



Volume 46 (2016)

Pennsylvania Bulletin
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PENNSYLVANIA BULLETIN

Volume 46

Number 15

Saturday, April 9, 2016 • Harrisburg, PA

Pages 1773—1882

Agencies in this issue

The Governor

The Courts

Department of Banking and Securities

Department of Environmental Protection

Department of General Services

Department of Health

Department of Labor and Industry

Department of Transportation

Executive Board

Insurance Department

Patient Safety Authority

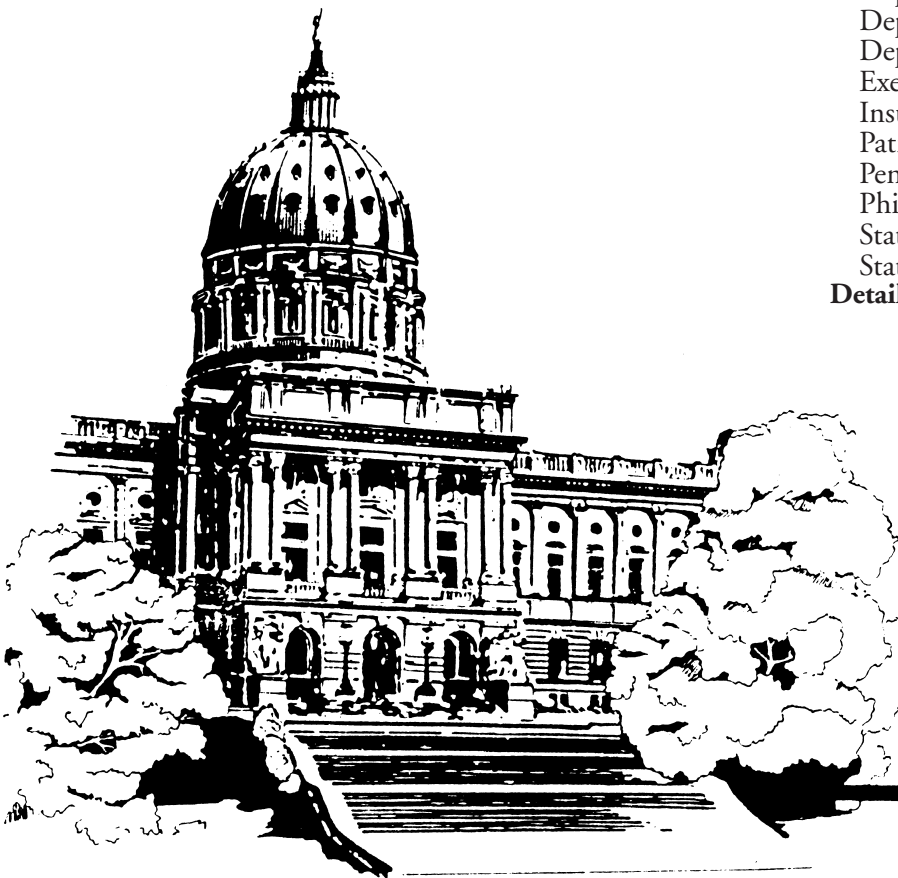
Pennsylvania Public Utility Commission

Philadelphia Regional Port Authority

State Board of Education

State Employees' Retirement Board

Detailed list of contents appears inside.



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

No. 497, April 2016

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BULLETIN

(ISSN 0162-2137)

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

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CONTENTS

THE GOVERNOR

Veto

Notice of veto 1780

THE COURTS

JUVENILE RULES

Proposed amendment of Pa.R.J.C.P. 407 1782

LOCAL COURT RULES

Dauphin County

Promulgation of local rule; 1793 S 1989; 8-1 MD
2016 1787

Delaware County

January 28th, 2016 amendments to local civil rules;
misc. doc. No. 12-5040 1789

RULES OF JUDICIAL ADMINISTRATION

Amendments to Rule 701 of the Rules of Judicial
Administration; No. 463 judicial administration
doc. 1781

SUPREME COURT

Duty assignment schedule for emergency petitions
in the year 2016; No. 452 judicial administration
doc. 1790

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications 1810

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 1811

Bid opportunity 1856

Intrastate pollution transport reduction; final 2016
ozone season NO_x emission limits for nonelectric
generating units 1856

Reissuance of NPDES general permit for
stormwater associated with mining activities
(BMP GP-104) 1859

DEPARTMENT OF GENERAL SERVICES

Notices

Lease retail space to the Commonwealth 1860

DEPARTMENT OF HEALTH

Proposed Rulemaking

School immunizations 1798

Notices

Ambulatory surgical facilities; requests for excep-
tions 1861

Decisions on requests for exception to health care
facility regulations 1861

Hospitals; requests for exceptions 1868

Pennsylvania Task Force on Prostate Cancer and
Related Chronic Prostate Conditions meeting 1869

Special Pharmaceutical Benefits Program Advisory

Council public meeting 1869

Traumatic Brain Injury Advisory Board meeting 1869

DEPARTMENT OF LABOR AND INDUSTRY

Notices

PennSERVE 2016-2017 Pennsylvania AmeriCorps
State Grants; notice of intent to apply 1869

DEPARTMENT OF TRANSPORTATION

Notices

Findings 1870

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Department of Labor and
Industry 1808

INSURANCE DEPARTMENT

Notices

Agency contract termination of Ron Caliguire &
Associates under Act 143; Everett Cash Mutual
Insurance Company; doc. No. AT16-03-019 1872

United Teacher Associates Insurance Company
(GLTC-130340311); rate increase filing for several
LTC forms 1872

United Teacher Associates Insurance Company
(GLTC-130340364); rate increase filing for several
LTC forms 1873

United Teacher Associates Insurance Company
(GLTC-130459588); rate increase filing for several
LTC forms 1873

PATIENT SAFETY AUTHORITY

Notices

Public meeting 1873

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rules and Regulations

Paper billing fees 1791

Notices

Default service plan; prehearing conference 1873

Petition of waiver of regulations and extension of
authority 1874

Pro forma intra-company changes 1874

Service of notice of motor carrier applications 1874

Service of notice of motor carrier formal complaints 1875

Transfer of control 1881

Wastewater services (2 documents) 1881, 1882

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 1882

STATE BOARD OF EDUCATION

Proposed Rulemaking

Nonimmunized children 1806

STATE EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled 1882

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2016.

4 Pa. Code (Administration)

Adopted Rules

1 1529
6 440, 853

Proposed Rules

245 354
247 354

Statements of Policy

9 22, 219, 1027, 1808

12 Pa. Code (Commerce, Trade and Local Government)

Proposed Rules

31 221

22 Pa. Code (Education)

Proposed Rules

11 1806
73 1555

25 Pa. Code (Environmental Protection)

Adopted Rules

215 446
806 17
901 1417

Proposed Rules

93 1205, 1324
109 857
208 1421
210 996
211 996

28 Pa. Code (Health and Safety)

Proposed Rules

23 1798

31 Pa. Code (Insurance)

Proposed Rules

84 460
147 458

40 Pa. Code (Liquor)

Adopted Rules

1 352
13 352

Proposed Rules

9 1652
11 1652

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

25 1316
36 447

Proposed Rules

42 886, 888

52 Pa. Code (Public Utilities)

Adopted Rules

53 449, 1791
1017 1203

Proposed Rules

1 1016
3 1016
5 1016
23 1016
29 1016
57 654
61 658
67 658

58 Pa. Code (Recreation)

Adopted Rules

53 1549
65 1650
105 1549
111 1549

Proposed Rules

131 1426
139 1427, 1553
141 1423, 1425, 1552
143 1423
681a 1433

67 Pa. Code (Transportation)

Proposed Rules

189 991

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

7 1781
19 330

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

83 1642

Proposed Rules

83 978

207 Pa. Code (Judicial Conduct)

Adopted Rules

33 553
51 553

210 Pa. Code (Appellate Procedure)

Adopted Rules

3 8
9 8

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 332
1915 1412

Proposed Rules

200 982
Part II 332

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

4 1532
 5 1532
 7 1532
 8 554
 10 1532

Proposed Rules

1 1643
 5 1643

237 Pa. Code (Juvenile Rules)

Proposed Rules

1 555
 4 1782
 11 555

246 Pa. Code (Minor Court Civil Rules)

Proposed Rules

500 984
 1000 984

249 Pa. Code (Philadelphia Rules)

Unclassified445, 1541

252 Pa. Code (Allegheny County Rules)

Unclassified 1542

255 Pa. Code (Local Court Rules)

Unclassified ..209, 558, 560, 647, 651, 652, 759, 854, 855,
 856, 987, 988, 989, 1192, 1201, 1311, 1312, 1314,
 1412, 1414, 1415, 1416, 1542, 1787, 1789

THE GOVERNOR

Notice of Veto

March 25, 2016

To the Honorable House of Representatives
of the Commonwealth of Pennsylvania:

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 1327, Printer's Number 2969.

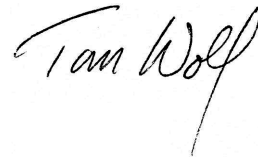
This bill would continue a basic education funding distribution that I believe is one of the most inequitable in the nation. For instance, the bill's provisions permit the reduction of funds to certain school districts, which would otherwise be available, based solely on how the districts were funded earlier this year. My veto of this bill ensures that the school districts will not be subject to this undeserved treatment from a funding perspective.

Another reason for this veto concerns the \$2.5 billion bond issuance provided under the bill. One aspect of this issuance is that it will occur without addressing the structural budget deficit. This is not a responsible course of action. As a result, I cannot authorize this policy as it not sensible for the Commonwealth to issue these bonds until we meaningfully address the structural deficit.

This bill also requires that any Clean Power Plan put forth by the Department of Environmental Protection (DEP) be submitted to the Legislature prior to its submission for federal approval. The plan could then be unilaterally disapproved by either legislative chamber. In the event of disapproval, the General Assembly would be permitted to direct DEP's amendment of the plan. This procedure not only permits an improper one-house veto, but also calls for an unwarranted intrusion upon executive authority, and I will not assent to these legislative actions.

The oil and gas regulations relating to conventional drilling, which began in the rulemaking process over two years ago, will be invalidated under this bill. The termination of the regulatory process would present a significant obstacle to DEP's efforts to enhance environmental safeguards for conventional oil and gas development. I do not consider this legislative proposal as being in the best interests of this Commonwealth, and I will not sanction it by agreeing to this bill.

For the reasons set forth above, I must withhold my signature from House Bill 1327, Printer's Number 2969.



Governor

[Pa.B. Doc. No. 16-587. Filed for public inspection April 8, 2016, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendments to Rule 701 of the Rules of Judicial Administration; No. 463 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 17th day of March, 2016, pursuant to this Court's authority under Article V, Section 10 of the Pennsylvania Constitution, Pennsylvania Rule of Judicial Administration No. 701 is amended to read as follows.

In the exercise of its discretion, the Court has determined that immediate promulgation of these amendments to Rule 701 is warranted in the interests of justice and efficient administration. See Pa.R.J.A. No. 103(a)(3).

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 7. ASSIGNMENT OF JUDGES

ASSIGNMENT AND TRANSFER OF JUDGES

(Editor's Note: Under Supreme Court Order No. 269 Judicial Administration Doc. No. 1, all references to "district justice" in the court rules shall be deemed a reference to "magisterial district judge." See 35 Pa.B. 518 (January 22, 2005). Therefore, the references to this term in Rule 701 has been updated accordingly.)

Rule 701. Assignment of judges to courts.

(A) Conditions Applicable for the Certification of Senior Magisterial District Judges, Judges or Justices.

(1) To be eligible for senior certification, a magisterial district judge, judge or justice:

(a) shall have served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling ten years;

(b) shall not have been defeated for reelection or retention; and

(c) shall be at least sixty-five years of age on the date on which he or she begins senior service, or have a combination of years of judicial service plus age that totals at least seventy for magisterial district judges or at least eighty for judges and justices. However, this subsection (c) shall not apply to those serving in senior status as of the effective date of this rule.

(2) In addition to paragraph (1), any duly elected magisterial district judge, judge or justice, having an aggregate of five years of judicial service, who is required to retire at age seventy, shall be eligible for certification.

(3) Senior status shall end on the last day of the calendar year in which a magisterial district judge, judge or justice attains age seventy-eight; however, those serving in senior status as of the effective date of this rule

who were previously excepted from the age seventy-five limitation pursuant to the amendment of January 1, 1999 may continue to serve until the last day of the calendar year in which they attain age eighty.

(4) For certification of senior status, a magisterial district judge, judge or justice shall verify such additional information as required by the application for certification forms authorized under paragraph (B) below.

(5) A magisterial district judge, judge or justice may only be certified for senior status for a maximum of ten years, absent extraordinary circumstances, as determined by the Chief Justice. However, those serving in senior status as of the effective date of this rule may continue to serve until subject to the age limit of paragraph (3) above.

(6) Certification of a magisterial district judge, judge or justice for senior status shall be subject to the pleasure of the Supreme Court. The Supreme Court at any time, in the exercise of its sole discretion, may rescind or revoke a senior certification.

Official Note: Paragraph (6) was added in 2016 to clarify that certification of senior status is (and always has been) a matter that is subject to the pleasure of the Supreme Court.

(B) Certification of Senior Magisterial District Judges, Judges and Justices. The Administrative Office shall promulgate application forms, as approved by the Supreme Court, for certification of senior magisterial district judges, judges and justices. A former or retired magisterial district judge, judge or justice who requests assignment to temporary judicial service shall file the application for certification form with the Administrative Office, and, upon approval, shall be eligible for judicial assignment. Failure to comply with the provisions contained in the application form may result in the immediate revocation of senior certification.

(C) Request for the Assignment of Additional Magisterial District Judges or Judges.

(1) *Request for Assignment.* Whenever a president judge deems additional judicial assistance necessary for the prompt and proper disposition of court business, he or his proxy shall transmit a formal request for judicial assistance to the Administrative Office. The request may be made in writing or it may be transmitted electronically. An electronic request for judicial assistance shall be accomplished through a secure program developed by the Administrative Office for this purpose.

(2) *Recommendation by the Court Administrator of Pennsylvania and Action by Chief Justice.* Upon the recommendation of the Court Administrator, the Chief Justice may, by order, assign any retired, former, or active magisterial district judge, judge or justice to temporary judicial service on any court to fulfill a request by a president judge, or to reduce case inventories, or to serve the interest of justice. The order entered by the Chief Justice may be electronically transmitted to the Administrative Office of Pennsylvania Courts for processing. Orders entered pursuant to this chapter may be transmitted by the Administrative Office to the Supreme Court prothonotary in hard copy or electronically. Electronically transmitted orders shall be docketed by the Supreme Court prothonotary in the same manner as hard copy orders. Electronically transmitted orders need not be

printed by the Supreme Court prothonotary unless a request for public review is made.

(3) *Duration of Assignment.* Unless otherwise provided in the order of assignment, the order shall continue in effect after its stated expiration date until unfinished business pending before the assigned judge is completed.

(4) *Certification of Service.* The president judge of a district to which a magisterial district judge or judge has been temporarily assigned under this rule shall certify to the Administrative Office, on a certificate completed and signed by the assigned magisterial district judge or judge, the number of days of temporary judicial service and the amount of any compensation to which the assigned judge is entitled.

(5) *Expenses of Assigned Judges.* All judges assigned to duties outside of their judicial districts may, in addition to any per diem payment authorized by law, be reimbursed with the approval of the Court Administrator for necessary expenses, including hotel accommodations and meals, incident to such duties.

(6) *Restrictions on Temporary Assignments.* No judge shall be assigned under this rule to any court while any judge thereof is assigned to another court under this rule, except when required to take the place of a judge who is recused or disqualified, or is otherwise unavailable, or under other appropriate circumstances.

(7) [**Ceremonial Functions. Magisterial district judges, judges and justices on temporary assignments shall have authority to conduct ceremonial functions, including performing weddings and administering oaths.**] (Reserved).

Official Note: The subject matter of former paragraph (7) (relating to ceremonial functions) is now governed by 23 Pa.C.S. § 1503(a)(2) (relating to persons qualified to solemnize marriages) (as amended by the Act of July 14, 2009 (P. L. 81, No. 18)) and 42 Pa.C.S. § 327 (relating to oaths and acknowledgments) (as amended by the Act of June 30, 2012 (P. L. 666, No. 79)).

(D) *Judicial Assignment Records.* The Administrative Office shall maintain records of certification applications and assignments to temporary judicial service.

(E) *Regional Administrative Units.*

(1) Judicial districts through their president judges may petition the Supreme Court for approval to combine with other districts to form regional administrative units that provide for the assignment of magisterial district judges and judges to any other judicial district in the unit. Upon annual approval by the Supreme Court, magisterial district judges and judges, when so assigned, shall exercise the same power and authority as vested in a magisterial district judge or judge of that judicial district.

(2) In cases where a judge has disqualified him or herself for any of the reasons specified in [**Canon 3 C**] **Rule 2.11** of the Code of Judicial Conduct or **Rule 2.11 of the Rules Governing Standards of Conduct of Magisterial District Judges**, the assignment of another judge to the case shall be made through the Administrative Office. In other instances of recusal, the assignment may be made through the Regional Unit, but in no case shall a recusing judge select his or her replacement.

(3) Each regional unit shall file with the Administrative Office a quarterly report of all assignments that occurred within the unit for that period.

(F) *Suitable Facilities and Staffing for Senior Common Pleas Judges.* Suitable facilities and adequate staff are to be provided for senior judges, the parameters of which are to be determined and promulgated by the Administrative Office.

Directive: In accordance with Rule of Judicial Administration 701(F), the Administrative Office of Pennsylvania Courts promulgates this directive establishing minimum standards for suitable facilities and adequate staff for the senior judges of the courts of common pleas. The president judge of a judicial district, in consultation with the Court Administrator of Pennsylvania as needs may require, shall provide from available resources for each senior judge formerly of the judicial district who is regularly or periodically assigned in that district and for each visiting senior judge the following facilities and staff for matters arising under the appointment:

(1) the use of judicial chambers which shall be of adequate size and appropriately furnished, afford a measure of privacy, and include office equipment and supplies as are necessary to conduct judicial business;

(2) services of a law clerk who shall provide customary assistance including legal research and drafting of legal documents; and

(3) services of a secretary who shall provide customary assistance including typing correspondence, orders and opinions, answering phone calls and taking messages, receiving and sending mail and deliveries.

[**Official Note: The expense reimbursement authorized by subdivision (C)(5) is in addition to the per diem payable under the Act of June 1, 1956 (1955 P. L. 1959) § 10, 17 P.S. § 830.32.**]

Supreme Court Rule 79 adopted effective Oct. 10, 1966; renumbered Rule 701 March 15, 1972; amended effective Feb. 20, 1975; June 10, 1975; Oct. 5, 1977, amended June 26, 1980, effective Aug. 2, 1980, amended effective April 29, 1998; Dec. 8, 1998, effective Jan. 1, 1999; amended April 18, 2002, effective January 6, 2003.

[Pa.B. Doc. No. 16-588. Filed for public inspection April 8, 2016, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 4]

Proposed Amendment of Pa.R.J.C.P. 407

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.J.C.P. 407 governing admissions in delinquency proceedings for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by May 16, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Juvenile Court
Procedural Rules Committee

KERITH STRANO TAYLOR, Esq.,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 4. ADJUDICATORY HEARING

Rule 407. Admissions.

A. Admissions. At any time after a petition is filed, the juvenile may tender an admission to some or all of the delinquent acts charged.

1) Requirements.

a) Before the court can accept an admission, the court shall determine that the admission is knowingly, intelligently, and voluntarily made.

b) As a part of this determination, the court shall ensure:

i) an attorney has reviewed and completed the admission colloquy with the juvenile pursuant to paragraph (C); and

ii) there is a factual basis for the admission.

c) At the hearing, the court shall conduct an independent inquiry with the juvenile to determine:

i) whether the juvenile understands the nature of the allegations to which he or she is admitting and understands what it means to admit;

ii) whether the juvenile understands that he or she has the right to a hearing before the judge and understands what occurs at a hearing;

iii) whether the juvenile is aware of the dispositions that could be imposed and the consequences of an adjudication of delinquency that can result from an admission;

iv) whether the juvenile has any questions about the admission; and

v) whether there are any other concerns apparent to the court after such inquiry that should be answered.

2) Agreements. If the parties agree upon the terms of an admission, the tender shall be presented to the court.

3) Court action. If the court accepts the tender, the court shall enter an order incorporating any agreement. If

the court does not accept the tender, the case shall proceed as if no tender had been made.

4) Limitations on [withdrawals] Withdrawals. An admission may be withdrawn prior to the court entering the dispositional order. After the court has entered the dispositional order, an admission can be withdrawn only upon a demonstration of manifest injustice.

B. Incriminating [statements] Statements. An incriminating statement made by a juvenile in the discussions or conferences incident to an admission that is not ultimately accepted by the court or otherwise permitted to be withdrawn by the court shall not be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act, 42 Pa.C.S. § 6301 et seq.

C. Written [admission colloquy] Admission Colloquy. If a juvenile is making an admission, the colloquy shall be:

- 1) in writing;
2) reviewed and completed with the juvenile by an attorney;
3) submitted to and reviewed by the court; and
4) substantially in the following form:

ADMISSION COLLOQUY FORM

In re _____ : _____ JD _____
(Juvenile) :
: Delinquent Act(s):
: _____
: _____

Answer all of the questions on this form. If you do not understand any question, leave it blank and ask your lawyer or the judge.

I admit that I did the following things (attorney shall list the delinquent acts, grading of acts, and counts):

General Information:

1) What is your full name? _____

2) Do you have any other name or nickname? _____

If yes, state: _____

3) How old are you today? _____

4) What grade are you in? _____

5) Can you read, write, and understand English?
_____ (if yes, go to #6)

a) If you cannot read, has someone read this form to you? _____

If so, who? _____ (print name)

(signature of reader verifies that the form has been read to the juvenile)

b) If you do not read English, have you been given a translator or a lawyer who speaks your language? _____

c) Did your translator or lawyer read this form to you and explain it? _____

If so, who? _____ (print name)

(signature of reader verifies that the form has been read to the juvenile)

Knowing and Voluntary Admission:

6) Are you now a patient in a mental hospital [or institution]? _____

a) If yes, where? _____

b) Are you being treated for a mental illness [(which is an illness that causes you to see a doctor for different behavior)]? _____

c) If yes, what are you being treated for? _____

7) Have you taken any drugs or alcohol yesterday or today that do not make you think clearly? _____

If yes, specify type of drugs and/or alcohol: _____

8) Has anyone threatened or forced you to sign this form? _____

If yes, explain: _____

9) Have you been promised anything for this admission? _____

If yes, explain: _____

Understanding the Admission:

10) Has your lawyer told you what you did was against the law [(delinquent act)]? _____

11) By admitting what you did, do you understand that you are giving up:

a) the right to be presumed innocent [, which means the judge does not think you broke the law until the D.A. (District Attorney) proves beyond a reasonable doubt that you broke the law (a reasonable doubt is a belief that it is very possible you did not break the law)]; _____

b) the right to a hearing by a fair judge [, which means the judge will listen to what everyone has to say and look at all the evidence before deciding]; _____

c) the right to remain silent and your silence cannot be held against you [, which means you will not be punished for not speaking]; _____

d) the right to [be heard, which means you may tell the judge your side of the story if you want] speak; _____

e) the right to [face and cross-examine witnesses, which means you can ask all] ask witnesses questions; _____

f) the right to present witnesses or evidence to help tell your side of the story, but you do not have to do anything; _____

g) the right to [challenge evidence against you, which means you] tell the judge you disagree with something; _____

h) [the right to make objections and ask for rulings, which means the judge decides if he or she

should hear certain evidence] the right to ask the judge to decide if he or she should hear certain things; and _____

i) the right to have [another court, which is an appellate court,] a higher court review this judge's decision. _____

12) Do you understand if the judge accepts your admission and believes you need help [("treatment, rehabilitation, and supervision"), the judge may find you delinquent, which means], the judge may find that you broke the law and need help? _____

Possible Consequences of Adjudication of Delinquency:

13) Do you understand that if you are found delinquent, the judge may make you pay money and place you outside of your home or on probation until you turn 21 years old? _____

14) Are you aware that if you are admitting to _____ that your driving license will be suspended now or in the future [(which means you will not be able to drive)]?

(lawyer shall write acts on this line, cross off, or write n/a).

15) Do you understand that this case can be used against you in the future? For example, if you break the law again, you may get a longer sentence in jail. _____

16) Do you understand that if you are found delinquent, other people may find out about it? You may also have to tell people, including colleges, military recruiters, or employers? _____

17) Do you understand that if you are not a U.S. citizen, it may cause problems, which could include being forced to leave the U.S.? _____

Admission Agreements:

18) Are you aware that the judge does not have to accept any agreement between you and the [D.A.] District Attorney? _____ (write n/a if no agreement)

Appeals:

19) [If you are found delinquent after this admission] When admitting, you can have a higher court review your case for only three reasons:

a) [Your admission was not knowingly, intelligently, and voluntarily made, which means you did not understand this admission or were forced to admit] You did not understand this admission or you were forced to admit; _____

b) The court [did not have jurisdiction, which means it] was not the proper court to take your admission; or _____

c) The judge's [disposition of the charge(s), which means what the judge is going to do with you (like a sentence in adult court),] punishment is more than the biggest punishment an adult would get for the same crime. _____

If you do not admit, do you understand you have other rights? _____

Lawyer's Representation and Opportunity to Speak with Guardian

20) Are you okay with what your lawyer did for you and how he or she explained everything? _____

21) Did you talk with your parent or guardian about admitting to the charge(s)? _____

I promise that I have read [this] the whole form or someone has read this form to me. I understand it. I am telling the truth. I am saying that I have done the things on page 1. I believe that this admission is best for me. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, have reviewed this form with my client. My client has told me and I believe that he or she understands this form.

LAWYER FOR JUVENILE

DATE

D. Admission to an Act of Sexual Violence. If a juvenile is making an admission to an act of sexual violence, see 42 Pa.C.S. § 6358, which may render the juvenile eligible for civil commitment for involuntary treatment upon attaining 20 years of age, then the admission colloquy form set forth in paragraph (C) shall be amended to include substantially the following form:

ADDENDUM TO ADMISSION FORM

In re _____ : _____ JD _____
(Juvenile) :
: Delinquent Act(s):
: _____
: _____
: _____

ELIGIBILITY FOR CIVIL COMMITMENT FOR INVOLUNTARY TREATMENT

CIVIL COMMITMENT CASES

I did at least one of the crimes (in the box below); AND

- If the judge says that I am a delinquent; AND
- If I am in placement when I turn age 20,
- I can go to a different placement against my will.

See 42 Pa.C.S. § 6401 et seq.

Check all that are true:

<input type="checkbox"/> Rape, 18 Pa.C.S. § 3121	<input type="checkbox"/> Sexual Assault, 18 Pa.C.S. § 3124.1
<input type="checkbox"/> Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123	<input type="checkbox"/> Indecent Assault, 18 Pa.C.S. § 3126
<input type="checkbox"/> Aggravated Indecent Assault, 18 Pa.C.S. § 3125	<input type="checkbox"/> Incest, 18 Pa.C.S. § 4302

1) If I am in placement when I am age 20, SOAB (State Sexual Offenders Assessment Board) will look at information about me to see if I have mental problems that make it hard for me to stop doing sexual crimes. _____ initials

See 42 Pa.C.S. § 6358.

2) If SOAB thinks that I need treatment, the judge will have a hearing. _____ initials

See 42 Pa.C.S. § 6358.

3) If the judge agrees I need treatment, I will have a second hearing. _____ initials

See 42 Pa.C.S. § 6358.

4) At the hearing, the judge will decide if I have mental problems that make it likely that I will do sexual crimes again. If the judge says yes, I will go to a different placement for at least one year. _____ initials

See 42 Pa.C.S. §§ 6403 & 6404.

5) The judge will look at my case each year. I will stay in that placement for as long as the judge decides that I have mental problems that make it likely that I will do sexual crimes again. _____ initials

See 42 Pa.C.S. § 6404.

6) If the judge says I can leave placement, I must continue to get treatment when told for my mental problems. The judge will look at my case after one year. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

7) If the judge says I can stop getting treatment after one year, I still must talk to a counselor every month. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

8) If I do not obey these rules or the counselor says I cannot stop my bad actions, I will be sent back to placement. _____ initials

See 42 Pa.C.S. § 6404.2.

Lawyer's Representation and Opportunity to Speak with Guardian

9) Did you talk with your lawyer before you decided to tell the judge you did the crimes (delinquent acts)? Yes No

10) Are you okay with what your lawyer did for you? Yes No

11) Did your lawyer answer all your questions? Yes No

12) Did you talk with your parent or guardian about saying you did the crimes? Yes No

If you answered no, would you like to talk with them now? Yes No

I have read this form or someone has read this form to me.

I understand the form and what I have to do. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, has reviewed this form with my client. My client has informed me and I believe that he or she understands the rights, consequences, and dispositions outlined in this form. I have completed the following sections with my client. I have explained them. I have no issues with my client admitting to the delinquent acts.

LAWYER FOR JUVENILE

DATE

Comment

Under paragraph (A)(1), the court is to determine if the admission is knowingly, intelligently, and voluntarily made by asking questions to ascertain the juvenile's ability to comprehend the written colloquy and to make an admission.

The written colloquy serves as an aid for the court in making its determination that the admission is knowingly, intelligently, and voluntarily made and it does not supplant the court's responsibility to conduct a sufficient inquiry to support its determination pursuant to paragraph (A)(1).

Nothing in this rule prohibits the judge from reviewing the entire written colloquy with the juvenile on the record or asking more questions than required under paragraph (A)(1)(c).

The admission colloquy is similar to a guilty plea colloquy in criminal court; however, the juvenile court judge has special responsibilities under the Juvenile Act in providing a balanced attention to the protection of the community, the imposition of accountability for delinquent acts committed, and the development of competencies to enable juveniles to become responsible and productive members of the community. *See* 42 Pa.C.S. § 6301.

If the court finds an admission is not knowingly, intelligently, and voluntarily made, the case is to proceed to a hearing pursuant to Rule 406. The decision whether an admission is knowingly, intelligently, and voluntarily made is not appealable to another common pleas judge; therefore, the admission may not be presented to another judge once this determination has been made.

Under paragraph (A)(3), if the disposition agreed upon by the parties is unavailable or the court does not agree with the terms of the tender, the case is to proceed as if no tender had been made.

The court is not to accept a plea of *nolo contendere*. *See In re B.P.Y.*, 712 A.2d 769 (Pa. Super. [Ct.] 1998).

If the court does not accept an agreement or finds an admission not to be knowingly, intelligently, and voluntarily made, a motion for recusal of the judge may be appropriate for the adjudicatory hearing.

Pursuant to paragraph (C), an attorney is to review the written admission colloquy with the juvenile prior to entering the courtroom. The practice in some judicial districts permitting the juvenile probation officer to review this colloquy with the juvenile is inconsistent with this rule.

Pursuant to paragraph (D), the written admission colloquy in paragraph (C) is to be amended when the juvenile is admitting to an act that would render the juvenile eligible for court-ordered involuntary treatment upon attaining 20 years of age.

***See* 42 Pa.C.S. §§ 6358, 6403. The court is to conduct a colloquy as to the potential consequences of an admission of this type using the form in paragraph (D).**

The colloquy [uses] forms use several age-appropriate terms for the juvenile to understand; however, certain legal terms are contained in the form. It is expected that attorneys will explain [this form] these forms until their clients understand.

[Pursuant to paragraph (C)(4), the admission colloquy is to be substantially in this form.] The forms used for admissions are to be substantially in the forms found at paragraphs (C)(4) and (D). The questions set forth are the minimal standard. A judicial district may choose to add requirements to [its admission colloquy] these admission colloquies. Any addition to the required [colloquy] colloquies is considered a local rule and the procedures of Rule 121 are to be followed if a judicial district chooses to make additions. *See* Rule 121.

[Nothing in this rule precludes the court from entering a consent decree after the acceptance of an admission.]

The admission [colloquy] colloquies can be downloaded from the Supreme Court's webpage at <http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/>. The [admission form is] forms are also available in Spanish.

The Pennsylvania Juvenile Collateral Consequences checklist is also available on the Supreme Court's webpage.

Nothing in this rule precludes the court from entering a consent decree after the acceptance of an admission.

Official Note: Rule 407 adopted April 1, 2005, effective October 1, 2005. Amended January 18, 2012, effective April 1, 2012. Amended _____, 2016, effective _____, 2016.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 407 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 42 Pa.B. 664 (February 4, 2012).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at Pa.B. _____ (_____, 2016).

REPORT

Proposed Amendment of Pa.R.J.C.P. 407

The Juvenile Court Procedural Rules Committee recently surveyed judicial districts as to the use of the admission form. Responses included specific suggestions for further simplifying the language of the form and the inclusion of questions when 42 Pa.C.S. §§ 6358 (Assessment of Delinquent Children by the State Sexual Offenders Assessment Board) and 6403 (Court-Ordered Involuntary Treatment) may be applicable. Accordingly, the Committee proposes to amend Rule 407 to further simplify the admission form and to require an addendum when the juvenile is admitting to an act of sexual violence.

Admission Form

The Committee recognizes the challenge of creating a more “child-friendly” form while retaining the form’s purpose as a vehicle to convey important information to juveniles. To that end, the proposed amendments are modest and intended to simplify the form, increase readability, and incorporate more age-appropriate language. Further, the restatements (*i.e.*, “which means”) within the form have been eliminated. Rather, the necessity, means, and extent of any restatements to ensure the juvenile’s comprehension is left to the juvenile’s attorney who is best suited to identify and address those needs.

Act of Sexual Violence

The Committee proposes new paragraph (D) to require colloquy of the juvenile when admitting to an act of sexual violence. *See* 42 Pa.C.S. § 6358(a) (enumerating offenses). The purpose of this colloquy is to ensure that the juvenile is aware that he or she may be subject to court-ordered involuntary treatment upon attaining 20 years of age pursuant to 42 Pa.C.S. § 6403. The new paragraph would require amendment of the admission form to include the form set forth in paragraph (D).

A version of this new form was previously published at 42 Pa.B. 7248 (December 1, 2012).

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 16-589. Filed for public inspection April 8, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

**Promulgation of Local Rule; 1793 S 1989; 8-1 MD
2016**

Order

And Now This 23rd day of March, 2016, Dauphin County Local Rule 1907.1 is promulgated as follows:

Rule 1907.1. Constable Review Board.

A Constable Review Board (CRB) is hereby created to assist in resolving any disputes related to a constable’s performance of judicial duties in accordance with the following standards and procedures:

A. Definitions:

1. “Constable” is defined as any elected or appointed constable or deputy constable performing judicial duties for any Magisterial District Court within the Twelfth Judicial District.

2. “Judicial Duties” are defined as services performed pursuant to 44 Pa.C.S.A. §§ 7161—7161.1 and further defined by the Pennsylvania Unified Judicial System’s Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of Pennsylvania Courts.

B. Scope:

1. The CRB’s jurisdiction extends only to constables in the performance of judicial duties.

2. The CRB may receive complaints by or against constables regarding:

- a. the performance of a constable’s judicial duties
- b. financial or payment disputes; or

c. other matters relevant to a constable’s judicial duties including, but not limited to, the Unified Judicial System’s Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of PA Courts.

3. The CRB does not have the authority to revise the Constable Policies, Procedures and Standards of Conduct issued by the Administrative Office of Pennsylvania Courts.

4. Nothing contained herein shall preclude any person or surety of a constable from filing a verified petition in accordance with 44 Pa.C.S. § 7172 alleging that a constable is incompetent to discharge official duties.

C. Authority:

1. The CRB may make recommendations to the President Judge with respect to practices and procedures as related to constables generally and make recommendations regarding the judiciary’s continued use of a constable’s services.

2. If a matter involves a financial dispute, the CRB may make recommendations to the Dauphin County Controller’s Office regarding payment for services.

3. The CRB shall forward any findings of suspected criminal activity to the Dauphin County District Attorney.

4. The President Judge has the ultimate authority with regard to a constable’s performance of judicial duties within Dauphin County. The President Judge may, at any time, temporarily place a moratorium on the use of a particular constable pending the review and recommendation of the CRB on any pending complaint. The total length of the moratorium shall not exceed thirty (30) days or the length of the CRB review, whichever is shorter.

D. Membership of the Constable Review Board:

1. A Magisterial District Judge.
2. The Deputy Court Administrator-Magisterial District Judges.
3. A certified Constable and an alternate Constable to be used in the case of a conflict.
4. The County Controller or his or her designee.
5. The Sheriff of Dauphin County or his or her designee.

Members of the CRB shall elect one of its members to act as Chairperson. The Chairperson shall be responsible for conducting, coordinating and overseeing the business of the CRB.

E. Filing Procedures:

Constables shall make every attempt to resolve their disputes with the party or agency involved prior to filing a complaint with the CRB.

1. A complaint by or against a constable shall be in writing on the form set forth below and shall be signed by the complainant and shall specify in detail the alleged misconduct, financial dispute, or other matter related to the performance of judicial duties.

2. The complaint may be submitted by mail, fax or email and the contact information is as follows:

Court Administrator
Dauphin County Courthouse
3rd Floor
Harrisburg, PA 17101
FAX: (717) 780-6463
courtadmin@dauphinc.org

3. The Court Administrator shall:

- a. note the date of receipt on the complaint;
- b. create a file to contain the complaint and all subsequent communications regarding the complaint;
- c. upon receipt of the complaint, forward the complaint to all members of the CRB;
- d. upon receipt of a moratorium decision from the President Judge, forward the same to all members of the CRB;
- e. within three (3) business days, forward a copy of the complaint to the respondent constable if the complaint is against a constable or to any other respondent if the complaint is by a constable, by certified mail, return receipt requested, restricted delivery, and;
- f. provide written notice to the constable/respondent that he or she must provide to the Court Administrator a written response to the complaint within twenty (20) days or less if the President Judge so orders, from the date of such notice. The notice shall also provide that if the constable/respondent fails to respond, such failure may result in a decision by the President Judge based on the information available for review.

F. Constable Review Board Action:

1. Upon receipt of the respondent's written response or the expiration of the response period, the Court Administrator shall forward a copy of the complaint, response and all corresponding documentation to each Constable Review Board member for review.

2. Within thirty (30) days from receipt of the file information, the CRB shall:

- a. forward the complaint file to the President Judge if the matters fall outside the CRB's authority, with written notification to the President Judge and the complainant that the complaint falls outside the scope of the Board's authority, and list the reason(s) for that finding;
- b. in matters falling within the scope of the CRB, the CRB shall interview the complainant, the constable and all other relevant witnesses. Unless the President Judge grants an extension of time, the interviews shall be completed and a recommendation as to disposition of the complaint shall be made to the President Judge within this thirty-day period.

G. Notice by President Judge:

1. Within thirty (30) days from receipt of the CRB's recommendation, the President Judge shall issue a written notice to the complainant and any constable of the Court's decision.

This local rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

DAUPHIN COUNTY CONSTABLE REVIEW BOARD COMPLAINT

Filing Date: _____

Complainant's Name: _____ (your name)

Address: _____

Telephone Number: _____ Email: _____

Constable's Name: _____

- Type of Issue: Performance of Judicial Duties
 Financial/Payment Issues
 Other issues relevant to a constable's judicial duties

Was an attempt made to resolve this issue before filing the request for review?

YES NO If yes, briefly explain:

Please describe in full detail the issue and attach all relevant documents. Attach additional pages if necessary.

Date: _____ Signature: _____

This complaint may be emailed, faxed or mailed to the following:

Court Administrator
Dauphin County Courthouse, 3rd Floor
101 Market Street
Harrisburg, PA 17101 FAX (717) 780-6463 email—courtadmin@dauphinc.org

DAUPHIN COUNTY CONSTABLE REVIEW BOARD DISPOSITION WORKSHEET

The Dauphin County Constable Review Board has reviewed the attached request and held interviews on _____ and recommends to the President Judge as follows:

- Matter is unfounded and without merit. The CRB recommends no further action.
- Matter is founded and the CRB recommends to the President Judge the following:
 - Warning reprimand
 - 30-day suspension
 - 60-day suspension
 - Suspension without reinstatement
 - Other _____
- The reasons for the recommendation listed above are as follows:

Board Member

Board Member

Board Member

Board Member

Board Member

Dissent _____

[Pa.B. Doc. No. 16-590. Filed for public inspection April 8, 2016, 9:00 a.m.]

DELAWARE COUNTY

January 28th, 2016 Amendments to Local Civil Rules; Misc. Doc. No. 12-5040

Order

And Now, this 17th day of March, 2016, it is Ordered and Decreed that the Orders entered on January 28th, 2016, amending Delaware County Local Civil Rules: Assessment of Damages for Cost of Repairs to Property, Opening Judgments by Default; Change of Venue; Filing an Account and Exception to Accounts; Lis Pendens; Pleadings/Foreign Statutes; Appeals from Denial of Driver's License or Suspension of Operating Privilege (75 Pa.C.S. § 1550); and Appeals from Real Estate Assessments, are hereby Amended to the extent that said Rules shall go into effect 30 days after publication in the Pennsylvania Bulletin.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-591. Filed for public inspection April 8, 2016, 9:00 a.m.]

SUPREME COURT

Duty Assignment Schedule for Emergency Petitions in the Year 2016; No. 452 Judicial Administration Doc.

Amended Order

Per Curiam:

And Now, this 24th day of March, 2016, it is hereby ordered that the order at No. 452 Judicial Administration Docket, dated December 17, 2015, listing emergency duty assignments is hereby amended as follows:

March	Justice Max Baer	(Eastern District)
	Justice David Wecht	(Western District)
April	Justice Christine Donohue	(Eastern District)
	Justice Kevin Dougherty	(Western District)
May	Justice Debra Todd	(Eastern District)
	Justice David Wecht	(Western District)
June	Justice Max Baer	(Eastern District)
	Justice Christine Donohue	(Western District)
July	Justice Debra Todd	(Eastern District)
	Justice Kevin Dougherty	(Western District)
August	Justice Max Baer	(Eastern District)
	Justice David Wecht	(Western District)
September	Justice Christine Donohue	(Eastern District)
	Justice Debra Todd	(Western District)
October	Justice Kevin Dougherty	(Eastern District)
	Justice Max Baer	(Western District)
November	Justice David Wecht	(Eastern District)
	Justice Christine Donohue	(Western District)
December	Justice Debra Todd	(Eastern District)
	Justice Kevin Dougherty	(Western District)

[Pa.B. Doc. No. 16-592. Filed for public inspection April 8, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 53]

[L-2014-2411278]

Paper Billing Fees

The Pennsylvania Public Utility Commission (Commission), on October 22, 2015, adopted a final rulemaking order to amend existing regulations to prohibit tariff provisions that charge customers a fee to receive a paper bill.

Executive Summary

Section 1509 of the Public Utility Code imposes the obligation on all energy, water, wastewater and telecommunications utilities, including all varieties of telecommunications utilities certificated by the Public Utility Commission, to send customers a monthly bill and it establishes the right of the customer to receive that bill. 66 Pa.C.S. § 1509. In addition, recovering costs regarding monthly bills allows for an excessive recovery of these costs and failing to provide customers with an itemized monthly bill free of charge constitutes unreasonable and inadequate service, actionable under Section 1501 of the Public Utility Code. 66 Pa.C.S. § 1501. Chapter 30 contains several other important declarations of policy that support the prohibition on allowing jurisdictional public utilities, and particularly telephone utilities, to impose such a charge or fee. 66 Pa.C.S. § 3011. Pursuant to the authority of Sections 501, 1301, 1501, 1509, and 3011 of the Public Utility Code, the Commission is amending its existing regulations in Chapter 53 (Tariffs for Noncommon Carriers) of the Pennsylvania Code to add Section 53.85 as a new section.

On March 20, 2014, the Commission concluded an investigation into the practice of charging a paper billing invoice fee (PBIF), and issued an Order finding that imposing a separate line item charge to recover the costs for the provision of monthly paper bills is not consistent with the Public Utility Code, Commission regulations, long standing precedent, and well-established practices of Pennsylvania public utilities.

Public Meeting held
October 22, 2015

Commissioners Present: Gladys M. Brown, Chairperson; John F. Coleman, Jr., Vice Chairperson; Pamela A. Witmer; Robert F. Powelson; Andrew G. Place

Amendment to 52 Pa. Code Chapter 53; Paper Billing Fees; Doc. No. L-2014-2411278

Final Rulemaking Order

By the Commission:

In accordance with Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission on December 4, 2014, formally commenced its rulemaking process to amend its existing regulations in Chapter 53 (Tariffs for Noncommon Carriers) of the Pennsylvania Code. On that date, the Commission issued a Proposed Rulemaking Order proposing to add Section 53.85 as a new section to Chapter 53. Comments were filed by various interested parties, including the Independent Regulatory Review

Commission. The Commission has reviewed those comments and issues this Final Rulemaking Order.

Background and Procedural History

Initially, this matter came before the Commission when Cordia Communications Corporation (Cordia) filed, on October 1, 2008, a Petition for Designation as an Eligible Telecommunications Carrier (ETC) for applicable federal universal service funding purposes (Petition). The Office of Consumer Advocate (OCA) filed formal comments to Cordia's Petition, wherein the OCA disclosed that Cordia is charging a fee of \$1.25 to customers who elect to receive a paper bill.

In an Opinion and Order entered June 7, 2010, the Commission denied Cordia's Petition without prejudice, directed the drafting of a policy statement on ETC Standards, and initiated an investigation into the practice of paper invoice charges and whether tariff provisions of certain facility-based and non-facility-based telecommunication carriers for paper billing invoice fees (PBIFs) are inconsistent with the Public Utility Code, Commission billing regulations, and other relevant authority. Petition of Cordia Communication Corp., for Designation as an Eligible Telecommunications Carrier under Section 214(e) of the Telecommunications Act of 1996 and 47 C.F.R. §§ 54.101, 201—207, P-2008-2014444 (June 7, 2010). Pending the results of the investigation, the Commission did not rule on Cordia's tariff in the June 7, 2010 Opinion and Order.

On May 14, 2010, Cavalier Telephone Mid-Atlantic, LLC (Cavalier) filed with the Commission revised local tariff pages for its Telephone Tariff Pa. P.U.C. No. 1, seeking to introduce a PBIF of \$3.95 for business customers who wish to receive paper invoices rather than electronic invoices (Tariff Supplement 35). On May 26, 2010, Cavalier filed revised intrastate interexchange tariff pages for its Tariff Pa. P.U.C. No. 2, seeking to introduce a PBIF for long-distance business customers who wish to receive paper invoices rather than electronic invoices (Tariff Supplement 3). Fixed Utility Services (now Technical Utility Services) Commission staff requested that Cavalier withdraw both proposed tariff supplements because of its belief that Cavalier was in violation of applicable law and regulations.

Cavalier filed a Petition for Review and Answer to a Material Question (Petition for Review) on June 11, 2010. The question presented was "[s]hould Cavalier's proposed Tariff Supplements introducing a Paper Bill Invoice Fee ("PBIF") for business customers be permitted to become effective on July 1, 2010?" On June 21, 2010, Cavalier filed a Brief in Support of its Petition for Review, in which it reiterated and expanded upon the arguments made in its Petition for Review and Answer to a Material Question. In its Brief, Cavalier also noted that its proposed tariff supplements would apply only to business customers, as distinguished from residential customers in the Cordia's ETC Petition.

In an Order entered July 29, 2010, the Commission, inter alia, permitted Cavalier's proposed tariff supplements to go into effect, subject to the results of a final Commission Order in Investigation of Practice of Paper Invoice Charges (Investigation) at Docket No. I-2010-2181481. *Pennsylvania Public Utility Commission v. Cavalier Telephone Mid-Atlantic, L.L.C.*, R-2010-2176403 and R-2010-2179527 (July 29, 2010). The Commission also ordered that the Investigation include additional

issues referenced in the body of the Order. Finally, Cavalier's Petition for Review was granted in part, and denied in part, consistent with the July 29, 2010 Order, without prejudice to the right of Cavalier to raise the PBIF issues in the Investigation at Docket No. I-2010-2181481. Id at pages 6-7.

The Commission followed this with a Notice of Investigation secretarial letter, published August 14, 2010, in the *Pennsylvania Bulletin* (40 Pa.B. 4728). The Notice identified the PBIF issues and sought comment from interested parties. On September 8, 2010, as part of this Investigation, the Commission issued a secretarial letter that enclosed a questionnaire seeking information on paper billing practices of all telecommunication carriers.

The Notice sought comments about billing practices in general. Comments were sought from interested parties on the issues of "tariff parity," the legality of the application of paper billing fees for customers receiving bundled services, whether the paper billing fee is a price deregulated rate, and the effect of the ETA on the interpretation of Section 1509. Comments were received from Verizon Companies (Verizon),¹ AT&T,² Cavalier, the OCA, the Pennsylvania Utility Law Project (PULP), and the Pennsylvania Telephone Association (PTA). OCA, Cavalier, Verizon, and AT&T also filed reply comments.

On March 20, 2014, an Order was issued resolving the Investigation. Investigation of Practice of Paper Invoice Charges (Investigation Order), Docket No. I-2010-2181481 (March 20, 2014).³ The Commission concluded that imposing a separate line item charge to recover the costs for the provision of monthly paper bills is not consistent with the Public Utility Code, Commission regulations, long standing precedent, and well-established practices of Pennsylvania public utilities. The Commission also concluded that recovering costs regarding monthly bills allows for an excessive recovery of these costs and failing to provide customers with an itemized monthly bill free of charge constitutes unreasonable and inadequate service, actionable under Section 1501 of the Public Utility Code. 66 Pa.C.S. § 1501.

On April 4, 2014, Verizon filed a Petition for Reconsideration of the Commission's March 20, 2014 Investigation Order. See 52 Pa. Code § 5.572. Verizon argued that the Order contravenes the plain language of the Public Utility Code and exceeds the Commission's legal authority. On July 24, 2014, the Commission denied Verizon's Petition for Reconsideration and found that the regulation of paperless billing is clearly within the bounds of the law and the Commission's legal authority (Reconsideration Order). On October 23, 2014, the Commission issued an Order addressing Cavalier's outstanding tariff issue by declaring the supplement unlawful and ordering Cavalier to remove the tariff provision that allowed the Company to charge a PBIF to its local and long distance business customers.

The Commission's March 20, 2014 Investigation Order directed Law Bureau to prepare a narrowly focused Notice of Proposed Rulemaking addressing the paper

billing fee issue. Therefore, on December 4, 2014, the Commission issued a Proposed Rulemaking Order to formally commence this rulemaking proceeding to amend existing regulations; the rulemaking proposed adding 52 Pa. Code § 53.85 to prohibit tariff provisions that charge customers a fee to receive a bill. The proposed regulation identified in Annex A to the Proposed Rulemaking Order is applicable to the entire telecommunications industry and implements the Commission's March 20, 2014 Investigation Order to prohibit the charging of a fee for paper bills. In addition, the language and location of the proposed regulation in Subpart C. Fixed Service Utilities shall make the prohibition applicable to all noncommon carrier public utility industries.

The Proposed Rulemaking Order was published in the *Pennsylvania Bulletin* on March 14, 2015, with comments to be filed within 30 days. Comments to the Proposed Rulemaking Order were timely filed by Verizon, the OCA, the PTA, the Pennsylvania Consumer Advisory Council, AT&T Corp. and Teleport Communications America, LLC (collectively AT&T), the American Forest & Paper Association (AF&PA), and the Consumers for Paper Options. Finally, the Independent Regulatory Review Commission (IRRC) filed comments in preparation of the final version of this regulation. The IRRC comments are not a formal approval or disapproval of the regulation but specify the regulatory review criteria that have not been met.

Comments to the Proposed Rulemaking Order

The PUC Consumer Advisory Council, AF&PA, the Consumers for Paper Options, and the OCA all support the proposed rulemaking. The Consumer Advisory Council points out that 28% of households in Pennsylvania are occupied by a person at least 65 years old, and they submit that many of these households do not own a computer and have difficulty paying for Internet service. The Consumer Advisory Council believes that imposing an additional charge for paper billing is unreasonable and unjust and that payment for a service warrants receiving an itemized bill regardless of access to the Internet.

According to AF&PA, the Association seeks to advance a sustainable U. S. pulp, paper, packaging, and wood products manufacturing industry through fact-based public policy and marketplace advocacy. Based on a 2013 Census Bureau Report on U. S. computer and Internet use, AF&PA states that the ability to access information electronically is still not readily available to many Americans. AF&PA noted that 25.6% of the U. S. population lacks broadband access at home and, that in a recent Pew Internet Project Report, 41% of Americans age 65 and older do not use the Internet or email. AF&PA argues that Americans of all ages living in all regions of our country deserve to have equal access to information and services, either digitally or on paper, without discriminatory fees. AF&PA supports the Commission for protecting customer interests of those who elect to receive a paper bill without penalty and urges swift implementation of the rule.

Consumers for Paper Options (CPO), a coalition of individuals and organizations advocating for access to paper-based services and information, strongly supports the Commission's proposed rule prohibiting state utilities from charging their customers for paper billing statements. CPO stated that 50% of seniors are without a computer and that 25% of American households are without consistent internet access, according to 2010 U. S. Census data. According to CPO, a 2013 survey found that an overwhelming majority of American adults across all

¹ Verizon Companies filed on behalf of Verizon Pennsylvania, Inc.; Verizon North Retain Co.; Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance; MCI Metro Access Transmission Service, LLC d/b/a Verizon Access Transmission Services, and MCI Communications Services, Inc.

² AT&T filed on behalf of its three Pennsylvania-certificated entities-AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, and TGG New Jersey Inc. (collectively "AT&T").

³ The full caption of the case is as follows: Investigation of Practice of Paper Invoice Charges, Docket No. R-2010-2181481; *Pennsylvania Public Utility Commission v. Cavalier Telephone Mid-Atlantic, L.L.C.*, Docket Nos. R-2010-2176403 and R-2010-2179527; Petition of Cordia Communications Corp. for Designation as an Eligible Telecommunications Carrier Under Section 214(e) of the Telecommunications Act of 1996 and 47 C.F.R. §§ 54.101, 201-207, Docket No. P-2008-2014447.

demographic groups believe that consumers should not be forced to receive information in an electronic format.

The OCA supports the Commission's proposed regulation, as necessary and appropriate to protect consumers and provide clear guidance to electric, natural gas, water, wastewater, steam, and telecommunications public utilities that the provision of public utility service includes the presentment of a paper bill or invoice, without separate fee, charge, or other rate. The OCA asserts that the Commission's proposed regulation should be adopted without modification as the proposed regulation provides clear and needed notice to the subject public utilities that the imposition of fees for furnishing a paper bill or invoice for public utility service is not allowed. The OCA believes that the proposed regulation is appropriately included in Chapter 53 which applies to electric, natural gas, water, wastewater, steam and telecommunications utilities since the Commission has determined that public utilities have an obligation pursuant to Section 1509 to provide consumers with an itemized monthly bill for recurring public utility services. 66 Pa.C.S. § 1509.

The OCA emphasizes that, in its investigation of paper bill invoice fees practices among telecommunications utilities, the Commission determined that the provision of such public utility service inherently requires the presentment of a monthly bill and the billing itself is not a separate utility service subject to a fee or charge. The OCA submits that the proposed regulation correctly provides notice to public utilities that the act of furnishing a monthly bill for utility services rendered is not, in and of itself, a separate utility service for which the utility may impose a charge, whether by tariffed rate, supplemental fee or otherwise.

Furthermore, OCA believes that the proposed regulation reasonably preserves to consumers one option for receipt of their monthly bill or invoice for public utilities services without the additional cost or burden of an additional fee or the need to purchase Internet access devices and services as the prerequisite to use electronic billing, if offered by the public utility as an alternative. See Investigation Order at 38-39.

Finally, the OCA submits that the Commission's Investigation Order regarding the billing practices of telecommunications public utilities, and the Commission's early consideration of the importance of consumer choice when electronic billing is offered by other public utilities subject to Chapter 56 of the Commission's regulations, provide a sound basis for adoption of the proposed regulation to protect consumers and assure the provision of reasonable public utility service.

PTA, AT&T, and Verizon individually oppose the adoption of the proposed rulemaking. Collectively, however, the arguments are essentially the same: that telecommunication companies should be allowed unfettered discretion and latitude with respect to business practices in responding to the customer demands of the market. Rather than address legal arguments in support of their positions, the opponents advocate for the benefits of paperless billing and continue to maintain there is no legal authority for prohibiting utilities from charging these fees, especially where a public utility directly competes with unregulated alternative service providers.

Verizon has chosen to reargue its position advocated in the Investigation. Verizon maintains that the Commission's decision on paper billing fees opposes the practice of paperless billing and its accompanying benefits like conserving environmental resources and protection against

identify theft. Verizon submits that neither the law nor the record in the Investigation supports the prohibition.

Verizon cites to the lack of any customer complaints about fees to support that customers do not object to the payment of a paper billing fee. Noting that communication services are highly competitive, Verizon argues that customers, not regulations, should drive these choices about paper billing practices.

Verizon again argues, as it did in the Investigation and in its Petition for Reconsideration, there is nothing in the Public Utility Code that prevents imposing a fee for a paper bill. According to Verizon, Section 1509 does not specifically prohibit charging for a paper bill. Moreover, Verizon still maintains that the decision violates the Electronic Transactions Act (ETA), which provides that "[i]f a law requires a record to be in writing, an electronic record satisfies the law." 73 Pa.C.S. § 2260.303(c). Verizon submits that since the Commission allegedly recognizes that an electronic bill can satisfy Section 1509, the Commission relied on the "reasonable service" requirement of Section 1501 to require the offering of a free paper bill. However, Verizon concludes that there are no facts or evidence to support the proposed regulation. Although Verizon admits that it could be unreasonable to charge for a paper bill where the customer does not have Internet access, Verizon still would conclude that this distinction in service does not justify requiring that all customers receive a free paper bill. Verizon finds as speculative the prospect that customers without Internet access would be charged to receive a paper bill.

Finally, Verizon views the proposed regulation as also violating Chapter 30's regulatory parity requirements stating that the Commission would restrict the paper billing programs for "jurisdictional" services, but the majority of voice communications today are provided by companies that are beyond this Commission's authority to regulate. Verizon again raises the argument that this is rate regulation which is contrary to Chapter 30. Verizon believes that the Commission's Investigation Order focused on rates and charges to dictate how a company recovers its billing costs. According to Verizon, if a company wishes to recover its billing costs associated with competitive services in a separate fee, that is a matter within its discretion. Moreover, Verizon does not agree that the bill has anything to do with "the ordering, installation, restoration and disconnection" of those services. 66 Pa.C.S. § 3018(b)(3).

IRRC recommends that the Commission further explain the applicability of the referenced laws and regulations in the final-form regulation. Moreover, IRRC requests that the Commission identify the appropriate statutory authority and intent of the General Assembly for supporting the regulation and include these citations in response to the Regulatory Analysis Form (RAF) question no. 8.

IRRC then notes that Commentators questioned the Commission's statutory authority to preclude them from imposing a supplemental fee for providing paper bills. Again, IRRC requests that the Commission clarify its statutory authority for this provision.

Finally, IRRC recognizes that the new language in the regulation uses the term "public utility." The term is not defined either in Title 52 of the Pa. Code or in Chapter 53, but the statutory definition of "public utility" includes a "common carrier." IRRC believes that including a definition for the term "public utility" that excludes common carriers would improve the clarity of the regulation. IRRC also suggests that the Commission should

include in the final-form regulation a summary of other states' activities regarding monthly paper billing fees.

Discussion of Comments to the Proposed Rulemaking Order

Upon review of the above written comments filed by the interested parties and IRRRC, we are ready to issue a final-form regulation. See 45 P.S. § 1202; 66 Pa.C.S. § 501(b) (providing the Commission the power to make regulations, as may be necessary or proper in exercise of its powers and performance of its duties.) The parties opposing the regulation have raised some of the same arguments that were raised in the Investigation and on Reconsideration. We agreed with the OCA's position in the Investigation that the rate regulations under Section 3018(b) applicable to interexchange service do not control the issue of whether a PBIF may be charged to provide customers with the monthly bill required by the Public Utility Code under Section 1509. (Investigation Order at 26). We again do not find any merit with the same arguments expressed here by Verizon.

We addressed the issue when we specifically declared that "PBIFs are not rates or charges within the meaning of 66 Pa.C.S. § 3018(b)" (Investigation Order at 27). Because providing a monthly bill is not a separate, stand-alone service, "prohibiting a paper bill fee is not the act of fixing or prescribing an interexchange competitive service rate or charge that is otherwise prohibited under Chapter 30." (See Reconsideration Order at 10). We explained that providing a monthly bill is not a stand-alone service, but a "practice necessary to receive uninterrupted telecommunication service," thus buttressing our conclusion that billing obligations under Section 1509 relate to the "ordering and disconnection" of service, services that are still under our jurisdiction under Chapter 30. Investigation Order at 26-27; 66 Pa.C.S. § 3018(b). Our position that the imposition of paper billing fees did not involve rate regulation was clear and in direct opposition to Verizon's interpretation of Chapter 30. However, since neither Verizon nor any other party chose to appeal the Investigation Order or the Reconsideration Order, the issue is resolved, and we shall decline to reconsider the matter in a rulemaking.

Verizon argues again in this rulemaking (Verizon Comments, page 5) that prohibiting a separate paper billing fee violates the regulatory parity declaration of policy in Chapter 30.⁴ We note, however, that Chapter 30 contains several other important declarations of policy that support the prohibition on allowing jurisdictional public utilities, and particularly telephone utilities, to impose such a charge or fee.

Chapter 30 expressly declares that it is the policy of the Commonwealth to maintain universal service at affordable rates⁵ and to ensure that such service is available to customers on a nondiscriminatory basis.⁶ Separate charges or fees for a paper bill increase costs to consumers, particularly those low-income consumers who already face challenges in maintaining telecommunications service. Those challenges are compounded in situations where consumers lack reliable broadband access to the Internet or cannot afford it.⁷

Also, under Chapter 30, we retain jurisdiction over the ordering, installation, suspension, termination, and restoration of a telecommunications service, regardless of whether the service is price regulated or competitive.⁸ A paper bill often conveys useful information related to the ordering and disconnection, suspension, termination, and restoration of any price regulated or competitive service provided by a jurisdictional telephone utility. Thus, receiving a paper bill at no additional charge helps ensure that customers, especially those without Internet access or those who are unable to purchase Internet access, continue to have access to information critical to maintaining uninterrupted telecommunications service in a nondiscriminatory fashion.

As previously explained, Chapter 30 provides the Commission with additional legal authority to prohibit jurisdictional telephone utilities from imposing a separate paper billing fee. Specifically, the Commission retains jurisdiction over the ordering, installation, suspension, termination, and restoration of a telecommunications service,⁹ regardless of whether the service is price regulated or competitive. Billing is not a separate, stand-alone service, and the right to receive a bill and to know the amount owed for services rendered is a prerequisite to avoiding suspension/termination of service and, if need be, to reconnecting service. Given the relationship of billing to the ordering, installation, suspension, termination, or restoration of service that are matters within our regulatory purview, we believe the Commission maintains appropriate jurisdiction over whether customers should pay a separate paper billing fee.

The Commission also retains authority under Chapter 30 to establish additional requirements necessary to protect customers.¹⁰ As previously discussed, we view the prohibition of a separate paper billing fee as necessary to protect customers and ensure that service is available on a nondiscriminatory basis, especially for those without Internet access or who are unable to purchase Internet access.

The facts in the record support this conclusion. For example, 28% of Pennsylvanians are aged 65 or older.¹¹ Moreover, 50% of elderly Americans lack a computer or consistent broadband access while 25% of Americans lack consistent Internet access.¹² Finally, a 2014 record survey by the U.S. Postal Service shows that over 80% of Americans oppose receiving a bill for utility service in electronic format only, and over 90% prefer to receive their utility bill by mail, clearly including those who have Internet access or can afford to buy it.¹³ A mandatory fee for all classes of consumers directly impacts universal service for those without Internet access or an ability to buy Internet service even if it is available. It also overlooks the overwhelming public opposition to mandatory electronic billing, including members of the public who have Internet access.

The Commission concludes that these specific provisions applicable to jurisdictional telecommunications public utilities and Sections 501, 1301, 1501, and 1509, collectively, provide the Commission with authority to prohibit a separate paper billing fee because billing is an

Eligible for Support, Docket No. 09-197, and In re: Connect America Fund, Docket No. 10-90. See also In re: Lifeline Support, Comments of the Pa. PUC (August 31, 2015).

⁸ See 66 Pa.C.S. § 3019(b)(2).

⁹ 66 Pa.C.S. § 3019(b)(2). We note that the Commission has similar authority over the ordering, installation, etc. of electric, gas, water/wastewater service, and steam heat service under Chapter 14 of the Code and Chapter 56 of the Commission's regulations.

¹⁰ 66 Pa.C.S. § 3019(b)(3).

¹¹ Comments of the Public Utility Consumer Advisory Counsel, pp. 1-3.

¹² Comments of the Consumers For Paper Options, pp. 1-3.

¹³ Id. at notes 4 and 5.

⁴ 66 Pa.C.S. § 3011(13).

⁵ 66 Pa.C.S. § 3011(2). Universal service is part of the Commission's legal mandate. It is required of jurisdictional telecommunications public utilities with Carrier of Last Resort obligations, which includes the provision of retail services to anyone who requests them and the rendering of various network access functionalities (e.g., ability to make 911/E911 calls).

⁶ See 66 Pa.C.S. § 3011(3).

⁷ See *infra* notes 9-12; accord, In re: Lifeline and Link-Up America Reform, Docket No. 11-42 and In re: Lifeline, Docket No. 11-42, In re: Telecommunications Carriers

integral part of utility service, not a separate service. That prohibition must be considered in conjunction with the impact on universal service set out in the Investigation Order and the responses to IRRC's questions that are contained in the final rulemaking order being adopted today, especially for that considerable percentage of consumers who lack Internet service or who do not use the Internet.¹⁴ The Commission's legal and policy conclusions that charging for a paper bill is unreasonable and inadequate service, given the impact on consumers, including those without Internet access or who are unable to purchase Internet access, are more than supported by these additional provisions addressing universal, adequate, and reliable service.

On the issue of the application of Section 1501, we determined that consumers are entitled to adequate information regarding billing for jurisdictional and non-jurisdictional services. Based on that analysis, we maintain our position that failing to provide customers with an itemized monthly bill free of charge constitutes a lack of adequate information and thus, is unreasonable service under Section 1501.¹⁵ 66 Pa.C.S. § 1501. For example, it was clear to this Commission that "charging a customer who does not have Internet access and the technological ability to receive an electronic bill for a paper bill is not reasonable and adequate service." Investigation Order at 28. Specific comments filed on this proposed rulemaking bolster that conclusion. See, e.g., AF&PA Comments.

Moreover, consistent with our conclusion reached in the Investigation Order (page 27), we conclude that requiring utilities to provide customers with monthly paper bills by mail without an additional charge does not violate the ETA. It is questionable whether the ETA even applies to the practice of charging a PBIF because our decision does not hold that utilities cannot utilize electronic bills or that customers cannot request electronic bills. The ETA clearly establishes that an electronic bill has legal effect and enforceability under the ETA if the customer consents to receiving the bill electronically (73 Pa.C.S. § 2260.301(b)), and the Investigation Order (pages 27-30) cites the ETA to support the Commission's conclusion that the issue in the Investigation is not about our acceptance of electronic bills. Moreover, the decision does not preclude a customer from seeking an electronic bill in lieu of a paper bill. Rather, the Investigation addressed whether a fee can be charged for a paper bill if a customer refuses to or is unable to receive an electronic bill. The Order does not prohibit the usage of electronic bills, but answers "no" to the question of whether a fee can be charged for a paper bill if a customer refuses or is unable to receive an electronic bill. Therefore, because electronic billing may be used in accordance with the ETA to satisfy the Section 1509 obligation to send customers an itemized monthly bill, the ETA has no impact on the application of Section 1509.

A summary of the ETA provisions further supports our conclusion that the proposed regulation does not violate the ETA. The ETA establishes that consumer rights under existing laws should be protected, compliance with other applicable substantive laws must be followed, and if a record is to be communicated by a specific method, that requirement must be followed. See 73 Pa.C.S. §§ 2260.14,

2260.102(3), and 2260.304(b), respectively. In fact, allowing a fee to be charged to receive a paper bill would be contrary to the ETA's declaration of protecting the rights of consumers under existing laws.¹⁶ See 73 Pa.C.S. § 2260.102(3). This includes the preservation of consumer rights existing under Sections 1501 and 1509 of the Public Utility Code.

Furthermore, the ETA does not apply unless both parties consent to a bill in electronic form. If accepting an electronic bill is the only way for a customer to avoid incurring additional costs, we do not believe the customer's actions are voluntary. 73 Pa.C.S. § 2260.301(b); Investigation Order at 30. If a customer's actions are not voluntary, the customer has not consented, and the ETA would not apply. Moreover, the Commission does support and encourage online billing, provided consumers are protected. See e.g., Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56, Docket No. L-00060182, Proposed Rulemaking Order, Attachment A at 76 (September 26, 2008). This protection includes ensuring that customers are not coerced into accepting an electronic bill to avoid incurring additional costs.

On the issue of recovering paper billing invoice costs, we determined that the "costs of providing a monthly paper bill are ordinary operating costs that should be included in the service rate, not a separate line item paper billing fee to customers." Investigation Order at 34. We then questioned whether these billing costs are even unrecovered by the utility, as these costs have always been recovered "using traditional cost recovery methodologies." Id.

In addition to violating Commission policy and industry practice, we ultimately reached the conclusion that recovery of billing invoice costs through a separate fee would also allow the utility to "overly or excessively recover these costs." Id. Billing is a necessary administrative function that is part of providing the utility service. The expense of creating and providing a bill to each utility customer traditionally has been included in the operating expenses of the utility. Sending your customers a bill is no more a separate service than maintaining registrations and inspections on maintenance vehicles. In other words, billing is a part of providing service, and these normal operating costs should be included in the "rates for services and not imposed as a separate line item charge." Investigation Order at 35.

IRRC raised an issue with respect to statutory authority and conformity with legislative intent. IRRC has also suggested that we improve the clarity for our statutory authority to preclude imposing a supplemental fee for providing paper bills. Finally, IRRC believes that including a definition for the term "public utility" that excludes common carrier would improve clarity of the regulation, and IRRC asked that the PUC compare the proposed rulemaking to other states. We shall address these matters raised by IRRC.

The general powers provision of the Public Utility Code, 66 Pa.C.S. § 501, authorizes or empowers the Commission to make regulations. Clearly, this section, under paragraph (a), authorizes the Commission to "carry out, by its regulations" the provisions of the Public Utility Code. Additionally, the Commission, under paragraph (b), has administrative power to regulate all public utilities and make regulations necessary to perform that duty. See 66 Pa.C.S. § 501(a) and (b). Providing a bill is a necessary element of providing reasonable utility service pur-

¹⁴ Comments of the Office of Consumer Advocate; Comments of the Consumers For Paper Options, and Comments of the Public Utility Commission Consumer Advisory Council.

¹⁵ The term "service" is used in its broadest and most inclusive sense and includes all acts done by the public utility. 66 Pa.C.S. § 102. Under Code Section 1501, utility "service" is not confined to providing the underlying service, but rather, includes any and all acts related to that function. See *PECO Energy Co. v. Township of Upper Dublin*, 922 A.2d 996 (Pa. Cmwlth. 2007). This includes the act of billing the customer for the utility service being provided.

¹⁶ See also the Uniform Law Comment to 73 Pa.C.S. §§ 2260.102(3) regarding the intent to preserve the right of a party to refuse electronics.

suant to the Public Utility Code. Thus, the prohibition of paper billing fees, which are included in a carrier's operating expenses, is necessary in the exercise of our powers and the performance of our duties to enforce the Public Utility Code. 66 Pa.C.S. § 501(b).

Section 1301 of the Public Utility Code requires rates to be just and reasonable, and our decision to not allow charging for a paper bill will prevent public utilities from over-recovery of billing costs. 66 Pa.C.S. § 1301. In addition, Section 1501 requires utility service, which includes billing, to be reasonable and adequate, and charging a customer to receive a paper bill because the customer, for example, does not have access to the Internet is not reasonable service. Finally, Section 1509 establishes a public utility's billing obligations and a customer's right to receive monthly and itemized bills. These statutes support the subject regulation, and other citations will be removed from the RAF.

We explained in the Background and Procedural History that this rulemaking is the product of an Investigation. Comments to the Investigation were filed by four interested parties who opposed the prohibition of charging a fee to receive a paper bill. Those comments and accompanying arguments were addressed in our Investigation Order. Therein, we established the statutory authority for our decision and addressed the issues again on Reconsideration. The Investigation Order, which established the Commission's statutory authority under Sections 501, 1301, 1501, and 1509 to preclude these telecommunication industry commentators from imposing a supplemental fee for providing paper bills, was not appealed and is final.

Finally, as established in Annex A, the new regulation will be located in Subpart C. Fixed Service Utilities and under Chapter 53. Tariffs for Noncommon Carriers. Therefore, IRRRC correctly points out that the location shall make the prohibition applicable to all noncommon carrier public utility industries. Rulemaking Re Amendment to 52 Pa. Code Chapter 53; Paper Billing Fee, Docket No. L-2014-2411278 (Proposed Rulemaking Order issued December 4, 2014), page 5. In addition, IRRRC notes that the regulatory language of the provision uses the term "public utility," but the statutory definition under Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, covers "transporting passengers or property as a common carrier." IRRRC recommends including a definition for the term "public utility" that excludes "common carriers" to improve the clarity of the regulation.

We understand the concerns of IRRRC, but we are reluctant to establish a definition of "public utility" that differs in any way from the statutory definition provided under the Public Utility Code. Application of the regulation addressing paper billing fees is necessarily limited to fixed service utilities by virtue of its placement under Subpart C Fixed Service Utilities, Chapter 53. Tariffs for Noncommon Carriers. Accordingly, Section 53.85 would not apply to utilities that transport passengers or property as common carriers.

As a part of our rulemaking process, and in conjunction with IRRRC's comments, we have reviewed how neighboring states are addressing the issue of fees for paper billing. We have contacted the Public Utility Commissions of New York, New Jersey, Maryland, and Ohio regarding monthly paper billing fees. In New York, no utilities charge these fees but some utilities give a small credit if the customer agrees to receive billing statements and process payments electronically. In New Jersey, the consumer advocate has taken the position that the customer

has the right to receive a paper bill without additional charges, and utilities that have tariff language allowing such a charge are asked to remove the language from the tariff. Similarly, Maryland has not allowed utilities to charge this fee to receive a paper bill. In Ohio, utilities do not charge a customer a fee to receive a paper bill unless the customer wants both electronic billing and paper billing.

To summarize, this rulemaking was necessary: (1) to maintain billing as part of the basic utility service provided and not as a separate service; (2) to protect customers from being double charged for certain operational expenses; (3) to prohibit the disparate treatment of customers without the means to receive an electronic bill; and (4) to prevent customers from being coerced into accepting electronic billing.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 27, 2015, the Commission submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 1264 (March 14, 2015), to IRRRC and the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee (House and Senate Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, the Commission shall submit to IRRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Commission has considered all comments from IRRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 9, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRRC met on March 10, 2016, and approved the final-form rulemaking.

Conclusion

Accordingly, under sections 501, 1301, 1501 and 1509 of the Public Utility Code (66 Pa.C.S. §§ 501, 1301, 1501 and 1509); sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232) and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we are adopting the final regulations set forth in Annex A; *Therefore*,

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 53, are amended by adding § 53.85 to read as set forth in Annex A.

2. The Secretary shall serve a copy of this Final Rulemaking Order and Annex A on the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association. The Order shall be posted and made available electronically on the Commission's website.

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

4. The Secretary shall submit this Final Rulemaking Order and Annex A to the Office of Attorney General for approval as to legality.

5. The Secretary shall submit this Final Rulemaking Order and Annex A to the Governor's Budget Office for review of fiscal impact.

6. The Secretary shall submit this Final Rulemaking Order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.

7. The final regulations become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person for this proposed rulemaking is Terrence J. Buda, Assistant Counsel, Law Bureau, (717) 787-5000. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting the Regulatory Coordinator, Law Bureau, (717) 787-5000.

ROSEMARY CHIAVETTA,
Secretary

(Editor's Note: See 45 Pa.B. 1623 (March 26, 2016) for IRRC's approval order.)

Fiscal Note: Fiscal Note 57-308 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS

PAYMENTS, DEPOSITS AND CHARGES

§ 53.85. Paper billing fees.

A public utility may not impose a supplemental fee, charge or other rate for furnishing a paper bill or invoice for the services provided by the public utility.

[Pa.B. Doc. No. 16-593. Filed for public inspection April 8, 2016, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 23]

School Immunizations

The Department of Health (Department), with the approval of the State Advisory Health Board (Board), proposes to amend Chapter 23, Subchapter C (relating to immunization) to read as set forth in Annex A.

A. Purpose of the Proposed Rulemaking

The proposed amendments to Chapter 23, Subchapter C take steps to ensure that children attending school in this Commonwealth are adequately protected against potential outbreaks of vaccine-preventable diseases. In some cases, the only way to ensure that children are adequately protected—particularly those children who are medically unable to obtain a vaccination and, therefore, vulnerable—is to require the immunization of all children attending school. The Department intends to achieve this goal by amending § 23.85 (relating to responsibilities of schools and school administrators) to allow for a child to be provisionally admitted to school even though the child does not have all the required immunizations for admission or continued attendance as set forth in § 23.83 (relating to immunization requirements).

Following the outbreak of measles occurring in California in early 2015, and the occurrence of a case of measles in this Commonwealth (although not epidemiologically connected to the California outbreak), the Department reviewed its vaccination rates in schools and school districts, and found those rates to be lower than is optimal for the health of this Commonwealth. Low vaccination rates can lead to a waning of “herd immunity,” that is, the protection for the community against certain communicable diseases that arises when a critical mass of persons are immunized against those diseases. Herd immunity is what protects persons who are unable to receive vaccination, including those who are too young to receive the vaccine, pregnant women and immunocompromised individuals. A waning of herd immunity may, in turn, lead to the re-emergence of vaccine-preventable diseases considered to have been almost eliminated.

The Department determined that it was imperative for the health of the citizens of this Commonwealth for the rate of vaccination among children attending school to be increased. In considering how to achieve this end, the Department, in conjunction with the Department of Education, implemented an educational campaign to increase rates. Reviewing vaccination rates among school children in this Commonwealth, the Department decided that this type of campaign would not be sufficient to raise rates of vaccination to the level that would prevent the spread of dangerous communicable diseases within this Commonwealth.

The Department determined from its reported school immunization data that the largest number of nonvaccinated children attending school was not due to the medical and religious exceptions from vaccination allowed by law. Those children attending school in a provisional status make up the largest number of nonvaccinated children reported to the Department. The number of children reported to the Department as attending school in a provisional status in kindergarten and 7th grade for

school year 2013-2014 was in excess of 53,000. These numbers led the Department to the conclusion that the high number of children provisionally admitted to and attending school might, at some future point, contribute to a lessening of herd immunity, and the occurrence of the outbreak of a serious communicable disease.

In addition, the Department noted that the rates of vaccination among children increased significantly when the date on which schools were required to report was extended at the Department’s request. When, in 2014, the Department asked schools to report 2014-2015 data to it by December 31, rather than October 15, as set forth § 23.86(a) (relating to school reporting), the vaccination rates among school children increased. The rate for completion of the measles, mumps, rubella (MMR) kindergarten grade level vaccine increased from 87.49 in 2013 to 91.72 in 2014. This, combined with the relatively low number of medical, philosophical and religious exemptions reported, led the Department to conclude that it was not a refusal to be vaccinated that was causing low vaccination rates among school children, rather the lack of urgency felt by families to have vaccination requirements completed by school entrance or the start of school. This lack of urgency may be a function of the successful vaccination campaigns of the past, and the near elimination of dangerous childhood diseases from a normal childhood. Parents believe that they no longer need fear, as they did in the past, that a child will be blinded, seriously disabled or killed by measles, polio, diphtheria, pertussis, tetanus, hepatitis B or chickenpox since, up to the present time, these diseases do not occur with the frequency that they did in the past.

The California outbreak gives the lie to this false sense of security. Diseases such as measles, mumps, rubella, polio, diphtheria, meningitis, pertussis and chickenpox have not been eradicated, and may, and do, return to an unvaccinated population. In recent years, there have been breakthrough outbreaks in this Commonwealth and in other states of pertussis and chickenpox. Based on this information, and determining that an educational campaign, while useful, may not be sufficient to raise vaccination rates above the necessary percentage to ensure the continuation of protection for this Commonwealth, the Department has determined that it is in the best interests of the public’s health to propose to limit the provisional period, protecting and strengthening existing herd immunity.

The Department also intends to use this proposed rulemaking to change the manner and time frames for schools to report immunization rates to the Department, to obtain the most accurate immunization data possible, to acknowledge that certain types of vaccine are no longer available in the United States and to add a requirement to immunize against pertussis, the incidence of which has gradually been increasing in the United States since the 1980s. The Department is also proposing to add a second dose of meningococcal vaccine before entry to 12th grade.

B. Requirements of the Proposed Rulemaking

§ 23.82. Definitions

Definitions of “full immunization” and “medical certificate” are proposed to be added. These definitions are necessary to define the proposed requirements for a revised provisional period. “Full immunization” would mean that a child has received all immunizations required under § 23.83. A “medical certificate” would be

used by a health care provider, or a public health official if the child receives vaccinations through the public health system, to set out what immunizations the child requires to be fully vaccinated, and by when the child must receive them. Failure to meet the terms of the certificate would then allow for the child's exclusion from school under proposed § 23.85(e).

§ 23.83. *Immunization requirements*

Subsection (b) is proposed to be amended to reflect the fact that several vaccines required for school attendance are no longer available in the United States in certain forms. For example, two pediatric acellular vaccines are available in the United States. However, the diphtheria, tetanus and pertussis vaccine is not available, and the use of the diphtheria and tetanus vaccine is very rare and limited to children for whom use of the pertussis antigen is contraindicated. Therefore, current paragraphs (1) and (2) are proposed to be deleted and combined into proposed paragraph (1) to require the vaccine in a combination form.

Pertussis is proposed to be added to subsection (b)(1). The tetanus and diphtheria toxoid and acellular pertussis vaccine (Tdap), which includes pertussis, is required in the 7th grade under the current regulations. Pertussis is proposed to be added to address the need to fight the resurgence of a vaccine-preventable disease. The incidence of pertussis has been increasing since the 1980s. From 2010 to 2013, 13 pediatric deaths were reported in the United States.

Because MMR is no longer made as separate antigens, the Department proposes to require the combination form in proposed subsection (b)(3) and delete current subsection (b)(4)—(6). Proposed paragraph (3) takes into consideration the fact that other countries still may use separate antigens. This allows schools to count as properly vaccinated those children arriving from other countries having been vaccinated with those types of vaccines.

Proposed subsection (b)(3) allows for immunity to be proven by a history of measles and rubella by laboratory testing, and a written statement of history of mumps disease from a physician, nurse practitioner or physician's assistant. This is to ensure that the diagnosis of disease is the basis for the determination of a history of immunity, and is intended to ensure that a child has, in fact, had the disease for which the statement of history is given.

Proposed amendments to proposed subsection (b)(5), current subsection (b)(8), change the heading to "Varicella (chickenpox)" and only accept a history from a physician, nurse practitioner or physician's assistant. Currently, evidence of varicella immunity may be shown either by laboratory confirmation, or a statement of history from a physician, parent or guardian. This is in keeping with the Centers for Disease Control and Prevention (CDC), United States Department of Health and Human Services, Advisory Council on Immunization Practices (ACIP) recommendations, and is intended to ensure that the child has actually had chickenpox. Many types of viruses can cause rashes; the Department wishes to make certain that the persons providing evidence that the child has actually had the disease are those able to diagnose chickenpox disease, and familiar with the chickenpox rash. This proposed amendment, as with the other amendments in this propose rulemaking, is focused on ensuring that children are protected from disease, either by vaccination or, for those children unable to be vaccinated for medical reasons, by allowing attendance at

school only when the child shows a history of immunity, and is therefore unable to spread disease.

The heading of subsection (c) is proposed to be amended to "special requirements for tetanus and diphtheria toxoid and acellular pertussis vaccine and meningococcal vaccine" to take into account proposed paragraph (2). The Department, following recommendations from ACIP to ensure protection for students from meningitis into their post-secondary education, is proposing in proposed paragraph (2) to add a dose of meningococcal vaccine for entry into the 12th grade, or in an ungraded school in the school year the child turns 18 years of age. In accordance with ACIP recommendations for children attending college, if the child has had a previous dose on or after his 16th birthday, the requirement would not apply. See MMWR March 22, 2013; 62 (RRO2): 1-22; see also <http://www.cdc.gov/vaccines/schedules/hcp/imz/child-adolescent.html>.

Subsection (c)(1) currently requires at least one dose of Tdap for entry into 7th grade if at least 5 years have elapsed since the last dose of a vaccine containing tetanus and diphtheria. Tdap may be administered regardless of the interval of time between the last dose of a vaccine containing a tetanus or diphtheria toxoid. One dose of Tdap in combination form is proposed to be required. ACIP recommends a single dose of Tdap for persons 11 through 18 years of age.

§ 23.85. *Responsibilities of schools and school administrators*

Subsection (e) currently sets out requirements allowing a child to be provisionally admitted to school for up to an 8-month period if the child has a plan for completion of the required immunizations in the child's school health record, or, in the case of a multiple dose vaccine, if the child has received one dose and there is a plan for completion of the remaining doses in the child's health record. Subsection (e)(3) further sets out requirements for the school administrator or a designee to review that plan every 60 days. Subsection (e)(3) requires that the school administrator not admit the child or allow continued attendance after the end of that 8-month period.

The Department is proposing to eliminate the 8-month provisional period and, instead, to set up requirements that would allow for exclusion of students under certain circumstances. The requirements would differ for single dose and multiple dose vaccines.

If a child did not have a single dose vaccine required under § 23.83(b), the child would be excluded from school.

With respect to multiple dose vaccinations, if the child does not have at least one dose of any of the multiple dose vaccinations, then the child may not attend school. The child could be provisionally admitted for a 5-school-day period if the child receives the final dose of a multiple dose vaccine within 5 school days of the child's first day of attendance. The child's parent or guardian would need to provide the certificate of immunization on or before the 5th day as proof of the immunization. If a child has the first dose of a multiple dose vaccine series, is scheduled to and does receive the next dose during the 5-school-day provisional period, and provides a medical certificate scheduling any remaining doses, the child may attend school so long as the child adheres to the medical certificate. Again, the child's parent or guardian shall provide the medical certificate on or before the 5th school day. If the next dose of a vaccine series is not medically appropriate for the within the 5-school-day period, and

the child has a medical certificate as defined by this proposed rulemaking showing when the child will receive the remaining doses, the child may be provisionally admitted to school, so long as the child adheres to that immunization schedule.

As with current regulation, it would be the responsibility of the school administrator to review that medical certificate and determine whether or not the child is following the schedule, and whether or not to exclude the child who fails to follow the schedule. The time frame for that review is proposed to be changed from 60 days to at least every 30 days to ensure more accountability. A child's parent or guardian may bring to the school administrator's attention the fact that he has become up-to-date with vaccination requirements at any time, without waiting for the administrator's review. Further, the Department is proposing to require a school to maintain the medical certificate until the child's official school immunization record is completed to ensure accurate records on immunizations. This is important in the event of an outbreak of a vaccine-preventable disease in the school.

The Department has reviewed the regulatory and statutory schemes of other states and found that the provisional period, allowing admission and attendance for an 8-month period before requiring all required immunizations be completed, is one of the two longest in the country, along with the State of West Virginia. West Virginia has high vaccination rates among school children because it, unlike the Commonwealth, does not allow religious or philosophical exceptions. The Department determined that a shorter provisional period for admission or attendance at school was necessary because a length of time as long as the current 8-month period, which allows children who could be vaccinated but are not to attend school, puts at risk those children and staff who cannot be vaccinated.

Proposed subsections (g) and (h) set out circumstances under which a child could be admitted to school even without the immunizations required under § 23.83. The Department, having proposed to limit the provisional period, is also proposing to include language allowing for a temporary waiver of those requirements.

Proposed subsection (g) recognizes that, under certain circumstances, a child who cannot prove his immunization status must be allowed access to school. The McKinney-Vento Homeless Education Assistance Improvements Act of 2001 (42 U.S.C.A. §§ 11431—11435) requires schools to permit homeless children to be admitted regardless of immunization requirements. Proposed subsection (g)(1) states that schools shall comply with this Federal law. Proposed subsection (g)(2) takes into account potential problems with providing information upon transfer into a school, and allows a 30-day period to obtain and provide either proof of immunizations or proof of the need for an exemption.

Proposed subsection (h) addresses situations in which a child, through no action of the child or the child's family, is prevented from obtaining a vaccination or from proving the child's immunization status. Proposed subsection (h)(1) would provide for a temporary waiver of requirements when vaccine is unavailable through a vaccine shortage. Shortages have occurred in the past due to problems at manufacturing plants or potentially because of a high demand for vaccine. Because the Department wishes to ensure that an actual vaccine shortage exists, and that it is one recognized by the vaccine experts,

proposed subsection (h)(1) requires that the shortage be recognized by the CDC before a waiver would be considered.

Proposed subsection (h)(2) addresses a situation like that following Hurricane Katrina, in which displaced children were sent to this Commonwealth to stay with friends and family in the wake of that disaster, and sought admittance to schools in this Commonwealth for an extended period of time. Those children did not have access to immunization records, either paper or electronic. To return those children to the classroom, and some semblance of a normal life, as quickly as possible, the immunization requirements were not enforced.

The Department is proposing that any waiver have limits and that those limits be publicized by notice in the *Pennsylvania Bulletin*. This would ensure that children can return to a classroom even though they are unable to access vaccination records, due to no fault of their own, and that the waiver would not continue indefinitely and that appropriate limits are set. For example, it is conceivable that a disaster could occur affecting one part of this Commonwealth, or even one school district. There would be no need to remove requirements in areas not affected. Further, one vaccination could be in short supply, but that would not require the lifting of requirements for other vaccinations. In addition, the waiver would be time limited because, at some point, the need for the waiver would be outweighed by the need for the protection of those with whom unvaccinated children have contact.

§ 23.86. School reporting

This section currently addresses requirements for schools reporting immunization data to the Department. The Department makes these requirements of schools for it to meet reporting requirements placed on the Department by the CDC. Subsection (a) is proposed to be amended to change the date by which schools are required to report to it from October 15 of each school year to December 31, and to require reporting electronically. This would allow for a more accurate report, and allow more time for schools to gather information to make the report. The CDC requests annual school immunization coverage reports from the Department as part of the Federal immunization grant process. In reviewing reporting data, the Department determined that by requesting the data by October 15, schools are reporting data too early in the school year, and the reporting does not accurately reflect the actual number of children receiving immunizations.

The Department recognizes that some schools that are required reporters will not be able to complete a report electronically. Proposed subsection (b) requires these schools to report on paper by December 15 of each year. This would provide the Department with sufficient time to compile and enter those reports before those schools reporting electronically begin to submit their reports.

The Department has renumbered the remainder of the section to take these changes into account.

Proposed subsection (f)(7), current subsection (e)(7), is proposed to be amended to require reporting of the number of children in kindergarten and 7th grade who were denied admission because of their inability to provide documentation of the required vaccinations.

C. Affected Persons

The proposed rulemaking would affect all children entering and attending school in this Commonwealth, particularly those who are not current with the required

vaccinations for school entry and continued attendance. These children would no longer be given an 8-month period to obtain required vaccinations, and could be excluded from school until they obtain the appropriate vaccinations and, if necessary, signed medical certificate, proof of immunity, or medical or philosophical exclusion.

The proposed rulemaking would also affect the parents or guardians of these students, since parents and guardians would have to ensure that the children receive the required vaccinations and, if necessary, medical certificate, have appropriate proof of immunity, or obtain exclusions to enter and to continue to attend school. Parents and guardians would no longer be able to provide a history of varicella to prove a child's immunity, and would be required to obtain a statement from a practitioner able to diagnose the disease. The same requirement would be added for measles and mumps. The proposed amendments to the provisional period could cause parents and guardians to have to find child care, or miss work, to keep the child at home while these requirements were being fulfilled.

The effects of time and funds spent should be outweighed by the benefits to children and their parents, however. Because requiring these immunizations or a more accurate proof of immunity would protect children from contracting measles, polio, diphtheria, pertussis, meningitis, chickenpox and mumps, and other childhood diseases, their parents or guardians would not have to miss work, worry or pay medical bills related to these diseases. Physicians and health care providers would not have to treat sick children. Department staff would not need to become involved in the prevention of outbreaks of vaccine-preventable diseases as they do now. Children and school staff members who are unable to be vaccinated would be protected as well.

Those children who suffer the adverse reactions to a required immunization and their parents or guardians would also be affected. The potential for a fairly rare reaction to these childhood vaccinations must be balanced against the benefits provided from requiring them. Children and adults who might otherwise have become ill, or perhaps died, from meningitis, pertussis, diphtheria, tetanus chickenpox or mumps, polio, measles and the other listed vaccine-preventable diseases are affected beneficially by this proposed rulemaking.

The proposed rulemaking would affect school districts and their employees, since school districts are required to ensure that children attending school have the appropriate vaccinations and the time periods in which the school administrator is to review immunization records is proposed to be shortened from 60 to 30 days. Adding or amending the immunization requirements adds to the work of these individuals. Adding a requirement for electronic reporting could add an additional time requirements, since additional training could be done to ensure schools are familiar with how to use the system, and how to accurately report. Training, offered by the Department, would take some employee staff time. This time should be offset once training is accomplished since reporting electronically should eliminate paperwork review and calculations. The overall impact of new reporting requirements should be slight in that school districts already have systems in place to document immunization status of students. It would eliminate one of the required fields for reporting, that of the number of children provisionally admitted. Further, many schools already report electronically using the Department's reporting system. In addition, providing additional time to report should be benefi-

cial to schools. The Department requested reports be sent at the later December date in the past school year with some success.

D. Cost and Paperwork Estimate

Cost

Commonwealth

The Commonwealth would incur some costs for the purchase of vaccine through the expenditure of Federal immunization grant funds. The Commonwealth would also incur costs through the Medical Assistance Program, which pays for administering the vaccines for eligible persons. The Department makes vaccines available at no cost to private providers enrolled in the Vaccines For Children (VFC) Program for children through 18 years of age who do not have insurance, who are Medicaid eligible, or who are Alaskan Native or American Indian. In addition, the VFC Program vaccine is also made available to other public clinic sites (Federally Qualified Health Centers and Rural Health Clinics) for the same population previously indicated but also for underinsured children through 18 years of age. The Commonwealth should realize savings, at the same time, based on the amount of funds that would not be needed to control the outbreak of a disease a vaccine prevents.

Local government

There would be no fiscal impact on local governments. Local governments could see a slight cost savings, since local governments do bear some of the cost of disease outbreak investigations and control measures. The potential impact of this proposed rulemaking on school districts, which may be considered to be local government, is addressed under the following heading.

Regulated community

Families with insurance coverage should not see out-of-pocket cost for the added vaccines. Families without coverage would need to seek other assistance to pay for the vaccines or pay out-of-pocket. The Department provides vaccines to providers for certain eligible children through the VFC Program.

In addition, parents and guardians would be required to obtain a history of immunity from a physician, physician's assistant or nurse practitioner, and could no longer prove their children's immunity by their own statements of history of disease. This could involve additional time and cost to the parent or guardian. Additional time and costs could also be created by the need to obtain a medical certificate signed by a practitioner in the event the child needs additional doses of a multiple dose vaccine. The savings in prevention of vaccine-preventable illnesses for both the child in question, and other children and adults with whom that child comes into contact, would outweigh the cost of the vaccine and the cost of the visit to obtain the medical history or certificate.

To the extent that physicians, nurse practitioners and physician's assistants may be requested by parents and guardians to provide vaccination histories or other proof of vaccination, these practitioners could also be affected tangentially. Practitioners would also be affected by the fact that a child missing doses of multiple dose vaccines would now need the practitioner to sign a medical certificate setting out the time frame for obtaining those vaccinations for the child to be allowed to enter school. Obtaining these documents may require an additional visit to the practitioner.

The proposed rulemaking would also affect school districts and their employees, since school districts are

required to ensure that children attending schools have the appropriate vaccinations. Vaccination requirements are already in place, and schools already have mechanisms in place to make these determinations. This proposed rulemaking does add a dose of meningitis in the 12th grade, or the school year in which the child turns 18 years of age, and pertussis to the list of diseases for which a child must be vaccinated to be in school. With respect to pertussis, the antigen is merely added to an existing vaccination requirement, that of diphtheria and pertussis, so that rather than counting another vaccine, schools would be required to account for a different version of the vaccine.

The savings in the prevention of an outbreak of a childhood illness in a school district should outweigh the minimal cost in staff time.

General public

The general public should not see an increase in cost. The general public should see a decrease in costs resulting from a reduction in medical treatment needed to treat the disease. The general public may see a benefit in the reduction of vaccine-preventable diseases, such as measles, pertussis, chickenpox, mumps and meningitis. Since the school environment is conducive to the contracting and transmission of diseases among children and adults with no immunity, failure to immunize properly not only puts children and adults at risk for contracting these debilitating diseases, it also places the public at risk since these diseases are then easily spread by staff and children outside the school setting and into the general public.

Paperwork Estimates

Commonwealth and the regulated community

This proposed rulemaking would give schools additional time to report. The Department would need to review and include those new reported numbers in its report to the CDC. Schools are currently required to report immunization coverage status for their students to the Department for the Department to satisfy CDC requirements regarding reporting of immunizations. The additional paperwork requirements for the Commonwealth, including both the Department and the Department of Education, and the regulated community would be minimal since school districts already complete this annual report regarding the number of immunizations and follow up on provisional enrollment. School nurses, who perform recordkeeping and reporting requirements in schools, currently maintain and report this information. They would have additional time to make reports, since the reporting date has been extended by 2 months. The Department would provide reporting forms to schools, as it currently does, and the reports would be sent to the same Department office as the current reports. The Department proposes that schools who cannot report electronically may still report on paper, although it has proposed that these reports be due to the Department 2 weeks earlier than the electronic reports to allow for processing time.

School administrators would also be required to review medical certificates to allow students to attend school. However, school administrators currently are required to review an immunization plan, which contains similar information to the proposed medical certificate, although the plan does not need to be signed by a health care practitioner. The proposed rulemaking requires that the medical certificate be reviewed every 30 days to keep the child in school, and the current regulations allow for the

child to remain in school for 8 months, so that heightened scrutiny by the school administrator would be required. A closer review of that documentation would raise the level of compliance with the vaccination requirements and would, in turn, act to ensure the presence of herd immunity to protect those who cannot be vaccinated, and the public in general.

Local government

There is not an additional paperwork requirement for local government. The Department included school districts, which may be considered to be local government, under the "regulated community" heading.

General public

There is no additional paperwork requirement for the general public.

E. Statutory Authority

The Department obtains its authority to promulgate regulations regarding immunizations in schools from several sources. Section 16(a) of the Disease Prevention and Control Law of 1955 (35 P.S. § 521.16(a)) provides the Board with the authority to issue rules and regulations on a variety of matters regarding communicable and noncommunicable diseases, including what control measures are to be taken with respect to which diseases, provisions for the enforcement of control measures, requirements concerning immunization and vaccination of persons and animals, and requirements for the prevention and control of disease in public and private schools. Section 16(b) of the Disease Prevention and Control Law of 1955 gives the Secretary of Health (Secretary) the authority to review existing regulations and make recommendations to the Board for changes the Secretary considers to be desirable.

Section 2102(g) of The Administrative Code of 1929 (71 P.S. § 532(g)) gives the Department general authority for the promulgation of its regulations. Section 2111(b) of The Administrative Code of 1929 (71 P.S. § 541(b)) provides the Board with additional authority to promulgate regulations deemed by the Board to be necessary for the prevention of disease, and for the protection of the lives and the health of the people of this Commonwealth. This subsection further provides that the regulations of the Board shall become the regulations of the Department.

The Department's specific authority for promulgating regulations regarding school immunizations is in The Administrative Code of 1929 (71 P.S. §§ 51—732) and the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702). Section 2111(c.1) of The Administrative Code of 1929 provides the Board with the authority to make and revise a list of communicable diseases against which children are required to be immunized as a condition of attendance at any public, private or parochial school, including kindergarten. This subsection requires the Secretary to promulgate the list, along with any rules and regulations necessary to insure the immunizations are timely, effective and properly verified.

Section 1303 of the Public School Code of 1949 (24 P.S. § 13-1303a) provides that the Board will make and review a list of diseases against which children must be immunized, as the Secretary may direct, before being admitted to school for the first time. This section provides that the school directors, superintendents, principals or other persons in charge of any public, private, parochial or other schools including kindergarten shall ascertain whether the immunization has occurred, and certificates of immunization will be issued in accordance with rules

and regulations promulgated by the Secretary with the sanction and advice of the Board.

F. Effectiveness and Sunset Dates

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. A sunset date has not been established. The Department will continually review and monitor the effectiveness of the regulations.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 29, 2016, the Department 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 Health and Human Services Committee and the Senate Public Health and Welfare Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or 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 in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) 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.

H. Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Cynthia Findley, Director, Division of Immunization, Department of Health, 625 Forster Street, Health and Welfare Building, Room 1026, Harrisburg, PA 17120, (717) 787-5681 within 30 days after publication in the *Pennsylvania Bulletin*. Persons with a disability who wish to submit comments, suggestions or objections regarding this proposed rulemaking may do so by using the previous number or address. Speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this document may contact Cynthia Findley so that necessary arrangements may be made.

KAREN M. MURPHY, PhD, RN,
Secretary

(Editor's Note: See 46 Pa.B. 1806 (April 9, 2016) for a proposed rulemaking by the State Board of Education relating to this proposed rulemaking.)

Fiscal Note: 10-197. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY
PART III. PREVENTION OF DISEASES
CHAPTER 23. SCHOOL HEALTH
Subchapter C. IMMUNIZATION

§ 23.82. Definitions.

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

* * * * *

Certificate of immunization—The official form furnished by the Department. The certificate is filled out by the parent or health care provider and signed by the health care provider, public health official or school nurse or a designee. The certificate is given to the school as proof of full immunization. The school maintains the certificate as the official school immunization record or stores the details of the record in a computer data base.

Department—The Department of Health of the Commonwealth.

Full immunization—The completion of the requisite number of dosages of the specific antigens at recommended time and age intervals as set forth in § 23.83 (relating to immunization requirements).

Immunization—The requisite number of dosages of the specific antigens at the recommended time intervals under this subchapter.

Medical certificate—The official form furnished by the Department setting out the immunization plan for a student who is not fully immunized, filled out and signed by a health care provider, or by a public health official when the immunization is provided by the Department or a local health department, and given to a school as proof that the student is scheduled to complete the required immunizations.

Record of immunization—A written document showing the date of immunization—that is, baby book, Health Passport, family Bible, other states' official immunization documents, International Health Certificate, immigration records, physician record, school health records and other similar documents or history.

* * * * *

§ 23.83. Immunization requirements.

* * * * *

(b) *Required for attendance.* The following immunizations are required as a condition of attendance at school in this Commonwealth:

[(1) **Diphtheria.** Four or more properly-spaced doses of diphtheria toxoid, which may be administered as a single antigen vaccine or in a combination form. The fourth dose shall be administered on or after the 4th birthday.

(2) **Tetanus.** Four or more properly-spaced doses of tetanus toxoid, which may be administered as a single antigen vaccine or in a combination form. The fourth dose shall be administered on or after the 4th birthday.]

(1) **Diphtheria, tetanus and pertussis.** Four or more properly-spaced doses administered in a combination form (diphtheria, tetanus and acellular pertussis (DTaP) or diphtheria, tetanus and pertussis (DTP)). If a child has a contraindication to pertussis, the child should receive diphtheria and tetanus vaccine (DT) to complete the vaccination series. The fourth dose shall be administered on or after the 4th birthday.

[(3)] (2) **Poliomyelitis.** [Three or more] Four properly spaced doses of either oral polio vaccine or enhanced activated polio vaccine, which may be administered as a single antigen vaccine, or in a combination form. [If a child received any doses of inactivated polio vaccine administered prior to 1988, a fourth dose of inactivated polio vaccine is required.] The fourth

dose shall be administered on or after the 4th birthday and at least 6 months after the previous dose.

[(4) *Measles (rubeola)*. Two properly-spaced doses of live attenuated measles vaccine, the first dose administered at 12 months of age or older, or a history of measles immunity proved by laboratory testing by a laboratory with the appropriate certification. Each dose of measles vaccine may be administered as a single antigen vaccine or in a combination form.

(5) *German measles (rubella)*. One dose of live attenuated rubella vaccine, administered at 12 months of age or older or a history of rubella immunity proved by laboratory testing by a laboratory with the appropriate certification. Rubella vaccine may be administered as a single antigen vaccine or in a combination form.

(6) *Mumps*. Two properly-spaced doses of live attenuated mumps vaccine, administered at 12 months of age or older or a physician diagnosis of mumps disease indicated by a written record signed by the physician or the physician's designee. Mumps vaccine may be administered as a single antigen vaccine or in a combination form.]

(3) *Measles (rubeola), mumps and rubella (German measles)*. One of the following:

(i) *Multiple antigens*. Two properly-spaced doses of live attenuated measles, mumps, rubella combination vaccine, the first dose administered at 12 months of age or older.

(ii) *Single antigens*. In the event the antigens were given separately, and not in a combination vaccine, the dosage is as follows:

(A) Two properly-spaced doses of live attenuated measles vaccine, the first dose administered at 12 months of age or older.

(B) One dose of live attenuated rubella vaccine, administered at 12 months of age or older.

(C) Two properly-spaced doses of live attenuated mumps vaccine, administered at 12 months of age or older.

(iii) *Evidence of immunity*. Evidence of immunity may be shown by a history of measles and rubella immunity proved by laboratory testing by a laboratory with the appropriate certification and a written statement of a history of mumps disease from a physician, nurse practitioner or physician's assistant.

[(7)] (4) *Hepatitis B*. Three properly-spaced doses of hepatitis B vaccine, unless a child receives a vaccine as approved by the Food and Drug Administration for a two-dose regimen, or a history of hepatitis B immunity proved by laboratory testing. Hepatitis B vaccine may be administered as single antigen vaccine or in a combination form.

[(8) *Chickenpox (varicella)*.] (5) *Varicella (chickenpox)*. One of the following:

(i) *Varicella vaccine*. Two properly-spaced doses of varicella vaccine, the first dose administered at 12 months of age or older. Varicella vaccine may be administered as a single antigen vaccine or in a combination form.

(ii) *Evidence of immunity*. Evidence of immunity may be shown by one of the following:

(A) Laboratory evidence of immunity or laboratory confirmation of disease.

(B) A written statement of a history of chickenpox disease from a [**parent, guardian or**] physician, **nurse practitioner or physician's assistant**.

(c) *Special requirements for tetanus and diphtheria toxoid and acellular pertussis vaccine and meningococcal vaccine*.

(1) *Required for entry into 7th grade*. In addition to the immunizations listed in subsection (b), the following immunizations are required at any public, private, parochial or nonpublic school in this Commonwealth, including vocational schools, intermediate unit, special education and home education programs, and cyber and charter schools as a condition of entry for students entering the 7th grade; or, in an ungraded class, for students in the school year that the student is 12 years of age:

[(1)] (i) *Tetanus and diphtheria toxoid and acellular pertussis vaccine [(Tdap)] (Tdap)*. [**One dose if at least 5 years have elapsed since the last dose of a vaccine containing tetanus and diphtheria as required in subsection (b). Tdap may be administered as a single antigen vaccine or in a combination form.**] **One dose of Tdap in a combination form.**

[(2)] (ii) *Meningococcal Conjugate Vaccine (MCV)*. One dose of [**Meningococcal Conjugate Vaccine**] MCV. [**MCV may be administered as a single antigen vaccine or in a combination form.**]

(2) *Required for entry into 12th grade*. In addition to the immunizations listed in subsections (b) and (c), one dose of MCV is required for entry into 12th grade at any public, private, parochial or nonpublic school in this Commonwealth, including vocational schools, intermediate unit, special education and home education programs, and cyber and charter schools, or, in an ungraded class, for students in the school year that the student is 18 years of age, if the child has not received a previous dose on or after the child's 16th birthday.

(d) *Child care group setting*. Attendance at a child care group setting located in a public, private or vocational school, or in an intermediate unit is conditional upon the child's satisfaction of the immunization requirements in § 27.77 (relating to immunization requirements for children in child care group settings).

* * * * *

§ 23.85. Responsibilities of schools and school administrators.

* * * * *

(e) *Provisional admittance to school*.

(1) *Multiple dose vaccine series*. If a child has not received all the antigens for a multiple dose vaccine series described in § 23.83, the child may [**be provisionally admitted to school only if evidence of the administration of at least one dose of each antigen described in § 23.83 for multiple dose vaccine series is given to the school administrator or the administrator's designee and the parent or guardian's plan for completion of the required immunizations is made part of the child's health record.**] **not be**

admitted to school, unless the child has at least one dose of each multiple dose vaccine series required under § 23.83, and one of the following occurs:

(i) The child receives the final dose of each multiple dose vaccine series required under § 23.83 within 5 school days of the child's first day of attendance, and the child's parent or guardian provides a certificate of immunization on or before the 5th school day.

(ii) If the child needs additional doses of a multiple dose vaccine series to meet the requirements of § 23.83, the child receives the next scheduled dose during the 5 school days referenced in subparagraph (i), and the child's parent or guardian provides a medical certificate scheduling the additional required doses on or before the 5th school day.

(iii) If the child needs additional doses of a multiple dose vaccine series to meet the requirements of § 23.83, but the next dose is not medically appropriate during the 5 school days referenced in subparagraph (i), the child's parent or guardian provides a medical certificate scheduling those additional doses on or before the 5th school day.

(2) *Single dose vaccines.* If a child has not received a vaccine for which only a single dose is required, [the child may be provisionally admitted to school if the parent or guardian's plan for obtaining the required immunization is made a part of the child's health record] the child may not be admitted to school.

(3) *Completion of required immunizations.* The [plan for completion of the required immunizations shall be reviewed every 60] medical certificate shall be reviewed at least every 30 days by the school administrator or the school administrator's designee. Subsequent immunizations shall be entered on the certificate of immunization or entered in the school's computer database. Immunization requirements described in § 23.83 shall be completed [within 8 months of the date of provisional admission to school. If the requirements are not met, the school administrator may not admit the child to school or permit continued attendance after that 8 month provisional period.] in accordance with the requirements of the medical certificate. If, upon review, the requirements of the medical certificate are not met, the school administrator may exclude the child from school.

(4) *Medical certificate.* A school shall maintain the medical certificate until the official school immunization record is completed.

(f) *Certificate of immunization.* A school shall maintain on file a certificate of immunization for a child enrolled. An alternative to maintaining a certificate on file is to transfer the immunization information from the certificate to a computer database. The certificate of immunization or a facsimile thereof generated by computer shall be returned to the parent, guardian or emancipated child or the school shall transfer the certificate of immunization (or facsimile) with the child's record to the new school when a child withdraws, transfers, is promoted, graduates or otherwise leaves the school.

(g) *Applicability.* This section does not apply to a child if either of the following occur:

(1) The child has not been immunized or is unable to provide immunization records due to being

homeless. A school shall comply with Federal laws pertaining to the educational rights of homeless children, including the McKinney-Vento Homeless Education Assistance Improvements Act of 2001 (42 U.S.C.A. §§ 11431—11435).

(2) The child, when moving or transferring into a school within this Commonwealth, is unable to provide immunization records immediately upon enrollment into the school. The child's parent or guardian shall have 30 days to provide immunization records to the school to show proof of immunization as set forth in § 23.83, or to satisfy the requirements for an exemption as set forth in § 23.84.

(h) *Temporary waiver.* The Secretary may issue a temporary waiver of the immunization requirements in § 23.83. The details of the temporary waiver will be set out in a notice published in the *Pennsylvania Bulletin*. A temporary waiver may be issued under either of the following circumstances:

(1) The Centers for Disease Control and Prevention, United States Department of Health and Human Services, recognizes a Nationwide shortage of supply for a particular vaccine.

(2) In the event of a disaster impacting the ability of children transferring into a school to provide immunization records.

§ 23.86. School reporting.

(a) A public, private, parochial or nonpublic school in this Commonwealth, including vocational schools, intermediate units, special education and home education programs, and cyber and charter schools, shall report immunization data to the Department electronically by [October 15] December 31 of each year[,] using [forms] a format and system provided by the Department.

(b) In the event a public, private, parochial or nonpublic school cannot complete its report electronically, it shall report to the Department by December 15 of each year using a form provided by the Department.

[(b)] (c) The school administrator or the administrator's designee shall forward the reports to the Department as indicated on the reporting form provided by the Department.

[(c)] (d) Duplicate reports shall be submitted to the county health department if the school is located in a county with a full-time health department.

[(d)] (e) The school administrator or the administrator's designee shall ensure that the school's identification information, including the name of the school, school district, county and school address, is correct, and shall make any necessary corrections, prior to submitting the report.

[(e)] (f) Content of the reports must include the following information:

* * * * *

(7) [The number of students in each grade level who were denied admission because of the student's inability to qualify for provisional admission or, in an ungraded school, in each age group as indicated on the reporting form.] The number of students in kindergarten, 7th grade or in an un-

graded school, 12 years of age only, who were denied admission because of the student's inability to provide documentation of the required vaccine doses.

* * * * *

[Pa.B. Doc. No. 16-594. Filed for public inspection April 8, 2016, 9:00 a.m.]

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 11]
Nonimmunized Children

The State Board of Education (Board) proposes to amend Chapter 11 (relating to student attendance) to read as set forth in Annex A. The Board is acting under the authority of sections 2603-B and 2604-B of the Public School Code of 1949 (24 P.S. §§ 26-2603-B and 26-2604-B).

Purpose

Section 11.20 (relating to nonimmunized children) is proposed to be amended for clarity and for consistency with a proposed rulemaking of the Department of Health (Department) amending 28 Pa. Code Chapter 23, Subchapter C (relating to immunization). See 46 Pa.B. 1798 (April 9, 2016).

Background

Currently, a child in this Commonwealth may not be admitted or permitted to attend school unless the child has met the immunization requirements established by the Department, which also provide for medical or religious exemptions from immunizations. A child who has not received all doses of required immunizations may be provisionally admitted for up to 8 months. Provisional admission is contingent upon the child completing the remaining required immunization doses per a plan crafted for the child. Administrators at the child's school are responsible for reviewing the child's plan for receiving the necessary vaccinations every 60 days.

Summary of the Proposed Rulemaking

The proposed rulemaking makes clarifying amendments to § 11.20(a). The proposed amendments delete language that is duplicative to requirements established by the Department in 28 Pa. Code § 23.84 (relating to exemption from immunization) and maintain the requirement for students to comply with the immunization regulations established by the Department to be admitted or permitted to attend school. Further, the proposed amendments would allow a student who is unable to provide documentation of full immunization to attend a public, private, nonpublic, special education or vocational school under certain circumstances when the Secretary of Health issues a temporary waiver of the immunization requirements. The reference to a temporary waiver is proposed to be added for consistency with the Department's proposed rulemaking amending 28 Pa. Code Chapter 23, Subchapter C that would establish a temporary waiver to immunization requirements that could be issued by the Secretary of Health in the event of a Nationwide vaccine shortage or in the event of a disaster.

Existing § 11.20(b) is proposed to be deleted to eliminate duplication with requirements established by the

Department in 28 Pa. Code Chapter 23, Subchapter C, which is currently cross-referenced in § 11.20(a).

Affected Parties

The proposed rulemaking would affect public, private, parochial and nonpublic schools, including vocational schools, intermediate units, and special education and home education programs, cyber and charter schools, and their employees. The proposed rulemaking also would affect citizens of this Commonwealth with school-aged children and their children.

Cost and Paperwork Estimates

The proposed rulemaking makes amendments for clarity and for consistency with the proposed rulemaking by the Department. The Board's proposed rulemaking does not establish new requirements that carry an additional cost or create new paperwork requirements for the regulated community.

Effective Date

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

Sunset Date

The Board will review the effectiveness of § 11.20 every 4 years in accordance with the Board's policy and practice respecting its regulations. Therefore, a sunset date is not necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 29, 2016, 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 and Senate Committees on Education. 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 in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) 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 Comments and Contact Person

Interested persons and individuals affiliated with small businesses are invited to submit written comments, questions, suggestions, commendations, concerns or objections regarding this proposed rulemaking to Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126, ra-stateboardofed@pa.gov. Comments shall be submitted to the Board within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Karen Molchanow, (717) 787-3787 or TDD (717) 787-7367.

KAREN MOLCHANOW,
Executive Director

Fiscal Note: 6-336. No fiscal impact; (8) recommends adoption.

Annex A
 TITLE 22. EDUCATION
 PART I. STATE BOARD OF EDUCATION
 Subpart A. MISCELLANEOUS PROVISIONS
 CHAPTER 11. STUDENT ATTENDANCE
 ADMISSION TO PUBLIC SCHOOLS

§ 11.20. Nonimmunized children.

(a) A child may not be admitted to or permitted to attend a public, private, nonpublic, special education or vocational school **[in a district]** unless the immunization, exemption, **temporary waiver** or provisional admission requirements of the Department of Health, at 28 Pa. Code Chapter 23, Subchapter C (relating to immunization), have been met **[or the child has received from the chief school administrator of the public, private, nonpublic, special education or vocational school a medical or religious exemption from immunization under 28 Pa. Code § 23.84 (relating to exemption from immunization)]**.

[(b) A child who has not received all doses of the required immunizations or who has not been ex-

empted from immunization, but who has received at least one dose of each of the required immunizations, may be provisionally admitted and attend public school for a period of up to 8 months. Provisional admission or continued attendance shall be conditioned upon the parent or guardian's submission to the superintendent of a plan for the student's completion of the required immunization doses. The plan shall be reviewed by the school district at least every 60 calendar days. If, after 8 months, the child has not received all doses of the required immunizations, the child thereafter may not be further admitted to or be permitted to attend the public schools until all doses have been received.

(c)] (b) A child who has been admitted to school or permitted attendance in violation of this section may not be counted toward receipt of Commonwealth reimbursement for the period of the admission or attendance.

[Pa.B. Doc. No. 16-595. Filed for public inspection April 8, 2016, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

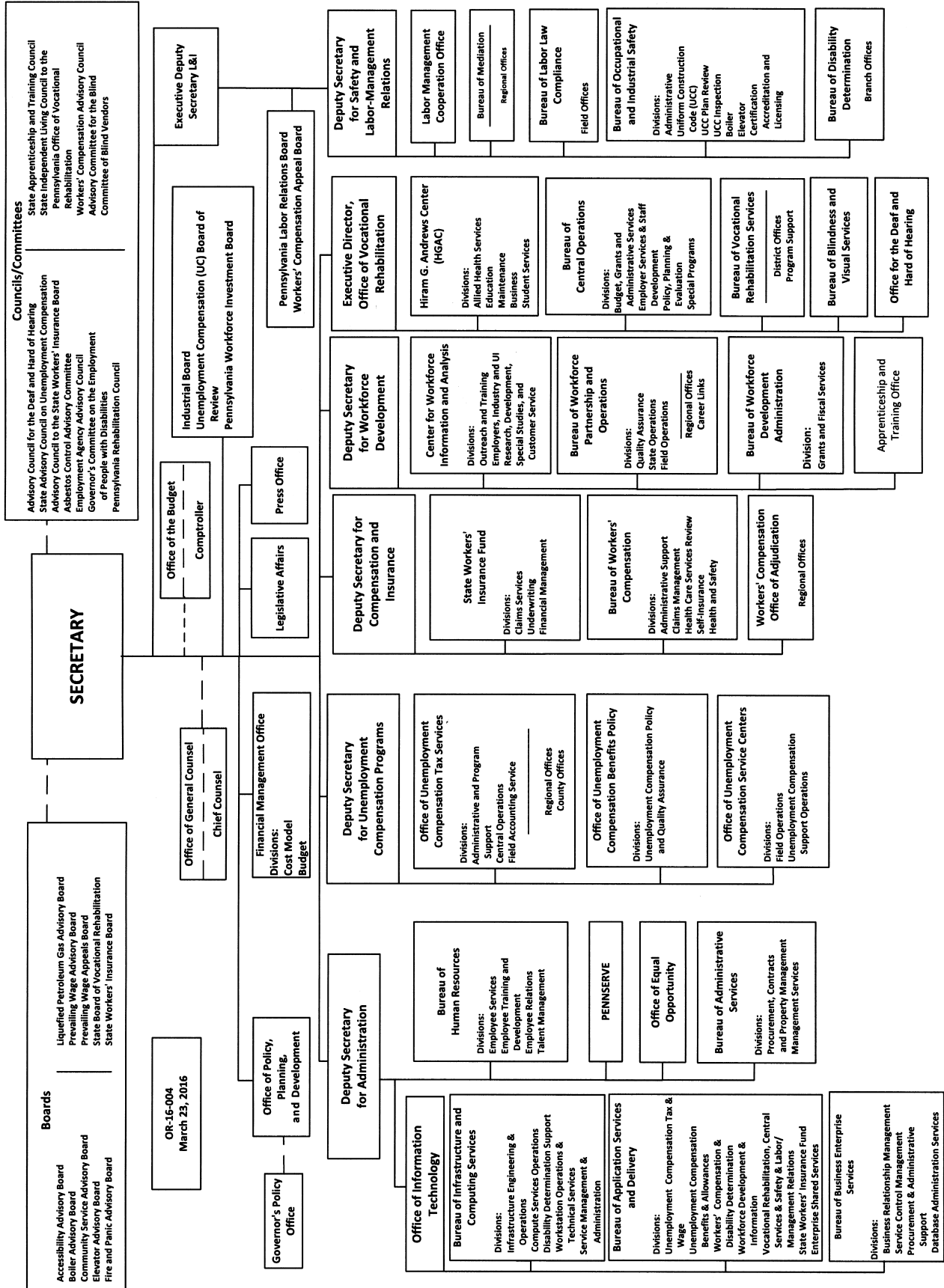
The Executive Board approved a reorganization of the Department of Labor and Industry effective March 23, 2016.

The organization chart at 46 Pa.B. 1809 (April 9, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 16-596. Filed for public inspection April 8, 2016, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY



NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 29, 2016.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file 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>
3-21-2016	Covenant Bank Doylestown Bucks County	60 North Main Street Doylestown Bucks County	Opened
3-28-2016	First Commonwealth Bank Indiana Indiana County	601 Hancock Avenue Vandergrift Westmoreland County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-18-2016	Peoples Security Bank & Trust Company Scranton Lackawanna County	1235 Front Street Binghamton Broome County, NY	Closed
3-9-2016	Firsttrust Savings Bank Conshohocken Montgomery County	385 Oxford Valley Road Yardley Bucks County	Closed
3-18-2016	Fidelity Deposit & Discount Bank Dunmore Lackawanna County	511 Scranton Carbondale Highway Eynon Lackawanna County	Closed

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-597. Filed for public inspection April 8, 2016, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228931 (Individual Sewage)	Kathy D. Weaver & Robert L. Martin SRSTP 2495 Valley View Road Bellefonte, PA 16823-8849	Centre County Benner Township	Unnamed Tributary of Buffalo Run (9-C)	Yes

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0113433 (Sewage)	Fetterman Single Residence Sewage Treatment Plant 2074 Old Reading Road Catawissa, PA 17820-8115	Columbia County Roaring Creek Township	Unnamed Tributary of Roaring Creek (5-E)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0254282 Sewage	Michael Taylor Single Residence STP 263 Moscow Road Amity, PA 15331	Washington County Amwell Township	Ten Mile Creek (19-A)	Y
PA0217042 (Sewage)	PA Game Commission STP 4820 Route 711 Bolivar, PA 15923-2420	Westmoreland County Fairfield Township	Unnamed Tributary of Loves Hallow (18-D)	Yes
PA0216208 (Sewage)	Superior MHP STP Superior Lane Aliquippa, PA 15001	Beaver County Raccoon Township	Unnamed Tributary to Service Creek (20-D)	Y
PA0252701 (Industrial)	Dominion Transmission Inc. South Bend Compressor Station 104 CNG Street Shelocta, PA 15774	Armstrong County South Bend Township	Crooked Creek (17-E)	Yes

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?
PA0025445 (Sewage)	Wampum Borough STP PO Box 65 Wampum, PA 16157-0065	Lawrence County Wampum Borough	Beaver River (20-B)	No
PA0263800 (Sewage)	Billy L. Morgan SRSTP 392 Palmer Road Butler, PA 16001	Butler County Center Township	Unnamed Tributary to Connoquenessing Creek (20-C)	Yes
PA0263826 (Sewage)	Denton A. & Twila J. Eby SRSTP 17963 Highway 86 Saegertown, PA 16433-6349	Crawford County Woodcock Township	Unnamed Tributary to Bossard Run (16-A)	Yes

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.

PA0275808, Storm Water, SIC Code 3728, **J. A Reinhardt Co. Inc.**, 3319 Spruce Cabin Road, Mountainhome, PA 18342. Facility Name: J. A. Reinhardt & Co. Inc. (a.k.a. B/E Aerospace/J.A. Reinhardt) This proposed facility is located in Barrett Township, **Monroe County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of Industrial Stormwater from an existing facility.

The receiving stream(s), Mill Creek, is located in State Water Plan watershed 1-E and is classified for High Quality—Cold Water and Migratory Fish, 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 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Total Toxic Organics (TTO)	XXX	XXX	XXX	XXX	Report Upon Request	XXX

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

- Stormwater conditions; Necessary property rights; Residuals management; TTO definition

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 in effect.

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

PA0095010, Industrial, SIC Code 4941, **Greater Johnstown City Water Authority**, PO Box 1407, Johnstown, PA 15907-1407. Facility Name: Riverside WTP. This existing facility is located in Stonycreek Township, **Cambria 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), Bens Creek, is located in State Water Plan watershed 18-E 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 interim effluent limits for Outfall 001 are based on a design flow of 0.243 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Aluminum, Total						
Interim*	XXX	XXX	XXX	4.0	XXX	8.0
Final**	XXX	XXX	XXX	0.75	XXX	1.5
Iron, Total						
Interim*	XXX	XXX	XXX	2.0	XXX	4.0
Final**	XXX	XXX	XXX	1.5	XXX	3.0
Manganese, Total	XXX	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

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

* Interim Permit Limits are applicable from the Permit Effective Date until three years following the Permit Effective Date.

** Final Permit Limits are applicable from three years following the Permit Effective Date through the Permit Expiration Date.

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

The EPA Waiver is not in effect.

PA0255017, Industrial, SIC Code 4941, **Center Township Water Authority**, 224 Center Grange Road, Aliquippa, PA 15501. Facility Name: Center Township Water Authority. This proposed facility is located in Center Township, **Beaver County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new 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 0.72 MGD.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
	Manganese, Total	XXX		XXX		

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

The EPA Waiver is in effect.

PA0255017, Industrial, SIC Code 4941, **Center Township Water Authority**, 224 Center Grange Road, Aliquippa, PA 15501. Facility Name: Center Township Water Authority. This proposed facility is located in Center Township, **Beaver County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new 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 0.72 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
	Flow (MGD)	Report		Report		
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Aluminum, Total	XXX	XXX	XXX	4.0	XXX	8.0
Iron, Total	XXX	XXX	XXX	2.0	XXX	4.0
Manganese, Total	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.

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

PA0100838—Amendment No. 1, Industrial, SIC Code 4941, **Barkeyville Municipal Authority Venango County**, 1610 Barkeyville Road, Grove City, PA 16127-7904. Facility Name: Barkeyville Borough WTP. This existing facility is located in Barkeyville Borough, **Venango County**.

Description of Existing Activity: This is an amendment of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, an Unnamed Tributary to North Branch Slippery Rock Creek, is located in State Water Plan watershed 20-C and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.003 MGD.

Removal of Cadmium limitations and the associated Toxics Reduction Evaluation requirements, based on additional sampling provided since the permit was issued.

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.

PA0264415, Sewage, SIC Code 4952, 8800, **Jeffrey & Mary Cusick**, 1049 Hartford Road, Sharpsville, PA 16150. Facility Name: Jeffrey & Mary Cusick SRSTP. This proposed facility is located in South Pymatuning Township, **Mercer County**.

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

The receiving stream is an unnamed tributary to Pymatuning Creek located in State Water Plan watershed 20-A and classified for warm water fish, 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 Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
	Flow (MGD)	Report		XXX		
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

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

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

WQM Permit No. 3516402, Sewage, **Lackawanna River Basin Sewer Authority**, P. O. Box 280, Olyphant, PA 18447-0280.

This facility is located in Archbald Borough, **Lackawanna County**.

Description of Proposed Action/Activity: The project is for the installation of a gravity belt thickener and centrifuge at the wastewater treatment plant to improve sludge processing. Also included in the project are new sludge transfer and feed pumps, new polymer systems, new dewatered sludge conveyors, replacement digester diffusers, a new building over the thickener equipment, a new roof over the dewatered sludge storage containers, and other associated appurtenances.

The existing dissolved air flotation and belt filter press sludge processing equipment will be removed as a result of this project.

WQM Permit No. 4816201, Industrial Waste, **Horwith Trucks, Inc.**, P. O. Box 7, Northampton, PA 18067.

This proposed facility is located in Allen Township, **Northampton County**.

Description of Proposed Action/Activity: This application is for the construction of stormwater management control facilities at an existing rock salt storage and distribution stockpile.

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

WQM Permit No. 0607402, Amendment No. 2, Sewerage, **Maidencreek Township Authority**, PO Box 289, Blandon, PA 19510.

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

Description of Proposed Action/Activity: Seeking permit approval to restore the facilities permitted organic basis.

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

WQM Permit No. 2613403 A-2, Sewage, **Upper Tyrone Township Sewer Authority**, 170 Municipal Drive, Connellsville, PA 15425.

This existing facility is located in Upper Tyrone Township, **Fayette County**.

Description of Proposed Action/Activity: construction of sanitary sewers and pump stations. The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

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

WQM Permit No. 4216401, Sewage, **Joseph Frugoli**, 145 New Road, Churchville, PA 18966-1445.

This proposed facility is located in Eldred Township, **McKean County**.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023916002	David Gardner Tilghman Square Associates, LP 1250 Route 28, Suite 101 Branchburg, NJ 08876	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF) Tributary to Little Lehigh Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024515008(1)	Sanofi Pasteur, Inc. Discovery Drive Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek (HQ-CWF, MF)
PAI024516004	PennDOT, District 5-0 1002 Hamilton Street Allentown, PA 18101	Monroe	Pocono Township	Scot Run (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024816003	Township of Palmer 3 Weller Place Palmer, PA 18045	Northampton	Palmer Township	Bushkill Creek (HQ-CWF, MF)
PAS10U127R(2)	Joseph Correia J.G. Petrucci Co., Inc. 171 State Route 173, Suite 201 Asbury, NJ 08802-1365	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)

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

Erie County Conservation District, 1927 Wager Road, Erie, PA 16509

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062516001	ITC Lake Erie Connector LLC 27175 Energy Way Novi, MI 48377	Erie	Springfield, Girard, Conneaut Townships	Crooked Creek HQ-CWF, MF; UNT Lake Erie CWF, MF; Lake Erie CWF

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Hidden Spring Farm Randall Clugston 2916 Safe Harbor Road Millersville, PA 17551	Lancaster	85	351.25	Layers/ Sheep	NA	R

<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>
Bellview Valley Farms, LLC 458 Gemmill Road Delta, PA 17314	York	548	630.65	Swine	NA	Renewal
Smith Station Acres, LLC 1871 Smith Station Spring Grove, PA 17362	York	57	678.54	Poultry Swine	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Central Office: Bureau Director, Bureau of Safe Drinking Water, P. O. Box 8467, Harrisburg, PA 17105-8467

Permit No. [9996602], Public Water Supply.

Applicant	[Niagara Bottling LLC]
[Township or Borough]	[Mooresville, North Carolina]
Responsible Official	[Brandi Guerrero, Compliance Administrative Associate]
Type of Facility	[Out of State Bottled Water System]

Application Received Date	[April 18, 2016]
Description of Action	[Applicant requesting a permit amendment to approve the sale of a new Distilled Water product in Pennsylvania under the brand names: Clover Valley Distilled Water, Essential Everyday Distilled Water, Food Lion Purified Distilled Water and Niagara Distilled Drinking Water]

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

Permit No. 6516502, Public Water Supply.

Applicant	Excelsa Health Group 532 West Pittsburgh Street Greensburg, PA 15601
[Township or Borough]	City of Greensburg
Responsible Official	Dan Robison, Director of Real Estate Excelsa Health Group 532 West Pittsburgh Street Greensburg, PA 15601
Type of Facility	New water system
Consulting Engineer	E.L. Robinson Engineering Company 5088 Washington Street, West Charleston, WV 25313
Application Received Date	March 25, 2016
Description of Action	Installation of chlorine dioxide for secondary disinfection.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3016504MA, Minor Amendment.

Applicant	Southwestern Pennsylvania Water Authority 1442 Jefferson Road Jefferson, PA 15344
[Township or Borough]	Washington Township

Responsible Official John W. Golding, Manager
Southwestern Pennsylvania
Water Authority
1442 Jefferson Road
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Application Received Date March 28, 2016

Description of Action Installation of approximately
6,336 feet of 12-inch diameter
waterline along Locust Drive.

Application No. 6516501MA, Minor Amendment.

Applicant **Highridge Water Authority**
17 Maple Avenue
Blairsville, PA 15717

[Township or Borough] Burrell Township

Responsible Official George Sulkosky, Executive
Director
Highridge Water Authority
17 Maple Avenue
Blairsville, PA 15717

Type of Facility Water system

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

Application Received Date March 23, 2016

Description of Action Installation of approximately
7,420 feet of 8-inch diameter
waterline (Palmerston Road
waterline project).

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

Application No. 4307503-MA1, Minor Amendment.

Applicant **Greenville Water Authority**

Township or Borough Hempfield Township,
Mercer County

Responsible Official Donald B. Shaw
Chairman
Greenville Water Authority
44 Clinton Street
Greenville, PA 16125

Type of Facility Public Water Supply

Consulting Engineer Thomas L. Thompson, P.E.
Gannett Fleming, Inc.
554 South Erie Street
Mercer, PA 16137

Application Received Date March 17, 2016

Description of Action Install mixing for east end Tank
No. 2

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995
PREAMBLE 1**

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

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

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

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

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

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

Valley Farms Dairy Distribution Center, 629 Pudintown Road, College Township, **Centre County**. LaBella Associates, D.P.C., 300 State Street, Suite 201, Rochester, NY 14614, on behalf of Valley Farms Dairy, LLC, 25 Anderson Road, Buffalo, New York 14225 submitted a Notice of Intent to Remediate. A former gasoline underground storage tank was removed from the site. A release of petroleum was found in the soil and benzene was identified in the groundwater. The property is anticipated to be utilized for commercial and residential purposes in the future. The Notice of Intent to Remediate was published in the *Centre Daily Times* on February 24, 2016.

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

Schoonover House, Community Drive, Middle Smithfield Township, **Monroe County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of US Dept. of Interior—NPS, 1978 River Road, Bushkill, PA 18324, submitted a Notice of Intent to Remediate. An aboveground storage tank leaked fuel oil impacting soils at the site. The proposed future use of the property will be restored and remain part of the Delaware Water Gap National Recreation Area. The Notice of Intent to Remediate was published in the *Pocono Record* on March 11, 2016.

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

Former ELG Metals Scrapyard Property, Intersection of Crestview Drive and 4th Street—Lot #1 of GRDC Lot 6A Subdivision, Pymatuning Township, **Mercer County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 16125, on behalf of Greenville-Reynolds Development Corporation, 301 Arlington Drive, Greenville, PA 16125, submitted a Notice of Intent to Remediate. Due to historical use of site for industrial operations, site soil has been found to be contaminated with antimony, cobalt, iron, lead, manganese, molybdenum, nickel, selenium and site groundwater contaminated with arsenic, manganese, and iron. The intended future use of the property will be non-residential. The Site-Specific Standard has been selected for remediation of the site. The Notice of Intent to Remediate was published in the *Record-Argus* on March 1, 2016.

RESIDUAL WASTE GENERAL PERMITS

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

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. WMGR082D002. AMSI, US, LLC, 897 Perry Highway, Harmony, PA 16037. Site: Quemahoning Industrial Development Park, 111 Hogan Way, Hollsopple, PA 15935. This application

for renewal is for processing and beneficial use of steel and iron slag and refractory bricks mined from an existing slag pile for use as a construction material. The processing is limited to magnetic separation of metallic and mechanical separation and sizing. The application was deemed administratively complete by Central Office on March 23, 2016.

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 AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place “Comments on WMGR082D002” 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.

General Permit No. WMGR082D001. Development of Sharpville Furnace, Ltd, 2 North Sixth St., Sharpville, PA 16150. The general permit authorizes processing of steel slag, iron slag and refractory bricks that were codisposed with slag for removal of metallic residuals and mechanical sizing prior to beneficial use as construction material. The renewal was deemed administratively complete by Central Office on March 3, 2016.

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 AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place “Comments on WMGR082D001” 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.

REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

Registration(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Registration No. WMGR097R029. Philadelphia Renewable Bio-Fuels LLC, 7800 Penrose Ferry Road, Philadelphia, PA 19153. Registration to operate under General Permit No. WMGR097R029 for a research and development project. The project involves processing by pelletizing digested sewage sludge from different sewage treatment plants for beneficial use as a fertilizer meeting Class A biosolids requirements and as an alternative fuel. The registration was determined to be administratively complete by Central Office on March 25, 2016.

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 AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR097R029" 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 OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR038SE008. Bergeys Retread Technologies, 1419 Old Route 309, Sellersville, PA 18960. This renewal application for determination of applicability (DOA) under General Permit No. (WMGR038SE008) is for beneficial use of waste tires by recapping the tires at the Bergey Retread Technologies—Sellersville Plant located in West Rockhill Township, **Bucks County**. The renewal application for determination of applicability was considered administratively complete by the Southeast Regional Office on March 28, 2016.

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

General Permit Application No. WMGR038SC001. Penn Turf, Inc., P. O. Box 71, Hollidaysburg, PA 16648.

The Southcentral Regional Office, Waste Management Program received an application on March 2, 2016 for a renewal of their determination of applicability (DOA) under Residual Waste General Permit No. WMGR038 for the Penn Turf's facility located at 531 Tel Power Road, Hollidaysburg, PA in Frankstown Township, **Blair County**. This general permit is for processing waste tires and tire-derived material for fuel and consumer products. This application was determined to be complete on March 29, 2016.

Persons interested in obtaining more information about this determination of applicability may contact John Oren, P.E., Permitting Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the De-

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

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

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

PLAN APPROVALS

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

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

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

42-246A: National Fuel Gas Supply Corporation (6363 Main Street, Williamsville, NY 14221) for the construction and operation of the Keelor Compressor Station in Wetmore Township, **McKean County**. This is a non-Title V facility. Proposed sources include but are not limited to 4 natural gas fired internal combustion engines, 3 micro-turbines, and one triethylene glycol dehydration unit.

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

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

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

67-03175A: Cintas Corp. (27 Whitney Drive, Milford, OH 45150) for an industrial laundry project located in York City, **York County**. This plan approval will authorize the installation of nine washers, five dryers and a waste water treatment system. The potential emissions from this plan approval are: PM 3.96 tpy, VOC 9.69 tpy, NO_x 6.39 tpy and CO 5.37 tpy. DEP's review of the information submitted by the applicant indicates that the air contamination sources as installed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction and may issue a state only operating permit for the sources at the facility.

36-05017F: Conestoga Wood Specialties Corporation (245 Reading Road, East Earl, PA 17519-0158) for the installation of a new Venjakob conveyerized spray coating line, and associated ovens, at the kitchen cabinet manufacturing facility located in East Earl Township, **Lancaster County**. This equipment will replace the existing CEFLA coating line (Source 203). The emissions increases from the installation of the new equipment, not counting the 29.23 tpy VOC decrease from removal of the existing CEFLA line, are expected to be: VOC 29.98 tpy; NO_x 1.35 tpy; CO 0.78 tpy; and SO₂ 0.01 tpy. DEP's review of the information submitted by the applicant indicates that the air contamination sources as installed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, as well as 25 Pa. Code § 129.52—Surface coating processes,

25 Pa. Code §§ 129.101—129.107—Wood Furniture Manufacturing Operations, and 40 CFR Part 63, Subpart JJ—National Emission Standards for Wood Furniture Manufacturing Operations. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into a Title V Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

49-00063A: Sensenig Milling Services, Inc. (10705 State Route 44, Watsontown, PA 17777) for the construction of a bakery waste rotary dryer incorporating a 45 million Btu per hour, natural gas/solid fuel-fired suspension burner at the Sensenig Milling Services' facility located in Lewis Township, **Northumberland County**. The Department of Environmental Protection's (Department) review of the information submitted by Sensenig Milling Services' indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction. The emissions from the proposed source included in this project will not exceed the following limits: 18.74 tons of nitrogen oxides (NO_x, expressed as NO₂) per year, 17.87 tons of carbon monoxide per year, 4.82 tons of volatile organic compounds per year and 1.31 ton of particulate matter per year.

In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements.

1. The permittee shall not permit the emission of sulfur oxides, expressed as SO₂, into the outdoor atmosphere from the rotary dryer in such a manner that the concentration of the sulfur oxides in the effluent gas from the associated dust collector exceeds 500 parts per million, by volume, dry basis.

2. The permittee shall not permit the emission of particulate matter from the rotary dryer into the outdoor atmosphere in such a manner that the concentration in the effluent gas from the associated dust collector exceeds 0.01 grain per dry standard cubic foot.

3. The 45 million Btu per hour suspension burner incorporated in the rotary dryer shall only be fired on natural gas and non-hazardous secondary material. Paper and plastic packaging material, which shall be referred to as non-hazardous secondary materials from here on, are not solid wastes when used as a fuel for the rotary dryer that remain within the control of the generator and that meet the legitimacy criteria specified herein.

The legitimacy criteria are as follows:

- (1) The non-hazardous secondary material must be managed as a valuable commodity based on the following factors:

(a) The storage of the non-hazardous secondary material prior to use must not exceed reasonable time frames;

(b) Where there is an analogous fuel, the non-hazardous secondary material must be managed in a manner consistent with the analogous fuel or otherwise be adequately contained to prevent releases to the environment;

(c) If there is no analogous fuel, the non-hazardous secondary material must be adequately contained so as to prevent releases to the environment;

(2) The non-hazardous secondary material must have a meaningful heating value and be used as a fuel in a combustion unit that recovers energy. Meaningful heating value shall be determined by the Department's Northcentral Region Waste Management Program. In accordance with the permit-by rule requirements specified in 25 Pa. Code § 287.102, the waste shall have a heating value of greater than 5,000 Btus per pound.

(3) The non-hazardous secondary material must contain contaminants or groups of contaminants at levels comparable in concentration to or lower than those in traditional fuel(s) which the combustion unit is designed to burn. In determining which traditional fuel(s) a unit is designed to burn, persons may choose a traditional fuel that can be or is burned in the particular type of boiler, whether or not the combustion unit is permitted to burn that traditional fuel. In comparing contaminants between traditional fuel(s) and a non-hazardous secondary material, persons can use data for traditional fuel contaminant levels compiled from national surveys, as well as contaminant level data from the specific traditional fuel being replaced. To account for natural variability in contaminant levels, persons can use the full range of traditional fuel contaminant levels, provided such comparisons also consider variability in non-hazardous secondary material contaminant levels. Such comparisons are to be based on a direct comparison of the contaminant levels in both the non-hazardous secondary material and traditional fuel(s) prior to combustion.

4. The non-hazardous secondary material used to fire the burner incorporated in the rotary dryer shall not include chloride-containing plastic packaging as a constituent. All such materials shall be separated from the non-hazardous secondary material and either recycled or landfilled, as applicable.

5. Non-combustible materials such as aluminum pie plates, shall not be used to fire the burner incorporated in the rotary dryer. All such materials shall be separated from the non-hazardous secondary material and either recycled or landfilled, as applicable.

6. The cyclone separator and the dust collector shall each be equipped with instrumentation to continuously monitor the differential pressure across the respective control device.

7. The 45 million Btu per hour suspension burner incorporated in the rotary dryer shall be equipped with an interlock, or other such device, which prevents the burner from firing more than 1,000 pounds of non-hazardous secondary material per hour.

8. The combustion chamber of the suspension burner incorporated in the rotary dryer shall be equipped with instrumentation to continuously monitor the temperature of the chamber. Additionally, the suspension burner shall be equipped with an interlock, or other such device, which prevents the auger from feeding non-hazardous secondary

material into the combustion chamber of the burner when the temperature of the combustion chamber is less than 1,300°F.

9. The dust collector shall be equipped with instrumentation to continuously monitor the inlet temperature of the control device. Additionally, should the subject instrumentation detect temperatures approaching the dew point (approximately 126°F), the instrumentation shall signal the automatic dryer temperature control system to increase the heat input of the rotary dryer and/or decrease the waste feed rate to the rotary dryer.

10. The cyclone separator and the dust collector shall be installed inside a heated building.

11. The cyclone separator and the dust collector, as well as all associated ducting from the outlet of the rotary dryer to the inlet of the cyclone separator and from the outlet of cyclone separator to the inlet of dust collector, shall be insulated in such a fashion to prevent effluent gas from dropping to dew point or condensing in the control device surfaces.

12. The air compressor supplying compressed air to the dust collector shall be equipped with an air dryer and an oil trap.

13. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for the dust collector in order to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation of the rotary dryer and the fabric collector.

14. Only bags treated with a fluoropolymer, or equivalent, which reduces filter cake build-up of agglomerating and strongly adhesive particulate matter, shall be used in the fabric collector.

15. All bakery and snack food waste materials and non-hazardous secondary materials at this facility shall be stored in an enclosure which prevents this material from being released to the environment.

16. The handling of all bakery and snack food waste materials, non-hazardous secondary materials, finished animal feed product and fly ash shall at no time result in the creation of fugitive emissions.

17. Within 120 days following the commencement of operation of the rotary, the permittee shall deactivate the existing rotary dryer by physically disabling the unit.

18. All conditions contained in State Only Operating Permit 49-00063 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in State Only Operating Permit 49-00063, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in State Only Operating Permit 49-00063.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 49-00063A, the requirements established in the plan approval will be incorporated into a state only operating permit pursuant to 25 Pa. Code § 127.421. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208

West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161

PA-63-00990B: In accordance with 25 Pa. Code §§ 127.44—27.46, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval to **Donora Dock, LLC** (11 Lloyd Avenue Suite 200 Latrobe, PA 15650) to allow operation of a cleaned coal handling operation which includes stockpiling, blending, truck/barge loading and unloading at the existing coal handling and transfer 'Donora Terminal' facility located in Carroll Township, **Washington County**. The purpose of this issuance is to correct an administrative error by the Department. The plan approval conditions previously authorized under PA-63-00990A have not been changed, added or removed.

The previously installed coal facility will facilitate the storage, reclaim, barge and truck loading of clean bituminous coal from various sources. Equipment handling the coal includes front end loaders, excavators, conveyors, trucks, and other insignificant sources of de-minimis emissions associated with the project. Emissions from coal handling facility will be controlled by applying BAT which includes water sprays and other appropriate fugitive emission prevention measures.

Upon authorization of this plan approval the facility potential to emit will not exceed 189.0 tons of PM and 45.0 tons of PM₁₀ on an annual basis. The throughput restriction, monitoring, testing, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of 25 Pa. Code Chapters 123, 127, 129 and 135.

A person may oppose the proposed plan approval by filing a written protest with the Department through Edward Orris via mail delivery to the Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to eorris@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00990B), and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

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

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 who have properly filed a protest under 25 Pa. Code § 127.46 may appear and give testimony. The applicant, the protestant

and other participants 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 *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

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

OPERATING PERMITS

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

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

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

39-00055: B. Braun Medical, Inc. (901 Marcon Blvd., Allentown, PA 18109-9512) The Department intends to issue a renewal Title V Operating Permit for a surgical and medical instrument manufacturer in Hanover Township, **Lehigh County**. Sources at the facility include one (1) combustion boiler, three (3) emergency generators, three (3) fire pumps, eight (8) ethylene oxide sterilizing units, and three (3) manufacturing related sources (Aeration Room, F-Line, Introcan). These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

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

47-00014: United States Gypsum Company (60 PPL Road, Danville, PA 17821) to issue an initial Title V operating permit for their Washingtonville Plant facility located in Derry Township, **Montour County**. The facility's main sources include dryer and hammer mills, kettles for gypsum calcination, desteamers, raw material bins and hoppers, a board kiln dryer, an end saw, a dunnage machine, and synthetic gypsum handling, processing and storage operations, including synthetic gypsum railcar and truck unloading operations. The facility also includes an emergency fire pump engine. After plant construction was completed, the facility added a change in method operation pursuant to Plan Approval 47-00014A which was later superseded by Plan Approvals 47-00014B and C. The change allowed for production of new wallboard products. The facility is required to do stack testing on the board kiln dryer pursuant to Plan Approval 47-00014C which revised the VOC emission restrictions applicable to the board kiln dryer during all periods of operation including production of the newer products.

The facility is currently operating under the following plan approval authorizations, Plan Approvals 47-309-001, 47-309-001A, 47-00014B and 47-00014C, pending issuance of a Title V operating permit. The applicable requirements established in the plan approvals including the requirement to conduct stack testing in 47-00014C have been incorporated into the TVOP. The applicable requirements in the TVOP have been derived from 40 CFR Parts 60 and 64 as well as 25 Pa. Code Chapters

121—145. The facility's potential emissions of NO_x, CO, SO₂, VOC, total HAP, formaldehyde and PM₋₁₀/PM_{2.5} in units of tons per year (tpy) are as follows: 90 tpy, 148 tpy, 1 tpy, 47 tpy, 11 tpy, 8.7 tpy, and 99.3 tpy, respectively. The facility is defined as an area source of hazardous air pollutants. The TVOP also includes the applicable Standards of Performance for New Sources (NSPS) requirements from 40 CFR Part 60. The applicable NSPS requirements pertain to the dryer and hammer mills the other gypsum handling, processing and storage operation sources, the calcining kettles, and the stationary emergency fire pump engine. Additionally, the Title V operating permit includes all applicable requirements for Compliance Assurance Monitoring (CAM) as codified in 40 CFR Part 64. The facility is required to satisfy CAM by continuously monitoring the fabric collectors' differential pressure and performing visible emission observations of the exhaust of each CAM fabric collector during operation, at least once per day. TVOP 47-00014 contains all applicable Federal and State air quality regulatory requirements including testing, monitoring, recordkeeping, reporting and work practice conditions to demonstrate compliance with the applicable requirements.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

49-00004: Resilite Sports Products, Inc. (200 Point Township Drive, Northumberland, PA 17857-8701) for renewal of the Title V operating permit for their facility located in Northumberland Borough, **Northumberland County**. The facility's sources include one (1) natural gas-fired boiler, mat finishing, adhesive and reconditioning operations, one (1) spray booth, one (1) 20,000 gallon storage tank and one (1) natural gas-fired emergency generator. The facility has the potential to emit 2.36 tons of nitrogen oxides (NO_x) per year, 6.06 tons of carbon monoxide (CO) per year, 425.00 tons of volatile organic compounds (VOCs) per year, 0.04 ton of sulfur oxides per year (SO_x), 0.69 ton of particulate matter (PM/PM₋₁₀) per year, less than 10 tons of any individual hazardous air pollutants (HAPs) per year, 25 tons of total combined HAPs per year and 8,613 tons of greenhouse gasses (GHGs) per year. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Subpart Dc of 40 CFR Part 60, Subpart ZZZZ of 40 CFR Part 63 and 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336

TV-11-00370: (625 Cherrington Parkway, Moon Township, PA 15108) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that

it intends to issue a Title V Operating Permit renewal to Laurel Highlands Landfill, Inc. for their facility located in Jackson Township, **Cambria County**.

Laurel Highlands Landfill, a municipal solid waste landfill has been in operation since 1960s. Sources and the control devices at this facility include Landfill Gas Collection System, Paved and Unpaved Roads, Landfill Gas Fugitives, Soil Processing (portable), Landfill Fugitive emissions (particulate), Diesel Generator, LFG Ground Flare (Enclosed Flare), portable Candle Flare and Water Sprays.

This facility has the potential emissions per year of the following type and quantity of air contaminants: 61.28 tons of carbon monoxide, 30.90 tons of nitrogen oxides, 25.74 tons of particulate matter, 5.66 tons of sulfur oxides, 5.51 tons of volatile organic compounds and 20.59 tons of HAPs. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 40 CFR Parts 63 and 25 Pa. Code Chapters 121—145.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, nnaharr@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TV-11-00370) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Laurel Highlands Landfill's Title V Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Laurel Highlands Landfill's Title V Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

For additional information you may contact Noor Nahar at 412.442.5225.

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

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

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

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

36-05161: CounterTek, Inc. (1215 Ridge Avenue, Ephrata, PA 17522) to issue a State Only Operating Permit for their cultured marble, laminate and solid surface countertop manufacturing operation located in East Cocalico Township, **Lancaster County**. The actual

emissions are estimated to be 2.27 tons per year (tpy) of HAPs, 3.44 tpy of VOCs, and 0.26 tpy of PM. 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.

06-03065: TMS International, LLC (101 West Bern Street, Reading, PA 19601) to issue a State Only Operating Permit for the steel slag processing facility located in Muhlenberg Township, **Berks County**. The potential emissions from the facility are estimated at 6.3 tpy of PM. 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 25 Pa. Code § 123.1, Prohibition of certain fugitive emissions, 25 Pa. Code § 123.2, Fugitive particulate matter, and 25 Pa. Code § 129.63, Degreasing operations.

06-05104: Berks Products Corp. (167 Berks Products Drive, Leesport, PA 19533) to issue a State Only Operating Permit for the stone crushing operations at the Evansville Quarry in Maiden Creek Township, **Berks County**. Actual annual emissions from the facility were estimated at 1.31 ton CO, 11.17 tons NO_x, 52.86 tons PM, 15.52 tons PM₁₀, 0.01 ton SO_x, and 0.39 ton VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants & 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

07-05027: GBW Railcar Services, LLC (585 Berwind Road, Hollidaysburg, PA 16648) to issue a State Only Operating Permit for the GBW Hollidaysburg facility located in Frankstown Township, **Blair County**. The actual emissions from the facility in 2014 year are estimated at 19.75 tons of VOCs, 10.6 tons of combined HAPs, 7.2 tons of Xylenes (HAP), 4.86 tons of PM₁₀, 2.15 tons of NO_x, 1.80 ton of CO and less than one ton each of PM_{2.5} and SO_x. 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 25 Pa. Code § 129.52—Surface coating processes.

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

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

17-00007: Sensus USA, Inc. (805 Liberty Boulevard, DuBois, PA 15801-2421) to issue a state only operating permit for their facility located in DuBois, **Clearfield County**. The facility is currently operating under State Only Operating Permit 17-00007. The facility's sources include nine boilers/space heaters (all rated less than 10 million Btus per hour, a manual surface coating operation, a semi-automated surface coating operation, an ink marking area, an adhesive line, a solvent cleaning operation, a small regulator area, a print pad operation, a burn-off oven, a parts cleaner, an 84 horsepower emer-

gency generator and a sub-slab depressurization system. The facility has potential emissions of 10.10 tons per year of nitrogen oxides, 7.53 tons per year of carbon monoxide, 0.05 ton per year of sulfur oxides, 0.77 ton per year of particulate matter, 28.74 tons per year of volatile organic compounds and 12,334.40 tons per year of carbon dioxide equivalents (greenhouse gases). A parts cleaner, a Vinsol application area, three natural gas-fired drying/curing ovens and a shellac/adhesive application area have been deactivated and will be removed from the operating permit by this action. The emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The 0.6 ton of volatile organic compounds in any 12 consecutive month period limitation established for cleanup solvents used in Source P102 will be modified to increase the limitation to 0.9 ton in any 12 consecutive month period. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

08-00025: Richards Funeral Home, Inc. (502 North Keystone Avenue, South Waverly, PA 18840) to issue a renewal state only operating permit for their Northern Bradford Crematory located in South Waverly Borough, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00025. The significant emissions source at the Northern Bradford Crematory is a crematory incinerator. The facility has potential emissions of 7.5 tons per year of carbon monoxide, 3.5 tons per year of nitrogen oxides, 1.5 ton per year of sulfur oxides, 4.3 tons per year of particulate matter, 1.9 ton per year of volatile organic compounds, 4.4 tons per year of total Hazardous Air Pollutants, and 3,541 tons per year of carbon dioxide equivalents (greenhouse gases). The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 and 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

08-00026: Bishop Brothers Construction Company, Inc. (P. O. Box 289 Ulster, PA 18850) to issue a renewal State Only Operating Permit for their Sheshequin Plant facility located in Sheshequin Township, **Bradford County**. The facility is currently operating under State Only Operating Permit 41-00017. The facility's main sources include a sand and gravel processing plant (Source P101) and an immersion parts washer (Source P102). The facility has potential annual emissions of 9.41 tons of particulate matter (including particulate matter

less than 10 microns in size and particulate matter less than 2.5 microns in size) and 0.04 ton of volatile organic compounds. The sand and gravel plant is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676 (Standards of Performance for Nonmetallic Mineral Processing Plants). The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

49-00063: Sensenig Milling Services, Inc. (10705 State Route 44, Watsonstown, PA 17777) to issue a state only operating permit for their facility located in Lewis Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00063. The facility's sources include a 12 million Btu per hour, natural gas-fired bakery waste rotary dryer. The facility has potential emissions of 5.15 tons per year of nitrogen oxides, 4.33 tons per year of carbon monoxide, 0.03 ton per year of sulfur oxides, 16.31 tons per year of particulate matter and 6.80 tons per year of volatile organic compounds. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336

04-00412: PSC Metals, Inc. (P. O. Box N, Koppel, PA 16136), for a facility-wide Natural Minor Operating Permit renewal for the operation of a ferrous and nonferrous scrap metals recycling plant, known as the Koppel Plant, located in Koppel and Big Beaver Boroughs, **Beaver County**. The facility contains two air emission processes. The first is a car shredder. Electromagnets remove ferrous metals from the shredded material. There is also a sorter with strong magnetic fields that produces eddy currents in any remaining metal fragments. Air pollution prevention equipment at the facility consists of a water sprays to suppress particulate and a cyclone. Facility emissions are 9.4 tons of PM₁₀ and 9.4 tons of PM_{2.5} per year. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

PSC Metals, Inc.'s State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 04-00412) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, fax 412-442-4194).

32-00207: Sprankle Mills Tipple, P. O. Box 343, Punxsutawney, PA 15767, Natural Minor Operating Permit for the operation of a coal preparation plant and loading facility, known as the Valier Coal Yard located in North Mahoning Township, **Indiana County**.

The facility contains air contamination sources, consisting of one coal crusher, shaker with screen, conveyers, and storage piles. Facility emissions are 2.54 tons per year of PM₁₀. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to state requirements, as well as 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants. The permit includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility.

Sprinkle Mills Tipple's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 32-00207) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, fax 412-442-4194).

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

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

61-00210: Glenn O. Hawbaker, Incorporated, Plant #19, Barkeyville Facility (711 East College Avenue, Bellefonte, PA 16823) for a renewal of the Synthetic Minor Permit located at Barkeyville Borough, **Venango County**. The facility manufactures asphalt paving mixture and block, and conducts non-metallic mineral processing.

The emitting sources include the following sources:

- 1) Cummins QSL Diesel Engine CID;
- 2) C-12 Dita Diesel Engine;

- 3) Counter Flow Drum Mix Asphalt Plant;
- 4) Kohlberg LT 4250 Mineral Processing Plant;
- 5) Nordberg LT 1213 Mineral Processing Plant;
- 6) Recycled Asphalt Product (RAP) System;
- 7) Crushers (2), Vibratory Screens (2), and Conveyors (22) and,
- 8) Portable VSI Crusher and Electric Engine.

The facility has taken restrictions to maintain the synthetic minor status. The restrictions are:

- 1) Limitation of total production for the asphalt plant of 560,000 tons per year;
- 2) Limitation on hours of operation of the Kohlberg FT 4250, portable crusher for 8,760 hours per year;
- 3) Limitation of hours of operation for the Nordberg LT213 portable crusher to 250 hours per year and,
- 4) Limitation of total production for the crushing plant to 2,500,000 tons per year.

The portable mineral processing plants are subject to 40 CFR Part 60 Subpart OOO. All applicable conditions of Subpart OOO have been included in the source group. The potential emissions of the pollutants from the facility before taking any restrictions are as follows: Particulate Matter (PM) 144.81 Tons per year (TPY); Oxides of Nitrogen (NO_x) 353.60 TPY; Oxides of Sulfur (SO_x) 193.27 TPY; Carbon Monoxide (CO) 282.17 TPY; Volatile Organic Compound (VOC) 63.26 TPY; Particulate Matter less than ten micron (PM₁₀) 94.05. The potential emissions of the pollutants from the facility after taking the previously mentioned restrictions are as follows: PM 62.32 TPY; NO_x 68.26 TPY; SO_x 47.24 TPY; CO 47.52 TPY; VOC 12.17 TPY; and, PM₁₀ 28.65 TPY. The actual emissions reported by the facility for 2014 were 5.67 TPY, 2.68 TPY, 1.05 TPY, 9.29 TPY, and 0.6 TPY for CO, NO_x, PM₁₀, SO_x, and VOC, respectively. The 2014 inventory also indicated there was less than 1.0 TPY of Hazardous Air Pollutants emitted.

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

32850701 and NPDES No. PA0213683. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** and related NPDES permit to join the old and new refuse piles and add treatment pond TP-5. Surface Acres Proposed 1.8, Coal Refuse Disposal Support Acres Proposed 0.6, Coal Refuse Disposal Acres Proposed 1.2. Receiving Stream: Dixon Run, classified for the following use: CWF. Receiving Stream: Buck Run, classified for the following use: CWF. The application was considered administratively complete on March 21, 2016. Application received August 4, 2015.

56981301 and NPDES No. PA0215121. Quecreek Mining, Inc., (1576 Stoystown Road, PO Box 260, Friedens, PA 15541). To revise the permit for the Quecreek No. 1 Mine in Lincoln and Somerset Townships, **Somerset County** and related NPDES permit to permit second mining in open areas. No additional discharges. The application was considered administratively complete on March 18, 2016. Application received November 25, 2015.

65131601 and NPDES No. PA0236267. Derry Coal Company LLC, (145 Ivy Lane, Tazewell, VA 24651). To operate the Derry Coal Loadout/Prep Plant in Derry Township, **Westmoreland County** a new coal preparation plant and related NPDES permit, includes authorization request for an Air Quality GPA/GP12 General Permit. Surface Acres Proposed 100.0. Receiving Stream: Saxman Run, classified for the following use: WWF. Receiving Stream: Unnamed Tributary to Saxman Run, classified for the following use: WWF. The application was considered administratively complete on March 22, 2016. Application received August 7, 2015.

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

Permit No. 32850114 and NPDES Permit No. PA0597457, Beilchick Brothers, P. O. Box 7, Heilwood, PA 15745, renewal of a bituminous surface mine in Pine Township, **Indiana County**, affecting 147.5 acres. Receiving streams: Unnamed tributaries of Little Yellow Creek, classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 18, 2016.

Permit No. 11150103 and NPDES Permit No. PA0269514, Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface and auger mine in West Carroll Township, **Cambria County**, affecting 104.0 acres. Receiving streams: Unnamed Tributaries #1 and #2 to/and the West Branch of the Susquehanna River, classified for the following uses: cold water fishes and warm water fishes. The applicant is requesting to obtain a variance to conduct surface mining activities within 100 feet of Unnamed Tributaries #1 and #2 to West Branch of the Susquehanna River. The first stream encroachment activity consists of the use and upgrading of an existing road crossing to Unnamed Tributary #2. The next stream encroachment activity consists of construction of E & S Controls and the use and upgrading of an existing road crossing to Unnamed Tributary #1. SMP No. 11150103 also authorizes a Chapter 105 encroachment permit and a 401 Water Quality Certification to conduct the activities described in these conditions. There are no potable water supply intakes within 10 miles downstream. Application received: March 16, 2016.

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

26743202 and NPDES Permit No. PA0069736. Bute Coal Recovery, LLC (P. O. Box 275, West Leisenring, PA 15489). Renewal application for continued operation and restoration to an existing coal refuse reprocessing surface mine, located in Dunbar and North Union Townships, **Fayette County**, affecting 150.1 acres. Receiving stream: Rankin Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: North Fayette Municipal Authority. Renewal application received: March 17, 2016.

26100101 and NPDES Permit No. PA0251879. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Renewal application for reclamation only to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 36.4 acres. Receiving streams: unnamed tributaries to Georges Creek, classified for the following use: WWF. The potable water supplies with intake within 10 miles downstream from the point of discharge: Masontown Borough and Carmichaels Municipal Water Authority. Renewal application received: March 18, 2016.

63120201. Pa Coal Reclamation, Inc. (P. O. Box 136, Cuddy, PA 15031). Application for commencement, operation and restoration of coal refuse reprocessing surface mine, located in West Pike Run Township, **Washington County**, affecting 16 acres. Receiving stream: Little Pike Run, classified for the following use: TSF. The potable water supplies with intake within 10 miles downstream from the point of discharge: PA American Water Co., Washington Township Municipal Authority and Newel Municipal Authority. Application received: November 25, 2015 and accepted: March 22, 2016.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

43122801-E-1. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153) Application for a stream encroachment to conduct mining activities within 100 feet of the Little Shenango River in Lake Township, **Mercer County**. Receiving streams: Little Shenango River, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 14, 2016.

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

Permit No. 09890303C5 and NPDES Permit No. PA0594661. Naceville Materials, (305 South Main Street, Suite 207, Doylestown, PA 18901), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Plumstead Township, **Bucks County** affecting 155.57 acres, receiving stream: tributary to North Branch of Neshaminy Creek. Application received: March 17, 2016.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH* Alkalinity greater than acidity*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

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

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0262994 (Mining permit no. 11100102), Wilson Creek Energy, LLC, P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for bituminous surface mine in Elder Township, **Cambria County**, affecting 58.0 acres. Receiving stream(s): unnamed tributary to Brubaker Run, classified for the following use(s): cold water fishery. This receiving stream is included in the West branch Susquehanna River TMDL. Application received: March 3, 2016.

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

The stormwater outfall(s) listed below discharge to unnamed tributary to Brubaker Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N
004	N

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

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

NPDES No. PA0259659 (Permit No. 33150103), P. and N. Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767) New NPDES permit for a bituminous surface and auger mine in Winslow Township, **Jefferson County**, affecting 109.6 acres. Receiving streams: Unnamed tributaries to Soldier Run, classified for the following uses: CWF. TMDL: None. Application received: February 11, 2016.

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

The outfall(s) listed below discharge to unnamed tributary “B” to Soldier Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	Y

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 ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		1.8	3.6	4.5
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries "A" and "B" to Soldier Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y

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 ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

The outfall(s) listed below discharge to unnamed tributary "A" to Soldier Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB2	Y

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 ¹ (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 ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

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

NPDES No. PA0256200 (Mining permit no. 17050104), RES Coal, LLC, 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920. Renewal of an NPDES permit for surface and auger coal mining in Chest Township, **Clearfield County**, affecting 295.9 acres. Receiving stream(s): Unnamed Tributaries to North Camp Run and North Camp Run, classified for the following use(s): CWF, MF. North Camp Run Total Maximum Daily Load was issued April 1, 2005. Application received: December 23, 2015.

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 North Camp Run and North Camp Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-1	N
TB-2	N
TB-3	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 ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

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

NPDES No. PA0278165 (Mining permit no. 65140102), Amerikohl Mining, Inc., 11384 State Route 711, Stahlstown, PA 15687. New NPDES permit for a bituminous surface mine in East Huntingdon Township, **Westmoreland County**, affecting 131.6 acres. Receiving stream: Stauffer Run, classified for the following use: WWF. This receiving stream is included in the Stauffer Run Watershed TMDL. Application received: August 4, 2015.

The treated wastewater outfall(s) listed below discharge to Stauffer Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
03	Y	MDT
04	Y	MDT

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

<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	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	50	50	50
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 Stauffer Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
01	Y	SW
02	Y	SW

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

<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	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	50	50	50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

Noncoal NPDES Draft Permits

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

NPDES Permit No. PA0225592 on Surface Mining Permit No. 58150810. Timberland Resources, LLC, (28 Rainbow Ridge Road, Windsor, NY 13865), new NPDES Permit for a bluestone quarry operation in Great Bend Township, **Susquehanna County**, affecting 6.4 acres. Receiving stream: Dubois Creek and unnamed tributary to Salt Lick Creek/Susquehanna River Watershed, classified for the following uses: cold water and migratory fishes and HQ—cold water and migratory fishes. Application received: December 28, 2015.

Non-discharge BMP's shall be in effect.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1135. Hatfield Township, 1950 School Road, Hatfield, PA 19440-1992, Hatfield Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a ten poured-in-place concrete stepping stone crossing Unionville Tributary of the West Branch of Neshaminy Creek (WWF, MF) for the purpose of connecting a continuous trail network within the Township aka "Frick's Trail".

The site is located approximately 600 feet north of Line Lexington Road at Frick Park (Telford USGS map, Lat: 40.3804; Long. -75.27136).

E46-1134. Borough of Conshohocken Authority, 601 East Elm Street, Conshohocken, PA 19428, Conshohocken Borough and Whitmarsh Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 32 feet long by 25 feet wide concrete pad to support odor control equipment situated along the floodplain of the Schuylkill River (WWF, MF) associated with the Waste Water Treatment Plant Odor Control Improvement Project.

The site is located along the East Elm Street, between Apple and Walnut Streets (Norristown, PA USGS Quadrangle Latitude: 40.073186; Longitude: -75.296409).

E09-1002. Doylestown Township, 425 Wells Road, Doylestown, PA 18901, Doylestown Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a 57-foot long, by 9-foot wide, by 6-foot high pedestrian bridge across the 100-year floodway of Cooks Run (WWF, MF) associated with the construction of a 3/4 mile long by 10-foot wide connector trail aka Neshaminy Greenway Trail, Upper State Road to New Britain Train Station. This permit will also include modifications to an existing drainage pipe and head and endwall structures.

The site is located approximately 0.15 mile upstream of the Neshaminy Creek crossings and terminates at Tamamend Avenue (Doylestown, PA USGS map Lat.: 40.293406; Long. -75.1832).

E23-526. Agilyx Corporation, 9600 SW Nimbus, Suite 260, Beaverton, OR 87008-7386, Marcus Hook Borough, **Delaware County**, ACOE Philadelphia District.

To redevelop and maintain an existing industrial site, partially located within the floodway and floodplain of the Marcus Hook Creek (WWF, MF). The project is associated with the facility that converts pre-processed recycled plastics into synthetic oil.

The site is located near 401 Penn Avenue (Marcus Hook—PA USGS Quadrangle latitude: 39.817824, longitude: -75.409009).

E46-1125. Upper Gwynedd Township, Administrative Building, 1 Parkside Place, North Wales, PA 19027, Upper Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with Zacharias Creek Restoration Project (WWF):

1. To restore approximately 662 linear feet of a the existing but previously manmade enclosure/modification of Zacharias Run to a more natural condition.

2. To impacted approximately acres of wetland to facilitate the new stream channel.

The proposed project will restore approximately 0.98 acre of the stream to a more natural condition. The restoration commences at River Station 7+50 and ends at River Station 2+50 near the Conrad Basin approximately 750 feet northeast of the intersection of Morris Road and Conrad Avenue. The proposed project is located in Upper Gwynedd Township, Montgomery County; (USGS Quadrangle Germantown—PA -Latitude 40° 05' 49" -Longitude 75° 09' 17").

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

EA48-010NE. Thomas Gulick, 7227 Hickory Lane, Stroudsburg, PA 18360. Hanover Township and City of Bethlehem, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To stabilize and restore 785 linear feet of severely eroding, spring-fed pond shoreline using a combination of stone, vegetated rip-rap, geotextile and other bioengineering within the floodway of Monocacy Creek (HQ-CWF, MF). The project is located approximately one mile east of the intersection of SR 0512 and SR 0022 (Nazareth, PA Quadrangle, Latitude: 40°39'58.6"; Longitude: -75°22' 21.1") in Hanover Township and City of Bethlehem, Northampton County. Subbasin: 2C.

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

E34-135: Jeff Rosenberry, 10283 Blacklog Road, Honey Grove, PA 17035 in Turbett Township, **Juniata County**, U. S. Army Corps of Engineers Baltimore District.

To construct and maintain a 50 feet long by 14 feet wide steel and concrete bridge with stone approaches over Hunters Creek (CWF, MF) (Latitude 40°31'04", Longitude -77°23'25") in Turbett Township, Juniata County. Approximately 130 square feet of PFO wetland will be permanently impacted. The wetland impacts are considered deminimus and no mitigation is required.

E22-623: Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Lykens Township, **Dauphin County**, U. S. Army Corps of Engineers Baltimore District.

To remove an existing structure and to construct and maintain a 19.0-foot long by 9.0-foot high by 28-foot 6.5 inch wide pre cast concrete box culvert uniformly depressed 1.0-foot in and across Deep Creek (WWF, MF), for the purpose of replacing a structurally deficient bridge as part of the Public Private Partnership (P3) Rapid Bridge Replacement Program. The project is located along Valley Road (Pillow, PA Quadrangle; Latitude 40°37'41"N, Longitude 76°46'39.5"W) in Lykens Township, Dauphin County. No wetlands will be impacted by this project.

E06-692. Hamburg Logistics Park, LP, 930 East Boot Road, Suite 400, West Chester, PA 19380. Hamburg Logistics Park, 220 Zions Church Road, Shoemakersville, PA 19555, in Perry Township, **Berks County**, Philadelphia ACOE District (Hamburg, PA Quadrangle, Latitude: 40°31'13", Longitude: -75°57'51").

The applicant proposes to amend the previously issued water obstruction and encroachment permit, permit number E06-962, which authorized the following:

Construction of the following impacts for three new warehouse/distribution centers totaling approximately 2.25 million square feet and associated infrastructure:

- 1) remove the existing 33.5-foot long, 18-inch CMP culvert, install and maintain a 65-foot long, 8-foot by 3-foot box culvert in an unnamed tributary (UNT) to the Schuylkill River (WWF, MF), and fill 0.03 acre of Palustrine Emergent (PEM)/Palustrine Scrub Shrub (PSS) Wetlands F & FF (Latitude: 40°31'26", Longitude: -75°58'04"),

- 2) remove the existing 14-foot long, 30-inch CMP culvert and restore a UNT to the Schuylkill River (WWF, MF), impacting 0.006 acre of PEM Wetland F (Latitude: 40°31'24", Longitude: -75°58'02"),

3) remove the existing 40-foot long, 15-inch CMP culvert and install and maintain a 68-foot long, 48-inch smooth lined plastic pipe culvert with a 4-foot by 8-foot concrete intake box and an 8—12 inch water line, a 4—6 inch gas line, and a 4—6 inch electric conduit between the culvert and roadway in and across a UNT to the Schuylkill River (WWF, MF), impacting 0.03 acre of PEM Wetland F (Latitude: 40°31'21", Longitude: -75°58'01"),

4) fill and maintain 0.004 acre of PEM Wetland EE (40°31'20", Longitude: -75°58'02"),

5) fill and maintain 0.025 acre of PEM Wetland F and construct and maintain a channel change in and along 50 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'20", Longitude: -75°58'01"),

6) fill and maintain 0.06 acre of PEM Wetland F and realign and maintain 165 linear feet of a wetland complex and 12 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'17", Longitude: -75°57'59"),

7) remove the existing 42-foot long, 24-inch PVC culvert and restore the stream channel of a UNT to the Schuylkill River (WWF, MF), impacting 0.001 acre of PEM Wetland F (Latitude: 40°31'16", Longitude: -75°57'58"),

8) fill and maintain 0.23 acre of PEM Wetland F, install and maintain a 70-foot long, 6-foot by 4-foot box culvert depressed 12 inches with fish baffles, an 8—12 inch water line, a 4—6 inch gas line, and a 4—6 inch electric conduit between the culvert and roadway, in and across a UNT of the Schuylkill River; realign and maintain 446 linear feet of a UNT to the Schuylkill River; and remove a Jurisdictional Dam and restore a stream channel through the breached dam and associated pond in and across a UNT of the Schuylkill River all impacting a total of 457 linear feet of a UNT of the Schuylkill River (WWF, MF) (Latitude: 40°31'09", Longitude: -75°57'58"),

9) fill and maintain 457 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'09", Longitude: -75°57'58"),

10) remove an existing 202-foot long, 12-inch PVC culvert and fill and maintain the stream channel of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'10", Longitude: -75°58'01"),

11) fill and maintain 215 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'11", Longitude: -75°58'03"),

12) fill and maintain 230 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'13", Longitude: -75°58'06"),

13) excavate, fill, and maintain 0.05 acre of PEM Wetland JJ (Latitude: 40°31'12", Longitude: -75°58'08"),

14) fill and maintain 0.11 acre of PEM Wetland E (Latitude: 40°31'17", Longitude: -75°57'45"),

15) remove an existing 12.5-foot long, 15-inch concrete culvert and fill and maintain 13 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'17", Longitude: -75°57'44"),

16) fill and maintain 0.002 acre of PEM Wetland D (Latitude: 40°31'17", Longitude: -75°57'44"),

17) remove an existing 91-foot long, 18-inch concrete culvert and fill and maintain 91 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'16", Longitude: -75°57'44"),

18) fill and maintain 533 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'15", Longitude: -75°57'42"),

19) fill and maintain 183 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'14", Longitude: -75°57'42"),

20) fill and maintain 0.03 acre of PEM/PSS Wetland L (Latitude: 40°31'13", Longitude: -75°57'43"),

21) fill and maintain 280 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'15", Longitude: -75°57'40"),

22) fill and maintain 0.06 acre of Palustrine Forested (PFO) Wetland Q (Latitude: 40°31'14", Longitude: -75°57'09"),

23) fill and maintain 66 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'14", Longitude: -75°57'40"),

24) fill and maintain 0.03 acre of PEM Wetland N (Latitude: 40°31'13", Longitude: -75°57'40"),

25) fill and maintain 120 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'14", Longitude: -75°57'37"),

26) fill and maintain 190 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'15", Longitude: -75°57'43"),

27) fill and maintain 1.26 acre of the floodway of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'09", Longitude: -75°57'56"), and

28) temporarily impact 0.20 acre of the floodway of a UNT to the Schuylkill River (WWF, MF).

Permit requirements for the following activities are waived per 25 Pa. Code § 105.12(a)(2):

a) fill and maintain 2.63 acres of the floodway of a UNT to Pigeon Creek (WWF, MF),

b) fill and maintain 3.23 acres of the floodway of a UNT to the Schuylkill River (WWF, MF), and

c) temporarily impact 2.42 acres of the floodway of a UNT to the Schuylkill River (WWF, MF).

In total the applicant proposed to impact 3,289 linear feet of stream channel, 0.60 acre of wetlands, and 9.54 acres of floodways. Compensatory mitigation for impacts to watercourses in the form of a dam removal and riparian buffer establishment is required on site, and wetland mitigation is required in the amount of 1.38 acre of wetlands on site.

The applicant is proposing to amend the permit by removing the following impacts which were already approved in the issued permit:

- Item 1-remove the existing 33.5-foot long, 18-inch CMP culvert, install and maintain a 65-foot long, 8-foot by 3-foot box culvert in an unnamed tributary (UNT) to the Schuylkill River (WWF, MF), and fill 0.03 acre of Palustrine Emergent (PEM)/Palustrine Scrub Shrub (PSS) Wetlands F & FF (Latitude: 40°31'26", Longitude: -75°58'04"),

- Item 3-remove the existing 40-foot long, 15-inch CMP culvert and install and maintain a 68-foot long, 48-inch smooth lined plastic pipe culvert with a 4-foot by 8-foot concrete intake box and an 8—12 inch water line, a 4—6 inch gas line, and a 4—6 inch electric conduit between the culvert and roadway in and across a UNT to the

Schuylkill River (WWF, MF), impacting 0.03 acre of PEM Wetland F (Latitude: 40°31'21", Longitude: -75°58'01"),

- Item 4-fill and maintain 0.004 acre of PEM Wetland EE (40°31'20", Longitude: -75°58'02"),

- Item 5-fill and maintain 0.025 acre of PEM Wetland F and construct and maintain a channel change in and along 50 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'20", Longitude: -75°58'01"),

- Item 6-fill and maintain 0.06 acre of PEM Wetland F and realign and maintain 165 linear feet of a wetland complex and 12 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'17", Longitude: -75°57'59"),

- Item 13-excavate, fill, and maintain 0.05 acre of PEM Wetland JJ (Latitude: 40°31'12", Longitude: -75°58'08")

Also, the applicant is proposing to amend the permit to include the following impacts:

- Remove the existing 40-foot long, 15-inch CMP culvert and the non-jurisdictional dam and install and maintain a 70-foot long, 8-foot wide by 3-foot high concrete box culvert with baffles and depressed 1 foot in an unnamed tributary to the Schuylkill River (WWF, MF), and re-establish a stream channel upstream of the box culvert, all permanently impacting approximately 110 linear feet of an unnamed tributary to the Schuylkill River (WWF, MF) and 0.19 acre of PEM/POW of Wetland F (Latitude: 40°31'21", Longitude: -75°58'02")

The following waived activities are proposed to be amended but no change in area is proposed:

Permit requirements for the following activities are waived per 25 Pa. Code § 105.12(a)(2):

- 1) Item b)-fill and maintain 3.23 acres of the floodway of a UNT to the Schuylkill River (WWF, MF), and

- 2) Item c)-temporarily impact 2.42 acres of the floodway of a UNT to the Schuylkill River (WWF, MF).

The proposed amendment to the permit proposes total to impact 3,121 linear feet of stream channel, 0.60 acre of wetlands, and 9.54 acres of floodways. Compensatory mitigation for impacts to watercourses in the form of a dam removal and riparian buffer establishment is required on site, and wetland mitigation is required in the amount of 1.38 acre of wetlands on site.

E36-950: Fulton Township, 777 Nottingham Road, Peach Bottom, PA 17563 in Fulton Township, **Lancaster County**, U. S. Army Corps of Engineers Baltimore District.

To re-grade 325 lineal feet of a roadside swale permanently impacting 0.03 acre of Exceptional Value Wetlands to restore positive drainage away from Swift Road (Latitude 39°53'19.9", Longitude -76°07'30.8") in Fulton Township, Lancaster County. The impact is considered de minimus and no mitigation is being required.

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

E59-530. Borough of Wellsboro, 14 Crafton Street, Wellsboro, PA 16901. Morris Branch Gravel Bar Removal along Morris Branch in Borough of Wellsboro, **Tioga County**, ACOE Baltimore District (Antrim, PA Quadrangle Lat: 41° 44' 58"; Long: -77° 17' 55").

To construct, operate and maintain an existing stream channel of Morris Branch in Borough of Wellsboro, Tioga

County. The work involves the gravel bar removal of approximately 750 lineal feet of stream channel.

The total estimated stream impacts for the project are approximately 1,500 ft² of temporary impacts. The total estimated wetland impacts for the project are approximately 9,000 ft² of temporary impacts. The proposed project will not permanently impact cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge or historical sites. Morris Branch is classified with a designated use of Cold Water Fishery (CWF).

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

E25-778, ITC Lake Erie Connector, LLC, 27175 Energy Way, Novi, MI 48377. Lake Erie Connector, in Conneaut, Girard, and Springfield Townships, **Erie County** and Lake Erie, PA, ACOE Pittsburgh/Bufalo Districts.

To conduct the following activities in regulated waters of the Commonwealth for the construction of a high voltage direct current (HVDC) transmission line to transmit power between the United States and Canada, and an associated converter station along Lexington Road (Springfield, PA Quadrangle N: 41°, 56', 12"; W: -80°, 22', 35") in Conneaut Township, Erie County:

1. Buried HVDC electric and communication lines within the bed of Lake Erie beginning at the shoreline approximately 2 miles west of the mouth of Elk Creek (Fairview SW, PA Quadrangle N: 42°, 00', 45"; W: -80°, 00', 45") in Springfield Township, Erie County and extending north and east approximately 35.4 miles to the US-Canada Border within Lake Erie at or near N: 42°, 25', 30"; W: -79°, 59', 30". The line will be directionally bored under the bluff and shoreline of Lake Erie from a bore pit located north of SR 5 approximately 560 feet south of the lake bluff (Fairview SW, PA Quadrangle N: 42°, 0', 42"; W: -80°, 24', 10") in Springfield Township, Erie County and emerging approximately 1,340 feet offshore in Lake Erie. The crossing of Lake Erie results in a total permanent impact of 5.62 acres, and a total temporary impact of 9.29 acres of lake bed during construction.

2. Buried HVDC electric and communications lines across a total of 15 streams including Crooked Creek, tributaries to Crooked Creek, and tributaries to Lake Erie, and across a total of 8 wetlands beginning at the proposed converter station along Lexington Road in Conneaut Township, Erie County and proceeding north through Conneaut, Girard, and Springfield Townships, Erie County approximately 7 miles to the bore pit south of the lake bluff in Springfield Township, Erie County. The wetland crossings result in a total permanent impact of 0.99 acre of wetland, including permanent conversion from PFO to PEM within right-of-way areas, and a total temporary impact of 0.19 acre of wetland.

3. Buried alternating current electric cables across a total of four wetlands beginning at the converter station and extending approximately 2,000 feet west to the existing Penelec Erie West Substation in Conneaut Township, Erie County. The wetland crossings result in a total permanent impact of 0.07 acre of wetland, including permanent conversion from PFO to PEM within right-of-way areas, and a total temporary impact of 0.56 acre of wetland.

Proposed compensatory mitigation for the project includes the creation of 2.13 acres of PFO wetland, restoration of 2.27 acres of PFO wetlands, enhancement of 0.69 acre of PEM wetlands, preservation of surrounding up-

land forested buffer totaling 0.23 acre, and the creation of a 0.02 acre stormwater treatment wetland at a location along Springfield Road just north of I-90 (Albion, PA Quadrangle N: 41°, 57', 10"; W: -80°, 22', 18") in Girard Township, Erie County.

E25-779, PA DOT District 1-0, 255 Elm Str., Oil City, PA 16301. SR 4012 Section A00 Interchange Road Improvement Project in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42° 3' 56.07"; W: -80° 6' 24.35").

To conduct roadway improvements along Zimmerly/Interchange Road in Millcreek Township, Erie County from SR 0019 to a point approximately 0.2 mile west of Zuck Road which includes the following activities:

1. To remove the existing structure over Walnut Creek.
2. To construct and maintain an 81.1-foot long steel plate girder bridge having a clear span of 127.5 feet and a minimum underclearance of 21.2 feet across Walnut Creek.
3. To remove the existing culvert and construct and maintain a 228.0-foot long, 42.0-inch culvert in a UNT to Walnut Creek.
4. To install and maintain a stormwater outfall to a UNT to Walnut Creek.
5. To permanently fill 0.046 acre of wetland due to roadway widening activities.
6. To temporarily impact 0.346 acre of wetland due to various construction activities.

ENVIRONMENTAL ASSESSMENTS

Central Office: Attention: Brian Bradley, Environmental Program Manager, P. O. Box 69205, Harrisburg, PA 17106-9205.

EA1010-003. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, P. O. Box 69205, Harrisburg, PA 17106. Abandoned Mine Land Reclamation Project in Clay Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,300 linear feet of dangerous highwall. The project will include the backfilling of 0.94 acre of open water and 0.006 acre of wetland that have developed within the open surface mine pits. (West Sunbury Quadrangle N: 41° 1' 27.366", W: 79° 54' 36.28").

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D67-546. MAW Associates, LP, 1250 York Street, P. O. Box 615, Hanover, PA 17331. To modify, operate, and maintain Glatco Lake Dam across a tributary to Oil Creek (WWF), for the purpose of modifying an existing spillway structure in order to pass the required design storm (Hanover, PA Quadrangle N: 16.4 in.; E: 7.9 in.) in Heidelberg Township, **York County**.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0031771 (Sewage)	Westtown—Chester Creek STP PO Box 79 Westtown, PA 19395-0079	Chester County Westtown Township	East Branch Chester Creek (3-G)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0112615 (Industrial)	Northumberland Cogen Plant PO Box 7 Mcadoo, PA 18237-0007	Northumberland County Point Township	Susquehanna River (10-D)	Yes
PA0209066 (Sewage)	Roulette Township Sewer System STP PO Box 253 Roulette, PA 16746-0253	Potter County Roulette Township	Allegheny River (16-C)	Yes
PA0209147 (Sewage)	Centre Hall Potter Sewer System PO Box 497 Centre Hall, PA 16828-0497	Centre County Potter Township	Unnamed Tributary to Sinking Creek (6-A)	Yes
PA0112020 (Sewage)	Brookside MHP 3499 US Highway 9 Suite 3C Freehold, NJ 07728-3277	Columbia County North Centre Township	West Branch Briar Creek (5-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS806105 (Industrial)	BFS Waynesburg Bulk Storage Facility 1446 Smith Creek Road Waynesburg, PA 15370	Greene County Franklin Township	Unnamed Tributary to Smith Creek (19-B)	Yes
PA0042102 (Storm Water)	Ranbar Electrical Materials Manor Plant 408 Manor Harrison City Road Harrison City, PA 15636-1102	Westmoreland County Manor Borough	Bushy Run (19-A)	No

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0239569 (Sewage)	Shannon Mills Estates PO Box 217 Curwensville, PA 16833	Butler County Connoquenessing Township	Unnamed Tributary to Little Connoquenessing Creek (20-C)	No
PA0024899 (Sewage)	Lake City Municipal STP 2350 Main Street Lake City, PA 16423-1509	Erie County Lake City Borough	Elk Creek (15-A)	Yes

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

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

NPDES Permit No. PA0057967, Industrial, **RAF Pennsburg LP**, 165 Township Line Road, Suite 100, Jenkintown, PA 19046.

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

Description of Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial wastewater and Storm water.

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

NPDES Permit No. PA0255033, Sewage, **Josephine Duman**, 2028 Duman Road, Ebensburg, PA 15931.

This proposed facility is located in Barr Township, **Cambria County**.

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

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

NPDES Permit No. PA0264253, Sewage, SIC Code 8800, **Robert M. Miller**, 131 Country Estates Drive, Rogersville, TN 37857-7663.

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

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

NPDES Permit No. PA0264318, Sewage, SIC Code 8800, **Darlene & Mark Schlaudecker**, 17506 State Highway 86, Saegertown, PA 16433.

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

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

NPDES Permit No. PA0023043, Amendment No. 1, Sewage, SIC Code 4952, **North East Borough Erie County**, 31 W Main Street, North East, PA 16428-1135.

This existing facility is located in North East Borough, **Erie County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Sewage. Removal of Chlorodibromomethane limitations and the associated Toxics Reduction Evaluation requirements, based on additional sampling provided since the permit was issued.

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

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

WQM Permit No. WQG010052, Sewage, **Leslie Robison**, 1410 Cedar Lane, Green Lane, PA 18054.

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

Description of Action/Activity: Construction and operation of a small flow sewage treatment plant for a single residence.

WQM Permit No. 1501401, Sewage, Amendment, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located Penn Township, **Chester County**.

Description of Action/Activity: Addition of a flow equalization tank.

WQM Permit No. 1504412, Sewage, Amendment, **Oxford Borough Area Sewer Authority**, P. O. Box 380, Oxford, PA 19363-0380.

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

Description of Action/Activity: DEP Initiated Amendment to allow OASA convert their existing treatment lagoon to a storage lagoon.

WQM Permit No. 1505414, Sewage, Renewal, **Coatesville Catholic Regional School Board of Governors**, 2835 Manor Road, West Brandywine, PA 19320.

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

Description of Action/Activity: Approval for renewal of a WQM Permit to continue to operate a sewage treatment plant with drip disposal.

WQM Permit No. 1599421, Sewage, Renewal, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465-8423.

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

Description of Action/Activity: Approval for renewal of existing WQM Permit to continue to operate a sewage treatment plant with drip disposal.

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

WQM Permit No. 1315401, Sewage, SIC Code 4952, **Jim Thorpe Borough Carbon County**, 101 East Tenth Street, Jim Thorpe, PA 18229-1427.

This proposed facility is located in Jim Thorpe Borough, **Carbon County**.

Description of Proposed Action/Activity: Plant upgrade project for the existing Jim Thorpe Wastewater Treatment Plant.

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

WQM Permit No. 1407409 A-1, Sewage, SIC Code 4952, **Bellefonte Borough**, 236 W Lamb Street, Bellefonte, PA 16823-1502.

This existing facility is located in Bellefonte Borough, **Centre County**.

Description of Proposed Action/Activity: Installation of a volute dewatering press and associated appurtenances.

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

WQM Permit No. 0270205 A-4 T-3, Industrial, SIC Code 4911, **NRG Power Midwest LP**, 121 Champion Way, Canonsburg, PA 15317.

This existing facility is located in Springdale Borough, **Allegheny County**.

Description of Proposed Action/Activity: Upgrade to leachate collection and distribution system.

WQM Permit No. 0270205 A-3 T-3, Industrial, SIC Code 4911, **NRG Power Midwest LP**, 121 Champion Way, Canonsburg, PA 15317.

This existing facility is located in Springdale Borough, **Allegheny County**.

Description of Proposed Action/Activity: Upgrades to existing industrial wastewater treatment facility.

WQM Permit No. 0490403-A4, Sewage, SIC Code 4952, **Center Township Sanitary Authority**, 224 Center Grange Road, Aliquippa, PA 15001.

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

Description of Proposed Action/Activity: Improvements to the existing New College Pump Station necessary to accommodate flows from the proposed Shell Franklin Project.

WQM Permit No. 5615401, SIC Code 4952, **Windber Borough Somerset County**, 1401 Graham Avenue, Windber, PA 15963.

This proposed facility is located in Windber Borough, **Somerset County**.

Description of Proposed Action/Activity: Construction of sanitary sewers. The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

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

WQM Permit No. 2015401, Sewage, SIC Code 8800, **Robert M. Miller**, 131 Country Estates Drive, Rogersville, TN 37857-7663.

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

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

WQM Permit No. WQG01201508, Sewage, SIC Code 8800, **Darlene & Mark Schlaudecker**, 17506 State Highway 86, Saegertown, PA 16433.

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

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

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage

PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
New Hanover Township Montgomery County	PAG02004615028	Magico LP 3625 Welsh Road Willow Grove, PA 19090	Swamp Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Norristown Borough Montgomery County	PAG02004614034	PennDot District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Stony Creek TSF-MF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Jessup Borough Lackawanna County	PAG02003516002	Scranton Lackawanna Industrial Building Company 22 Mulberry Street P. O. Box 431 Scranton, PA 18501	Grassy Island Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Upper Saucon Township Lehigh County	PAG02003915014	Wayne Wilcox US Home Corporation d/b/a Lennar Corporation 2465 Kuser Road Hamilton, NJ 08690	UNT to Laurel Run (CWF, MF)	Lehigh County Conservation District 610-391-9583

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Boyertown Borough Berks County	PAG02000616005	Francis X. McLaughlin FM Development 542 Farmington Avenue Pottstown, PA 19464	Swamp Creek (TSF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Belfast Township Fulton County	PAG02002916001	Ever Green Custom Homes, LLC 13641 Mercersburg Road Greencastle, PA 17225	UNT Joe's Run (CWF, MF)	Fulton County Conservation District 216 North 2nd Street Suite 15 McConnellsburg, PA 17233-1170 (717) 485-3547

NOTICES

1841

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Gregg Township Union County	PAG02006016001	Rodney Kurtz 3720 Springtown Rd Watsontown, PA 17777	UNT to Black Run, WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 13, P O Box 9205, Harrisburg, PA 17106-9205

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Blossburg Borough & Hamilton Township Tioga County	PAG02105916001	DEP—BAMR P. O. Box 69205 Harrisburg, PA 17106-9205	Coal Creek (CWF-MF) to Tioga River (CWF-MF); Tioga-Cowanesque Watershed (04A)	DEP—BAMR P. O. Box 69205 Harrisburg, PA 17106-9205 717-783-1311

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Kiskiminetas Township Armstrong County	PAG02000316001	Spring Church DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	UNT Roaring Run (CWF)	Armstrong County Conservation District Armsdale Administration Building Suite B-2 124 Armsdale Road Kittanning, PA 16201 (724) 548-3425
Center Township and Potter Township Beaver County	PAG02000416006	Castlebrook Development Group 428 Boulevard of the Allies Suite 100 Pittsburgh, PA 15209	UNT to Ohio River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Ernest Borough and Rayne Township Indiana County	PAG02003216003	Peoples TWP, LLC	McKee Run (CWF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701-3571 (724) 471-4751
Valley Township, Armstrong County	PAG02090316004	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Long Run (WWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Lackawannock Township Mercer County	PAR808374	Ergon Trucking Inc. PO Box 1639 Jackson, MS 39215-1639	Unnamed Tributary to Chartiers Creek and Unnamed Tributary to Neshannock Creek—20-A and 20-F	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-10**Facility Location*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bridgewater Township Susquehanna County	PAG102339	Williams Field Service Co. LLC 310 SR 29 North Tunkhannock, PA 18657	Unnamed Tributary to East Branch Wyalusing Creek and South Branch Wyalusing Creek—4-D	DEP North East Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

General Permit Type—PAG-13

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

Facility Location

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lake City Borough Erie County	PAG138313	Lake City Borough 2350 Main Street Lake City, PA 16423	Lake Erie and Tributaries of Lake Erie—15-A	DEP North West Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3516503MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania-American Water Company (Brownell Water System) 800 West Hershey Park Drive Hershey, PA 17033
Municipality	Carbondale Township
County	Lackawanna
Type of Facility	PWS
Consulting Engineer	Scott M. Thomas, P.E. Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055

Permit to Construct Issued March 21, 2016
Permit No. 3516504MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
 (Lake Scranton Water System)
 800 West Hershey Park Drive
 Hershey, PA 17033

Municipality Dunmore Borough
 County **Lackawanna**
 Type of Facility PWS
 Consulting Engineer Scott M. Thomas, P.E.
 Pennsylvania-American Water Company
 852 Wesley Drive
 Mechanicsburg, PA 17055

Permit to Construct Issued March 21, 2016
Permit No. 4016503MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
 (Ceasetown Water System)
 800 West Hershey Park Drive
 Hershey, PA 17033

Municipality Plymouth Township
 County **Luzerne**
 Type of Facility PWS
 Consulting Engineer Scott M. Thomas, P.E.
 Pennsylvania-American Water Company
 852 Wesley Drive
 Mechanicsburg, PA 17055

Permit to Construct Issued March 22, 2016
Permit No. 4016504MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
 (Ceasetown Water System)
 800 West Hershey Park Drive
 Hershey, PA 17033

Municipality Newport Township
 County **Luzerne**
 Type of Facility PWS
 Consulting Engineer Scott M. Thomas, P.E.
 Pennsylvania-American Water Company
 852 Wesley Drive
 Mechanicsburg, PA 17055

Permit to Construct Issued March 22, 2016
Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 0115512, Public Water Supply.

Applicant **Hanover Municipal Water Works**

Municipality Conewago Township

County **Adams**
 Responsible Official Florence Ford, Manager
 44 Frederick Street
 Hanover, PA 17331

Type of Facility Phase two improvements to the Hanover Water Treatment Plant including baffles to rapid mixer, renovations to New Plant 's filters (new underdrains, valves and air scour), and new high duty pumps.

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

Permit to Construct Issued 3/22/2016

Operation Permit No. 4414502 MA issued to: **Municipal Authority of the Borough of Lewistown (PWS ID No. 4440010)**, Derry Township, **Mifflin County** on 3/18/2016 for facilities approved under Construction Permit No. 4414502MA.

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

Permit No. 1915502-MA—Operation—Public Water Supply.

Applicant **SUEZ Water Pennsylvania, Inc.**

Township/Borough Town of Bloomsburg
 County **Columbia**
 Responsible Official John D. Hollenbach, Vice President
 SUEZ Water Pennsylvania, Inc.
 4211 East Park Circle
 Harrisburg, PA 17111

Type of Facility Public Water Supply
 Consulting Engineer Jonathan W. Morris
 GHD
 326 East Second Street
 Bloomsburg, PA 17815

Permit Issued March 24, 2016

Description of Action Operation of the new 16-inch diameter ductile iron water transmission mains as proposed in the Bloomsburg Reservoir Watermain Replacement application.

Permit No. 4116503-MA—Operation—Public Water Supply.

Applicant **Williamsport Municipal Water Authority**

Township/Borough City of Williamsport
 County **Lycoming**
 Responsible Official Douglas E. Keith
 Executive Director
 Williamsport Municipal Water Authority
 253 West Fourth Street
 Williamsport, PA 17701

Type of Facility Public Water Supply

Permit Issued March 25, 2016
 Description of Action Operation of the portable, electric Grid Bee GS-12 mixer in the Grimesville finished water storage tank.

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

Operations Permit issued to: **Aleppo Township Authority**, 100 North Drive, Suite 2, Sewickley, PA 15143, (PWSID #5020070) Glenfield Borough, **Allegheny County** on March 23, 2016 for the operation of facilities approved under Construction Permit #0215517MA.

Operations Permit issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320026) South Mahoning Township, **Indiana County** on March 23, 2016 for the operation of facilities approved under Construction Permit #3215501.

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

Operation Permit issued to **Corner Water Supply & Service Corporation**, PWSID No. 6160027, Elk and Paint Townships, **Clarion County**. Water Supply Permit No. 1615501 for the operation of the public water system, as it currently exists. This permit integrates all existing, previously permitted facilities as well as various modifications, abandonments, and additions to the facilities identified in the construction permit application. This permit is issued in response to the submitted Certificate of Construction/Modification Completion received by the Department on February 25, 2016 and the subsequent operation inspection conducted by Department personnel on March 14, 2016.

Permit No. 4273501-MA4, Public Water Supply.

Applicant	Port Allegany Borough
Township or Borough	Port Allegany Borough
County	McKean
Type of Facility	Public Water Supply
Consulting Engineer	Brian S. Sekula, P.E. The EADS Group Inc. 15392 Route 322 Clarion, PA 16214
Permit to Construct Issued	March 28, 2016

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA 05-895, Water Allocations. Bedford Township Municipal Authority (PWS ID No. 4050037), Bedford County. Rescission/expiration of Water Allocation Permit WA 05-895 as originally issued by the Department on October 13, 1993. Permittee Contact: Verl Miller, System Manager, Bedford Township Municipal Authority, PO Box 371, Bedford, PA 15522. Permit Rescission Issued: 3/22/2016.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Magee Center, Bloomsburg University, 700 West Main Street, Town of Bloomsburg, **Columbia County**. Black Rock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064, on behalf of Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815 submitted a Final Report concerning remediation of site soil and groundwater contaminated with Heating Oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Gary Calhoun Residence, 19 Mordred Drive, Bald Eagle Township, **Clinton County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Gary Calhoun, 19 Mordred Drive, Mill Hall, PA 17751 submitted a Final Report concerning the remediation of

site soil contaminated with Heating Oil. The Final Report is intended to demonstrate attainment of the Statewide Health Standard.

Metso Minerals Industries, Inc., 350 Railroad Street, Danville, **Montour County**. ELM Energy, LLC, 60 State Street, Suite 201, Peoria, IL 61602, on behalf of Metso Minerals Industries, Inc., 250 Railroad Street, Danville, PA 17821 has submitted a Final Report concerning remediation of site soil & groundwater contaminated with Petroleum Hydrocarbons & Volatile Organic Compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Phoenix Pad C, 782 Antrim Road, Duncan Township, **Tioga County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of EQT Production Company, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222 submitted a Final Report concerning remediation of site soils contaminated with inorganic compounds. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Tenaska Strange Impoundment, 292 Rumsey Hill Road, Sullivan Township, **Tioga County**. Moody & Associates, Inc., 685 Broad Street Extension, Suite 1, Waverly, NY 14892, on behalf of Tenaska Resources, LLC, 601 Technology Drive, Suite 100, Canonsburg, PA 15317, submitted a Final Report concerning remediation of site soils and water contaminated with constituents characteristic of a release of brine. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Schoonover House, Community Drive, Middle Smithfield Township, **Monroe County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of US Dept. of Interior—NPS, 1978 River Road, Bushkill, PA 18324, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethylbenzene, Naphthalene, Toluene, 1,2,4-TMB, 1,3,5-TMB, MTBE, and Cumene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

ARMACS Associates, 2 Old Market Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. AECOM, 4507 North Front Street, Harrisburg, PA 17110, on behalf of ARMACS Associates, 2 Old Market Street, Mount Joy, PA 17552, submitted a report titled "Remedial Investigation/Risk Assessment/Cleanup Plan," for site soils and groundwater contaminated with #6 fuel oil. The site will be remediated to a combination of Residential Statewide Health and Site Specific Standards.

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

Vista Resources Pleasantville Release, Neiltown Road, Harmony Township, **Forest County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Vista Resources, 61 McMurray Road, Suite 300, Pittsburgh, PA 15241, submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene, 1,3,5-

trimethylbenzene, benzene, cyclohexane, ethylbenzene, isopropylbenzene (cumene), naphthalene, sec-butylbenzene, tert-butylbenzene, toluene, total xylenes, 1-1-biphenyl, 2-methylnaphthalene, acenaphthene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene, pyrene, phenol, aluminum, barium, boron, iron, lithium, manganese, selenium, vanadium, and zinc. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Former Glassport Rail Yard (former P&LE Railroad Maintenance Buildings and Yard), between Fifth Street and Third Street to the immediate east of the CSX Railroad ROW, Borough of Glassport, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Borough of Glassport, 44 Monongahela Ave, Glassport, PA 15045 and Turtle Creek Valley Council of Governments, 2700 Monroeville Boulevard, Monroeville, PA 15146 has submitted Remedial Investigation/Risk Assessment concerning site soils contaminated with manganese, benzidine, and tetrachloroethane, and groundwater contaminated with naphthalene, arsenic, and manganese. The RI/RA is intended to document remediation of the site to meet the Site-Specific standard. Notice of the RI/RA was published in the *Tribune-Review* on March 8, 2016.

Lot 3 of the Hoey's Run Plan of Lots, 525 Locust Place, Borough of Sewickley, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Hoey's Run, LLC, 336 Fourth Avenue, Pittsburgh, PA 15222 has submitted a Remedial Investigation/Cleanup Plan/Final Report (RI/CP/FR) concerning site soils contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene, naphthalene, toluene, and total xylene. The report is intended to document remediation of the site to meet the Site-Specific standard. Notice of the RI/CP/FR was published in the *Tribune-Review* on March 14, 2015.

Bakery Square 2.0 (Former Reizenstein Middle School), 129 Denniston Avenue, City of Pittsburgh, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Walnut Capital Management, Inc., 5500 Walnut Street, Ste 300, Pittsburgh, PA 15232 has submitted a Risk Assessment/Cleanup Plan concerning the remediation of site soil contaminated with arsenic, and groundwater contaminated with tetrachlorethene and trichlorethene. Notice of the Risk Assessment/Cleanup Plan was published in the *Tribune-Review* on March 16, 2016.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans

and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Gary Calhoun Residence, 19 Mordred Drive, Bald Eagle Township, **Clinton County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Gary Calhoun, 19 Mordred Drive, Mill Hall, PA 17751, submitted a Final Report concerning the remediation of site soil contaminated with Heating Oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on March 15, 2016.

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

RE Invest Tire & Wheel Renewal LLC, 515—621 North College Street, Carlisle, PA 17013, Borough of Carlisle, **Cumberland County**. Sovereign Consulting, Inc., 111A North Gold Drive, Robbinsville, NJ 08691, on behalf of RE Invest Tire & Wheel Renewal, LLC, PO Box 748, Hainesport, NJ 08036, submitted a Final Report

concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs, pesticides, herbicides, and PCBs. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on March 24, 2016.

Former Lestz & Company Property, 436 West James Street, Lancaster, PA 17603, Lancaster City, **Lancaster County**. Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602, on behalf of 436 West James Street, LLC, 941 Wheatland Avenue, Suite 402, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on March 24, 2016.

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

New Bethlehem Compressor Station, 7925 Route 861, Porter Township, **Clarion County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of EXCO Resources (PA), LLC, 260 Executive Drive, Suite 100, Cranberry Township, PA 16066, submitted a Final Report concerning the remediation of site soil contaminated with 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Benzene, Toluene, Ethylbenzene, Xylenes (total), Isopropylbenzene, Naphthalene, sec-Butylbenzene, tert-Butylbenzene, Cyclohexane, Anthracene, 1,1-Biphenyl, Benzo[a]anthracene, Benzo[b]fluoranthene, Benzo[g,h,i]pyrene, Chrysene, Fluoroanthene, Fluorene, Indeno[1,2,3-cd]pyrene, 2-Methylnaphthalene, Phenanthrene, Phenolics, and Pyrene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 22, 2016.

Waterford Dollar General, 12674 State Route 19, Waterford Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Midwest XV, LLC, 403 Oak Street, Spring Lake, MI 49456, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), Methyl-tert-butyl-ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Ethylene Dibromide, 1,2-Dichloroethane, and Lead. The Report was disapproved by the Department on March 24, 2016.

Vista Resources Pleasantville Release, Neiltown Road, Harmony Township, **Forest County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Vista Resources, 61 McMurray Road, Suite 300, Pittsburgh, PA 15241, submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, cyclohexane, ethylbenzene, isopropylbenzene (cumene), naphthalene, sec-butylbenzene, tert-butylbenzene, toluene, total xylenes, 1-1-biphenyl, 2-methylnaphthalene, acenaphthene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene, pyrene, phenol, aluminum, barium, boron, iron, lithium, manganese, selenium, vanadium, and zinc. The Report was disapproved by the Department on March 24, 2016.

Jones Lease, Approximately 2,870 feet west of the intersection of State Route 2002 and Bear Run Road, Richland Township, **Venango County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on

behalf of Roilwell, Inc., 1607 Riverside Drive, Oil City, PA 16301, submitted a Final Report concerning the remediation of site soil contaminated with Chloride and Strontium. The Final Report did not demonstrate attainment of a combination the Statewide Health and Background Standards and was disapproved by the Department on March 28, 2016.

Winner International, 520 Shenango Avenue, City of Sharon, **Mercer County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of East Coast Chair & Barstool, 966 Perry Highway, Mercer, PA 16137, submitted a Final Report concerning the remediation of site soils contaminated with Lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 28, 2016.

Parker Hannifin Corporation (74 South Main Street), 74 South Main Street, Borough of Union City, **Erie County**. AECOM Technical Services, 12420 Milestone Center Drive, Germantown, MD 20876, on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with Acetone, Benzene, 2-Butanone, Ethylbenzene, Methylene Chloride, Tetrachloroethene, Toluene, Trichloroethene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylenes, Acenaphthene, Acenaphthylene, Anthracene, Benzo[a]anthracene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Benzo[g,h,i]perylene, Benzo[a]pyrene, 2-chloronaphthalene, Chrysene, Dibenz[a,h]anthracene, Fluoranthene, Fluorene, Ideno[1,2,3-cd]pyrene, Naphthalene, Phenanthrene, Bis[2-ethylhexyl]phthalate, Pyrene, Arsenic, Barium, Chromium, Lead, Mercury, Silver and site groundwater contaminated with Arsenic, Barium, Lead, Selenium, and Chloroform. The Remedial Investigation/Risk Assessment/Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on March 29, 2016.

HAZARDOUS WASTE ACTION

Variations issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for hazardous waste management facilities.

Southwest Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

American Iron Oxide Company (AMROX), Two Wheeling Pittsburgh Steel Drive, Allenport, PA 15412. Renewal of a variance from solid waste classification for spent pickle liquor used by AMROX for acid regeneration and iron oxide production at its facility in Allenport Borough, **Washington County** was approved by the Regional Office on March 28, 2016.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301283. Graymont (PA) Inc., 194 Match Factory Place, Bellefonte, PA 16823, Benner Township,

Centre County. Permit renewal for an existing landfill. The permit was issued by Northcentral Regional Office on March 24, 2016.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531

GP5-58-037: Williams Field Services Co., LLC (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on March 21, 2016 for the construction and operation of natural gas compressor station at the facility located in Brooklyn Township, **Susquehanna County**.

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

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

GP3-08-348B: Robert Johnson Flagstone, Inc. (3658 Old Stage Coach Road, Wyalusing, PA 18853) on March 21, 2016, to authorize the relocation of a portable nonmetallic mineral processing plant pursuant to the General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Edwards Quarry located in Pike Township, **Bradford County**.

GP9-08-348B: Robert Johnson Flagstone, Inc. (3658 Old Stage Coach Road, Wyalusing, PA 18853) on March 21, 2016, to authorize the relocation of one (1) Caterpillar model C-9 CLJ04853 engine rated at 275 brake horsepower-hour (bhp-hr), one (1) Caterpillar model C13 engine rated at 440 bhp-hr and three (3) diesel-fired Deutz model TCD2012L04 2V engines, each rated at 100 bhp-hr pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at the Edwards Quarry located in Pike Township, **Bradford County**.

GP3-08-354B: Robert Johnson Flagstone, Inc. (3658 Old Stage Coach Road, Wyalusing, PA 18853) on March 22, 2016, to authorize the construction and operation of a portable nonmetallic mineral processing plant pursuant to the General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Sand Quarry located in Herrick Township, **Bradford County**.

GP9-08-354B: Robert Johnson Flagstone, Inc. (3658 Old Stage Coach Road, Wyalusing, PA 18853) on March 22, 2016, to authorize the construction and operation of one (1) Caterpillar model C-9 CLJ04853 engine rated at 275 brake horsepower-hour (bhp-hr), one (1) Caterpillar model C13 engine rated at 440 bhp-hr and three (3)

diesel-fired Deutz model TCD2012L04 2V engines, each rated at 100 bhp-hr pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at the Sand Quarry located in Herrick Township, **Bradford County**.

GP1-08-396: Gateway Cogeneration 1, LLC (6219 Squires Ct., Spring, TX 77389) on March 25, 2016, authorized the construction and operation of a 10.46 MMBtu/hr natural-gas fired Clayton Steam Generators model EG254-FMB combustion unit equipped with a low-nitrogen oxide burner pursuant to the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) at their Bradford Plant facility located in Towanda Township, **Bradford County**.

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

Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161

GP3-63-00970B: Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258) on March 23, 2016, to allow the installation and operation of a portable nonmetallic mineral processing plant consisting of one crusher, one vibratory screen, and one stacker at Maggie Lynn Quarry, located in Deemston Borough, **Washington County**.

GP11-63-00970: Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258) on March 23, 2016, to allow the installation and operation of three nonroad diesel-fired engines at Maggie Lynn Quarry, located in Deemston Borough, **Washington County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

15-0149A: The Vanguard Group, Inc. (455 Devon Park Drive, Wayne, PA 19087) On March 23, 2016 for the increase in operating hours of two (2) existing diesel-fired emergency generator sets, each rated at 1,490 bhp for a total electrical production capacity of 2.22 megawatts at their facility in Tredyffrin Township, **Chester County**.

15-0037G: Oberthur Technologies (523 James Hance Court, Exton, PA 19341), On March 29, 2016 for the modification of an existing screen press, Screen Press No. 4 (Source ID 101F), at their facility located in West Whiteland Township, **Chester County**.

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

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

36-03168A: Franklin & Marshall College (415 Harrisburg Avenue, Lancaster, PA 17604-3003) on March 21, 2016, for the installation of a 1,573 bhP Jenbacher model JMC 416 natural gas fired engine in the City of Lancaster, **Lancaster County**. The 4-stroke lean-burn non-emergency RICE will be equipped with a CO oxida-

tion catalyst. Additionally, the engine will be equipped with a genset rated at 1,137 kW and a waste heat recovery boiler. The electricity and steam/hot water will be used by F&M. The plan approval also addresses three existing boilers and eight existing emergency engines.

06-05154A: Birdsboro Power LLC (92 Armocast Drive, Birdsboro, PA 19508) on March 22, 2016, for the construction of a natural gas-fired combined cycle electric generation facility located in Birdsboro Borough, **Berks County**. The facility is designed to generate up to 450 MWs nominal using a combustion turbine generator and a heat recovery steam generator that will provide steam to drive a steam turbine generator. The heat recovery steam generator will be equipped with a natural gas-fired duct burner to supplement power output. The turbine is rated at 2,944 MMBtus/hr and the duct burner is rated at 500 MMBtus/hr. A selective catalytic reduction (SCR) system and oxidation catalyst in series will control NO_x, CO and VOC. The proposed project will also include a diesel emergency generator, a diesel emergency fire pump and an evaporative cooling tower.

67-05005J: Brunner Island, LLC (835 Hamilton Street, Suite 150, Allentown, PA 18101-2400), on March 28, 2016, for the addition of the following contingent annual NO_x emission limits (TPY = tons during any consecutive 12-month period) at the Brunner Island Steam Electric Station located in East Manchester Township, **York County**: (a) Facility = 14,254.00 TPY; (b) Unit No. 1 (Source ID 031A) = 3,751.00 TPY; (c) Unit No. 2 (Source ID 032) = 4,261.00 TPY; and (d) Unit No. 3 (Source ID 033A) = 8,186.00 TPY.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

23-0001AD: Sunoco Inc. (100 Green Street, Marcus Hook, PA 19061-4800) On March 14, 2016, to install, operate and maintain an Oxidation Catalyst to reduce emissions of carbon Monoxide (CO) from six (6) existing compression ignition engines in Marcus Hook Borough, **Delaware County**.

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

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

67-03162C: Church & Dwight Co., Inc. (5197 Commerce Drive, York, PA 17408) on March 22, 2016, for construction of a new vitamin and mineral supplements production line at the Davies Facility located in Jackson Township, **York County**. The plan approval was extended, and a testing condition was added.

06-03117H: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 17606-3266) on March 22, 2016, for the construction and temporary operation of a fabric filter for nuisance dust control, as well as of a micronizing mill controlled by a fabric collector, at the custom milling facility located in Exeter Township, **Berks County**. The plan approval was extended.

28-05002C: Letterkenny Army Depot (One Overcash Ave., Chambersburg, PA 17201), on March 21, 2016, for the construction of two coating booths controlled by dry filters at their facility in Letterkenny Township, **Franklin County**. The plan approval was extended.

06-05069U: East Penn Manufacturing Co., Inc. (P.O. Box 147, Lyon Station, PA 19536) on March 25, 2016, for modifying the A-2 Facility operations at the lead-acid battery assembly facility located in Richmond Township, **Berks County**. The plan approval was extended.

06-03117G: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 17606-3266) on March 25, 2016, for the construction and temporary operation of a micronizing mill controlled by a fabric collector and final filter, at the custom milling facility located in Exeter Township, **Berks 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

08-313-004K: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on March 21, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from April 17, 2016 to October 14, 2016, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

08-313-004L: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on March 21, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 8, 2016 to November 4, 2016, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

08-00010G: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on March 21, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from April 30, 2016 to October 27, 2016, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

19-00028A: White Pines Corp. (515 State Route 442, Millville, PA 17846) on March 11, 2016, to extend the authorization an additional 180 days from March 16, 2016 to September 12, 2016, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility in Pine Township, **Columbia County**. The extension authorization allows continued leachate pre-treatment operation at the facility. The plan approval has been extended.

17-00063A: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on March 11, 2015, to extend the authorization an additional 180 days from May 2, 2016 to October 29, 2015, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the ethanol production plant located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

17-00063B: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on March 11, 2015, to extend the authorization an additional 180 days from May 2, 2016 to October 29, 2016, in order to

continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the ethanol production plant located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

17-00063C: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on March 11, 2015, to extend the authorization an additional 180 days from April 1, 2016 to September 29, 2016, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the ethanol production plant located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

17-00063D: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on March 11, 2015, to extend the authorization an additional 180 days from March 8, 2016 to September 4, 2016, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the grain storage silos located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

08-00001A: Tennessee Gas Pipeline Company, LLC (1001 Louisiana Street, Suite 1000, Houston, TX 77002) on March 16, 2016, extended the authorization an additional 180 days from April 7, 2016 to October 4, 2016, to continue the evaluation of the gas turbine (Source ID P101A) for compliance with all applicable regulatory requirements including the plan approval emissions restrictions. The gas turbine is located at the Compressor Station 319 facility in Wyalusing Township, **Bradford County**. The plan approval has been extended.

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

Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161

PA-03-00253A: Western Allegheny Energy, LLC (301 Market Street, Kittanning, PA 16201-9642) on March 22, 2016, to extend the period of temporary operation 180 days for the 800,000 tons per year Parkwood Mine Coal Preparation Plant in Plumcreek Township, **Armstrong County**. The new expiration date is September 28, 2016.

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

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

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

39-00006: American Craft Brewery LLC, Breinigsville (7880 Penn Drive, Breinigsville, PA 18031-1508). On March 23, 2016, the Department issued a renewal Title V Operating Permit for the manufacture of malt beverages facility in Upper Macungie Township, **Lehigh County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G.

The sources consist of boilers, emergency generators, silos, filling lines, and ink coders. The sources are controlled by cyclones and baghouses. The Title V Operat-

ing Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

05-05005: Bedford Materials Co., Inc. (7676 Allegheny Road, Manns Choice, PA 15550-8967) on March 21, 2016, for the specialty materials coating facility located in Napier Township, **Bedford County**. The Title V permit was renewed.

31-05019: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on March 24, 2016, for the Entriken natural gas compressor station located in Todd Township, **Huntingdon County**.

67-05030: CP Converters, Inc. (15 Grumbacher Road, York, PA 17406-8417) on March 24, 2016, for the flexible packaging printing facility located in Manchester Township, **York County**. The Title V permit was renewed.

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

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

59-00003: Osram Sylvania Products, Inc. (One Jackson Street, Wellsboro, PA 16901) on March 1, 2016, issued a renewal Title V operating permit for the light bulb manufacturing facility located in Wellsboro Borough, **Tioga County**. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

23-00105: Hanson Aggregates PA, LLC—Glen Mills Asphalt Plant (533 Forge Road, Glen Mills, PA 19342) On March 23, 2015, for the renewal of State-only Operating permit for the operation a hot mix asphalt plant at the facility located in Middletown Township, **Delaware County**.

09-00101: William Rowen Grant Funeral Home Inc./dba Delaware Valley Crematory Co. (659 Street Rd. Southampton, PA 18966) On March 29, 2016 for the renewal of a Natural Minor Operating Permit for the operation of a human crematorium in Upper South Hampton Township, **Bucks County**.

09-00159: Colorcon Inc. No Tox Production Div., (171 New Britain Blvd., Chalfont, PA 18914) On March 29, 2016, for the renewal of a Natural Minor Operating Permit for the production of non-toxic paste, solvent and water based printing inks in New Britain Township, **Bucks County**.

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

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

67-05137: Menasha Packaging, LLC (30 Grumbacher Road, York, PA 17406-8420) on March 21, 2016, for the lithographic printing facility located in Manchester Township, **York County**.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940

10-00273: Oxbow Activated Carbon/Emlenton Plant (3539 Oneida Valley Road, Emlenton, PA 16373) on March 21, 2016, the Department re-issued a Natural Minor Permit to operate this activated carbon processing plant located in the Allegheny Township, **Butler County**.

The primary pollutant from this facility is particulate matter. The estimated 11 tons per year of particulate matter emissions are well below the major source threshold.

61-00032: Hickman Lumber Company (P. O. Box 130, Emlenton, PA 16373-9305) on March 21, 2016, the Department re-issued a Natural Minor Operating Permit to operate a hardwood sawmill and kiln operation located in Scrubgrass Township, **Venango County**.

The Wood-Fired Boiler (Source ID: 031) continues to be subject to the requirements of 40 CFR 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

The primary emissions are from the boilers used to provide heat to the kilns. Emission of all criterial pollutants are well below the major source thresholds.

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

46-00032: SPS Technologies, Inc., (301 Highland Avenue, Jenkintown, PA 19046) On March 29, 2016 for the administrative amendment of the Title V Operating Permit for the change in the responsible official. The facility is located in Abington Township, **Montgomery County**.

09-00136: Capsugel Holdings US, Inc. (20 Pacific Drive, Quakertown, PA 18951) On March 29, 2016, for the administrative amendment of the State-only Operating Permit for the transfer of ownership from Powdersize, LLC to Capsugel Holdings US, Inc. The facility is located in Richland Township, **Bucks County**.

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

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

44-05001: Standard Steel, LLC (500 North Walnut Street, Burnham, PA 17009-1644), on March 25, 2016, for the steel manufacturing facility located in Burnham Borough, **Mifflin County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 44-05001D.

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336

SOOP-30-00183 EQM Gathering Opco, LLC (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) Administrative Amendment issued on March 23, 2016 to incorporate the process equipment and requirements of PA-30-00183 into the current SOOP. Facility emissions are 95.9 tons of NO_x, 41.7 tons of VOC, 36.7 tons of CO, 4.1 tons of PM₁₀, 4.1 tons of PM_{2.5}, 16.0 tons of all HAPs combined, 5.2 tons of formaldehyde, 4.6 tons of acetaldehyde, 2.8 tons of acrolein, 1.4 ton of methanol, and 99,644 tons of CO₂e per year. The Jupiter Compressor Station is located in Morgan Township, **Greene County**.

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

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

25-00648: NEPA Energy LP (139 South Lake Street, Northeast, PA 16428-3828) on March 23, 2016, issued an administrative amendment of the State Only Operating Permit for the facility located in North East Township, **Erie County**. The administrative amendment incorporated the change in responsible official and the permit contact.

37-00181: American Hard Chrome LLC (511 Sampson Street, New Castle, PA 16101) on March 28, 2016, the Department issued an administrative amendment to the State Only Operating Permit for the plating and polishing facility located in New Castle City, **Lawrence County**. The amendment incorporates the change of ownership from Nordson Xaloy-Tanner Plating Division to American Hard Chrome LLC. The responsible official and permit contact were changed to Andrew Stefurak—Vice President.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340

10-00273: Oxbow Activated Carbon (3539 Oneida Valley Road, Emlenton, PA 16373) for its facility located in Allegheny Township, **Butler County**. The De minimis emission increase is for the proposed relocation of the ELCAN Screener and installation of new dust collector. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the facility Operating Permit issuance on April 19, 2011.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
3-23-16	ELCAN Screen & Baghouse	0.3				
Total Reported Increases		0.3				
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/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 Issued

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

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill and Aleppo Townships, **Greene County** and related NPDES permit for installation of the 15I to 18C Waterline. Surface Acres Proposed 31.5. No additional discharges. The application was considered administratively complete on August 20, 2015. Application received June 16, 2015. Permit issued March 24, 2016.

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

Permit No. 32100103 and NPDES No. PA0263061, KMP Associates, Inc., 3756 Route 981, Saltsburg, PA 15681, permit renewal for reclamation only of a bituminous surface and auger mine in Young Township, **Indiana County** affecting 37 acres. Receiving streams: Harpers Run classified for the following uses: cold water

fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 21, 2015. Permit Issued: March 1, 2016.

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

33950102 and NPDES Permit No. PA0226904. Leonard W. Yenzi (P. O. Box 62, Anita, PA 15711) Renewal of an existing bituminous surface and sandstone removal mine and associated NPDES permit in Knox Township, **Jefferson County**, affecting 68.0 acres. Receiving streams: Sandy Lick Creek. Application received: December 15, 2015. Permit Issued: March 3, 2016.

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

17030112 and NPDES No. PA0243566. Clearfield Properties, Inc. (2151 Lisbon Road, Kennerdell, PA 16374). Permit renewal of an existing bituminous surface mine located in Chest Township, **Clearfield County** affecting 148.9 acres. Receiving streams: Unnamed Tributaries to North Camp Run to Chest Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 18, 2015. Permit issued: March 22, 2016.

17120102 and NPDES PA0257915. Rob Holland Enterprises (52 Holland Lane, Curwensville, PA 16833). Permit renewal for continued operation and restoration of a bituminous surface mine located in Penn Township, **Clearfield County** affecting 42.5 acres. Receiving stream(s): Kratzer Run and Hiles Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 28, 2015. Permit issued: February 23, 2016.

17040112. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Permit renewal for reclamation only of a bituminous surface mine located in Penn Township, **Clearfield County** affecting 55.1 acres. Receiving stream(s): Unnamed Tributary A to Kratzer Run, Unnamed Tributary C to Kratzer Run, Ephemeral Tributary D to Kratzer Run, and Ephemeral Tributary E to Kratzer Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 6, 2015. Permit issued: February 22, 2016.

17130105 and NPDES PA0269662. Corey L. Shawver dba Hilltop Coal Company (12 Dutchtown Road, Houtzdale, PA 16651). Commencement, operation, and restoration of a bituminous surface and auger mine located in Bigler and Woodward Townships, **Clearfield County** affecting 137.7 acres. Receiving stream(s): Unnamed Tributary to Japling Run and Unnamed Tributaries to Beaver Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: August 26, 2015. Permit issued: March 1, 2016.

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

65050102 and NPDES Permit No. PA0250830. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Washington and Bell Townships, **Westmoreland County**, affecting 245 acres. Receiving streams: unnamed tributaries to Beaver Run. Application received: May 15, 2015. Renewal permit issued: March 22, 2016.

03980108 and NPDES Permit No. PA0202371. Stitt Coal Company (811 Garretts Run Road, Ford City, PA 16226). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Kittanning Township, **Armstrong County**, affecting 82.3 acres. Receiving streams: unnamed tributaries to Garretts Run and Garretts Run. Application received: June 19, 2014. Renewal permit issued: March 22, 2016.

63100101 and NPDES Permit No. PA0251933. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 293 acres. Receiving streams: unnamed tributaries to Center Branch Pigeon Creek, Pigeon Creek and South Branch Pigeon Creek. Application received: September 8, 2015. Renewal permit issued: March 23, 2016.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901

Permit No. 54860204R5. Premium Fine Coal, Inc., (PO Box 2043, Hazleton, PA 18201), renewal of an existing anthracite coal preparation plant operation in Walker Township, **Schuylkill County** affecting 57.0 acres, receiving stream: Little Schuylkill River. Application received: October 1, 2013. Renewal issued: March 24, 2016.

Permit No. 54860204C3. Premium Fine Coal, Inc., (PO Box 2043, Hazleton, PA 18201), correction of an existing anthracite coal preparation plant operation to update the post-mining land use to unmanaged natural habitat in Walker Township, **Schuylkill County** affecting 57.0 acres, receiving stream: Little Schuylkill River. Application received: October 1, 2013. Renewal issued: March 24, 2016.

Permit No. 54860204GP104. Premium Fine Coal, Inc., (PO Box 2043, Hazleton, PA 18201), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54860204 in Walker Township, **Schuylkill County**, receiving stream: Little Schuylkill River. Application received: October 1, 2013. Permit issued: March 24, 2016.

Noncoal Permits Issued

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

37152803. Beyond Corp., LLC (2905 Hillsville Road, Edinburg, PA 16116) Commencement, operation and restoration of a small industrial minerals mine in Mahoning Township, **Lawrence County**, affecting 5.0 acres. Receiving streams: Unnamed tributary to Mahoning River. Application received: October 2, 2015. Permit Issued: March 3, 2016.

37152803-GP-104. Beyond Corp., LLC (2905 Hillsville Road, Edinburg, PA 16116) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37152803 in Mahoning Township, **Lawrence County**. Receiving streams: Unnamed tributary to Mahoning River. Application received: February 29, 2016. Permit Issued: March 3, 2016.

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

60842301. Roger E. Day (145 Beagle Road, Lewisburg, PA 17837). Final bond release for a small industrial minerals surface mine, located in Kelly Township, **Union**

County. Restoration of 3.0 acres completed. Receiving stream(s): Spruce Run. Application received: February 26, 2016. Final bond release approved: March 2, 2016.

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

26152801. Charles L. Swenglish & Sons Coal Co., Inc. (2 Swenglish Lane, Smithfield, PA 15478). Permit issued for commencement, operation and restoration to a small noncoal surface mine located in German Township, **Fayette County** affecting 11.8 acres. Receiving streams: unnamed tributaries to South Branch Browns Run. Application received: July 13, 2015. Permit issued: March 22, 2016.

26152801-GP-104. Charles L. Swenglish & Sons Coal Co., Inc. (2 Swenglish Lane, Smithfield, PA 15478). General NPDES permit for stormwater discharge associated with mining activities on an existing small noncoal (Industrial Mineral). Permit No. 26152801 located in German Township, **Fayette County** affecting 11.8 acres. Receiving streams: unnamed tributaries to South Branch Browns Run. Application received: July 13, 2015. GP-104 permit issued: March 22, 2016.

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

Permit No. 06960301C3. Lehigh Cement Co., LLC, (7660 Imperial Way, Allentown, PA 18195), correction to an existing quarry operation to expand the mining area within the existing permit boundary in Oley Township, **Berks County** affecting 160.8 acres, receiving stream: unnamed tributary to Manatawny Creek. Application received: April 29, 2011. Correction issued: March 22, 2016.

Permit No. 8074SM2C8 and NPDES Permit No. PA0012904. Highway Materials, Inc., (1750 Walton Road, Blue Bell, PA 19422), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Whitemarsh Township, **Montgomery County** affecting 272.49 acres, receiving streams: Lorraine Run and Plymouth Creek. Application received: February 27, 2012. Renewal issued: March 24, 2016.

Permit No. 8074SM2C9. Highway Materials, Inc., (1750 Walton Road, Blue Bell, PA 19422), correction of an existing quarry operation to revise the permitted acres from 334.0 to 272.49 acres in Whitemarsh Township, **Montgomery County**, receiving streams: Lorraine Run and Plymouth Creek. Application received: February 10, 2015. Correction issued: March 24, 2016.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

14164101. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Blasting for single dwelling home foundation in Miles Township, **Centre County** with an expiration date of December 30, 2016. Permit issued: March 24, 2016.

59164101. Brubacher Excavating Inc. (P. O. Box 528, Bowmansville, PA 17507). Blasting for commercial development located in Deerfield Township, **Tioga County** with an expiration date of March 22, 2017. Permit issued: March 24, 2016.

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

Permit No. 48164103. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Saratoga Farms in Lower Nazareth Township, **Northampton County** with an expiration date of March 7, 2017. Permit issued: March 23, 2016.

Permit No. 58164102. DW Drilling & Blasting, (2042-B South Brentwood Boulevard, Suite 115, Springfield, MO 65804), construction blasting for JHHC P1 Gas Pad in Jessup Township, **Susquehanna County** with an expiration date of March 1, 2017. Permit issued: March 23, 2016.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-516. Monroe Energy, Trainer Refinery, 4101 Post Road, Trainer, PA 19061, Trainer Borough, **Delaware County**, ACOE Philadelphia District.

To construct and maintain Area 3 cooling tower facility, approximate size 250 feet by 50 feet at the Trainer Refinery partially within the floodway and floodplain of Stoney Creek (WWF). The project is associated with providing cooling water to the refinery instead of presently withdrawing water from the Delaware River.

The site is located at 4101 Post Road (Marcus Hook—PA USGS Quadrangle latitude 39.825968, longitude -75.400646.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511

E39-537. Upper Macungie Township, 8330 Schantz Road, Breinigsville, PA 18031. Upper Macungie Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove four existing pipe culverts and construct and maintain a stream enclosure and channel change along an unnamed tributary to Cedar Creek (HQ-CWF, MF) associated with the Laurel Fields Subdivision in Upper Macungie Township, Lehigh County. The stream enclosure consists of a 125-foot long concrete box culvert with a span of 24 feet and an underclearance of 3 feet. The channel change consists of approximately 215 linear feet of work, including removing sediment and re-shaping and lining the channel with erosion control matting. The project is located on Werley Road, approximately 500 feet southeast of its intersection with Dale Trail (Allentown West, PA Quadrangle, Latitude: 40° 34' 57.5" N; Longitude: -75° 33' 50.2" W).

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

E02-1712, Columbia Gas Transmission, LLC, 1700 South MacCorkle Avenue, SE, Charleston, WV 25314, North Fayette Township and South Fayette Township, **Allegheny County**, ACOE Pittsburgh District.

Has been given consent to:

1. Construct and maintain multiple utility line stream and wetland crossings within the Millers Run (WWF) and Robinson Run (WWF) watersheds, and a temporary road crossing, in association with the installation of replace-

ment, 20" diameter carbon steel pipe, cathodic protection, mainline valves and other support facilities.

2. Operate and maintain some segments of the existing 20" diameter bare steel pipe of the Line 1570 gas pipeline, within an existing right-of-way, where service will be abandoned.

3. Construct and maintain a temporary road crossing.

For the purpose of modernizing and replacing existing, aging infrastructure. In Allegheny County, this project will have a cumulative impact of approximately 2,248.25 linear feet (lf) of watercourse and 0.48 acre of wetland. Original grades will be restored in these watercourses and the 0.48 acre of wetland, after the utility line crossings are constructed. Construction activities will occur within a 75'—100' right-of-way (ROW); however, a 50' permanent ROW will be maintained, post construction. Within Allegheny County, this project begins approximately 1,360' west of the intersection between Reissing Road and Cecil Reissing Road (Canonsburg, PA USGS topographic quadrangle; Latitude: 40° 21' 9.72"; Longitude: -80° 12' 14.42"), in South Fayette Township, Allegheny County, and ends near the intersection of North Branch Road and Third Ave (Oakdale, PA USGS topographic quadrangle; Latitude: 40° 24' 45.58"; Longitude: -80° 12' 33.42"), in North Fayette Township, Allegheny County. This application is for a portion of a multi-county project that is located within Allegheny County; however, the overall project includes the replacement of approximately 34 miles of pipeline, within three (3) pipeline segments, in Allegheny, Greene and Washington Counties.

E63-668, Columbia Gas Transmission, LLC, 1700 South MacCorkle Avenue, SE, Charleston, WV 25314; Canonsburg Borough, Houston Borough, Amwell Township, Cecil Township, Chartiers Township, North Strabane, and South Strabane Township; **Washington County**; ACOE Pittsburgh District.

Has been given consent to:

1. Construct and maintain multiple utility line stream and wetland crossings within the Little Chartiers Creek (HQ-WWF), Chartiers Creek, main stem and unnamed tributaries (WWF), Brush Run (WWF) and Millers Run (WWF) watersheds, in association with the installation of replacement, 20" diameter carbon steel pipe, cathodic protection, mainline valves and other support facilities.

2. Operate and maintain some segments of the existing 20" diameter bare steel pipe of the Line 1570 gas pipeline, within an existing right-of-way, where service will be abandoned.

3. Construct and maintain nineteen (19) temporary road crossings, including timber mat crossings.

For the purpose of modernizing and replacing existing, aging infrastructure. In Washington County, this project will have a cumulative impact of approximately 3,876.71 linear feet (lf) of watercourse and 4.92 acres of wetland. Original grades will be restored in these watercourses and the 4.92 acres of wetland, after the utility line crossings are constructed. In addition, another 0.49 acre of PSS wetlands will be permanently converted into PEM wetlands, which will be mitigated by a portion of the 0.71 acre of mitigation credits that will be purchased from the Robinson Fork Mitigation Bank (DEP File No MB990563-0003). Construction activities will occur within a 75'—100' right-of-way (ROW); however, a 50' permanent ROW

will be maintained, post construction. Within Washington County, this project begins near the interchange between S.R. 40 and I-79 (Washington East, PA USGS topographic quadrangle; Latitude: 40° 8' 53.01"; Longitude: -80° 12' 11.92"), in Amwell Township, Washington County, and continues, in discontinuous segments, through Canonsburg and Houston Boroughs, and Chartiers, North Strabane and South Strabane Townships, until a point that is approximately 0.5 mile NW of the intersection between Reissing Road and Cecil Reissing Road (Canonsburg, PA USGS topographic quadrangle; Latitude: 40° 20' 59.51"; Longitude: -80° 12' 14.91"), in Cecil Township, Washington County. This application is for a portion of a multi-county project that is located within Washington County; however, the overall project includes the replacement of approximately 34 miles of pipeline, within three (3) pipeline segments, in Allegheny, Greene and Washington Counties.

E30-248, Columbia Gas Transmission, LLC, 1700 South MacCorkle Avenue, SE, Charleston, WV 25314; Center Township, Franklin Township, Gilmore Township, and Wayne Township; **Greene County**, ACOE Pittsburgh District.

Has been given consent to:

1. Construct and maintain multiple utility line stream and wetland crossings within the PA Fork Dunkard Creek (WWF), Dunkard Creek (WWF), and South Fork Tenmile Creek (HQ-WWF) watersheds, in association with the installation of replacement, 20" diameter carbon steel pipe, cathodic protection, mainline valves and other support facilities.
2. Operate and maintain some segments of the existing 20" diameter bare steel pipe of the Line 1570 gas pipeline, within an existing right-of-way, where service will be abandoned.
3. Construct and maintain fifteen (15) temporary road crossings, including timber mat crossings.

For the purpose of modernizing and replacing existing, aging infrastructure. In Greene County, this project will have a cumulative impact of approximately 4,643.79 linear feet (lf) of watercourse and 2.11 acres of wetland. Original grades will be restored in these watercourses and the 2.11 acres of wetland, after the utility line crossings are constructed. In addition, another 0.09 acre of PEM wetlands will be permanently filled, which will be mitigated by a portion of the 0.71 acre of mitigation credits that will be purchased from the Robinson Fork Mitigation Bank (DEP File No MB990563-0003). Construction activities will occur within a 75'—100' right-of-way (ROW); however, a 50' permanent ROW will be maintained, post construction. Within Greene County, this project begins approximately 0.25 mile south of the intersection between Hagan Creek Road and Hero Road (Wadestown, W.VA-PA USGS topographic quadrangle; Latitude: 39° 43' 17.45"; Longitude: -80° 21' 0.48"), in Gilmore Township, Greene County, through Center and Wayne Townships (Holbrook, PA and Oak Forest, PA USGS topographic quadrangles), and ends approximately 0.32 mile East of where S.R. 18 crosses over South Fork Tenmile Creek (Waynesburg, PA USGS topographic quadrangle; Latitude: 39° 53' 45.27"; Longitude: -80° 13' 2.09"), in Franklin Township, Greene County. This appli-

cation is for a portion of a multi-county project that is located within Greene County; however, the overall project includes the replacement of approximately 34 miles of pipeline, within three (3) pipeline segments, in Allegheny, Greene and Washington Counties.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D30-020A. DCNR, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551. DCNR has withdrawn the Dam Permit Application to reconstruct Ryerson Station Dam across North Fork Dunkard Fork (TSF). The dam would have served the purpose of creating a recreational lake. This application was originally published in 42 Pa.B. 6928 (November 3, 2012) and later republished in 42 Pa.B. 7572 (December 15, 2012). (Wind Ridge, PA Quadrangle. Latitude: 39.8899 Longitude : -80.4497) 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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-2 #ESG15-019-0057—Polaris Lateral Gathering Pipeline
Applicant ETC Northeast Pipeline, LLC
Contact Mr. Travis Gross
Address 7000 Stonewood Drive, Suite 351
City Wexford State PA Zip Code 15090
County Butler Township(s) Oakland
Receiving Stream(s) and Classification(s) UNTs to Pine Run

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
16-51-025	Riverside Materials, Inc. #2870 East Allegheny Avenue Philadelphia, PA 19134 Attn: Richard Raffo	Philadelphia	City of Philadelphia	1 AST storing diesel fuel	30,000 gallons

[Pa.B. Doc. No. 16-598. Filed for public inspection April 8, 2016, 9:00 a.m.]

Bid Opportunity

OSM 40(3704)101.1, Abandoned Mine Reclamation Project, South Newport Center, Newport Township, Luzerne County. The principal items of work and approximate quantities include grading 72,000 cubic yards and seeding 9 acres. This bid issues on April 8, 2016, and bids will be opened on May 5, 2016, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free from the Department of Environmental Protection at www.dep.pa.gov/ConstructionContracts. Bid documents and drawings can also be obtained upon payment of \$22, plus \$8 for postage, which includes sales tax by calling (717) 787-7820. Auto-Cad Map 3D format drawings can also be purchased on a compact disc (CD) for an additional \$5 per CD. Money will not be refunded. 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@pa.gov for more information on this bid.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-599. Filed for public inspection April 8, 2016, 9:00 a.m.]

Interstate Pollution Transport Reduction; Final 2016 Ozone Season NO_x Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is providing notice of the final Nonelectric Generating Unit (non-EGU) 2016 Ozone Season Nitrogen Oxide (NO_x) emission limitations established in accordance with 25 Pa. Code § 145.8(d) (relating to transition to CAIR NO_x trading programs).

Notice of the proposed NO_x emission limitations were published at 46 Pa.B. 1283 (March 5, 2016) to allow for a 15-day public comment period, which closed on March 20, 2016. The Department did not receive any comments on the notice during the public comment period. Therefore, no changes were made to the proposed limits.

The NO_x emissions cap provides 181 tons of NO_x emissions for non-EGUs and the other units that need to

address their emissions through accounting adjustments, including units that previously participated in the NO_x Budget Trading Program; emissions from these units were below the 25-ton exemption threshold. Adjustments were also made for the permanent retirement of NO_x allowances due to generation of emission reduction credits. The Department will also use a portion of the 181 tons of the budgeted NO_x emissions, if necessary, to address mistakes or miscalculations. This year, the Department is proposing to use 71 tons of the 181 tons of NO_x for account adjustments, leaving 110 tons available for any additional adjustments at the end of the control period.

The Department made accounting adjustments for the following facilities:

Retired Units: Naval Surface Warfare Division Unit 98; Shenango Units Nos. 6 and 9 (the generation of emission offsets for small non-NO_x Budget Trading Program units resulted in a permanent NO_x accounting adjustment of 45 tons).

Exempt Units: The Naval Surface Warfare Division (Unit 100) has a 25-ton NO_x permit limit. The Naval Surface Warfare Division (Unit 99) has a 1-ton NO_x permit limit. These two exempt status units account for a total adjustment of 26 tons of NO_x emissions.

Change in Status Units: Entriaken Compressor Station (Unit 31601) had previously operated under a 25-ton exemption, but was authorized by a plan approval (31-05019A) issued December 30, 2013, extended April 11, 2014, and has another extension pending, to remove the exemption upon start-up of the Continuous Emission Monitoring System (CEMS). Armagh Compressor Station (Unit 31301) had previously operated under a 25-ton exemption, but was authorized by a plan approval (32-00230B) issued April 2, 2014, and modified December 16, 2014, to remove the exemption upon start-up of the CEMS. The Entriaken and Armaugh units listed no longer fall into the exempt units category, subjecting both units to the NO_x Budget requirements in 25 Pa. Code Chapter 145 (relating to interstate pollution transport reduction).

Table 1: Final Non-EGU 2016 Ozone Season NO_x Emission Limits lists the following: the facility name; ORIS code; the unit ID for each non-EGU unit; NO_x Rate, the operating year NO_x mass rate; the heat input for the 2015 Ozone Season; county; the calculated 2016 rate; and the 2016 Ozone Season limit.

Persons aggrieved by an action may appeal, 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), 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 may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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, 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.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921 or ranbordner@pa.gov.

Table 1: Final Non-EGU 2016 Ozone Season NO_x Emission Limits

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>NO_x Rate lb/MMBtu</i>	<i>2015 NO_x Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2016 Rate (lbs/MMBtu)</i>	<i>2016 OS Limit (tons NO_x)</i>
Armagh Compressor Station	880071	31301	0	0	0	Indiana	0.29	0
Bernville Station	880049	32001	0	0	0	Berks	0.29	0
Domtar Paper Company, LLC	54638	40	0.4575	153.625	732,237.6	Elk	0.29	107
Domtar Paper Company, LLC	54638	41	0.4575	135.518	654,118.3	Elk	0.29	96
Entriken Compressor Station	880072	31601	0	0	0	Huntingdon	0.29	0
Honeywell Resins & Chemicals, LLC	880007	52	0.0751	21.998	588,554.5	Philadelphia	0.29	86
Kimberly-Clark Tissue Company	50410	34	1.5014	0.588	783.3	Delaware	0.29	0
Kimberly-Clark Tissue Company	50410	35	0.054	62.469	2,309,122	Delaware	0.29	338
Merck & Company—West Point	52149	39	0.0818	18.748	458,655.6	Montgomery	0.29	67
Merck & Company—West Point	52149	40	0.0244	16.36	1,341,452	Montgomery	0.29	196
Naval Surface Warfare Division	880009	98	retired			Philadelphia		0
Naval Surface Warfare Division	880009	99	25-ton exemption (limit 1-ton)			Philadelphia		0
Naval Surface Warfare Division	880009	100	25-ton exemption (limit 25-ton)			Philadelphia		0
NextEra Energy MH50	50074	1	0.529	0.351	1,850.723	Delaware	0.29	0
NextEra Energy Marcus Hook, LP	55801	AB01	0	0	0	Delaware	0.29	0

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>NO_x Rate lb/MMBtu</i>	<i>2015 NO_x Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2016 Rate (lbs/ MMBtu)</i>	<i>2016 OS Limit (tons NO_x)</i>
NextEra Energy Marcus Hook, LP	55801	AB02	0	0	0	Delaware	0.29	0
NextEra Energy Marcus Hook, LP	55801	AB03	0.02	2.127	219,359.1	Delaware	0.29	32
NextEra Energy Marcus Hook, LP	55801	AB04	0.0207	7.713	742,220.6	Delaware	0.29	109
P H Glatfelter Company	50397	34	0.4705	231.592	982,767.1	York	0.29	144
P H Glatfelter Company	50397	35	0.4609	184.3	782,271	York	0.29	114
P H Glatfelter Company	50397	36	0.186	102.298	1,103,141	York	0.29	161
Philadelphia Refinery	52106	150137	0.0393	12.541	623,750.9	Philadelphia	0.29	91
Philadelphia Refinery	52106	150138	0	0	0	Philadelphia	0.29	0
Philadelphia Refinery	52106	150139	0.039	21.992	1,109,261	Philadelphia	0.29	162
Philadelphia Refinery	52106	150140	0.039	25.822	1,280,048	Philadelphia	0.29	187
Philadelphia Refinery	52106	150145	new 6-17-2015				Philadelphia	0
Procter & Gamble Paper Products	50463	328001	0.142	132.947	1,878,545	Wyoming	0.29	275
Procter & Gamble Paper Products	50463	328002	0.0089	8.13	2,118,103	Wyoming	0.29	310
Shenango Incorporated	54532	6	long-term cold storage			Allegheny		0
Shenango Incorporated	54532	9	long-term cold storage			Allegheny		0
Shermans Dale Station	880050	31801	0	0	0	Perry	0.29	0
Trainer Refinery	880025	33	0	0	0	Delaware	0.29	0
Trainer Refinery	880025	34	0.0041	1.549	751,358.3	Delaware	0.29	110
Trainer Refinery	880025	35	0.0045	1.766	791,629.3	Delaware	0.29	116
US Steel (Clairton Coke)	50729	CLBLR1	0.1867	89.337	895,147.2	Allegheny	0.29	131
US Steel (Clairton Coke)	50729	CLBLR2	0.127	35.681	497,805.4	Allegheny	0.29	73
US Steel (Edgar Thomson)	50732	ETBLR1	0.0254	13.874	1,117,134	Allegheny	0.29	163
US Steel (Edgar Thomson)	50732	ETBLR2	0.0222	9.767	896,986.9	Allegheny	0.29	131
US Steel (Edgar Thomson)	50732	ETBLR3	0.0225	12.587	1,165,550	Allegheny	0.29	171
Veolia Energy Philadelphia—Edison Sta	880006	1	0.314	0.011	70	Philadelphia	0.29	0

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>NO_x Rate lb/MMBtu</i>	<i>2015 NO_x Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2016 Rate (lbs/ MMBtu)</i>	<i>2016 OS Limit (tons NO_x)</i>
Veolia Energy Philadelphia— Edison Sta	880006	2	0.2904	0.122	845	Philadelphia	0.29	0
Veolia Energy Philadelphia— Edison Sta	880006	3	0	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia— Edison Sta	880006	4	1.3661	0.193	1,094.2	Philadelphia	0.29	0
Veolia Energy Philadelphia— Schuylkill	50607	23	0	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia— Schuylkill	50607	24	0	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia— Schuylkill	50607	26	0	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia— Schuylkill	50607	RSB1	0.0957	2.143	52,220.32	Philadelphia	0.29	8
Veolia Energy Philadelphia— Schuylkill	50607	RSB2	0.0146	0.331	43,068.63	Philadelphia	0.29	6
United Refining	880099	4	0.086	15.53	370,680	Warren	0.29	54
Total				1,322.01				3,438

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-600. Filed for public inspection April 8, 2016, 9:00 a.m.]

Reissuance of NPDES General Permit for Stormwater Associated with Mining Activities (BMP GP-104)

In accordance with The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Clean Water Act (33 U.S.C.A. §§ 1251—1388) and 25 Pa. Code Chapters 92a and 102 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance; and erosion and sediment control), the Department of Environmental Protection (Department) by this notice announces reissuance of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Associated with Mining Activities (BMP GP-104) (formerly issued as “BMR GP-104”). The permit expires on February 12, 2021.

Under 25 Pa. Code § 92a.32 (relating to stormwater discharges) (incorporating by reference 40 CFR 122.26(a), (b), (c)(1), (d), (e)(1), (3)—(9) and (f)—(g) (relating to stormwater discharges (applicable to State NPDES programs, see § 123.25)), an NPDES permit is required for discharges associated with a mining operation which are composed entirely of stormwater. A mining operation is required to have an individual NPDES permit or coverage under a general NPDES permit, if the site has expected or potential discharges of stormwater runoff.

For both coal and noncoal mining operations, where the only potential discharge will be composed entirely of stormwater, the discharges are appropriately controlled

under a general permit. Under 25 Pa. Code § 92a.54 (relating to general permits), a general permit is justified for the following reasons: 1) these mining operations are substantially similar in scope and site conditions, particularly pertaining to the use of common Best Management Practices (BMP) for erosion and sedimentation control; 2) they would potentially discharge the same type of pollutant (that is, suspended solids); 3) they would require the same effluent limitations or operating conditions consisting of both performance-based narrative effluent limitations and numeric effluent standards, as appropriate; and 4) these operations, individually and cumulatively, do not have the potential to cause significant adverse environmental impact from stormwater discharges.

Applicability

This general permit applies to earth disturbance activity associated with mining (as defined in 25 Pa. Code §§ 87.1 and 88.1 (relating to definitions) as “surface mining activities” and in 25 Pa. Code § 77.1 (relating to definitions) as “noncoal surface mining activities”), where in the absence of BMPs, an area of disturbance 1 acre or greater will result in a discharge of stormwater to surface waters of the Commonwealth. This general permit is issued in conjunction with a separate mining permit or exploration where the only expected discharge to surface waters of the Commonwealth will consist entirely of stormwater.

This general permit will address stormwater in association with mining activities and adjacent areas that may

not be part of the mining permit but are integral to it, such as access roads and processing facilities. This general permit includes provisions for stormwater-related discharges only, not process water or pumped groundwater. This general permit is not applicable for an operation that will, or has the potential to, discharge to special protection (Exceptional Value (EV) or High Quality) waters, including EV wetlands, or to streams identified as "impaired waters" for sediment.

Registration and Information Requirements

To qualify for coverage under this general permit, a licensed mine operator must submit a complete Notice of Intent (NOI) form. The operator must indicate the applicable mining permit or exploration associated with the general permit for stormwater coverage, only one site per NOI for coverage under the general permit, or attach the applicable information to the NOI. The operator must be the same for this general permit as for the associated mining activity authorization.

In the NOI, the operator must identify the BMPs to be used on site. Use of these BMPs must be described in conjunction with an Erosion and Sedimentation Plan (Plan) that meets the requirements of 25 Pa. Code Chapter 102, required to be filed with the permit documentation or attached to the NOI for this general permit, or

<i>Parameter</i>	<i>30-day Average</i>
Total Suspended Solids	35 mg/l
Total Settleable Solids	

pH

Discharge of sewage, mine drainage, groundwater or industrial waste is not permitted.

Periodic visual inspections are required. Grab samples are required in case of a discharge.

Exemptions for Coverage

Any mining permit that has a corresponding individual NPDES permit for point source discharges of any type does not need additional coverage under this general permit.

If the operator of a mining area less than 5 acres can demonstrate in the permit application that, in the absence of any BMPs, stormwater runoff will be completely contained within the pit or completely infiltrate without runoff from the site, no permit coverage is needed. In that case, the mining permit or exploration will be approved with "no discharge" authorized.

Denial of Coverage

Reasons for denial of coverage under this general permit are listed in 25 Pa. Code § 92a.54(e).

Coverage under this general permit shall not substitute for an individual NPDES permit if an individual discharge permit is required. For example, the general permit would not apply to discharges to special protection waters, impaired water or to discharges that may contain hazardous pollutants. In the cases where coverage under this permit is denied, the operator would be required to apply for an individual NPDES permit.

Access to documentation

The permit document, United States Environmental Protection Agency fact sheet, application form and

both. The Plan submitted with the associated mining application may be used to satisfy part of the information requirements for the NOI.

The completed NOI form must be submitted to the appropriate District Mining Office with the proper signatures.

A fee of \$250, payable to the "Commonwealth of Pennsylvania" will be required for this general permit upon submission of the NOI. If approved, the operator will receive notice in writing of coverage under this general permit. Coverage under the general permit will be renewable every 5 years until the reclamation plan is completed.

Conditions of the General Permit

This NPDES general permit establishes performance-based narrative effluent limitations in the form of implemented BMPs that minimize the potential for erosion and sedimentation to protect and maintain water quality and existing and designated uses by restricting the rates, volume, and quality of stormwater runoff and associated pollutants. The operator will implement and maintain these BMPs for the extent of the mining activity as described in this Plan.

Facilities that discharge must meet the following numeric effluent standards:

<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
70 mg/l	90 mg/l
0.5 ml/l Instantaneous Maximum	
Only in the event of a 10-year, 24-hour precipitation event; instead of Total Suspended Solids.	
Greater than 6.0; less than 9.0	

instructions have been posted on the Department's web site at <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-10742>.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-601. Filed for public inspection April 8, 2016, 9:00 a.m.]

**DEPARTMENT OF
GENERAL SERVICES**

**Lease Retail Space to the Commonwealth
Lycoming County**

Proposals are invited to provide the Department of General Services with 4,000 to 6,000 usable square feet of retail space for the Liquor Control Board in Williamsport, Lycoming County. For more information on SFP No. 94796, which is due on Friday, May 20, 2016, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-602. Filed for public inspection April 8, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Children's Hospital of Philadelphia Brandywine Valley Specialty Care and Surgery Center	28 Pa. Code § 567.53 (relating to sterilization control)
Langhorne Access Center	28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery)

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-603. Filed for public inspection April 8, 2016, 9:00 a.m.]

Decisions on Requests for Exception to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b) for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from January 2016, through March 2016. Publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelder, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Published</i>	<i>Request Decision</i>
Uniontown Hospital	§ 101.172	Patient limits	03/12/2016	granted
UPMC St. Margaret Hospital	§ 107.2	Medical staff membership	12/12/2015	denied
Lehigh Valley Hospital	§ 107.61	Written orders	02/13/2016	granted
Lehigh Valley Hospital—Hazleton	§ 107.61	Written orders	02/13/2016	granted
Lehigh Valley Hospital—Muhlenberg	§ 107.61	Written orders	02/13/2016	granted
Magee Womens Hospital of UPMC Health System	§ 107.61	Written orders	03/12/2016	granted
St. Clair Memorial Hospital	§ 107.61	Written orders	02/13/2016	granted
UPMC Bedford	§ 107.61	Written orders	03/12/2016	granted
UPMC East	§ 107.61	Written orders	01/02/2016	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Published</i>	<i>Request Decision</i>
UPMC Hamot	§ 107.61	Written orders	03/05/2016	granted
UPMC Horizon	§ 107.61	Written orders	02/13/2016	granted
UPMC McKeesport	§ 107.61	Written orders	01/02/2016	granted
UPMC Passavant Hospital	§ 107.61	Written orders	03/26/2016	granted
UPMC Presbyterian Shadyside	§ 107.61	Written orders	01/02/2016	granted
UPMC St. Margaret Hospital	§ 107.61	Written orders	03/26/2016	granted
WellSpan Surgery & Rehabilitation Hospital	§ 107.61	Written orders	02/13/2016	granted
Lehigh Valley Hospital	§ 111.27(b)	Nutritional aspects of patient care	02/13/2016	granted
Lehigh Valley Hospital—Hazleton	§ 111.27(b)	Nutritional aspects of patient care	02/13/2016	granted
Lehigh Valley Hospital—Muhlenberg	§ 111.27(b)	Nutritional aspects of patient care	02/13/2016	granted
UPMC Horizon	§ 111.27(b)	Nutritional aspects of patient care	02/13/2016	granted
Geisinger-Bloomsburg Hospital	§ 113.5(a)	Pharmacy and therapeutics committee	02/13/2016	granted
Geisinger-Lewistown Hospital	§ 113.5(a)	Pharmacy and therapeutics committee	01/02/2016	granted
Reading Hospital	§ 133.21	Facilities	01/09/2016	granted
Reading Hospital	§ 133.31	Policies and procedures	01/09/2016	granted
Ephrata Hospital	§ 138.15	High-risk cardiac catheterizations	11/07/2015	granted
Lower Bucks Hospital	§ 138.15	High-risk cardiac catheterizations	02/13/2016	granted
Main Line Hospital Bryn Mawr	§ 138.15	High-risk cardiac catheterizations	01/09/2016	denied
Wayne Memorial Hospital	§ 138.15	High-risk cardiac catheterizations	02/13/2016	granted
Main Line Hospital Bryn Mawr	§ 138.18	EPS studies	01/09/2016	granted
Ohio Valley General Hospital	§ 138.18(b)	EPS studies	02/13/2016	denied
UPMC East	§ 138.18(b)	EPS studies	02/13/2016	granted
UPMC McKeesport	§ 138.18(b)	EPS studies	02/13/2016	granted
Heritage Valley Beaver	§ 143.4	Medical appraisal of a podiatric patient	02/13/2016	granted
Heritage Valley Beaver	§ 143.5	Medical supervision of podiatric patients	02/13/2016	granted
Albert Einstein Medical Center	§ 153.1	2.1-8.2.1.2 Ventilation and space—conditioning requirements	03/12/2016	granted
Children’s Institute of Pittsburgh	§ 153.1	2.1-2.4.3.9(1)(b) Seclusion room—special design elements	02/13/2016	granted
Ephrata Community Hospital	§ 153.1	2.1-8.5.3.2 Size technology distribution rooms (TDRs)	03/12/2016	granted
Ephrata Community Hospital	§ 153.1	2.1-8.5.3.3(2) Location and access requirements	03/12/2016	granted
Guthrie Towanda Memorial Hospital	§ 153.1	3.7-3.4.3.2(2)(b)(i) Phase II space requirements	02/13/2016	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Published</i>	<i>Request Decision</i>
Guthrie Towanda Memorial Hospital	§ 153.1	2.2-3.3.4.3(2)(b) Phase I post-anesthetic care unit (PACU)/space requirements	01/16/2016	granted
Guthrie Towanda Memorial Hospital	§ 153.1	3.7-3.4.3.1(2)(b) Phase I post-anesthesia recovery rooms/space requirements	01/16/2016	granted
J C Blair Memorial Hospital	§ 153.1	2.1-3.2.2.2 Examination rooms or emergency department treatment rooms	02/13/2016	granted
J C Blair Memorial Hospital	§ 153.1	2.2-3.1.3.6(2) Treatment rooms or areas	02/13/2016	granted
J C Blair Memorial Hospital	§ 153.1	2.2-3.1.4.3 Secure holding rooms	12/12/2015	withdrawn
Jameson Memorial Hospital	§ 153.1	2.2-3.4.5.4(1) Patient toilet rooms	02/13/2016	granted
Lancaster General Hospital	§ 153.1	2.1-8.5.3.2 Size technology distribution rooms (TDRs)	03/12/2016	granted
Main Line Hospital Bryn Mawr	§ 153.1	2.1-8.5.1.2 Size telecommunications service entrance rooms (TSERs)	03/12/2016	granted
Main Line Hospital Bryn Mawr	§ 153.1	2.1-8.5.1.4 Building system requirements telecommunications service entrance rooms (TSERs)	03/12/2016	granted
Main Line Hospital Lankenau Medical Center	§ 153.1	2.1-2.2.5.1 Hand-washing stations in the patient rooms/locations	01/09/2016	granted
Main Line Hospital Lankenau Medical Center	§ 153.1	2.2-3.1.3.6(10) Treatment rooms or areas (fast track)	01/09/2016	granted
Main Line Hospital Lankenau Medical Center	§ 153.1	2.2-3.12.2.8 Nurses stations	01/09/2016	granted
Milton S. Hershey Medical Center	§ 153.1	2.2-3.4.8.3 Patient changing rooms	02/13/2016	granted
OSS Orthopaedic Hospital	§ 153.1	2.2-3.4.1.1 Imaging services—application	01/02/2016	not nec.
OSS Orthopaedic Hospital	§ 153.1	3.1-3.2.2.2 Space requirements—area	01/02/2016	granted
Penn Highland Dubois, 104 West Mahoning St., Punxsutawney	§ 153.1	1.3-3.3.1.1 Healthcare facilities shall provide parking	02/13/2016	not nec.
Penn Highland Dubois, 104 West Mahoning St., Punxsutawney	§ 153.1	3.11-6.2.4 Public toilets	02/13/2016	granted
Penn Highland Dubois, 104 West Mahoning St., Punxsutawney	§ 153.1	3.1-3.6.10 Soiled holding rooms	02/13/2016	granted
Penn Highland Dubois, 104 West Mahoning St., Punxsutawney	§ 153.1	3.1-3.6.6.2(1)(a) Work areas for preparing, dispensing and administering medications	02/13/2016	granted
Penn Highland Dubois, 104 West Mahoning St., Punxsutawney	§ 153.1	3.1-3.8.2 Toilet rooms for patient use	02/13/2016	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Published</i>	<i>Request Decision</i>
Penn Highland Dubois, 104 West Mahoning St., Punxsutawney	§ 153.1	3.1-6.2.1 Vehicular drop-off and pedestrian entrances	02/13/2016	not nec.
Penn Highland Dubois, 104 West Mahoning St., Punxsutawney	§ 153.1	3.1-7.2.2.3(2)(b) Doors and door hardware	02/13/2016	granted
Penn Highland DuBois, 761 Johnsonburg Rd., St. Marys	§ 153.1	3.11-6.2.4 Public toilets	02/13/2016	granted
Penn Highland DuBois, 761 Johnsonburg Rd., St. Marys	§ 153.1	3.1-3.6.10 Soiled holding rooms	02/13/2016	granted
Penn Highland DuBois, 761 Johnsonburg Rd., St. Marys	§ 153.1	3.1-3.6.6.2(1)(a) Work areas for preparing, dispensing and administering medications	02/13/2016	granted
Penn Highland Dubois, 761 Johnsonburg Rd., St. Marys	§ 153.1	3.1-5.5.1.1 Environmental services room—number	02/13/2016	granted
Schuylkill Medical Center East Norwegian Street	§ 153.1	2.1-3.2.2.1(1) Space requirements—area (examination rooms)	04/02/2016	granted
Somerset Hospital	§ 153.1	2.2-3.3.2.1(1)(a) Space requirements—operating rooms	01/09/2016	granted
St. Luke's Hospital Bethlehem	§ 153.1	3.1-3.6.5.3 Addition requirements for hand-washing stations that serve multiple patient care stations	02/13/2016	granted
St. Luke's Hospital—Anderson Campus	§ 153.1	2.2-3.12.2.8(1) Nurse stations	03/12/2016	denied
Sunbury Community Hospital	§ 153.1	2.5-2.2.2.2 Space requirements	02/13/2016	granted
UPMC Altoona	§ 153.1	2.1-8.5.3.1(1) Number technology distribution rooms (TDRs)	03/12/2016	granted
UPMC Altoona	§ 153.1	4-6.7.1 Air distribution systems—general	03/12/2016	denied
UPMC Hamot	§ 153.1	2.1-3.2.2.1(2) Space requirements—clearances	01/16/2016	granted
UPMC Hamot	§ 153.1	2.2-3.6.4.3 Control room (6th floor—temporary)	01/16/2016	granted
UPMC Hamot	§ 153.1	2.2-3.6.4.3 Control room (ground floor—permanent)	01/16/2016	granted
UPMC Hamot	§ 153.1	2.2-3.6.6.16 Hot lab for SPECT facilities	01/16/2016	granted
UPMC Horizon	§ 153.1	4-6.7.1 Air distribution systems—general	02/13/2016	granted
UPMC Presbyterian Shadyside	§ 153.1	2.1-8.5.3.2 Size technology distribution Rooms (TDRs)	01/09/2016	granted
UPMC Presbyterian Shadyside	§ 153.1	3.1-3.2.2.2(1) Space requirements—area	01/09/2016	granted
Waynesboro Hospital	§ 153.1	2.1-8.5.1.2 Size telecommunications service entrance rooms (TSERs)	02/13/2016	granted
Waynesboro Hospital	§ 153.1	2.2-2.6.2.2(4) Space requirements	02/13/2016	not nec.

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Published</i>	<i>Request Decision</i>
Waynesboro Hospital	§ 153.1	2.2-2.6.2.6 Toilet rooms or human waste disposal rooms	02/13/2016	not nec.
Waynesboro Hospital	§ 153.1	2.2-2.6.8.1 Family and visitor lounges	02/13/2016	not nec.
Waynesboro Hospital	§ 153.1	Tables 6.4 Minimum filter efficiencies and 7.1 design parameters—patient rooms	02/13/2016	granted
Williamsport Regional Medical Center	§ 153.1	2.2-3.6.3.6(1) Support areas for PET facilities	02/13/2016	denied
York Hospital	§ 153.1	2.1-2.2.5.3 Hand-washing station in patient room—renovations	01/09/2016	granted
York Hospital	§ 153.1	Table 7.1 Design parameters—inpatient nursing patient rooms	01/09/2016	granted
Ambulatory Surgical Facilities				
Advanced Center for Surgery	§ 551.21	Criteria for ambulatory surgery	03/19/2016	granted
Elite Surgery Center, LLC	§ 551.21(d)	Criteria for ambulatory surgery (CPT codes: 43770)	01/09/2016	granted
Elite Surgery Center, LLC	§ 551.21(d)	Criteria for ambulatory surgery (CPT codes: 49650, 49651, 49652, 49653, 49654, 49655, 49656, 49657, 496590)	02/13/2016	denied
Children's Surgery Center	§ 551.22(3)(ii)	Criteria for performance of ambulatory surgery on pediatric patients	03/12/2016	granted
Children's Surgery Center of Malvern	§ 551.22(3)(ii)	Criteria for performance of ambulatory surgery on pediatric patients (Dr. Sara Toema, DDS)	02/17/2016	granted
Pain Center of Wyoming Valley, LLC	§ 551.3(ii)	Class B definitions (PS III patients)	02/13/2016	granted
Penn Highland DuBois—Endoscopy Center	§ 551.3(ii)	Class B definitions (PS III patients)	01/16/2016	granted
Elite Surgery Center, LLC	§ 553.31	Administrative responsibilities	02/13/2016	granted
Progressive Surgical Institute Abe, Inc.	§ 553.31	Principle	03/12/2016	denied
LVHN Children's Surgery Center	§ 553.31(a)	Administrative responsibilities	02/13/2016	granted
Fairgrounds Surgical Center	§ 555.11(b)	Written orders	02/13/2016	granted
LVHN Surgery Center—Tilghman	§ 555.11(b)	Written orders	02/13/2016	granted
Saint Vincent Endoscopy Center	§ 555.3	Requirements for membership and privileges	01/09/2016	granted
Saint Vincent Surgery Center of Erie	§ 555.3	Requirements for membership and privileges	01/09/2016	granted
Jefferson Endoscopy Center at Bala, LLC	§ 555.31(a)	Anesthesia services (propofol)	no pub	granted
Langhorne Access Center	§ 555.31(a)	Anesthesia services (propofol)	no pub	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Published</i>	<i>Request Decision</i>
Pain Center of Wyoming Valley, LLC	§ 555.31(a)	Anesthesia services (propofol)	no pub	granted
Penn Highland DuBois—Endoscopy Center	§ 555.31(a)	Anesthesia services (propofol)	no pub	granted
Mount Nittany Health Surgical Center	§ 559.2	Directors of nursing	01/09/2016	granted
Philadelphia Surgi-Center, Inc.	§ 559.2	Directors of nursing	03/12/2016	granted
LVHN Children's Surgery Center	§ 561.1	Drugs and biologicals	03/12/2016	granted
CHOP King of Prussia Specialty Care & Ambulatory Surgery Center	§ 567.53	Sterilization controls	01/09/2016	granted
Center for the Surgical Arts, LLC	§ 569.35(7)	General safety precautions	no pub	granted
CHOP King of Prussia Specialty Care & Ambulatory Surgery Center	§ 569.35(7)	General safety precautions	no pub	granted
Dermatologic SurgiCenter Drexel Hill	§ 569.35(7)	General safety precautions	no pub	granted
Dermatologic SurgiCenter Philadelphia (Center City)	§ 569.35(7)	General safety precautions	no pub	granted
LVHN Children's Surgery Center	§ 569.35(7)	General safety precautions	no pub	granted
Mifflin County Community Surgical Center	§ 569.35(7)	General safety precautions	no pub	granted
Heart Care Consultants ASC, LLC	§ 571.1	3.7-3.1.2 Examination rooms	03/26/2016	denied
Heart Care Consultants ASC, LLC	§ 571.1	3.7-3.3.4 Image viewers	03/26/2016	denied
Heart Care Consultants ASC, LLC	§ 571.1	3.7-3.4.3.2 Phase II recovery areas	03/26/2016	denied
Heart Care Consultants ASC, LLC	§ 571.1	3.7-3.6.6 Medication safety zones	03/26/2016	denied
Heart Care Consultants ASC, LLC	§ 571.1	3.7-3.6.11.2(1) Surgical equipment and supply storage—area	03/26/2016	denied
Heart Care Consultants ASC, LLC	§ 571.1	3.7-3.6.11.3(1) Storage space for stretchers and wheelchairs	03/26/2016	denied
Heart Care Consultants ASC, LLC	§ 571.1	3.7-3.6.13 Sterile processing rooms	03/26/2016	denied
Heart Care Consultants ASC, LLC	§ 571.1	3.7-3.7.3 Staff showers	03/26/2016	denied
Heart Care Consultants ASC, LLC	§ 571.1	3.7-5.1 Sterilization facilities	03/26/2016	denied
Heart Care Consultants ASC, LLC	§ 571.1	Table 3.1-3 Station outlets for oxygen, vacuum and medical air in outpatient facilities (3.1-8.4.4)	03/26/2016	denied
Peripheral Vascular Institute of Philadelphia, LLC	§ 571.1	3.7-3.4.3.1(2) Phase I post-anesthesia recovery rooms—space requirements	01/09/2016	granted
Premier at Exton Surgery Center, LLC	§ 571.1	3.7-3.3.1.2 Space requirements for operating rooms	02/13/2016	denied
Nursing Care Facilities				
Audubon Villa Health and Rehabilitation Center	§ 211.9(g)	Pharmacy services	03/02/2016	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Published</i>	<i>Request Decision</i>
Broomall Presbyterian Village	§ 205.67(j) and (k)	Electric requirements for existing and new construction	01/23/2016	granted
Buckingham Valley Rehabilitation and Nursing Center	§ 201.3	Definitions—nurse aide	01/16/2016	granted
Devon Manor	§ 211.9(g)	Pharmacy services	01/23/2016	granted
Donahoe Manor	§ 211.9(g)	Pharmacy services	01/23/2016	granted
Hamilton Arms Center	§ 211.9(g)	Pharmacy services	01/02/2016	granted
Hampton House	§ 211.9(g)	Pharmacy services	02/06/2016	granted
John J. Kane Regional Center—McKeesport	§ 201.22(e) and (j)	Prevention, control and surveillance of tuberculosis	02/06/2016	granted
John J. Kane Regional Center—Scott Township	§ 201.22(e) and (j)	Prevention, control and surveillance of tuberculosis	02/06/2016	granted
ManorCare Health Services—Bethel Park	§ 211.9(g)	Pharmacy services	01/23/2016	granted
ManorCare Health Services—Camp Hill	§ 211.9(g)	Pharmacy services	02/06/2016	granted
ManorCare Health Services—Carlisle	§ 211.9(g)	Pharmacy services	02/27/2016	granted
ManorCare Health Services—Chambersburg	§ 211.9(g)	Pharmacy services	01/30/2016	granted
ManorCare Health Services—Dallastown	§ 211.9(g)	Pharmacy services	01/23/2016	granted
ManorCare Health Services—Elizabethtown	§ 211.9(g)	Pharmacy services	03/02/2016	granted
ManorCare Health Services—Erie	§ 211.9(g)	Pharmacy services	01/23/2016	granted
ManorCare Health Services—Greentree	§ 211.9(g)	Pharmacy services	01/23/2016	granted
ManorCare Health Services—Kingston	§ 211.9(g)	Pharmacy services	02/06/2016	granted
ManorCare Health Services—Kingston Court	§ 211.9(g)	Pharmacy services	02/06/2016	granted
ManorCare Health Services—Monroeville	§ 211.9(g)	Pharmacy services	03/05/2016	granted
ManorCare Health Services—Pittsburgh	§ 211.9(g)	Pharmacy services	02/06/2016	granted
ManorCare Health Services—Shadyside	§ 211.9(g)	Pharmacy services	02/13/2016	granted
ManorCare Health Services—Whitehall Borough	§ 211.9(g)	Pharmacy services	01/23/2016	granted
Meadowview Rehabilitation and Nursing Center (formerly and published as “The Ridge at Whitemarsh Health and Rehabilitation”)	§ 211.9(g)	Pharmacy services	01/23/2016	granted
Mercy Center Nursing Unit, Inc.	§ 211.9(g)	Pharmacy services	01/30/2016	granted
Mt. Hope Nazarene Retirement Community	§ 211.9(g)	Pharmacy services	03/02/2016	granted
Oakwood Healthcare & Rehabilitation Center	§ 211.9(g)	Pharmacy services	01/30/2016	granted
Platinum Ridge Center for Rehabilitation and Healing	§ 205.25(b)	Kitchens	01/16/2016	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Published</i>	<i>Request Decision</i>
Platinum Ridge Center for Rehabilitation and Healing	§ 205.33(c)	Utility rooms	01/16/2016	granted
Susquehanna Valley Nursing & Rehabilitation Center	§ 211.9(g)	Pharmacy services	03/02/2016	granted
The Village at Penn State	§ 205.36(h)	Bathing facilities	03/02/2016	granted
Willowbrooke Court at Brittany Pointe Estates	§ 205.6(a)	Function of building	03/05/2016	granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced addresses or telephone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-604. Filed for public inspection April 8, 2016, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Thomas Jefferson University Hospital	28 Pa. Code § 105.1 (relating to principle)
York Hospital	28 Pa. Code § 107.64 (relating to administration of drugs)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Albert Einstein Medical Center	Table 7.1	Design parameters ANSI/ASHRAE/ASHE standard 170-2013, critical and intensive care	2014
Children's Hospital of Philadelphia and the Children's Seashore House of the Children's Hospital of Philadelphia	2.1-8.5.3.2	Size (TDRs)	2014
	2.7-2.2.2.2(2)	Space requirements—clearances	2014
	2.7-2.2.2.6	Patient room toilets	2014
Valley Medical Facilities, Inc. d/b/a Heritage Valley Sewickley	2.2-3.4.5.4	Patient toilet rooms	2014

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-605. Filed for public inspection April 8, 2016, 9:00 a.m.]

Pennsylvania Task Force on Prostate Cancer and Related Chronic Prostate Conditions Meeting

The Pennsylvania Task Force on Prostate Cancer and Related Chronic Prostate Conditions (Task Force) will hold a meeting on Thursday, April 21, 2016, from 9:30 a.m. to 1:30 p.m. at the Dixon University Center, Pennsylvania State System of Higher Education/OOC, 2986 North Second Street, Harrisburg, PA 17110. The purposes of the Task Force and items which may be discussed include investigating and making recommendations to the Department of Health regarding the surveillance, education, detection and treatment of prostate cancer and related chronic prostate conditions.

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 should contact Sharon H. Sowers, Plan and Policy Development Section Chief, Comprehensive Cancer Control Section, Division of Cancer Prevention and Control, Department of Health, Health and Welfare Building, Room 1011, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3249 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-606. Filed for public inspection April 8, 2016, 9:00 a.m.]

Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public meeting on Thursday, April 28, 2016, from 10 a.m. to 3 p.m. at the Radisson Hotel, 1150 Camp Hill Bypass, Camp Hill, PA 17011. The hotel phone number is (717) 763-7117.

The SPBP Advisory Council will provide program guidance and recommendations to the SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact John Haines, Special Pharmaceutical Benefits Program, Bureau of Communicable Diseases, Department of Health, Room 611, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (800) 922-9384, 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.

The Department reserves the right to cancel this meeting without prior notice.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-607. Filed for public inspection April 8, 2016, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (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 6, 2016, 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.

Currently in this Commonwealth, nearly 250,000 individuals are living with brain injury. On average, 8,600 residents of this Commonwealth sustain long-term disabilities from brain injury each year. The Department of Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

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 should contact Julie Hohny, Division of Child and Adult Health Services, (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.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-608. Filed for public inspection April 8, 2016, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

PennSERVE 2016-2017 Pennsylvania AmeriCorps State Grants; Notice of Intent to Apply

PennSERVE announces the release of the 2016-2017 Pennsylvania AmeriCorps State Grants: Request for Applications for Formula Funding. For more information visit the Department of Labor and Industry's web site at www.dli.pa.gov/pennserve.

A notice of intent to apply is required to be eligible for this competition and is due on Tuesday, April 12, 2016, at 5 p.m.

Applications are due Tuesday, May 24, 2016, at 5 p.m.

KATHY M. MANDERINO,
Secretary

[Pa.B. Doc. No. 16-609. Filed for public inspection April 8, 2016, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Findings

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Deputy Secretary for Highway Administration, as delegated by the Secretary of Transportation, makes the following finding:

The Department is planning the following listed projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize the effects.

- **SR 0000, Section SC2—City of Philadelphia, Philadelphia County.**

Project Description: The proposed project involves the construction of a multi-use recreational trail along a former railroad right-of-way (ROW) and is the central component of the North Delaware Riverfront Greenway, an 11-mile greenway. The project will provide linear public access along the riverfront in the City of Philadelphia, as well as access to two public riverfront parks.

Environmental Documents: Level 1b CEE, approved on December 3, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on August 6, 2009.

Proposed Use of Section 4(f)/2002 Resource: The recreational trail will cross a publicly owned Fish and Boat Commission (Commission) boat launch and parking area, a Section 4(f) resource, which is also a popular place for fishing from the bank of the Delaware River. The segment of the trail to be constructed is approximately 2,900 feet long and is part of a much larger project that will result in continuous bike/hike trails extending from Trenton, NJ to Philadelphia along or near the Delaware River. The project will start at Milnor Street near Princeton Avenue and stretch to the southern end of the Commission boat launch and parking area near the mouth of the old Frankford Creek. As the Commission property will have a dual function as both a boat launch and trailhead, the trail will cross the Commission property parallel to the river and will incorporate an extension to Tacony Street. The design will be a component of a permanent maintenance agreement between the Commission and the City of Philadelphia that will be completed prior to any construction activity. The total area of the Commission property occupied by the trail is approximately 0.8 acre.

- **SR 0034, Section 040—Tyrone and Huntington Townships, Adams County.**

Project Description: The proposed project involves the replacement of the SR 0034 (Carlisle Road) bridge over Bermudian Creek. Minor profile adjustments along the roadway approaches are anticipated.

Environmental Documents: BRPA CEE, approved on December 18, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on December 10, 2015.

Proposed Use of Section 4(f)/2002 Resource: The Northern Adams County Fruit-belt Historic District is eligible for listing on the National Register of Historic Places (NRHP). The C&G Orchards property, in the eastern quadrants, is the only contributing property within the project area. Approximately 0.06 acre of permanent ROW acquisition is required from C&G Orchards. There will be no adverse effects to the Historic District or the contributing property as a result of this project.

- **SR 0040, Section 10B—Wharton Township, Fayette County.**

Project Description: The proposed project involves the improvement of the intersection of U. S. 40 and SR 0381 to address current traffic safety concerns. The current intersection configuration is two separate offset T-intersections separated by approximately 200 feet. The southern leg of SR 0381 will be relocated east of its existing location to align the roadway with the northern leg creating a single signalized four-way intersection to improve traffic safety. Widening of U. S. 40 will occur along the east bound lane prior to the intersection to accommodate turn lanes.

Environmental Documents: Level 1b CEE, approved on December 10, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 29, 2012.

Proposed Use of Section 4(f)/2002 Resource: U. S. 40 is known as the National Road. The section of the National Road through Wharton Township is eligible for listing in the NRHP for its early 19th century engineering accomplishments. Direct effects to the resource include relocation of the southern leg of SR 0381 to create a four-way intersection and the widening of the U. S. 40 roadway in the area of the intersection. The relocation of a portion of SR 0381 along U. S. 40 will affect the integrity of the linear resource. However, the proposed activities will have no adverse effect to the historical and engineering significance of the National Road.

- **SR 0390, Section 01B—Barrett Township, Monroe County.**

Project Description: The proposed project involves the replacement of the bridge superstructure rehabilitation of the bridge substructure and reconstruction of the approach roadway for the SR 0390 (Krummel Hill Road) bridge crossing over Leavitt Branch.

Environmental Documents: BRPA CEE, approved on December 21, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on November 16, 2015.

Proposed Use of Section 4(f)/2002 Resource: The Skytop Lodge property includes the five-story stone Dutch Colonial style Skytop Lodge, the Mountain (Skytop) Lake, the lower lake, an 18-hole golf course and additional recreational amenities, as well as cottages, a modern inn and a convention center. The property was evaluated as eligible for listing on the NRHP by the Department. The Skytop Lodge resort property consists of multiple parcels in Monroe County; however, research has not uncovered information or a map showing the exact boundaries of the property and the parcels that contribute to the resort property. For project purposes, it is assumed that the historic boundary includes the land north and south of SR

0390 adjacent to the bridge. Permanent drainage easements will be required on the north side of SR 0390 and slope easements are required on the north and south side of SR 0390. The required permanent easement area for drainage and slope protection is 0.101 acre to be acquired from Skytop Lodges, Inc., all within the assumed NRHP-eligible boundaries of Skytop Lodge. The bridge will be rehabilitated with in-kind materials resulting in a bridge that looks largely like the existing structure. While the project will require removal of landscape elements, they are not crucial to retention of the setting, feeling and design of the complex. The project will have no adverse effect on the Skytop Lodge property.

• **SR 0436, Section 552—Punxsutawney Borough, Jefferson County.**

Project Description: The proposed project involves the replacement and realignment of the Margiotti Bridge on SR 0436 (Lincoln Way) over the Mahoning Creek. The proposed bridge will be constructed adjacent to and downstream of the existing structure. The project includes a realignment of Perry Street to the north to make a connection with SR 0036.

Environmental Documents: Level 1b CEE, approved on November 5, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on March 25, 2014.

Proposed Use of Section 4(f)/2002 Resource: The Mahoning Shadow Trail is located along the south bank of Mahoning Creek. Designed for nonmotorized recreational usage, the 15 1/2-mile long trail follows the Mahoning Creek for most of its course throughout the Punxsutawney area. The proposed bridge will require a permanent aerial easement of approximately 0.09 acre and will maintain future trail access, keep public recreational use and retain aesthetics of the trail. The trail will remain open for the majority of the time during construction. However, short-term trail closures, less than 24 hours, are anticipated during several major construction events. The contractor will be required to restore the trail to its preconstruction condition.

• **SR 0926, Section 53S—Birmingham and Pocopson Townships, Chester County.**

Project Description: The proposed project involves the replacement of the existing SR 0926 (Street Road) bridge over Brandywine Creek, replacement of the existing SR 0926 culvert over Radley Run, and raising of the elevation profile of SR 0926 from the easternmost intersection with SR 3100 (Creek Road) and the intersection with SR 2023 (Pocopson Road). The total length of the project is approximately 2,800 feet.

Environmental Documents: Level 2 CEE, approved on November 12, 2015, and three Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties all approved on October 1, 2015.

Proposed Use of Section 4(f)/2002 Resource: The Brandywine Battlefield was designated as a National Historic Landmark in 1961 with boundaries certified in 1977. The Brandywine Battlefield abuts the southern boundary of the project. The Battle of Brandywine, September 11, 1777, was one of the earliest and largest combat actions of the Revolutionary War. The Brandywine Battlefield still retains many significant historic and natural features, as well as cultural attributes. At the eastern terminus of the project, the project will require 0.185 acre of permanent ROW acquisition to accommo-

date the new arch culvert proposed over Radley Run and the grade tie-in with existing Creek Road. In addition, there will be 0.435 acre required for slope easements due to the grading associated with raising the vertical profile on SR 0926. The Painter Farm and Mill Complex, eligible for listing on the NRHP, represents a late 18th- through early 20th-century agricultural and industrial development of the Brandywine Valley. The remaining structures associated with the complex retain integrity of design, materials and workmanship while its setting remains intact. At the northern terminus of the project, the project will require 0.055 acre of permanent ROW acquisition to accommodate the new arch culvert proposed over Radley Run and the grade tie-in with existing Creek Road. In addition, there will be 0.192 acre required for slope easements due to the grading associated with raising the vertical profile on SR 0926 and the realignment of Creek Road. The Pocopson Train Station, eligible for listing on the NRHP, was initially constructed in 1892 as a passenger rail station and station agent living quarters with the Wilmington and Northern Railroad Company, which also served as a United States Post Office. The project will require 0.0077 acre for one slope easement due to the grading associated with raising the vertical profile on SR 0926. The design will blend the project into the surrounding landscape while incorporating design elements into the project to minimize the visual impacts to the historic properties.

• **SR 3003, Section 01B—Eldred Township, Monroe County.**

Project Description: The proposed project involves the replacement of the existing bridge over Chapple Creek (SR 3003). The project will require minor approach work including fill along the roadway embankments. A segment of Chapple Creek will be restored to mitigate the existing erosion to the approach roadway embankment and the stream bank downstream of the bridge will be stabilized.

Environmental Documents: BRPA CEE, approved on December 3, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on November 30, 2015.

Proposed Use of Section 4(f)/2002 Resource: The Smale Farm is located in the southeast quadrant of the project area. The property contains a mid-19th-century brick house and frame and stone bank barn, as well as a collection of mid-20th-century outbuildings including several frame and metal barns, an outhouse, a frame corncrib, a chicken house and a concrete block workshop. The Department prepared a Section 106 Field assessments and Finding Form to document and re-evaluate the property and determined that the Smale Farm is eligible for listing on the NRHP. Approximately 0.013 acre of ROW are required along the roadway within the NRHP boundary of the Smale Farm. The project will have no adverse effect to the property.

• **SR 4032, Section P30—Sewickley Heights Borough, Allegheny County.**

Project Description: This project consists of the replacement of a bridge carrying SR 4032 over an unnamed tributary of Little Sewickley Creek.

Environmental Documents: CE BRPA Evaluation, approved on January 8, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use approved December 23, 2015.

Proposed Use of Section 4(f)/2002 Resource: The Sewickley Heights Borough Park is a public park and Section 4(f)/2002 Resource of approximately 1,200 acres.

Permanent land acquisition totaling approximately 0.043 acre is required from the park due to the proposed project. There will be no adverse effects on the park as a result of this project.

• **SR 7463, Section BRG—Swissvale and Rankin Boroughs, Allegheny County.**

Project Description: The proposed project involves the replacement of the Kenmawr Bridge, which carries South Braddock Avenue over the mainline tracks of the Norfolk Southern Railroad. The structure will be raised to the required height to provide the minimal acceptable vertical clearances to the Norfolk Southern Railroad.

Environmental Documents: Level 1b CEE, approved on January 27, 2016, and two Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties both approved on October 1, 2015.

Proposed Use of Section 4(f)/2002 Resource: The Pennsylvania Railroad Mainline, eligible for listing on the NRHP, is located underneath the Kenmawr Bridge. Permanent ROW takes totaling 0.051 acre and 0.161 acre of slope easement in the area of the former Hawkins Station are required for this project. Hawkins Village is eligible for listing on the NRHP and is located adjacent to the project area. A permanent sliver ROW take totaling 0.065 acre is required for the reconstruction and extension of an existing retaining wall within the property of Hawkins Village to facilitate the bridge replacement. These ROW acquisitions will not result in an effect to the qualities, which make the resources eligible for listing in the NRHP.

R. SCOTT CHRISTIE, PE,
*Deputy Secretary for
Highway Administration*

[Pa.B. Doc. No. 16-610. Filed for public inspection April 8, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Ron Caliguire & Associates under Act 143; Everett Cash Mutual Insurance Company; Doc. No. AT16-03-019

A pre-review telephone conference initiated by this office is scheduled for May 11, 2016, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 9, 2016.

A review of the agency contract termination is scheduled for May 25, 2016, at 9:30 a.m.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 2, 2016, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before May 9, 2016.

At the pre-review telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the review, estimated time for the review, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before May 18, 2016, each party shall file with the Administrative Hearings Office a prereview statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and addresses of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the review; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

The Presiding Officer will consider a written request for continuance of the scheduled prereview telephone conference/review, for good cause only. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the previously-referenced administrative review and require an auxiliary aid, service or other accommodation to participate in the review should contact Donna R. Fleischauer, Human Resources Director at (717) 705-3873.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-611. Filed for public inspection April 8, 2016, 9:00 a.m.]

United Teacher Associates Insurance Company (GLTC-130340311); Rate Increase Filing for Several LTC Forms

United Teacher Associates Insurance Company is requesting approval to increase the premium 30% on four policyholders with the following individual LTC policy form numbers: 1LTCGP0001-PA and 1LTCGP0008-PA. These forms were originally issued by Great American Life Insurance Company.

Unless formal administrative action is taken prior to June 22, 2016, 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. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-612. Filed for public inspection April 8, 2016, 9:00 a.m.]

**United Teacher Associates Insurance Company
(GLTC-130340364); Rate Increase Filing for Sev-
eral LTC Forms**

United Teacher Associates Insurance Company is requesting approval to increase the premium 30% on 1,413 policyholders with the following individual LTC policy form numbers: 1LTCIP0001 (PA), 1LTCIP0002 (PA), 2LTCIP0001 (PA) and 4LTCIP0002-PA. These forms were originally issued by Great American Life Insurance Company.

Unless formal administrative action is taken prior to June 22, 2016, 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. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-613. Filed for public inspection April 8, 2016, 9:00 a.m.]

**United Teacher Associates Insurance Company
(GLTC-130459588); Rate Increase Filing for Sev-
eral LTC Forms**

United Teacher Associates Insurance Company is requesting approval to increase the premium 30% on 18 policyholders with the following individual LTC policy form numbers: LTC-020201 and L-6000. These forms were originally issued by Loyal American Life Insurance Company.

Unless formal administrative action is taken prior to June 22, 2016, 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. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-614. Filed for public inspection April 8, 2016, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held at the Conference Center, Central Penn College, 600 Valley Road, Summerdale, PA 17093 at 10 a.m. on Tuesday, April 26, 2016.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

REGINA M. HOFFMAN, RN, BSN, MBA, CPPS,
Interim Assistant Executive Director

[Pa.B. Doc. No. 16-615. Filed for public inspection April 8, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Service Plan; Prehearing Conference

P-2016-2534980. PECO Energy Company. Petition of PECO Energy Company for approval of its default service plan for June 1, 2017, through May 31, 2019 (DSP IV Petition).

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 19, 2016. 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 petitioner and a copy provided to the Administrative Law Judge. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the Petitioner's business address.

Applicant: PECO Energy Company

Through and By Counsel: W. Craig Williams, Esquire, PECO Energy Company, Legal Department, 2301 Market Street/S23-1, Philadelphia, PA 19101-8699

Prehearing Conference

A prehearing conference on the previously-captioned case will be held as follows:

Date: Friday, April 22, 2016

Time: 2 p.m.

Location Philadelphia Parties: In an available 4th Floor Hearing Room (Take one of the last four elevators at the far end of the lobby) 801 Market Street (enter on 8th Street) Philadelphia, PA 19107

Location Harrisburg Parties: Hearing Room 2 Plaza Level Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120

Presiding: Administrative Law Judge Cynthia W.
Fordham
Suite 4063
801 Market Street
Philadelphia, PA 19107
(215) 560-2105
Fax: (215) 560-3133

Persons may lose the case if they do not come to this hearing and present facts on the issues raised.

Persons must serve the Presiding Officer with a copy of any document they file in this case.

Two copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Persons representing themselves are not required to be represented by an attorney. All others (corporation, partnership, association, trust, or governmental agency or subdivision) must be represented by an attorney. An attorney representing an individual should file a Notice of Appearance before the scheduled hearing date.

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-616. Filed for public inspection April 8, 2016, 9:00 a.m.]

Petition of Waiver of Regulations and Extension of Authority

A-2014-2410269. Yellow Cab Company of Pittsburgh, Inc., t/a Yellow Z. The Pennsylvania Public Utility Commission (Commission) invites comment on the petition of Yellow Cab Company of Pittsburgh, Inc., t/a Yellow Z for waiver of 52 Pa. Code §§ 5.43 and 29.352 (relating to petitions for issuance, amendment, repeal, or waiver of Commission regulations; and experimental service).

Yellow Cab Company of Pittsburgh, Inc., t/a Yellow Z was granted a certificate of public convenience at Application Doc. No. A-2014-2410269 on July 31, 2014. Its certificate authorizes the transportation of persons, in experimental service, originating or terminating within Allegheny County; excluding trips originating from the Pittsburgh International Airport. In accordance with 52 Pa. Code § 29.352, the certificate is valid until abandoned, until 2 years from the date of issuance or until the Commission enacts regulations governing the new class of service, whichever occurs first.

If granted, the waiver would extend the certificate beyond July 31, 2016. The certificate would be valid until abandoned or until the Commission enacts regulations governing the new class of service, whichever occurs first.

Interested parties are invited to file comments at the relevant docket numbers within 30 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petition on the Commission's web site at <http://www.puc.pa.gov> or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-617. Filed for public inspection April 8, 2016, 9:00 a.m.]

Pro Forma Intra-Company Changes

A-2016-2537250. West Telecom Services, LLC. Application of West Telecom Services, LLC for all approvals under 66 Pa.C.S. (relating to Public Utility Code) of pro forma intra-company changes.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 25, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: West Telecom Services, LLC

Through and By Counsel: Deanne M. O'Dell, Esquire, Sarah C. Stoner, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101; and Lynn A. Stang, Vice President, Deputy General Counsel, West Corporation, 1601 Dry Creek Drive, Longmont, CO 80503

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-618. Filed for public inspection April 8, 2016, 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 Commis-

sion, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 25, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2016-2530638. Black Car Service of Bucks County, LLC (1626 South Broad Street, Philadelphia, PA 19145) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Bucks County, and from said county, to points in Northampton County; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2531764. Roads 2 Love, LLC (127 Margate Road, Upper Darby, PA 19082) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2016-2532191. Curtis W. Thompson, t/a Curtious Executive Transportation Service (325 North West Street, Carlisle, PA 17013) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2532708. Unique Cab, LLC (262 Eliot Street, Lancaster, Lancaster County, PA 17603) in call or demand service, in Lancaster County. *Attorney:* Matthew C. Samley, 120 North Shippen Street, Lancaster, PA 17602.

A-2016-2534930. Flagship Trolley, Inc. (2319 South Shore Drive, Erie, Erie County, PA 16505) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Erie County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2534938. OM International Express, Inc. (604 New Holland Avenue, Lancaster, Lancaster County, PA 17602) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in Lancaster County, to the Philadelphia International Airport; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2536157. William A. Bailey, t/a Bailey (710 West 4th Avenue, Parkesburg, Chester County, PA 19365) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-2014-2410269. Yellow Cab Company of Pittsburgh, Inc. (1825 Liverpool Street, Pittsburgh, PA 15233) a corporation of the Commonwealth of Pennsylvania—for the additional right to begin to transport, by motor vehicle, persons in the experimental service of transportation network service for passenger trips origi-

nating or terminating within Allegheny County. *Attorney:* Ray F. Middleman, 11676 Perry Highway, Suite 3100, Wexford, PA 15090.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2016-2536096. Willis P. Umble (515 West Lincoln Avenue, Myerstown, Lebanon County, PA 17067) discontinuance of service and cancellation of his certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Borough of Myerstown, Lebanon County and within an airline distance of 10 statute miles of said borough, and from points in said territory, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-619. Filed for public inspection April 8, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due April 25, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Rudy's Trucking, Inc.; Docket No. C-2016-2530178

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Rudy's Trucking, Inc., (respondent) is under suspension effective February 10, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 297 Felker Hill Road, Lindley, NY 14858.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 17, 2011, at A-8913064.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil

penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8913064 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/23/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Blakeney Transportation Service, LLC; Docket No. C-2016-2530188

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Blakeney Transportation Service, LLC, (respondent) is under suspension effective February 12, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 7433-35 Limekiln Pike, Suite 208, Philadelphia, PA 19138.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 12, 2015, at A-6417452.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6417452 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/23/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Three Kings Transportation, LLC; Docket No. C-2016-2530471

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Three Kings Transportation, LLC, (respondent) is under suspension effective January 30, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3315 Byron Drive, Doylestown, PA 18902.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 02, 2012, at A-6414147.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6414147 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/24/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Abdoul Trucking, LLC; Docket No. C-2016-2530477

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Abdoul Trucking, LLC, (respondent) is under suspension effective January 30, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 7555 Woodcrest Avenue, Philadelphia, PA 19151-2702.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 13, 2015, at A-8918127.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8918127 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/24/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
 Services
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
 Investigation and Enforcement v. Lincoln Bus
 Lines, Inc.; Docket No. C-2016-2532881**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Lincoln Bus Lines, Inc., (respondent) is under suspension effective February 06, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 10 West Elm Ave., Hanover, PA 17331.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 06, 1970, at A-00095563.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00095563 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/15/2016

David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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ROSEMARY CHIAVETTA,
 Secretary

[Pa.B. Doc. No. 16-620. Filed for public inspection April 8, 2016, 9:00 a.m.]

Transfer of Control

A-2016-2535279. XO Holdings and Verizon Communications, Inc. Joint application of XO Holdings and Verizon Communications, Inc. for approval of a transfer of control of XO Communications Services, Inc. from XO Holdings to Verizon Communications, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 25, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: XO Holdings; Verizon Communications, Inc.; XO Communications Services, Inc.

Through and By Counsel: Suzan D. Paiva, Esquire, Verizon, 1717 Arch Street, 3rd Floor, Philadelphia, PA 19103; and Renardo L. Hicks, Esquire, R. L. Hicks and Associates, 4740 Mountain View Road, Harrisburg, PA 17110

ROSEMARY CHIAVETTA,
 Secretary

[Pa.B. Doc. No. 16-621. Filed for public inspection April 8, 2016, 9:00 a.m.]

Wastewater Services

A-2016-2537163. Aqua Pennsylvania Wastewater, Inc. Application of Aqua Pennsylvania Wastewater, Inc. (Aqua) for approval of: 1) the acquisition by Aqua of the wastewater system assets of the Emlenton Area Municipal Authority situated within Emlenton Borough and a portion of Richland Township, Venango County and portions of Richland and Salem Townships, Clarion County; and 2) the right of Aqua to begin to offer, render, furnish and supply wastewater service to the public in Emlenton Borough and a portion of Richland Township, Venango County and portions of Richland and Salem Townships, Clarion County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 25, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Aqua Pennsylvania Wastewater, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Niesen & Thomas, LLC, 212 Locust Street, Suite 600, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-622. Filed for public inspection April 8, 2016, 9:00 a.m.]

Wastewater Services

A-2016-2537209. Pennsylvania American Water Company and the Sewer Authority of the City of Scranton. Joint application of Pennsylvania American Water Company and the Sewer Authority of the City of Scranton for approval of: 1) the transfer, by sale, of substantially all of the Sewer Authority of the City of Scranton's sewer system and sewage treatment works assets, properties and rights related to its wastewater collection and treatment system to Pennsylvania American Water Company; and 2) the right of Pennsylvania American Water Company to begin to offer or furnish wastewater service to the public in the City of Scranton and the Borough of Dunmore, Lackawanna County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 25, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Pennsylvania American Water Company; Sewer Authority of the City of Scranton

Through and By Counsel:

Pennsylvania American Water Company: David P. Zambito, Esquire, D. Troy Sellars, Esquire, Cozen O'Connor, 17 North Second Street, Suite 1410, Harrisburg, PA 17101; and Susan Simms Marsh, Esquire, Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033

Sewer Authority of the City of Scranton: John F. Povilaitis, Esquire, Alan M. Seltzer, Esquire, Buchannan,

Ingersoll & Rooney, PC, 409 North Second Street, Suite 500, Harrisburg, PA 17101-1357

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-623. Filed for public inspection April 8, 2016, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 16-037.7, Pier 78 Rail Line Repairs, until 2 p.m. on Thursday, May 12, 2016. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 16-624. Filed for public inspection April 8, 2016, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's request concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

May 5, 2016	Joseph Mickens (D) Death Benefit Issue	1 p.m.
May 11, 2016	Kendall Knight (D) Contested Death Benefit; Benefit Issue	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,
Secretary

[Pa.B. Doc. No. 16-625. Filed for public inspection April 8, 2016, 9:00 a.m.]

