asphalt plants rated at 300 tons per hour. The batch plant is limited to 500,000 tons production in any consecutive 12-month period. The site is equipped with (3) asphalt cement tanks and a 20,000 gallon WDLF tank. The facility has the potential to emit: 99 tpy CO; 30 tpy NO<sub>x</sub>; 22 tpy SO<sub>x</sub>; 9 tpy VOC; 11 tpy PM and 2 tpy HAPs. The facility is required to conduct annual burner tune up tests and stack testing for all criteria pollutants every five years. The facility must perform daily survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

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

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**10-00286: Portersville Sales & Testing** (1406 Perry Hwy Portersville, PA 16051) on March 26, 2013, issued a renewal of the State Only Operating Permit for the manufacturing facility. The facility is a Natural Minor. The primary sources at the facility include a boiler, paint spray bay, shot blast room, grit blaster, and a parts cleaning station. The facility is located in Portersville Borough, **Butler County**. The actual VOC emissions from the facility are less than 5 TPY. Emissions of NO<sub>x</sub>, CO, PM-10, SO<sub>x</sub>, and VOC are less than 1 TPY of each pollutant.

**37-00318: Kennametal ISA** (North Gate Industrial Park Building A, New Castle PA 16105) on March 26, 2013, issued a renewal operating permit for the facility located in Neshannock Township, **Lawrence County**. The facility produces metals and master alloys. The significant sources at the facility are the thermite reduction process, emergency diesel generators, a milling operation, and a parts washer. The conditions of the

previous approvals and operating permit were incorporated into the renewal permit. The emergency generator is restricted to 500 hours of operation and shall not be used to supplement the primary power supply at the facility. The emergency generators are subject to 40 CFR 63 Subpart ZZZZ—NESHAP for Reciprocating Internal Combustion Engine (RICE). The milling operation is controlled by a baghouse and the facility must monitor the pressure drop across the collector as well as conduct visible emission observations. The parts washer must comply with the cold cleaning degreasing requirements of 25 Pa. Code Section 129.63(a). The facility is a Natural Minor.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**23-00012: Braskem America, Inc.** (750 W 10th St. Marcus Hook, Pennsylvania, 19061-4500) On March 25, 2013, for the polypropylene manufacturing plant in Marcus Hook Borough, **Delaware County**. The Title V permit was administratively amended for change of ownership from Braskem PP Americas, Inc. to Braskem America Inc., and purchase the portion of polypropylene manufacturing operation from Sunoco Inc. and revise conditions to settle an appeal filed by Braskem in April 2011. The amended Title V Operating Permit contains the applicable regulatory requirements including testing, monitoring, recordkeeping, and reporting.

**23-00041: MIPC, LLC** (920 Cherry Tree Road, Aston, PA 19014) On March 26, 2013, the Operating Permit was amended for the Chelsea Tank Farm, a major (Title V) facility located in Upper Chichester Township, **Delaware County**. The Administrative Amendment corrects the name of the owner/operator.

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

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

**40-00119: First Quality Nonwovens, Inc.** (101 Green Mountain Road, Hazleton, PA 18202) on March 19, 2013, in Hazle Township, **Luzerne County** for an amendment to incorporate fume filtration systems installed on extruders to control opacity and particulate emissions. The conditions from Plan Approval 40-313-048 were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**08-00019: Orograin Bakeries Manufacturing, Inc.** (P. O. Box 158, Sayre, PA 18840) on March 27, 2013, in accordance with the minor operating permit modification requirements of 25 Pa. Code Section 127.462, to incorporate a condition requiring the inlet temperature of catalytic oxidizer (Control Device C01) be at least 600 degrees Fahrenheit at the Sayre Plant facility located Sayre Borough, **Bradford County**.

**59-00007: GenON REMA, LLC** (121 Champion Way, Canonsburg, PA 15317), issued a revised air quality operating permit on March 26, 2013 for their facility located in Covington Township, **Tioga County**. State Only Operating Permit 59-00007 has been revised to incorporate the change in the responsible official of the facility and permit contact in accordance with the provisions of 25 Pa. Code § 127.450. The State Only operating permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable regulatory requirements.

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

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

**S12-040B: St. Joseph’s Hospital** (1600 West Girard Ave, Philadelphia, PA 19130) administratively amended on April 1, 2013 to correct the address. The Synthetic Minor operating permit was originally issued on January 8, 2013.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**63-00899: Pleiger Plastics Co.** (498 Crile Road, Washington, PA 15301). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Pleiger Plastics Co. facility located in South Strabane, **Washington County**. Emission from this project will not exceed 1.0 tpy NO<sub>x</sub> from the installation and operation of a 40,000 CFM make-up air unit and a 4.4 MMBtu/hr natural gas burner. The following table is a list of the de minimis emission increases as required by 25 Pa. Code § 127.1449(i). This list includes the de minimis emission increases since the State Only Operating Permit was issued.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
2/23/12	Hand Casting Table/2 Electric Ovens				1.0	
Total Reported Increase					1.0	
Allowable		0.6 tons/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 ton/source 20 tons/facility

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### *Coal Permits Actions*

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

**56090102 and NPDES No. PA0262722. PBS Coals, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface and auger mine from Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, located in Somerset Township, **Somerset County**, affecting 83.5 acres. Receiving stream(s): Wells Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received May 29, 2012. Permit issued March 18, 2013.

**32120101 and NPDES No. PA0268976. Amerikohl Mining, Inc.**, 1384 State Route 711, Stahlstown, PA 15687, commencement, operation and restoration of a bituminous surface mine in East Wheatfield Township, **Indiana County**, affecting 219.8 acres. Receiving stream(s): Blacklick Creek; UTS to/and Mardis Run classified for the following use(s): cold water fishery and trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. The permit also authorizes a Chapter 105 encroachment permit for construction and maintenance of a temporary stream crossing over unnamed tributary "B". The permit also authorizes a Chapter 105 encroachment permit to affect and restore 0.05 acre of wetlands. Application received February 29, 2012. Permit issued March 18, 2013.

**56070102 and NPDES No. PA0262307. Wilson Creek Energy, LLC**, 140 W. Union Street, Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 24.8 acres. Receiving stream(s): Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority. Application received September 11, 2012. Permit issued March 26, 2013.

**Permit No. 56070105 and NPDES No. PA0262421. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001-1334, permit renewal for reclamation only of a bituminous surface mine in Black Township, **Somerset**

**County**, affecting 155.2 acres. Receiving stream(s): unnamed tributaries to/and Casselman Run classified for the following use(s): cold water fishery, warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received January 7, 2013. Permit issued March 25, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03120101 and NPDES Permit No. PA0252204. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation, and reclamation of a bituminous surface mining site located in Freeport Borough, **Armstrong County**, affecting 97.0 acres. Receiving streams: unnamed tributary to Buffalo Creek and Buffalo Creek. Application received: October 19, 2012. Permit issued: March 27, 2013.

**03020112. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in South Bend Township, **Armstrong County**, affecting 49.5 acres. Receiving streams: Craig Run and Crooked Creek to Allegheny River. Renewal application received: January 9, 2013. Reclamation-only renewal issued: March 29, 2013.

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

**33070104 and NPDES Permit No. PA0258351. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous surface mine in Young & McCalmont Townships, **Jefferson County** affecting 19.7 acres. Receiving streams: Unnamed tributary to Elk Run. Application received: November 9, 2012. Permit Issued: March 21, 2013.

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

**49840103C4. Reading Anthracite Company**, (P. O. Box 1200, Pottsville, PA 17901), boundary correction to an existing anthracite surface mine operation in Mt. Carmel and East Cameron Townships, **Northumberland County** affecting 188.8 acres, receiving stream: Mahanoy Creek Watershed. Application received: October 22, 2012. Correction issued: March 26, 2013.

**54900101C48. Blackwood, Inc.**, (P. O. 639, Wind Gap, PA 18091), correction of an existing anthracite surface mine, refuse reprocess, refuse disposal and prep plant operation to update pit length, boundary correction and stream variances in Reilly, Branch and Tremont Townships, **Schuylkill County** affecting 1850.6 acres, receiving streams: Panther and Swatara Creeks. Application received: August 1, 2012. Correction issued: April 1, 2013.

### *Noncoal Permits Actions*

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

**Permit No. 31020302 and NPDES Permit No. PA0249319. Glenn O. Hawbaker, Inc.**, 711 E. College Avenue, Bellefonte, PA 16823, renewal of NPDES Permit, Morris Township, **Huntingdon County**. Receiving stream(s): unnamed tributary to Shaffers Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received January 16, 2013. Permit issued March 26, 2013.

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

**16970307. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803) Renewal of NPDES Permit No. PA0227609 in Beaver, Licking & Richland Townships, **Clarion County**. Receiving streams: Unnamed tributary to Turkey Run. Application received: October 31, 2012. Permit Issued: March 27, 2013.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

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

**59134101. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608). Blasting for construction of a well pad located in Sullivan Township, **Tioga County**. Permit issued March 25, 2013. Permit expires April 1, 2014.

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

**36134110. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Summer Breeze Development in West Lampeter Township, **Lancaster County** with an expiration date of March 31, 2014. Permit issued: March 26, 2013.

**38134106. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Liberty Station in Annville Township, **Lebanon County** with an expiration date of March 31, 2014. Permit issued: March 26, 2013.

**35134105. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Site Tech Quarry Reclamation in South Abington Township, **Lackawanna County** with an expiration date of March 31, 2014. Permit issued: March 27, 2013.

**66134109. Midstream Explosives, LLC**, (289 Southside Drive, Newville, PA 17241), construction blasting for Forkston Wooten Pipeline in Windham and Forkston Townships, **Wyoming County** with an expiration date of June 23, 2014. Permit issued: March 27, 2013.

**09134102. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Preserve at Hilltown in Hilltown Township, **Bucks County** with an expiration date of April 1, 2014. Permit issued: March 31, 2013.

**15134101. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Devault Asphalt Plant in Charlestown Township, **Chester County** with an expiration date of March 21, 2014. Permit issued: March 31, 2013.

**36134111. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Hess Manure Pit in Warwick Township, **Lancaster County** with an expiration date of March 27, 2014. Permit issued: March 31, 2013.

**38134107. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Frederick Sanitary Sewer Project System in Bethel Township, **Lebanon County** with an expiration date of March 30, 2014. Permit issued: March 31, 2013.

**45134102. MD Drilling & Blasting, Inc.**, (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Palmerton Loop pipeline in Ross Township, **Monroe County** with an expiration date of March 26, 2014. Permit issued: March 31, 2013.

**58134119. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Line 419 Wheeler to Turner Road in Liberty and Silver Brook Townships, **Susquehanna County** with an expiration date of March 31, 2014. Permit issued: March 31, 2013.

**67134105. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Eagle View Development in Manchester Township, **York County** with an expiration date of March 31, 2014. Permit issued: March 31, 2013.

**66134110. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Kuback Road in Tunkhannock Township, **Wyoming County** with an expiration date of March 31, 2014. Permit issued: April 1, 2013.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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**

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E28-373: Kenneth M. Waggoner**, PO Box 157, Newburg, Pennsylvania 17240, in Lurgan Township, **Franklin County**, ACOE Baltimore District

To construct and maintain a 30.0-foot long, 47.0-inch high by 71.0-inch wide, 1.0-foot uniformly depressed metal arch culvert with wing-walls and R-5 riprap rock in and across an unnamed tributary to Laughlin Run (WWF, MF), and two (2) 15.0-inch corrugated plastic culvert pipes measuring 38.0 and 41.0-linear feet in wetlands adjacent to an unnamed tributary to Laughlin Run (WWF, MF), impacting 0.07 acre of wetland, located on Mowersville Road approximately 1.25 miles northwest of the intersection of Mowersville Road and SR 641 (Newburg, PA Quadrangle; N: 5.36 inches, W: 15.84 inches; Latitude: 40°08'46.31", Longitude: -77°36'11") in Lurgan Township, Franklin County. The purpose of the project is to provide a driveway access to a home and agricultural areas. The permittee is required to provide a minimum of 0.1 acre of replacement wetlands on-site.

**E36-900: Harry Knighton, Columbia Heritage River Cottage Association, Inc.**, 116 North 8th Street, PO Box 618, Columbia, PA 17512, in Columbia Borough, **Lancaster County**, ACOE Baltimore District

To operate and maintain the following existing docking facilities in and along the Susquehanna River (WWF, MF): 1) a 532.0-square foot Temporary Wooden Dock (Latitude: 40°01'45.1", Longitude: -76°30'26.5"), 2) a 16.0-foot by 24.0-foot Temporary Wooden Dock (Latitude: 40°01'44.9", Longitude: -76°30'25.4"), 3) a 16.0-foot by 35.0-foot Permanent Concrete Dock with 4.0-foot by 16.0-foot and 12.0-foot by 12.0-foot Temporary Wooden Docks (Latitude: 40°01'44.2", Longitude: -76°30'24.3"), 4) a 12.0-foot by 17.0-foot Permanent Concrete Dock with a 4.0-foot by 20.0-foot Temporary Wooden Dock (Latitude: 40°01'43.4", Longitude: -76°30'23"), 5) a 6.0-foot by 10.0-foot Permanent Concrete Dock with an 11.0-foot by 20.0-foot Temporary Wooden Dock (Latitude: 40°01'42.9", Longitude: -76°30'22.6"), 6) 10.0-foot by 18.0-foot and 10.0-foot by 38.0-foot Permanent Concrete Docks with a 4.0-foot by 4.0-foot Temporary Wooden Dock (Latitude: 40°01'42.7", Longitude: -76°30'22.2"), 7) a 15.0-foot by 20.0-foot Permanent Concrete Dock (Latitude: 40°01'42.3", Longitude: -76°30'21.1"), 8) a 14.0-foot by

48.0-foot Permanent Concrete Dock with a 16.0-foot by 24.0-foot Temporary Wooden Dock (Latitude: 40°01'42", Longitude: -76°30'20.6"), 9) a 10.0-foot by 34.0-foot Permanent Concrete Dock with a 22.0-foot by 30.0-foot Temporary Wooden Dock (Latitude: 40°01'41.7", Longitude: -76°30'20.1"), 10) a 13.0-foot by 63.0-foot Permanent Concrete Dock with a 20.0-foot by 23.0-foot Temporary Wooden Dock (Latitude: 40°01'41.5", Longitude: -76°30'19.7"), 11) a 10.0-foot by 30.0-foot Permanent Concrete Dock with a 15.0-foot by 18.0-foot Temporary Wooden Dock (Latitude: 40°01'41.3", Longitude: -76°30'19.3"), 12) a 10.0-foot by 15.0-foot Permanent Rock Dock with a 10.0-foot by 18.0-foot Aluminum and Wooden Dock (Latitude: 40°01'41", Longitude: -76°30'18.8"), 13) a 7.0-foot by 35.0-foot Permanent Concrete Dock (Latitude: 40°01'40.6", Longitude: -76°30'18.0"), 14) a 7.0-foot by 14.0-foot Permanent Concrete Dock with 8.0-foot by 20.0-foot and 4.0-foot by 7.5-foot Temporary Steel and Wooden Docks (Latitude: 40°01'40.5", Longitude: -76°30'17.9"), 15) a 10.0-foot by 33.0-foot Permanent Concrete Dock with a 16.0-foot by 30.0-foot Temporary Wooden Dock (Latitude: 40°01'40.3", Longitude: -76°30'17.7"), 16) a 12.0-foot by 50.0-foot Permanent Concrete Dock with a 10.0-foot by 24.0-foot Temporary Wooden Dock (Latitude: 40°01'40.1", Longitude: -76°30'17.4"), 17) a 25.0-foot by 50.0-foot Permanent Concrete Dock (Latitude: 40°01'39.7", Longitude: -76°30'16.8"), 18) 9.0-foot by 25.0-foot and 15.0-foot by 30.0-foot Permanent Concrete Docks (Latitude: 40°01'39.4", Longitude: -76°30'16.5"), 19) a 6.0-foot by 12.0-foot Permanent Concrete Dock (Latitude: 40°01'38.6", Longitude: -76°30'15.5"), 20) a 26.0-foot by 54.0-foot Permanent Concrete Dock with a 3.0-foot by 10.0-foot Temporary Wooden Dock (Latitude: 40°01'38", Longitude: -76°30'14.9"), 21) a 12.0-foot by 16.0-foot Permanent Concrete Dock with a 2.0-foot by 16.0-foot Temporary Wooden Dock (Latitude: 40°01'37", Longitude: -76°30'14"), 22) 20.0-foot by 75.0-foot and 11.0-foot by 22.0-foot Permanent Concrete Docks with 6.0-foot by 10.0-foot, 12.0-foot by 16.0-foot, and 3.0-foot by 10.0-foot Temporary Wooden Docks (Latitude: 40°01'36.3", Longitude: -76°30'13.4"), 23) a 18.0-foot by 24.0-foot Permanent Concrete Dock with a 3.0-foot by 10.0-foot Temporary Wooden Dock (Latitude: 40°01'35.6", Longitude: -76°30'11.7"), 24) a 11.0-foot by 26.0-foot Permanent Concrete Dock (Latitude: 40°01'35.3", Longitude: -76°30'10.9"), 25) a 15.0-foot by 23.0-foot Permanent Concrete Dock with a 5.0-foot by 10.0-foot Temporary Plastic Dock (Latitude: 40°01'35", Longitude: -76°30'10"), 26) a 16.0-foot by 17.0-foot Permanent Concrete Dock (Latitude: 40°01'34.7", Longitude: -76°30'8.4"), 27) a 14.0-foot by 24.0-foot Permanent Concrete Dock (Latitude: 40°01'34.6", Longitude: -76°30'7.9"), and 28) 12.0-foot by 20.0-foot and 12.0-foot by 14.0-foot Permanent Concrete Docks (Latitude: 40°01'34.5", Longitude: -76°30'7.5"). The facilities require a Submerged Land License Agreement to be executed.

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

**E41-632. Texas Blockhouse Fish & Game Club**, 31 Grammer Road, Williamsport PA 17701-8884. Texas Creek Channel Realignment and Fish Habitat Project, Pine Township, **Lycoming County**, ACOE Baltimore District (English Center, PA Quadrangle Latitude: 41° 28' 38.3"; Longitude: 77° 15' 09.8").



The applicant is seeking authorization to realign stream channel to a pre-flood alignment, construct, operate and maintain a channel block, log deflectors and log cross vanes in Texas Creek to restore flood damaged stream reach. Channel realignment and habitat structure installation authorized by this permit shall be limited to a maximum stream length of 200-feet. All activities authorized by this permit shall be reviewed, approved and field verified by the Pennsylvania Fish and Boat Commission - Division of Habitat Management. Excavation for stream flow diversion into the pre-flood channel shall be accomplished in dry work condition dam and pumping, fluming or diverting stream flow around the pre-flood channel excavation area. The project is located along the northern right-of-way of SR 0284 approximately 1930-feet north of Texas Creek Road and SR 0284 intersection. This permit was issued under Section 105.13(e) "Small Projects."

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E25-719, Gary T. Brotherson**, 1801 West 8th Street, Erie PA 16505 in Millcreek Township, **Erie County**, ACOE Pittsburgh District

to conduct the following activities associated with the development of the Brotherson Beach Project, a project to stabilize the shoreline and construct a residential development along Lake Erie and a tributary to Lake Erie (Marshall Run) (Swanville, PA Quadrangle, N: 42°, 6', 17.8"; W: 80°, 10', 2.3")

1. To construct and maintain seven (7) lower-profile groin structures constructed of 2 foot high by 2 foot wide by 6 foot long concrete blocks, and pinned to the shale bedrock, at elevations below the Ordinary High Water Mark (OHWM), but not extending below the Ordinary Low Water Mark (OLWM), on several properties in the Forest Park Beach Subdivision.

2. To construct and maintain approximately 180 feet of concrete seawall placed at or near the OHWM at the western half of the project area, and an additional approximately 190 feet of concrete seawall to be placed landward of the OHWM at the eastern half of the project area. The landward ends of groins 1, 2, 3 and 4 attach to the sea wall.

3. To remove the existing timber bridge and to construct and maintain a 14 foot wide steel beam bridge having a span of 20 feet and an underclearance of 4.2 feet across a tributary to Lake Erie (Marshall Run) approximately 100 feet south of the confluence of Marshall Run and Lake Erie as access to cottages.

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

**E4129-062: Atlas Resources, LLC**, 1Park Place Corporate Center One, 1000 Commerce Drive 4th Floor, Pittsburgh, PA 15275, Gamble Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. one 8 inch natural gas pipeline and a timber mat bridge impacting 50 linear feet of an unnamed tributary to Miller Run (EV) (Bodines Quadrangle 41°23'00"N 76°58'27"W);

2. one 8 inch natural gas pipeline and a timber mat bridge impacting 34 linear feet of an unnamed tributary

to Miller Run (EV) and 139 square feet of adjacent palustrine emergent (PEM) wetland (Bodines Quadrangle 41°23'07"N 76°58'09"W);

3. one 8 inch natural gas pipeline and a timber mat bridge impacting 529 square feet of palustrine emergent (PEM) wetland (Bodines Quadrangle 41°23'09"N 76°58'06"W);

4. one 8 inch natural gas pipeline and a timber mat bridge impacting 52 linear feet of an unnamed tributary to Murray Run (EV) (Bodines Quadrangle 41°23'14"N 76°57'12"W);

5. one 8 inch natural gas pipeline and a timber mat bridge impacting 54 linear feet of an unnamed tributary to Murray Run (EV) (Bodines Quadrangle 41°23'15"N 76°57'10"W);

6. one 8 inch natural gas pipeline and a timber mat bridge impacting 53 linear feet of an unnamed tributary to Murray Run (EV) (Bodines Quadrangle 41°23'16"N 76°56'59"W);

7. one 8 inch natural gas pipeline and a timber mat bridge impacting 140 linear feet of an unnamed tributaries to Murray Run (EV) (Bodines Quadrangle 41°23'18"N 76°56'44"W);

8. one 8 inch natural gas pipeline, a timber mat bridge, and an 18 inch culvert impacting 82 linear feet of an unnamed tributary to Murray Run (EV) (Bodines Quadrangle 41°23'17"N 76°56'26"W);

9. one 8 inch natural gas pipeline, a timber mat bridge, and an 18 inch culvert impacting 70 linear feet of an unnamed tributary to Murray Run (EV) (Bodines Quadrangle 41°23'17"N 76°56'25"W);

10. one 8 inch natural gas pipeline, a timber mat bridge, and a 24 inch culvert impacting 77 linear feet of an unnamed tributary to Murray Run (EV) (Bodines Quadrangle 41°23'17"N 76°56'24"W).

The project will result in 612 linear feet of stream impacts and 0.02 acre of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

**E4129-063: PVR NEPA Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Plunketts Creek & Shrewsbury Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. one 12 inch natural gas pipeline and a timber mat bridge impacting 47 linear feet of an unnamed tributary to South Fork Bear Creek (EV) (Picture Rocks Quadrangle 41°21'49"N 76°42'31"W).

The project will result in 47 linear feet of stream impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E5729-050.

**E5729-050: PVR NEPA Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Shrewsbury Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. one 12 inch natural gas pipeline and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Bear Creek (EV) (Picture Rocks Quadrangle 41°22'01"N 76°41'03"W);

2. one 12 inch natural gas pipeline and a timber mat bridge impacting 46 linear feet of an unnamed tributary to Bear Creek (EV) (Picture Rocks Quadrangle 41°22'03"N 76°41'08"W);

3. one 12 inch natural gas pipeline and a timber mat bridge impacting 157 linear feet of an unnamed tributary to Bear Creek (EV) (Picture Rocks Quadrangle 41°22'05"N 76°41'17"W);

4. one 12 inch natural gas pipeline and a timber mat bridge impacting 31 linear feet of an unnamed tributary to Bear Creek (EV) (Picture Rocks Quadrangle 41°22'07"N 76°41'19"W).

The project will result in 285 linear feet of stream impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-063.

#### ENVIRONMENTAL ASSESSMENTS

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

**WL1013601. Bear Creek Watershed Association,** P. O. Box 504, Bruin, PA 16022. Young Mine Site Reclamation Project in Allegheny Township, **Butler County,** ACOE Pittsburgh District (Hilliards, PA Quadrangle N: 41°, 7', 11.7"; W: 79°, 45', 59.1").

The applicant proposes to re-grade, neutralize and vegetate acidic mine spoil, backfill an abandoned coal mine high wall, remove an existing 200 foot long, 30 inch diameter culvert pipe, and construct an open rip rap stream channel. The project will permanently impact 0.24 acre of wetland and temporarily impact 200 linear feet of stream. Mitigation for wetland and stream impacts will be achieved through water quality improvements to the North Branch Bear Creek watershed.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D30-076. Consol PA Coal Company, LLC,** P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323. Permit issued to construct, operate, and maintain Bailey No. 6 Sedimentation Pond across a tributary to Owens Run (WWF) for the purpose of providing sediment control for the Coal Refuse Disposal Area No 6 site. The Sedimentation Pond will impact 0.44 acre of wetlands (PEM) and 6,084 lineal feet of stream, providing a minimum of 0.44 acre of wetland mitigation. (Wind Ridge, PA Quadrangle Latitude: 39.949N; Longitude: -80.424W) Richhill Township, **Greene County.**

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX13-117-0008  
Applicant Name SWEPI LP  
Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Sullivan Township  
Receiving Stream(s) and Classification(s) Corey Creek (CWF/MF);  
Secondary: Tioga River (CWF/MF)

ESCGP-1 # ESX13-131-0008  
Applicant Name Cabot Oil & Gas  
Contact Person Phil Stalnaker  
Address 5 Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Wyoming County  
Township(s) Lemon Township  
Receiving Stream(s) and Classification(s) Meshoppen Creek (CWF/MF);  
Secondary: Susquehanna River

ESCGP-1 # ESX13-033-0022 (Revised)  
Applicant Name Energy Corporation of America  
Contact Person Travis Wendel  
Address 101 Heritage Run Road, Suite 1  
City, State, Zip Indiana, PA 15701  
County Clearfield County  
Township(s) Goshen Township  
Receiving Stream(s) and Classification(s) UNT to Medix Run (HQ);  
Secondary: Sinnemahoning Creek

ESCGP-1 # ESX13-015-0017  
Applicant Name Angelina Gathering Company, LLC  
Contact Person Danny Spaulding  
Address 2350 N. Sam Houston Parkway E., Suite 125  
City, State, Zip Houston, TX 77032  
County Bradford County  
Township(s) Stevens Township  
Receiving Stream(s) and Classification(s) Rockwell Creek, Mill Creek, Ross Creek, Wyalusing Creek (All WWF/MF)

ESCGP-1 # ESX13-117-0007  
Applicant Name SWEPI LP  
Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Chatham Township  
Receiving Stream(s) and Classification(s) Losey Creek (WWF/MF);  
Secondary: Crooked Creek (WWF/MF)

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

<i>ESCGP -1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
1013801	Glenn McCrea National Fuel Gas Supply Corporation 1100 State Street Erie PA 16501	Butler	Slippery Rock Township and Slippery Rock Borough	Wolf Creek CWF & Slippery Rock Creek CWF

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX13-085-0007 Pilgram 1 Well Site  
Applicant Halcon Operating co., Inc.  
Contact Mr. Gregg Stewart  
Address 600 Cranberry Woods Drive  
City Cranberry Township State PA Zip Code 16066  
County Mercer Township(s) Otter Creek & Delaware(s)  
Receiving Stream(s) and Classification(s) UNT to Otter Creek & Otter Creek / Neshannock Creek

ESCGP-1 #ESX13-019-0015—Bluestone II Gas Processing Plant  
Applicant Markwest Liberty Bluestone LLC  
Contact Richard Lowry  
Address 601 Technology Drive, Suite 300  
City Canonsburg State PA Zip Code 15317  
County Butler Township(s) Jackson(s)  
Receiving Stream(s) and Classification(s) Connoquenessing Creek (WWF)

ESCGP-1 #ESX13-019-0012—Trillith Compressor Station  
Applicant MarkWest Liberty Midstream & Resources LLC  
Contact Richard Lowry  
Address 601 Technology Drive, Suite 300  
City Canonsburg State PA Zip Code 15317  
County Butler Township(s) Lancaster(s)  
Receiving Stream(s) and Classification(s) Yellow Creek (CWF), Little Yellow Creek (CWF), UNT to Little Yellow Creek (CWF)/ Slippery Rock Creek Watershed

ESCGP-2 #ESX13-065-0002—Horizon Pipeline  
Applicant EQT Gathering, LLC  
Contact Brian M. Clouto  
Address 455 Racetrack Road  
City Washington State PA Zip Code 15301  
County Jefferson Township(s) Snyder and Washington(s)  
Receiving Stream(s) and Classification(s) Tributary 50302 to Rattlesnake Run—CWF, Little Toby Creek

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

1/14/13  
ESCGP-1 No: ESX13-005-0001  
Applicant Name: Laurel Mountain Midstream Operating LLC  
Contact Person Ms Jayme L Stotka  
Address: 1605 Coraopolis Heights Road  
City: Moon Township State: PA Zip Code: 15108  
County: Armstrong Township: Gilpin  
Receiving Stream (s) And Classifications: UNT to Allegheny River, (2) UNTs to Elder Run, Elder Run; Other

11/14/12  
ESCGP-1 No.: ESX12-007-0015 Major Revision  
Applicant Name: Chesapeake Appalachia LLC  
Contact Person: Mr Eric W Haskins  
Address: 101 North Main Street  
City: Athens State: PA Zip Code: 18810

County: Beaver Township(s): Darlington Township  
Receiving Stream(s) and Classifications: Coal Bank Run—HQ/CWF; HQ

1/28/13  
ESCGP-1 No.: ESX13-125-0015  
Applicant Name: CNX Gas Company LLC  
Contact Person: Mr Daniel Bitz  
Address: 1000 Consol Energy Drive  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): North Franklin  
Receiving Stream(s) and Classifications: UNT to Tributary 37149 to Chartiers Creek (HQ-WWF) and Tributary 37149 to Chartiers Creek (HQ-WWF), Reservoir No. 3 (HQ-WWF), Reservoir No. 4 (HQ-WWF), and Chartiers Creek (WWF); HQ

1/24/13  
ESCGP-1 No.: ESX13-129-0001  
Applicant Name: CNX Gas Company LLC  
Contact Person: Ms Tara Meek  
Address: 280 Indian Springs Road Suite 333  
City: Indiana State: PA Zip Code: 15701  
County: Westmoreland Township(s): Bell  
Receiving Stream(s) and Classifications: Beaver Run Reservoir (HQ-CWF) and associated tributaries. See appendix D of ESS plan for complete list of tributaries; HQ

1/17/13  
ESCGP-1 No.: ESX13-059-0005  
Applicant Name: EQT Production Company  
Contact Person: Mr Todd Klaner  
Address: 455 Racetrack Road  
City: Washington State: PA Zip Code: 15301  
COUNTY Greene Township(s): Center & Morris  
Receiving Stream(s) and Classifications: Patterson Creek (HQ-WWF); Browns Creek HQ-WWF; West Run (HQ-WWF), Lightner Run HQ-WWF; Rush Run (HQ-WWF) and UNT to these streams; Ten Mile Creek Watershed; HQ

1/25/13  
ESCGP-1 No.: ESX13-125-0011  
Applicant Name: Noble Energy Inc  
Contact Person: Dee Swiger  
Address: 333 Technology Drive Suite 110  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): West Finley  
Receiving Stream(s) and Classifications: Robinson Fork and Spottedtail Run/Upper Ohio-Wheeling Watershed; Other

1/22/13  
ESCGP-1 No.: ESX13-125-0005  
Applicant Name: Range Resources Appalachia LLC  
Contact Person: Ms Laura M Rusmiser  
Address: 3000 Town Center Boulevard  
City: Canonsburg State: PA Zip Code 15317  
County: Washington Township(s): Donegal  
Receiving Stream(s) and Classifications: UNTs to Castleman Run (HQ-WWF)/Wheeling-Buffalo Creeks Watershed; HQ

1/28/13  
 ESCGP-1 No.: ESX13-125-0016  
 Applicant Name: MarkWest Liberty Midstream & Resources LLC  
 Contact Person: Mr Rick Lowry  
 Address: 601 Technology Drive Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Donegal  
 Receiving Stream(s) and Classifications: UNTs to Dutch Fork Lake and UNTs to Dutch Fork; HQ

1/28/13  
 ESCGP-1 No.: ESX13-005-0005  
 Applicant Name: PennEnergy Resources LLC  
 Contact Person: Mr Greg Muse  
 Address: 1000 Commerce Drive Park Place One Suite 100  
 City: Pittsburgh State: PA Zip Code: 15275  
 County: Armstrong Township(s): West Franklin  
 Receiving Stream(s) and Classifications: UNT to Buffalo Creek HQ-TSF; HQ; Other (TSF)

1/28/13  
 ESCGP-1 NO.: ESX13-051-0002  
 Applicant Name: Chevron Appalachia LLC  
 CONTACT PERSON: Mr Alex Genovese  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Jefferson  
 Receiving Stream(s) and Classifications: UNTs to Little Redstone Creek (WWF) and Little Redstone Creek (WWF)/Middle Monongahela River Watershed; Other

#### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed

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

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

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

*Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 019-22046-00-00  
 Well Farm Name Ceaser Unit 1H  
 Applicant Name: R.E. Gas Development, LLC.  
 Contact Person: Suzanne Reynolds  
 Address: 476 Rolling Ridge Drive, Suite 300, State College, PA 16801-7639  
 County: Butler

Municipality Muddycreek Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Prospect, Yellow Creek

Well Permit #: 039-25772-00-00  
 Well Farm Name Weibel Unit 1  
 Applicant Name: Kastle Resources Ent. Inc.  
 Contact Person: Steve Fleischer  
 Address: P O Box 1085, Wooster, Ohio 44691-7081  
 County: Crawford

Municipality Summerhill Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Harmonsburg, UNT to Rundelltown Creek.

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## STORAGE TANKS

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### SITE-SPECTIFIC 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.**

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
13-14-001	The Pennsylvania State University West Campus Steam Plant University Park, PA 16802 Attn: Lysa Holland	Centre	State College Borough	2 ASTs storing diesel fuel	50,000 gallons total

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**SPECIAL NOTICES**


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**HAZARDOUS SITES CLEAN-UP  
UNDER THE ACT OF  
OCTOBER 18, 1988**
**Public Notice of Proposed Consent Order and Agreement  
Bottle House Site  
City of Allentown, Lehigh County**

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 (HSCA), notice is hereby provided that the Pennsylvania Department of Environmental Protection (Department) has entered into a settlement in the form of a Consent Order and Agreement (CO&A) with Tarkett North America, Inc. (Settlor). The CO&A addresses the investigation and removal of hazardous substances that were left on the Bottle House Site (Site) by the Settlor. The Settlor will reimburse the Department their portion of the costs incurred to perform the site investigation/response activities at the Site.

The Site is located at 401-451 North Front Street, Allentown, Lehigh County and consists of a large three-story brick building that was the former bottling house for the Neuweiler Brewery. Brewery operations ceased at this site in the late 1960's. The Site then became an industrial property being utilized as a warehouse and manufacturing facility, which is surrounded on three sides by family residences, and by a community recreational area on the fourth side. The operations resulted in large quantities of hazardous substances and or contaminants being stored in the building. The Department initiated a prompt interim response action under the HSCA on September 27, 1999. The objective of this prompt interim response action was to eliminate the immediate threat to human health and safety and the environment posed by the hazardous substances and/or contaminants that were present on the Site. The response was completed on April 28, 2000, at a cost of \$1,563,183.46.

The settlement proposed in the CO&A referenced above would resolve certain potential claims of the Department solely against the Settlor, for future enforcement and reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances and/or contaminants at the Site. The claims originated under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305). The proposed settlement would require the Settlor to pay the Department the amounts listed below for their portion of the response costs.

<i>Settlor</i>	<i>Amount</i>
Tarkett North America, Inc.	\$ 400,000.00

The specific terms of the settlement are set forth in the CO&A between the Department and the Settlor, which is available for public review and comment. The Department will receive and consider comments relating to the CO&A for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A are inappropriate, improper, or not in the public interest. After the public comment period, the Department's settlement with the Settlor shall be effective upon the date that the Department notifies the Settlor, in writing, that the CO&A is final and effective in its present form, and that the Department has filed a response to significant written comments to the CO&A, or that no such comments were received.

Copies of the CO&A are available for inspection at the Department's Northeast Regional Office. Comments may be submitted, in writing, to Robert Lewis, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, PA 18711. Further information may be obtained by contacting Robert Lewis, at 570-826-2511.

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of March 2013 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Mark Achuff	101 S. Broad St., Ste. 100 Lansdale, PA 19446	Mitigation
James Andrews	353 Loveville Rd. Warriors Mark, PA 16877	Mitigation
James Budzeak	2822 Golden Mile Highway Pittsburgh, PA 15239	Mitigation
Rex Crowl Miller Radon Services, LLC	PO Box 603 Shamokin, PA 17872	Testing & Mitigation
Keith Dague	315 Springfield Dr. Cranberry Twp., PA 16066	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Jim Dombrowski	2731 W. 33rd St. Erie, PA 16506	Testing
Scott Earley	19 Sunset Ave. Honesdale, PA 18431	Testing
David Freeman	110 Ingrid Ct. Sarver, PA 16055	Testing
Scott Hagan	78 Hamilton Dr. Abbottstown, PA 17301	Testing
Russell Heiges	351 Big Oak Rd. Dillsburg, PA 17019	Testing
James Hetrick	766 Magaro Rd. Enola, PA 17025	Mitigation
Robert Hoffman	943 High St. Akron, PA 17501	Mitigation
Ludwig Kubli	1090 Aerie Dr. North Huntingdon, PA 15642	Testing
Ronald Kuntz	PO Box 174 Alexandria, PA 16611	Testing
Stephanie Lamb Hillmann Consulting, LLC	1600 Rt. 22 East Union, NJ 07083	Testing
Edward Lampl	462 Biddle Ave. Pittsburgh, PA 15221	Testing
Thomas Laurito	6006 Forest Dr. Monaca, PA 15061	Testing
Jon Melvin	1024 Ledgeview Ave. West Pittston, PA 18643	Testing
Chase Millard	634 Pine St. Philadelphia, PA 19106	Testing
Neil Minnucci	955 Allentown Rd. Lansdale, PA 19446	Testing
Tuan Nguyen American Radon Solutions, Inc.	125 Brindle Rd. Mechanicsburg, PA 17055	Mitigation
Michael Nowicki Steel City Radon	1223 Southgate Dr. Pittsburgh, PA 15241	Mitigation
Andrew Nyveldet	27 Mount Carmel St. Roseto, PA 18013	Testing
Robert Petrillo	140 Northpoint Dr. Olyphant, PA 18447	Testing
Garrett Ray EMSL Analytical, Inc.	200 Rt. 130 North Cinnaminson, NJ 08077	Laboratory Analysis
Wayne Thomas Environmental Abatement Associates, Inc.	143 W. Main St. Plymouth, PA 18651	Testing
Robert Ulm	543 Twele Rd. Greenock, PA 15047	Testing
Peter Weber	6 Boor Cove Ln. West Grove, PA 19390	Testing
Michael Webster	480 Vine St. Lebanon, PA 17042	Testing
Michael Webster George Strohm, Inc.	480 Vine St. Lebanon, PA 17042	Mitigation
William Weitzel	142 S. West St.	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Brian Wentz	Carlisle, PA 17013 6235 Warren Ave. Harrisburg, PA 17112	Testing
Chris Willig	4 Theresa Dr. Conestoga, PA 17516	Testing

### Reclamation of Abandoned Mine Land; Construction Contract Award

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

**CMT Energy, Inc.**, GFCC No. 17-10-01, Woolridge #2 Operation, Bradford Township, **Clearfield County** (Valley Fork Run to Roaring Run to Clearfield Creek-Upper West Branch Susquehanna Watershed): A construction contract has been awarded to CMT Energy, Inc., that will result in the reclamation of approximately 6.4 acres of abandoned mine land including the removal of approximately 15,000 tons of refuse from 2.5 acres. The site will be reclaimed and regraded to approximate original contour. The estimated value of the reclamation work is \$44,800.00 which will be done at no cost to the Commonwealth. A General NPDES Permit (BMR GP-104/17-10-01) for stormwater management was also issued as part of the construction contract. The site is located along Shiloh Road approximately 1/2 mile north of the village of Woodland on lands formerly mined and subsequently abandoned by Woolridge Coal Company in the late 1960's. Blasting and refuse reprocessing are prohibited.

[Pa.B. Doc. No. 13-667. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Bid Opportunity

**OSM 03(6340)101.1, Abandoned Mine Reclamation Project, New Freedom SW, Redbank Township, Armstrong County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 286,000 cubic yards; gas line relocation; subsurface drain with cleanouts 80 cubic yards; channel excavation 80 cubic yards; erosion matting 360 square yards; tree planting 4,420 each; and seeding 28 acres. This bid issues on April 12, 2013, and bids will be opened on May 7, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-668. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Bid Opportunity

**OSM 16(2841)101.1, Abandoned Mine Reclamation Project, Strattanville East, Clarion Township, Clarion County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 135,600 cubic yards; ditch excavation 450 cubic yards; erosion control blankets 6,600 square yards; and seeding 16 acres. This bid issues on April 12, 2013, and bids will be opened on May 7, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and

Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-669. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Pennsylvania Sewage Advisory Committee Special Meeting

A special meeting of the Pennsylvania Sewage Advisory Committee (Committee) is scheduled for April 24, 2013, at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The primary purpose of this meeting is to discuss the comments compiled by the Committee Workgroup concerning the draft technical guidance Sewage Facilities Planning Module Review for Sewage Systems Proposed in High Quality and Exceptional Value Watersheds.

Questions concerning the scheduled meeting of the Committee can be directed to John Diehl at (717) 783-2941 or jdiehl@pa.gov. The agenda and meeting materials for the April 24, 2013, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (select "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2941 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-670. Filed for public inspection April 12, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Courtyard Gardens Nursing and Rehabilitation Center  
999 West Harrisburg Pike  
Middletown, PA 17057

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-671. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Newborn Hearing Screening Program; Revision of Guidelines

The Department of Health's (Department) Newborn Hearing Screening Program and the Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (IHEARR) Act (act) (11 P. S. §§ 876-1—876-9), have updated the Newborn Hearing Screening Program Guidelines (Guidelines). The Guidelines provide guidance and recommended procedures for hospitals, physicians and audiologists in conducting and administering universal newborn hearing screening programs in accordance with the act.

A copy of the revised Guidelines can be found on the Departments web site at [www.health.state.pa.us/paeearlyhearing](http://www.health.state.pa.us/paeearlyhearing) or by contacting the Department of Health, Bureau of Family Health, Division of Newborn Screening Program, 625 Forster Street, H&W Building, 7th Floor East, Harrisburg, PA 17120, (717) 783-8143.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope,

Braille) should contact the Department at the previously listed address or phone number, for speech and/or hearing impaired persons at V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-672. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Preventive Health and Health Services Block Grant Advisory Committee Meeting

The Preventive Health and Health Services Block Grant (Grant) Advisory Committee will hold a public meeting on Thursday, May 2, 2013, from 10 a.m. to 2 p.m., at the Giant Foods Community Center, 3301 Trindle Road, Camp Hill, PA 17011.

The purpose of the meeting is to discuss the annual progress report and adjustments to the Grant Work Plan (Federal Fiscal Year 2013).

For additional information contact Terry L. Walker, Administrative Officer, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, at (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Terry L. Walker at the telephone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-673. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, May 3, 2013. The meeting will be held from 10 a.m. to 3 p.m. in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Darlene Smith, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-674. Filed for public inspection April 12, 2013, 9:00 a.m.]



# DEPARTMENT OF PUBLIC WELFARE

## Disproportionate Share Hospital Payments

The Department of Public Welfare (Department) is providing final notice of its allocation of funding for Fiscal Year (FY) 2012-2013 for several classes of disproportionate share hospital (DSH) payments made to qualifying Medical Assistance (MA) enrolled acute care general hospitals.

The Department published notice of its intent to allocate funding for these DSH payments at 42 Pa.B. 6045 (September 22, 2012). The Department received no public comments during the 30-day comment period, and is implementing the changes as described in its notice of intent for all payments other than the payments to certain Academic Medical Centers. For the payments to certain Academic Medical Centers, the Department is correcting the amount of funds allocated for these payments.

### *Funding Allocations*

The Department is allocating funding for certain classes of DSH payments to qualifying acute care general hospitals for FY 2012-2013. Specifically, these classes of payment include DSH payments to Critical Access Hospitals (CAH) and Qualifying Rural Hospitals, DSH payments for Obstetrical and Neonatal Intensive Care services, Trauma DSH payments, DSH payments to certain Burn Centers, DSH payments to hospitals providing Enhanced Access to Care, DSH payments to hospitals providing a high volume of acute care and psychiatric services, DSH payments to hospitals providing a high volume of services to MA and low-income populations and DSH payments to certain Academic Medical Centers. There is no change in the current qualifying criteria or methodology for determining eligibility for these payments.

### *DSH Payments to CAHs and Qualifying Rural Hospitals*

For FY 2012-2013, the Department is allocating \$8.915 million (\$4.076 million in State general funds and \$4.839 million in Federal funds) for DSH payments to CAHs. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

### *DSH Payments to Qualifying Acute Care General Hospitals for Obstetrical and Neonatal Intensive Care Services*

For FY 2012-2013, the Department is allocating \$8.051 million (\$3.681 million in State general funds and \$4.370 million in Federal funds) for DSH payments to Qualifying Hospitals providing obstetrical and neonatal intensive care services. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

### *Trauma DSH Payments*

For FY 2012-2013, the Department is allocating \$18.933 million (\$8.656 million in State general funds and \$10.277 million in Federal funds) for Trauma DSH payments. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

### *DSH Payments to Qualified Acute Care General Hospital Burn Centers*

For FY 2012-2013, the Department is allocating \$8.272 million (\$3.782 million in State general funds and \$4.490 million in Federal funds) for this DSH payment to Qualified Burn Centers. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

### *DSH Payments to Qualifying Acute Care General Hospitals that Provide Enhanced Access to Multiple Types of Medical Care in Economically Distressed Areas of this Commonwealth*

For FY 2012-2013, the Department is allocating \$15.993 million (\$7.312 million in State general funds and \$8.681 million in Federal funds) for this DSH payment for qualified hospitals providing enhanced access in economically distressed areas. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

### *DSH Payments to Qualifying Acute Care General Hospitals that Provide a High Volume of MA Acute Care and Psychiatric Services and Incur Significant and Uncompensated Care Costs*

For FY 2012-2013, the Department is allocating \$1.640 million (\$0.750 million in State general funds and \$0.890 million in Federal funds) for this DSH payment to qualified hospitals providing a high volume of MA acute care and psychiatric services. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

### *DSH Payments to Qualifying Acute Care General Hospitals that Provide a High Volume of Services to MA Eligible and Low-Income Populations*

For FY 2012-2013, the Department is allocating \$1.733 million (\$0.792 million in State general funds and \$0.941 million in Federal funds) for this DSH payment to qualified hospitals providing a high volume of services to MA and low-income populations. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

### *Payments to Certain Academic Medical Centers*

In its intent notice, the Department inadvertently included funding not allocated for these payments to certain academic medical centers. For FY 2012-2013, the Department is allocating \$21.129 million (\$9.618 million in State general funds and \$11.511 million in Federal funds) for this payment to qualifying Academic Medical Centers. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

### *Fiscal Impact*

The FY 2012-2013 fiscal impact, as a result of these payments is \$84.666 million (\$38.667 million in State general funds and \$45.999 million in Federal funds).

BEVERLY D. MACKERETH,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-814. (1) General Fund;

(7) MA—Critical Access Hospitals; (2) Implementing Year 2012-13 is \$4,076,000; (3) 1st Succeeding Year 2013-14 through 5th Succeeding Year 2017-18 is \$0; (4)

2011-12 Program—\$3,218,000; 2010-11 Program—\$4,677,000; 2009-10 Program—\$4,378,000;

(7) MA—Obstetric and Neonatal Services; (2) Implementing Year 2012-13 is \$3,681,000; (3) 1st Succeeding Year 2013-14 through 5th Succeeding Year 2017-18 is \$0; (4) 2011-12 Program—\$3,313,000; 2010-11 Program—\$4,815,000; 2009-10 Program—\$4,500,000;

(7) Trauma Centers; (2) Implementing Year 2012-13 is \$8,656,000; (3) 1st Succeeding Year 2013-14 through 5th Succeeding Year 2017-18 is \$0; (4) 2011-12 Program—\$7,790,000; 2010-11 Program—\$11,322,000; 2009-10 Program—\$10,387,000;

(7) Hospital Based Burn Centers; (2) Implementing Year 2012-13 is \$3,782,000; (3) 1st Succeeding Year 2013-14 through 5th Succeeding Year 2017-18 is \$0; (4) 2011-12 Program—\$3,404,000; 2010-11 Program—\$4,946,000; 2009-10 Program—\$4,630,000;

(7) MA—State-Related Academic Medical Centers; (2) Implementing Year 2012-13 is \$9,618,000; (3) 1st Succeeding Year 2013-14 through 5th Succeeding Year 2017-18 is \$0; (4) 2011-12 Program—\$12,618,000; 2010-11 Program—\$18,871,000; 2009-10 Program—\$20,140,000;

(7) MA—Inpatient; (2) Implementing Year 2012-13 is \$8,854,000; (3) 1st Succeeding Year 2013-14 through 5th Succeeding Year 2017-18 is \$0; (4) 2011-12 Program—\$325,685,000; 2010-11 Program—\$243,809,000; 2009-10 Program—\$371,515,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-675. Filed for public inspection April 12, 2013, 9:00 a.m.]

**Medical Assistance Program Fee Schedule Revisions**

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule. These changes are effective for dates of service on and after April 15, 2013.

*Fee Schedule Revisions*

The Department is making updates to the MA Program Fee Schedule based upon payment indicators specified by the Centers for Medicare and Medicaid Services, in response to requests received from providers, and clinical reviews conducted by Department staff related to standards of practice, provider type/specialty combinations (PT/Spec), places of service (POS) and procedure code/modifier combinations.

*Physician Services*

The following surgical procedure codes will have POS 24 (ambulatory surgical center (ASC)/short procedure unit (SPU)) added for PT 31 (physician), with or without modifier 80 (assistant surgeon) as indicated as follows:

*Procedure Codes and Modifiers*

11981	11982	15221	15937	15953	19324
21243	21243 (80)	21295	21296	22222	22222 (80)
23031	23397	23397 (80)	23532	23532 (80)	24077
24077 (80)	24362	24362 (80)	24802	24802 (80)	25316
25316 (80)	25355	25355 (80)	25370	25370 (80)	25671
26262	26262 (80)	26991	27193	27194	27202
27202 (80)	27391	27392	27392 (80)	27497	27498
27498 (80)	27499	27499 (80)	27501	27503	27509
27604	27892	27893	28039	28039 (80)	28576
29860	29861				

Procedure code 27096 will be end-dated in POS 22 (outpatient hospital) for PT 31 because this service is not payable to physicians in a clinic setting per MA regulations at 55 Pa. Code § 1221.51 (relating to general payment policy).

The following surgical procedure codes will have individual provider specialties end-dated and “All” specialties added because the Department has determined these procedures are within the scope of practice of all physicians:

*Procedure Codes*

15936	19307	20982	21047	21049	21160
29827	29899				

*Podiatrist Services*

The following surgical procedure codes will have POS 21 (inpatient hospital) and 24 added for PT 14 (podiatrist), with or without modifier 80 as indicated as follows, because the Department has determined that these settings are appropriate for the performance of these services:

<i>Procedure Code and/or Modifier</i>	<i>POS</i>	<i>Procedure Code and/or Modifier</i>	<i>POS</i>
15121	21, 24	27604	24
27692	24	27692 (80)	24
27816	24	27825	21, 24
28001	24	28039	24
28039 (80)	24	28106	24
28106 (80)	24	28436	24

<i>Procedure Code and/or Modifier</i>	<i>POS</i>	<i>Procedure Code and/or Modifier</i>	<i>POS</i>
28470	24	28496	24
28510	24	28576	24
28665	24	29450	24

*ASC/SPU Services*

The following surgical procedure codes will have PT/Specs 01/021 (SPU) or 02/020 (ASC), or both, added as indicated as follows in POS 24 with modifier SG (ASC/SPU facility support component) and will be paid the facility support component fee of \$776.00:

<i>Procedure Code</i>	<i>PT/Spec</i>	<i>Procedure Code</i>	<i>PT/Spec</i>
11981	01/021, 02/020	11982	01/021, 02/020
15937	01/021, 02/020	15945	02/020
15953	01/021, 02/020	19324	01/021, 02/020
21150	01/021, 02/020	21243	01/021, 02/020
21295	01/021, 02/020	21296	01/021, 02/020
21805	01/021, 02/020	21935	01/021, 02/020
22222	01/021	23031	01/021, 02/020
23397	01/021, 02/020	23532	01/021, 02/020
23921	01/021, 02/020	24077	01/021, 02/020
24362	01/021, 02/020	24802	01/021, 02/020
25316	01/021, 02/020	25335	01/021, 02/020
25355	01/021, 02/020	25370	01/021, 02/020
25392	01/021, 02/020	25393	01/021, 02/020
25490	01/021, 02/020	25491	01/021, 02/020
25492	01/021, 02/020	25671	01/021, 02/020
25931	01/021, 02/020	26262	01/021, 02/020
26416	01/021, 02/020	26479	01/021, 02/020
26593	01/021, 02/020	26991	01/021, 02/020
27193	01/021, 02/020	27194	01/021, 02/020
27202	01/021, 02/020	27391	01/021, 02/020
27392	01/021, 02/020	27497	01/021, 02/020
27498	01/021, 02/020	27499	01/021, 02/020
27501	01/021, 02/020	27503	01/021, 02/020
27509	01/021, 02/020	27604	01/021, 02/020
27732	01/021, 02/020	27871	01/021, 02/020
27889	01/021, 02/020	27892	01/021, 02/020
27893	01/021, 02/020	28039	01/021, 02/020
28106	02/020	28340	01/021, 02/020
28360	01/021	28436	01/021, 02/020
28576	01/021, 02/020	29860	01/021, 02/020
29861	01/021, 02/020		

The following surgical procedure codes will have PT/Specs 01/021 or 02/020, or both, end-dated as explained as follows:

<i>Procedure Code</i>	<i>PT/Spec</i>	<i>Reason</i>
20101	02/020	Emergent/urgent service performed in inpatient or SPU settings only
20102	02/020	Emergent/urgent service performed in inpatient or SPU settings only
21049	02/020	Surgical service performed in inpatient or SPU settings only
21175	02/020	Surgical service performed in inpatient or SPU settings only
26125	01/021, 02/020	ASC/SPUs are not eligible for support component for add-on codes
26863	01/021, 02/020	ASC/SPUs are not eligible for support component for add-on codes
27216	02/020	Surgical service performed in inpatient or SPU settings only
27235	02/020	Surgical service performed in inpatient or SPU settings only

*Modifier Updates**Assistant Surgeon Services*

The following surgical procedure codes will have modifier 80 added in POS 21 or 24, or both, as indicated with the specified fee, based upon provider requests and the Department's clinical review:

<i>Procedure Code</i>	<i>POS</i>	<i>Fee</i>	<i>Procedure Code</i>	<i>POS</i>	<i>Fee</i>
20692	21, 24	\$22.72	21047	21, 24	\$89.60
21049	21, 24	\$141.92	21339	21, 24	\$48.64
21387	21	\$105.59	21406	21, 24	\$75.11
21495	21, 24	\$52.00	21502	21, 24	\$42.00
21600	21, 24	\$42.00	21750	21	\$61.60
21810	21	\$17.92	22212	21	\$160.00
22222	21, 24	\$160.00	22812	21	\$160.00
22855	21	\$124.80	22900	21, 24	\$18.80

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<i>Procedure Code</i>	<i>POS</i>	<i>Fee</i>	<i>Procedure Code</i>	<i>POS</i>	<i>Fee</i>
23156	21, 24	\$44.40	23332	21	\$56.80
23405	21, 24	\$56.32	23406	21, 24	\$56.32
23515	21, 24	\$42.08	23530	21, 24	\$54.24
23532	21, 24	\$54.24	23550	21, 24	\$63.12
23585	21, 24	\$64.00	23660	21, 24	\$77.84
24101	21, 24	\$44.88	24126	21, 24	\$62.96
24330	21, 24	\$75.76	24362	21, 24	\$119.84
24802	21, 24	\$95.76	24930	21	\$59.92
24940	21	\$143.84	25135	21, 24	\$56.80
25145	21, 24	\$34.72	25251	21, 24	\$34.72
25301	21, 24	\$48.16	25316	21, 24	\$57.36
25335	21, 24	\$130.56	25355	21, 24	\$71.68
25370	21, 24	\$71.68	25392	21, 24	\$93.60
25393	21, 24	\$104.00	25444	21, 24	\$83.20
25449	21, 24	\$46.88	25490	21, 24	\$50.88
25491	21, 24	\$67.36	25492	21, 24	\$89.12
25628	21, 24	\$48.00	25645	21, 24	\$37.92
25905	21	\$56.80	25907	21, 24	\$17.92
25922	21, 24	\$17.92	25924	21	\$53.76
25929	21, 24	\$31.20	26260	21, 24	\$62.96
26357	21, 24	\$47.36	26434	21, 24	\$88.53
26497	21, 24	\$57.36	26550	21, 24	\$89.60
26555	21, 24	\$89.60	26562	21, 24	\$84.00
27030	21	\$71.68	27033	21, 24	\$71.68
27035	21, 24	\$132.08	27036	21	\$141.67
27048	21, 24	\$19.20	27054	21	\$95.70
27065	21, 24	\$56.80	27080	21, 24	\$41.28
27158	21	\$108.00	27202	21, 24	\$7.44
27259	21	\$101.92	27331	21, 24	\$60.96
27332	21, 24	\$72.96	27333	21, 24	\$72.96
27335	21, 24	\$108.39	27381	21, 24	\$78.08
27397	21, 24	\$95.76	27626	21, 24	\$71.68
27715	21	\$143.84	28039	21, 24	\$42.06
28107	21, 24	\$33.28	28130	21, 24	\$53.28
28238	21, 24	\$70.08	28260	21, 24	\$35.36
28261	21, 24	\$81.76	28262	21, 24	\$91.12
28264	21, 24	\$61.92	28296	21, 24	\$66.40
28297	21, 24	\$66.56	28298	21, 24	\$46.16
28299	21, 24	\$66.40	28300	21, 24	\$51.84
28302	21, 24	\$14.88	28320	21, 24	\$44.56
28340	21, 24	\$65.55	28740	21, 24	\$35.36
28760	21, 24	\$65.28	28800	21	\$61.92
29827	21, 24	\$128.83	29847	21, 24	\$75.04
29899	21, 24	\$118.16			

The following surgical procedure codes will have modifier 80 end-dated because an assistant surgeon is not appropriate for these procedures, based upon the Department's clinical review:

*Procedure Codes*

10081	12037	13102	13122	13133	13153
14350	15101	15120	15121	15221	15570
15572	15574	15576	15650	15736	15936
15937	15945	15946	15953	19125	19126
19325	19340	19342	19371	19380	20101
20102	20103	20920	20982	21029	21050
21210	21215	21235	21295	21296	21336
21356	21935	23130	23180	23415	24110
24130	24136	24145	24147	24310	24566
24582	25024	25025	25118	25120	25150
25210	25230	25240	25272	25274	25275
25280	25295	25337	25520	25652	25900
26121	26123	26125	26135	26140	26215
26412	26426	26480	26490	26496	26508
26510	26516	26520	26525	26536	26540
26542	26545	26567	26608	26685	27185
27187	27193	27194	27215	27235	27391
27425	27437	27475	27477	27485	27496
27497	27501	27503	27509	27596	27600
27601	27640	27641	27652	27664	27680

*Procedure Codes*

27681	27686	27695	27696	27707	27730
27766	27792	27824	27825	27882	27886
27889	27892	27893	28046	28344	28576
29819	29838	29848	29850	29870	29874
29875	29876	29877	29879	29880	29902

*Right/Left/50 Modifiers*

The following surgical procedure codes will have modifiers right (Rt), left (Lt) and bilateral (50) added because the procedures may be performed laterally or bilaterally:

*Procedure Codes*

15736	15945	15946	15953	19324	19325
19340	19342	19371	19380	20103	21050
21243	21295	21296	21356	21387	21406
23031	23130	23156	23180	23332	23405
23406	23415	23515	23530	23532	23550
23585	23660	23921	24077	24101	24110
24126	24130	24136	24145	24147	24330
24362	24566	24582	24802	24925	24930
24940	25024	25025	25118	25120	25135
25145	25150	25230	25240	25275	25300
25301	25316	25335	25337	25355	25370
25392	25393	25444	25449	25490	25491
25492	25520	25628	25630	25645	25652
25671	25900	25905	25907	25922	25924
25929	25931	26121	26496	26497	26508
26550	26555	26665	26991	27030	27033
27035	27036	27048	27054	27065	27096
27185	27187	27235	27259	27331	27332
27333	27334	27335	27381	27397	27425
27437	27475	27477	27485	27495	27496
27497	27498	27499	27501	27503	27506
27509	27596	27600	27601	27604	27626
27637	27640	27641	27652	27675	27695
27696	27707	27715	27730	27732	27766
27784	27792	27816	27824	27825	27871
27882	27886	27889	27892	27893	28130
28238	28260	28261	28262	28264	28296
28297	28298	28299	28300	28302	28360
28436	28496	28576	28760	28800	28805
29345	29450	29804	29819	29827	29838
29846	29847	29848	29850	29860	29861
29870	29874	29875	29876	29877	29879
29880	29894	29895	29898	29899	29902

*Other Modifiers*

The following surgical procedure codes will have modifiers added as indicated:

<i>Codes</i>	<i>Modifier</i>	<i>Codes</i>	<i>Modifiers</i>
26123	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA	26125	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA
26135	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA	26215	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA
26260	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA	26262	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA
26426	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA	26434	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA
26520	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA	26567	F1,F2,F3,F4,F5,F6,F7,F8,F9,FA
26685	F1,F2,F3,F4,F6,F7,F8,F9	28175	T1,T2,T3,T4,T5,T6,T7,T8,T9,TA
28510	T1,T2,T3,T4,T6,T7,T8,T9	28665	T1,T2,T3,T4,T5,T6,T7,T8,T9,TA

**Key:**

TA = left foot, great toe  
T1 = left foot, second digit  
T2 = left foot, third digit  
T3 = left foot, fourth digit  
T4 = left foot, fifth digit  
T5 = right foot, great toe  
T6 = right foot, second digit  
T7 = right foot, third digit  
T8 = right foot, fourth digit  
T9 = right foot, fifth digit

FA = left hand, thumb  
F1 = left hand, second digit  
F2 = left hand, third digit  
F3 = left hand, fourth digit  
F4 = left hand, fifth digit  
F5 = right hand, thumb  
F6 = right hand, second digit  
F7 = right hand, third digit  
F8 = right hand, fourth digit  
F9 = right hand, fifth digit

*Limit Updates*

The following surgical procedure codes will have changes to the limits as indicated as follows:

<i>Code</i>	<i>Present Limit</i>	<i>Revised Limit</i>	<i>Reason</i>
14350	20	2	Used only for hands or feet—not digits. Only 2 surgical services are payable per 55 Pa. Code § 1150.54 (relating to surgical services)
15945	1	2	Adding Rt-Lt-50 modifiers
15946	1	2	Adding Rt-Lt-50 modifiers
15953	1	2	Adding Rt-Lt-50 modifiers
19324	1	2	Adding Rt-Lt-50 modifiers
19325	1	2	Adding Rt-Lt-50 modifiers
19371	1	2	Adding Rt-Lt-50 modifiers
19380	1	2	Adding Rt-Lt-50 modifiers
20103	1	2	Adding Rt-Lt-50 modifiers
21050	1	2	Adding Rt-Lt-50 modifiers
21243	1	2	Adding Rt-Lt-50 modifiers
21295	1	2	Adding Rt-Lt-50 modifiers
21296	1	2	Adding Rt-Lt-50 modifiers
21356	1	2	Adding Rt-Lt-50 modifiers
21387	1	2	Adding Rt-Lt-50 modifiers
21406	1	2	Adding Rt-Lt-50 modifiers
23130	1	2	Adding Rt-Lt-50 modifiers
23156	1	2	Adding Rt-Lt-50 modifiers
23180	1	2	Adding Rt-Lt-50 modifiers
23332	1	2	Adding Rt-Lt-50 modifiers
23405	1	2	Adding Rt-Lt-50 modifiers
23406	1	2	Adding Rt-Lt-50 modifiers
23415	1	2	Adding Rt-Lt-50 modifiers
23921	1	2	Adding Rt-Lt-50 modifiers
24077	1	2	Adding Rt-Lt-50 modifiers
24101	1	2	Adding Rt-Lt-50 modifiers
24110	1	2	Adding Rt-Lt-50 modifiers
24126	1	2	Adding Rt-Lt-50 modifiers
24130	1	2	Adding Rt-Lt-50 modifiers
24136	1	2	Adding Rt-Lt-50 modifiers
24145	1	2	Adding Rt-Lt-50 modifiers
24147	1	2	Adding Rt-Lt-50 modifiers
24330	1	2	Adding Rt-Lt-50 modifiers
24362	1	2	Adding Rt-Lt-50 modifiers
24802	1	2	Adding Rt-Lt-50 modifiers
24940	1	2	Adding Rt-Lt-50 modifiers
25024	1	2	Adding Rt-Lt-50 modifiers
25025	1	2	Adding Rt-Lt-50 modifiers
25118	1	2	Adding Rt-Lt-50 modifiers
25120	1	2	Adding Rt-Lt-50 modifiers
25135	1	2	Adding Rt-Lt-50 modifiers
25145	1	2	Adding Rt-Lt-50 modifiers
25150	1	2	Adding Rt-Lt-50 modifiers
25230	1	2	Adding Rt-Lt-50 modifiers
25240	1	2	Adding Rt-Lt-50 modifiers
25275	1	2	Adding Rt-Lt-50 modifiers
25316	1	2	Adding Rt-Lt-50 modifiers
25335	1	2	Adding Rt-Lt-50 modifiers
25337	1	2	Adding Rt-Lt-50 modifiers
25355	1	2	Adding Rt-Lt-50 modifiers
25370	1	2	Adding Rt-Lt-50 modifiers
25392	1	2	Adding Rt-Lt-50 modifiers
25393	1	2	Adding Rt-Lt-50 modifiers
25444	1	2	Adding Rt-Lt-50 modifiers
25449	1	2	Adding Rt-Lt-50 modifiers
25490	1	2	Adding Rt-Lt-50 modifiers
25491	1	2	Adding Rt-Lt-50 modifiers
25492	1	2	Adding Rt-Lt-50 modifiers
25628	1	2	Adding Rt-Lt-50 modifiers
25652	1	2	Adding Rt-Lt-50 modifiers
25671	1	2	Adding Rt-Lt-50 modifiers
25929	1	2	Adding Rt-Lt-50 modifiers
25931	1	2	Adding Rt-Lt-50 modifiers



<i>Procedure Code</i>	<i>PT/Specialty</i>	<i>Procedure Code</i>	<i>PT/Specialty</i>	<i>Procedure Code</i>	<i>PT/Specialty</i>
	27/All				
15572	14/140	20920	14/140	22900	14/140
27600	14/140	27601	14/140	27637	14/140
27640	14/140	27641	14/140	27658	14/140
27659	14/140	27664	14/140	27665	14/140
27675	14/140	27707	14/140	27892	14/140
27893	14/140	29345	14/140		

*End-Date POS*

The following surgical procedure codes will have POS 11, 12 (home), 22, 23, 24, 31, 32, 49 (independent clinic), 54 (intermediate care facility) and/or 99 (special treatment room) end-dated, as indicated as follows, because the Department has determined that these settings are not appropriate for the performance of these services:

<i>Procedure Codes</i>	<i>POS</i>	<i>Procedure Codes</i>	<i>POS</i>
13101	11,22,23,49,99	13102	11,12,22,23,31,32,49,99
13121	11,12,22,23,31,32,49,99	13122	11,12,22,23,31,32,49,99
13132	11,12,22,23,31,32,49,99	13133	11,12,22,23,31,32,49,99
13152	11,22,23,31,32,49,99	13153	11,22,23,31,32,49,99
14350	11,22,23,49,99	15100	11,22,23,49,99
15101	11,22,23,49,99	15120	11,22,23,49,99
15121	11,22,23,49,99	15220	22,23,49,99
15221	11,22,23,49,99	15570	22,23,49,99
15572	11,12,22,23,31,32,49,99	15574	11,22,23,49,99
15576	11,22,23,49,99	15650	11,22,23,49,99
15945	11,22,23,49,99	15953	11,22,23,49,99
19125	11,22,23,49,99	19126	11,22,23,49,99
20101	11,23,99	20102	23,99
20103	11,23,99	20692	22,23,49,99
20920	11,12,22,23,31,32,49,99	20962	24
21029	11,22,23,49,99	21047	11,22,23,49,99
21049	11,22,23,49,99	21141	24
21142	24	21143	24
21145	24	21146	24
21147	24	21151	24
21154	24	21155	24
21159	24	21172	24
21243	11,22,49	21336	11,22,23,49,99
21339	11,22,23,49,99	21356	11,22,49,99
21387	11,22,23,24,49,99	21406	11,22,23,49,99
21495	11,22,23,49,99	21502	11,22,23,49,99
21600	22,23,49,99	21705	24
21805	22,23,49,99	21810	22,23,24,49,99
21935	22,23,49,99	22855	11,22,23,24,49,99
22900	11,12,22,23,31,32,49,99	23031	11,12,22,23,31,32,49,99
23130	22,23,49,99	23156	22,23,49,99
23180	22,23,49,99	23332	22,23,24,49,99
23397	22,23,49,99	23405	22,23,49,99
23406	22,23,49,99	23415	11,22,23,49,99
23515	22,23,49,99	23530	22,23,49,99
23532	22,23,49,99	23550	22,23,49,99
23585	22,23,49,99	23660	22,23,49,99
23921	11,22,23,49,99	24101	22,23,49,99
24110	22,23,49,99	24126	11,22,23,31,32,49,99
24130	22,23,49,99	24136	11,22,23,31,32,49,99
24145	22,23,49,99	24147	22,23,49,99
24310	22,23,49,99	24330	22,23,49,99
24566	11,22,23,49,99	24582	22,23
24802	22,23,49,99	24930	24
25024	22,23,49	25025	22,23,49
25118	22,23,49	25120	22,23,49,99
25135	22,23,49,99	25145	11,22,23,31,32,49,99
25150	22,23,49,99	25210	22,23,49,99
25215	22,23,49,99	25230	22,23,49,99
25240	22,23,49,99	25251	11,22,23,49,99
25270	11,22,23,49,99	25272	11,22,23,49,99
25274	11,22,23,49,99	25275	22,23,49
25280	11,22,23,49,99	25290	11,22,23,49,99
25295	11,22,23,49,99	25300	11,22,23,49,99



<i>Procedure Codes</i>	<i>POS</i>	<i>Procedure Codes</i>	<i>POS</i>
25301	11,22,23,24,49	25316	22,23,49,99
25335	11,22,23,49,99	25355	22,23,49,99
25370	22,23,49,99	25392	11,22,23,49,99
25393	11,22,23,49,99	25444	11,22,23,49,99
25449	11,22,23,49,99	25490	11,22,23,49,99
25491	11,22,23,49,99	25492	11,22,23,49,99
25520	11,99	25628	11,22,23,49,99
25630	12,99	25645	22,23,49,99
25652	22,23,49	25671	22,23,49
25900	22,23,24,49,99	25905	22,23,49,99
25907	22,23,49,99	25922	22,23,49,99
25924	22,23,49,99	25929	11,22,23,49,99
25931	11,22,23,49,99	26121	22,23,49,99
26123	22,23,49,99	26125	22,23,49,99
26135	22,23,49,99	26140	11,22,23,49,99
26215	22,23,49,99	26260	22,23,49,99
26262	22,23,49,99	26412	22,23,49,99
26415	22,23,49,99	26416	22,23,49,99
26426	11,22,23,49,99	26434	22,23,49,99
26479	11,22,23,49,99	26480	22,23,49,99
26490	22,23,49,99	26496	22,23,49,99
26497	22,23,49	26508	22,23,49,99
26510	11,22,49,99	26516	22,23,49,99
26520	22,23,49,99	26525	11,22,23,49,99
26536	22,23,49,99	26540	22,23,49,99
26542	11,22,23,49,99	26545	22,23,49,99
26550	22,23,49,99	26555	22,23,49,99
26556	24	26562	22,23,49,99
26567	22,23	26593	99
26608	11,22,23,49,99	26665	11,22,23,31,32,49,54,99
26685	22,23,49,99	26775	22,23,49,99
26863	11,22,23,49,99	26991	11,12,22,23,31,32,49,99
27030	22,23,24,49,99	27033	22,23,49,99
27035	22,23,49,99	27036	24
27048	11,22,23,31,32,49,54,99	27054	22,23,24,49,99
27065	22,23,49,99	27080	22,23,49,99
27096	12,23,24,31,32,99	27185	22,23,24,49,99
27187	24	27193	11,22,23,49,99
27194	11,22,23,49,99	27202	11,12,22,23,31,32,49,99
27235	11,22,23,49,99	27259	22,23,24,49,99
27331	11,12,22,23,31,32,49,54,99	27332	22,23,49,99
27333	22,23,49	27334	22,23,49,99
27335	22,23,49,99	27381	11,22,23,49,99
27391	22,23,49,99	27392	22,23,49,99
27397	22,23,49,99	27425	11,22,23,49,99
27437	22,23,49,99	27475	22,23,49,99
27477	22,23,24,49,99	27485	22,23,24,49,99
27495	11,22,23,24,49,99	27496	99
27497	99	27498	99
27499	99	27501	11,22,23,49,99
27503	22,23,49,99	27506	22,23,24,49,99
27509	11,22,23,49,99	27596	22,23,24,49,99
27600	11,22,23,49,99	27601	11,22,23,49,99
27604	11,12,22,23,31,32,49,99	27626	11,22,23,49,99
27637	22,23,49,99	27640	22,23,49
27641	22,23,49,99	27652	22,23,49,99
27658	22,23,49,99	27659	22,23,49,99
27664	11,22,23,49,99	27665	11,22,23,49,99
27675	11,22,23,49,99	27680	22,23,49,99
27681	22,23,49,99	27686	22,23,49,99
27690	22,23,49,99	27691	22,23,49,99
27692	11,22,23,49,99	27695	11,22,23,49,99
27696	11,22,23,31,32,49,99	27707	22,23,49,99
27715	22,23,49,99	27730	11,12,22,23,31,32,49,99
27732	22,23,31,32,49,99	27766	11,23,31,32,49,54,99
27784	22,23,49,99	27792	11,22,23,31,32,49,54,99
27816	31,32,54,99	27824	31,32,54,99
27825	23,99	27871	11,12,22,23,31,32,49,99

<i>Procedure Codes</i>	<i>POS</i>	<i>Procedure Codes</i>	<i>POS</i>
27882	22,23,49,99	27886	22,23,24,49,99
27889	22,23,49,99	27892	11,22,23,49,99
27893	11,22,23,49,99	28001	12,31,32,54,99
28002	11,12,22,23,31,32,49,54,99	28039	11,22,49,99
28104	11,22,23,49,54,99	28106	11,22,23,49,99
28107	11,22,23,49,99	28130	11,22,23,49,99
28173	11,22,23,49,99	28175	11,22,23,49,99
28238	11,22,23,49,99	28260	22,23,49,99
28261	11,22,23,49,99	28262	22,23,49,99
28264	11,22,23,31,32,49,99	28298	11,22,23,49,99
28299	11,22,23,49	28300	11,22,23,49,99
28302	11,22,23,49,99	28320	11,22,23,49,99
28340	11,22,49,99	28344	11,22,49,99
28360	22,49,99	28436	11,22,23,49,99
28470	31,32,99	28496	11,22,23,49,99
28510	12,31,32,54,99	28576	11,22,23,31,32,49,99
28665	11,22,23,49,99	28740	11,22,23,49,99
28760	11,22,23,31,32,49,99	28800	22,23,24,49,99
28805	11,22,23,24,49,99	29345	12,31,32,99
29450	31,32,99	29804	11,22,23,49,99
29819	11,22,23,31,32,49,99	29827	22,49
29838	11,22,23,31,32,49,99	29846	11,22,49,99
29847	11,22,49,99	29848	11,22,49,99
29850	99	29860	22,23,49
29861	22,23,49	29870	11,22,23,31,32,49,99
29874	11,22,23,31,32,49,99	29875	11,22,23,31,32,49
29876	11,22,23,31,32,49,99	29877	11,22,23,31,32,49
29879	11,22,23,31,32,49,99	29880	99
29894	11,12,22,23,31,32,49,99	29895	11,12,22,23,31,32,49,99
29898	11,12,22,23,31,32,49,99	29899	11,22,23,49,99
29902	22,23,49		

*Fiscal Impact*

It is anticipated that these revisions will result in minimal savings; therefore, there will be no fiscal impact.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

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

BEVERLY D. MACKERETH,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-812. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-676. Filed for public inspection April 12, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Crossword Time Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Crossword Time.

2. *Price:* The price of a Pennsylvania Crossword Time instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Crossword Time instant lottery game ticket will feature a "YOUR LETTERS" area, one crossword puzzle play grid and a "BONUS TIME" play area. The "BONUS TIME" play area is played separately. The play symbols located in the "YOUR LETTERS" area are: the letters A through and including Z. The play symbols located in crossword puzzle play grid are: the letters A through and including Z and a Clock symbol. The Clock symbol is a free spot. The play symbols and their captions located in the "BONUS TIME" play area are: Book (BOOK) symbol, Magnifying Glass (MAGNIFY) symbol, Television (TV) symbol, Eyeglasses (GLSES) symbol, Newspaper (NEWS) symbol, Cup (CUP) symbol, Thimble (THIMBLE) symbol, Safety Pin (PIN) symbol, Trophy (TROPHY) symbol and a Pencil (WIN20) symbol.

4. *Prizes:* The prizes that can be won in the crossword grid play area of the game are: \$3, \$5, \$10, \$20, \$30, \$50, \$100, \$1,000 and \$50,000. The prize that can be won in the “BONUS TIME” area is: \$20. A player can win up to 5 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,200,000 tickets will be printed for the Pennsylvania Crossword Time instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets where the player completely matches ten words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets where the player completely matches nine words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets where the player completely matches seven words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, with a Clock symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets where the player completely matches eight words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets where the player completely matches seven words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets where the player completely matches six words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets where the player completely matches four words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, with a Clock symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with a Pencil (WIN20) symbol in the “BONUS TIME” play area, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets where the player completely matches five words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets where the player completely matches three words in the crossword puzzle play grid,

using only the letters found in the “YOUR LETTERS” area, with a Clock symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets where the player completely matches four words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets where the player completely matches three words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets where the player completely matches two words in the crossword puzzle play grid, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$3.

7. *Game Play Instructions for the Pennsylvania Crossword Time game are:*

(a) The player shall scratch the “YOUR LETTERS” area to reveal 18 letters. For each of the 18 letters revealed in the “YOUR LETTERS” area, the player shall rub the same letter each time it is found in the crossword puzzle play grid. In addition, each Clock symbol found in the crossword puzzle play grid functions as a free spot.

(b) When a player reveals two or more entire words in the crossword puzzle play grid, the player is entitled to win a prize as described in Section 6.

(c) Only the highest prize won in the crossword puzzle play grid and the highest prize won in the “BONUS TIME” play area will be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Every single letter square of a word must be matched and letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in the crossword puzzle play grid. An unbroken string of letters may include a Clock symbol, but cannot be interrupted by a black space. There will only be one word in an unbroken horizontal or vertical string of letters.

(f) Every single letter in the unbroken string must be revealed in “YOUR LETTERS” and must be included to form a word.

(g) The possible complete words for each ticket in the game are shown on the crossword puzzle play grid. The player must match all of the letters in a possible complete word in order to complete the word.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,200,000 Tickets:</i>
2 WORDS	\$3	7.69	1,326,000
3 WORDS	\$5	14.29	714,000
4 WORDS	\$10	125	81,600
CLOCK w/ 3 WORDS	\$10	55.56	183,600

Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,200,000 Tickets:
5 WORDS	\$20	200	51,000
\$20 w/ PENCIL	\$20	200	51,000
CLOCK w/ 4 WORDS	\$20	200	51,000
6 WORDS	\$30	300	34,000
4 WORDS + (\$20 w/ PENCIL)	\$30	300	34,000
(CLOCK w/ 3 WORDS) + (\$20 w/ PENCIL)	\$30	300	34,000
7 WORDS	\$50	800	12,750
6 WORDS + (\$20 w/ PENCIL)	\$50	800	12,750
4 WORDS + ((\$20 w/ PENCIL) × 2)	\$50	1,200	8,500
8 WORDS	\$100	4,000	2,550
CLOCK w/ 7 WORDS	\$100	4,000	2,550
(\$20 w/ PENCIL) × 5	\$100	6,000	1,700
9 WORDS	\$1,000	12,000	850
10 WORDS	\$50,000	680,000	15

Double your prize when "CLOCK" appears in any winning word.  
 BONUS TIME: Win \$20 for each "PENCIL" (WIN20) symbol revealed.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Crossword Time instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Crossword Time, prize money from winning Pennsylvania Crossword Time instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Crossword Time instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Crossword Time or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-677. Filed for public inspection April 12, 2013, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Lake Erie Commercial Fishing—2013

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58

Pa. Code § 69.31(b) (relating to seasons), has determined that the 2013 total allowable commercial catch for walleye from the Commonwealth waters of Lake Erie is 4,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to March 14 and 12:01 a.m. the first Saturday in May to December 31. This season shall end when the Executive Director determines that 4,000 pounds of walleye probably have been taken by commercial fishing interests fishing in this Commonwealth's waters of Lake Erie.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 69.31(c), has established that the 2013 total allowable commercial catch for yellow perch from the Commonwealth waters of Lake Erie is 100,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 100,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in this Commonwealth's waters of Lake Erie.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 13-678. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Lake Erie Creel Limits for Walleye and Yellow Perch 2013

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.12b (relating to Lake Erie walleye and yellow perch adaptive management for establishing daily limits), has established the daily limits for walleye and yellow perch that are necessary and appropriate for the better protection and management of the fishery. Effective May 1, 2013, the daily limit for walleye in Lake Erie is 6, and the daily limit for yellow perch is 30.

The Executive Director may revise the daily limit for walleye or yellow perch if he determines that conditions so warrant. The daily limits will remain in effect until April 30, 2014, or until the Executive Director establishes new daily limits. Anglers are responsible for obtaining the

current daily limits for walleye and yellow perch on Lake Erie including Presque Isle Bay prior to fishing those waters.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 13-679. Filed for public inspection April 12, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Atlantic States Insurance Company

Gregory M. Shepard has filed an application to acquire control of Atlantic States Insurance Company, a Pennsylvania domiciled stock casualty insurance company affiliated with Donegal Group Inc. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 60 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-680. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Application for Approval to Acquire Control of Highmark, Inc. and its Pennsylvania Domiciled Insurance Subsidiaries; Conclusion of Public Comment Period

The Insurance Department (Department) published notice of receipt of the previously-referenced filing at 41 Pa.B. 6310 (November 19, 2011). The notice afforded persons the opportunity to provide written comments on the filing to the Department on the grounds of public or private interest for an indefinite period of time to afford persons ample opportunity to provide written comments on the filing to the Department. Through subsequent notices, the public comment period was closed and later reopened (see 42 Pa.B. 2352 (April 28, 2012) and 42 Pa.B. 4831 (July 28, 2012)). The purpose of this notice is to announce that the Department will close the public comment period on April 19, 2013.

The filing and related materials, including reports issued by the Department's consultants, are available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov).

Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Department on or before April 19, 2013. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant

facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@pa.gov.

Comments received will be part of the public record regarding this filing. Additionally, copies of the comments received will be forwarded to the applicant for appropriate response. The applicant's responses will also be made available on the Department's web site.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-681. Filed for public inspection April 12, 2013, 9:00 a.m.]

### State Farm Mutual Automobile Insurance Company; Rate Increase Filing for LTC Form 97045PA.1

State Farm Mutual Automobile Insurance Company is requesting approval to increase the premium an aggregate 37% on 1,357 policyholders with Long Term Care form 97045PA.1.

Unless formal administrative action is taken prior to June 27, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-682. Filed for public inspection April 12, 2013, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Clean Water and Drinking Water State Revolving Fund Programs; Public Meeting on Federal Fiscal Year 2013 Intended Use Plans

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal

Year (FY) 2013 Intended Use Plans (IUPs). These IUPs include a list of drinking water, wastewater treatment, nonpoint source and pollution abatement projects to be considered for a design and engineering or construction loan or grant from funds the Commonwealth expects to receive from the Federal FY 2013 Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs. In accordance with United States Environmental Protection Agency (EPA) guidelines on the development of the IUPs, a public meeting has been scheduled for April 24, 2013, at 1 p.m. in the 2nd Floor Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This meeting is scheduled for the purpose of receiving comments from the public regarding the Federal FY 2013 IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs, the DWSRF set-aside work plan or the priority rating or ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Division of Technical and Financial Assistance at the address or telephone number listed at the end of this notice or by e-mail to [vbkasi@pa.gov](mailto:vbkasi@pa.gov) by 4 p.m. on April 22, 2013. When written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

The projects to be considered for a loan or grant from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to the use of the DWSRF and CWSRF loan or grant funds. Projects listed in the FY 2013 IUPs are on the Commonwealth's Project Priority Lists (PPLs) and are expected to proceed with design and engineering or construction within the next 2 years. A project must appear on a PENNVEST-approved IUP before it can receive a loan or grant from the State Revolving Fund programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

The DWSRF will be capitalized with approximately \$26.3 million in Federal funds and approximately \$5.3 million of State funds. Approximately \$7.1 million of these funds will be set aside for technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under the Safe Drinking Water Act. The DWSRF IUP also includes a narrative work plan that describes how these set-aside funds will be used. While an additional \$1 million can be set-aside for administrative purposes, PENNVEST is choosing to allocate these funds to projects at this time, but reserves the right to apply for these funds from a future grant. Finally, an additional \$5.3 million must be set-aside for additional subsidization to disadvantaged communities. Unlike previous grants, the FY 2013 DWSRF grant does not have a requirement to set-aside funding for green infrastructure projects. However, the Commonwealth will continue to promote them. These projects can fall into one of four categories:

(1) water efficiency; (2) energy efficiency; (3) environmentally innovative; (4) green stormwater infrastructure and meet the EPA criteria for green infrastructure.

The CWSRF will be capitalized with approximately \$56.1 million of Federal funds and approximately \$11.2 million of State funds. Approximately \$2.2 million will be set aside for program administration costs. Finally, an additional \$3.1 million must be set-aside for additional subsidization to disadvantaged communities and \$5.6 million must be set-aside for green infrastructure projects that fall into one or more of the following categories: (1) water efficiency; (2) energy efficiency; (3) environmentally innovative; (4) green stormwater infrastructure and meet the EPA criteria for green infrastructure.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs, the set-aside work plan or the PPLs. Interested persons may also submit written comments to the Department at the address that follows. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Division of Technical and Financial Assistance by close of business, May 13, 2013.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Veronica Kasi at (717) 772-4053 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the IUPs, the PPLs and the DWSRF set-aside work plan may be obtained by contacting Veronica Kasi, Division of Technical and Financial Assistance at (717) 772-4053 or through the Department's web site at [http://www.portal.state.pa.us/portal/server.pt/community/municipal\\_finance/10564/municipal\\_finance\\_programs/554058](http://www.portal.state.pa.us/portal/server.pt/community/municipal_finance/10564/municipal_finance_programs/554058).

Department of Environmental Protection  
Bureau of Point and NonPoint Source Management  
Division of Technical and Financial Assistance  
P. O. Box 8774  
11th Floor  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101  
(717) 705-4090

PENNVEST  
22 South Third Street  
5th Floor  
Keystone Building  
Harrisburg, PA 17101  
(717) 787-8137

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*  
*Department of Environmental Protection*  
*Acting Vice Chairperson*  
*Pennsylvania Infrastructure Investment Authority*  
PAUL K. MARCHETTI,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 13-683. Filed for public inspection April 12, 2013, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Indirect Transfer of Control

**A-2013-2355870, A-2013-2355872 and A-2013-2355873. Securus Technologies, Inc., T-NETIX, Inc. and T-NETIX Telecommunications Services, Inc.** Joint application for all of the authority and necessary certificates of public convenience for the indirect transfer of control of Securus Technologies, Inc., T-NETIX, Inc. and T-NETIX Telecommunications Services, Inc. to Securus Investment Holdings, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 29, 2013. 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.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* Securus Technologies, Inc., T-NETIX, Inc., T-NETIX Telecommunications Services, Inc.

*Through and By Counsel:* David P. Zambito, Esquire, Cozen O'Connor, 305 North Front Street, Suite 400, Harrisburg, PA 17101-1236

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-684. Filed for public inspection April 12, 2013, 9:00 a.m.]

## Natural Gas Service

**A-2013-2355919. National Fuel Gas Distribution.** Application of National Fuel Gas Distribution for approval of the abandonment of natural gas service to one gas service customer located in French Creek Township, Mercer County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 29, 2013. 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.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* National Fuel Gas Distribution

*Through and By Counsel:* Andrew S. Tubbs, Esquire, Jessica R. Rogers, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-685. Filed for public inspection April 12, 2013, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 29, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2012-2316131. DZ Taxi, LLC** (804 Delaware Drive, Matamoras, Pike County, PA 18336)—persons, upon call or demand, in the Boroughs of Milford and Matamoras, located in Pike County. *Attorney:* Vern S. Lazaroff, 143 Pike Street, P. O. Box 1108, Port Jervis, NY 12771.

**A-2012-2336498. Extreme Health Care Services, LLC, t/a Genesis Limousine Service** (140 South 17th Street, Harrisburg, Dauphin County, PA 17104)—for the right to transport, as a common carrier, by motor vehicle, persons in limousine service, from the Counties of Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2013-2344796. Extreme Health Care Services, LLC** (140 South 17th Street, Harrisburg, Dauphin County, PA 17104)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York, to points in Pennsylvania, and return.

### Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

**A-2012-2334206. Kirk Livery, Inc.** (126 McClelland Drive, Pittsburgh, PA 15236) for amendment to its common carrier certificate, which grants the right, to transport as a common carrier, by motor vehicle, persons in group and party service in vehicles seating 11-15 passengers, including the driver, between points in the Counties of Armstrong, Beaver, Butler, Fayette, Lawrence, Washington and Westmoreland, and from points in said counties and the County of Allegheny, to points in Pennsylvania, and return; *So as to Permit transport as a common carrier, by motor vehicle, persons in group and party service in vehicles seating 11-15 passengers, including the driver, from points in Allegheny County to points in Allegheny County, and return.* *Attorney:* William A. Gray, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2013-2351327. Delaware Valley Movers, LLC** (205 Sproul Road, Villanova, PA 19085) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in Delaware County, to points in Philadelphia County.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-686. Filed for public inspection April 12, 2013, 9:00 a.m.]

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### Telecommunications

**A-2013-2355188. Consolidated Communications of Pennsylvania, LLC and Verizon Wireless.** Joint petition of Consolidated Communications of Pennsylvania, LLC and Verizon Wireless for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Consolidated Communications of Pennsylvania, LLC and Verizon Wireless, by its counsel, filed on March 27, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Consolidated Communications of Pennsylvania, LLC and Verizon Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-687. Filed for public inspection April 12, 2013, 9:00 a.m.]

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### Water Service

**A-2013-2355214. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to supply water service to the public in an additional portion of Lower Heidelberg Township, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 29, 2013. 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.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-688. Filed for public inspection April 12, 2013, 9:00 a.m.]

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## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Medallion Stock Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. Darshpreet Singh has applied to transfer 100% of the stock of Jay Sukhmani, Inc. (CPC No. 1025615-01, Medallion P-0981) held by Daljeet Kaur. Jay Sukhmani, Inc. holds medallion rights to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Darshpreet Singh**, 2301 Church Street, Philadelphia, PA 19124, Jay Sukhmani, Inc. registered with the Department of State on April 19, 2010.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by April 29, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-689. Filed for public inspection April 12, 2013, 9:00 a.m.]

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### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) at Docket A-13-03-05 by the following named applicant. The company has applied to transfer the rights held by Eben-Ezer Cab Co. (CPC No. 1000325-01, Medallion P-1079) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**B & I Taxi, Inc.**, 847 North 66th Street, Philadelphia, PA 19151 registered with the Department of State on December 29, 2011.



Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by April 29, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-690. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) at Docket A-13-03-04 by the following named applicant. The company has applied to transfer the rights held by Eben-Ezer Cab Co. (CPC No. 1000325-01, Medallion P-1262) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Emmanuel Taxi, Inc.**, 641 North Broad Street, Philadelphia, PA 19123 registered with the Department of State on November 21, 2011.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by April 29, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-691. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) at Docket A-13-03-08 by the following named applicant. The company has applied to transfer the rights held by Micky Cab Corp. (CPC No. 1000566-01, Medallion P-0738 and P-0971) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Cambodia Taxi, LLC**, 2351 South Swanson Street, Philadelphia, PA 19148 registered with the Department of State on January 28, 2013.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by April 29, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-692. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) at Docket A-13-03-06 by the following named applicant. The company has applied to transfer the rights held by Micky Cab Corp. (CPC No. 1000566-01, Medallion P-1355 and P-1357) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Sri Lanka Taxi, LLC**, 2351 South Swanson Street, Philadelphia, PA 19148 registered with the Department of State on February 6, 2013.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by April 29, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-693. Filed for public inspection April 12, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) at Docket A-13-03-07 by the following named applicant. The company has applied to transfer the rights held by Micky Cab Corp. (CPC No. 1000566-01, Medallion P-1358 and P-1365) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Sri Lanka Taxi, LLC**, 2351 South Swanson Street, Philadelphia, PA 19148 registered with the Department of State on February 6, 2013.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by April 29, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-694. Filed for public inspection April 12, 2013, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-020.S, On-Call Hydrographic Surveying Services, until 2 p.m. on Thursday, May 9, 2013. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-695. Filed for public inspection April 12, 2013, 9:00 a.m.]

## STATE BOARD OF PHARMACY

### Bureau of Professional and Occupational Affairs v. Nathan R. Tirpak, R.Ph.; Doc. No. 2282-54-2011

On February 4, 2013, the State Board of Pharmacy suspended for no less than 3 years retroactive to December 28, 2011, the license of Nathan Tirpak, R.Ph., license no. RP-041861-L, of Monessen, Westmoreland County for failure to comply with the terms of previous probation.

Individuals may obtain a copy of the order of suspension by writing to Kerry E. Maloney, Board Counsel, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649.

EDWARD J. BECHTEL, R.Ph.,  
*Chairperson*

[Pa.B. Doc. No. 13-696. Filed for public inspection April 12, 2013, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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) 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 any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, 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, so individuals interested in challenging this action 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.

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Dennis Martin 1931 Bowmansdale Road Mohnton, PA 19540	Lancaster County/Brennock Township	63.25	Broilers	New	Approved
Middlebranch Farm, LLC 5483 Route 447 Canadensis, PA 18325	Monroe County/Barrett Township	0	Horses	New	Approved

## NOTICES

<i>Ag Operation Name, Address</i>	<i>County / Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Enos Zook 6278 Stine Lane Winfield, PA 17889	Snyder County/Jackson Township	70.84	Veal	New	Approved
Noah Yoder 6438 Stein Lane Winfield, PA	Snyder County/Jackson Township	70.84	Veal	New	Approved
Elvin Zimmerman 180 Degan Road Mifflintown, PA 17059	Juniata County/Fayette Township	152.261	Broilers	New	Approved
Brian Boyd 302 Iona Road Lebanon, PA 17042	Lebanon County/South Lebanon Township	161.84	Broilers	New	Amended
Glendon Horst 255 Millbach Road Newmanstown, PA 17073	Lebanon County/Millcreek Township	0	Broilers	New	Approved
A. J. Stroup 307 End Road Richfield, PA 17086	Snyder County/Perry Township	179.4	Broilers	New	Approved
Daniel Kauffman 212 Pear Lane Spring Glenn, PA 17978	Dauphin County/Lykens Township	54.59	Layers	New	Approved
Presque Isle Downs, Inc. 8199 Perry Highway Erie, PA 16509	Erie County/Summit Township	96.26	Horses	New	Approved
Jacob Light 568 Shirksville Road Jonestown, PA 17038	Lebanon County/Bethel Township	268.44	Pullet	New	Approved

E. CHRISTOPHER ABRUZZO,  
*Acting Chairperson*

[Pa.B. Doc. No. 13-697. Filed for public inspection April 12, 2013, 9:00 a.m.]



