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PENNSYLVANIA BULLETIN

Volume 44

Number 16

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Pages 2359—2496

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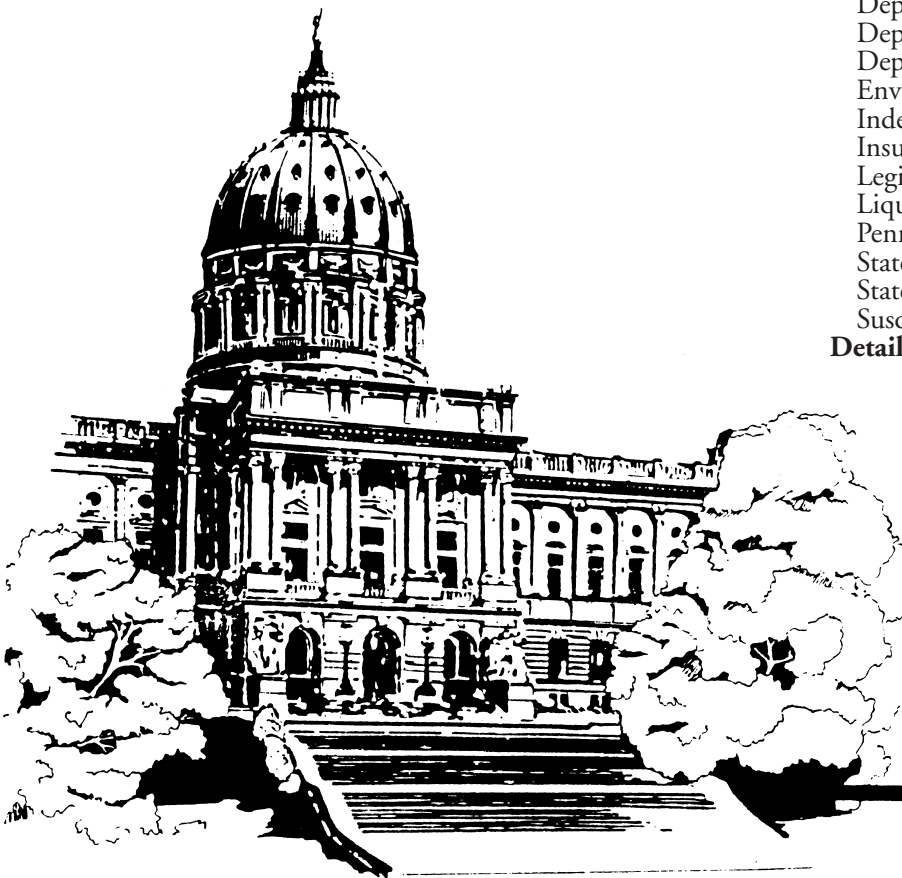
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**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 473, April 2014

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

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 such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2014.

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THE GENERAL ASSEMBLY

Recent Actions during the 2014 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2014 Regular Session.

| <i>Doc. No.</i> | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i> |
|---|-----------------------|--------------------|-------------------------|-----------------------|---|
| 2014 General Acts of Regular Session Enacted—Act 006 through 026 | | | | | |
| 006 | Feb 4 | HB0261 | PN0273 | 60 days | Further providing for civil penalties |
| 007 | Feb 4 | HB1056 | PN1284 | 60 days | Dental Law—temporary volunteer dental licenses |
| 008 | Feb 4 | HB1584 | PN2166 | 60 days | Fish and Boat Code (30 Pa.C.S.) and Game and Wildlife Code (34 Pa.C.S.)—powers and duties of waterways conservation officers and deputies and powers and duties of enforcement officers |
| 009 | Feb 4 | SB0057 | PN1660 | Immediately* | Crimes Code (18 Pa.C.S.)—exceptions to prohibition of interception and disclosure of communications |
| 010 | Feb 4 | SB0437 | PN1241 | 60 days | Public School Code of 1949—military science certificates |
| 011 | Feb 4 | SB1081 | PN1354 | 60 days | First Class Township Code—filing and recording of ordinances |
| 012 | Feb 7 | HB0777 | PN0889 | Immediately | State Lottery Law—determination of eligibility relating to Pharmaceutical Assistance for the Elderly |
| 013 | Feb 7 | HB1341 | PN2597 | 60 days | SP4 Robert Preston Ruttle, Jr., Memorial Highway—designation |
| 014 | Feb 7 | HB1707 | PN2390 | 60 days | Rodney P. Miller Memorial Bridge—designation |
| 015 | Feb 25 | HB1599 | PN2928 | 60 days | Honorable Robert C. Donatucci Memorial Bridge and SFC Brent Adams Memorial Road—designations |
| 016 | Feb 25 | SB1024 | PN1732 | 60 days | Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—omnibus amendments |
| 017 | Feb 25 | SB1097 | PN1367 | Immediately | James Nance Memorial Highway—designation |
| 018 | Mar 14 | HB0374 | PN2942 | Immediately* | Judicial Code (42 Pa.C.S.) and General Local Government Code (53 Pa.C.S.)—jurisdiction, education and educational costs of county park police officers |
| 019 | Mar 14 | HB1985 | PN2936 | Immediately | Judicial Code (42 Pa.C.S.)—legislative findings and declaration of policy, definitions, applicability, sexual offenses and tier system, period of registration and assessments |
| 020 | Mar 14 | SB0084 | PN0049 | Immediately | Judicial Code (42 Pa.C.S.)—six months limitation and deficiency judgments |
| 021 | Mar 19 | HB0021 | PN0114 | 60 days | Mental Health Procedures Act—incompetence and procedure in relation to criminal justice determinations |
| 022 | Mar 19 | SB0497 | PN1703 | 60 days | Third Class City Code—reenactment and amendment of act |
| 023 | Mar 19 | HB0770 | PN3180 | Immediately* | Vehicle Code (75 Pa.C.S.)—omnibus amendments |
| 024 | Mar 19 | HB0798 | PN3105 | 60 days | Fish and Boat Code (30 Pa.C.S.)—organization of commission |

| <i>Doc. No.</i> | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i> |
|-----------------|-----------------------|--------------------|-------------------------|-----------------------|--|
| 025 | Mar 21 | SB0681 | PN1812 | July 1, 2015 | Judicial Code (42 Pa.C.S.)—protection of victims of sexual violence or intimidation, duties of law enforcement agencies, procedure and penalties |
| 026 | Mar 21 | SB0895 | PN1796 | 60 days | Game and Wildlife Code (34 Pa.C.S.)—organization of Pennsylvania Game Commission |

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$25, payable to the “Commonwealth of Pennsylvania.”

VINCENT C. DeLIBERATO, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 14-811. Filed for public inspection April 18, 2014, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4 AND 7]

Proposed New Pa.R.Crim.P. 705.1, Proposed Amendments to Pa.R.Crim.P. 454, and Proposed Revisions to the Comments to Pa.Rs.Crim.P. 455 and 704

The Criminal Procedural Rules Committee is considering recommending that the Supreme Court of Pennsylvania adopt new Rule 705.1 (Restitution), amend Rule 454 (Trial in Summary Cases), and revise the Comments to Rules 455 (Trial in Defendant's Absence) and 704 (Procedure at Time of Sentencing) to standardize the procedures by which restitution is awarded in criminal cases. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

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

no later than Friday, May 30, 2014.

By the Criminal Procedural Rules Committee

THOMAS P. ROGERS,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART E. General Procedures in Summary Cases

Rule 454. Trial in Summary Cases.

* * * * *

(F) At the time of sentencing, the issuing authority shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state:

- (a) the amount of the fine and costs;
- (b) the amount of restitution ordered, including
 - (i) the identity of the payee(s),
 - (ii) to which officer or agency the restitution payment shall be made,

(iii) any ongoing victim expenses that may need to be reviewed at a future time, and

(iv) whether any restitution has been paid and in what amount,

(c) the date on which payment is due.

If the defendant is without the financial means to pay the amount in a single remittance, the issuing authority may provide for installment payments and shall state the date on which each installment is due;

* * * * *

Comment

* * * * *

See Rule 456 for the procedures when a defendant defaults in the payment of restitution, fines, or costs.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

A defendant should be encouraged to seek an adjustment of a payment schedule for restitution, fines, or costs before a default occurs. See Rule 456(A).

Official Note: Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; amended March 26, 2004, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; Comment revised July 17, 2013, effective August 17, 2013; **amended** , 2014, effective , 2014.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendments to paragraph (F) concerning required elements of the sentence published for comment at 44 Pa.B. 2371 (April 19, 2014).

Rule 455. Trial in Defendant's Absence.

* * * * *

Comment

* * * * *

Paragraph (D) provides notice to the defendant of conviction and sentence after trial *in absentia* to alert the defendant that the time for filing an appeal has begun to run. See Rule 413(B)(3).

See Rule 454(F) for what information must be included in a sentencing order when restitution is included in the sentence.

Except in cases under the Public School Code of 1949, 24 P. S. § 1-102, *et seq.*, in which the defendant is at least 13 years of age but not yet 17, if the defendant is under 18 years of age, the notice in paragraph (D) must inform the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defen-

dant does not appear within the 10-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of “delinquent act,” paragraph (2)(iv), and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.

* * * * *

Official Note: Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended August 15, 2005, effective February 1, 2006; Comment revised January 17, 2013, effective May 1, 2013; Comment revised July 17, 2013, effective August 17, 2013; **Comment revised , 2014, effective , 2014.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed Comment revision cross-referencing the sentencing provision in Rule 454(F) published for comment at 44 Pa.B. 2371 (April 19, 2014).

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART A. Sentencing Procedures

Rule 704. Procedure at Time of Sentencing.

* * * * *

Comment

* * * * *

SENTENCING PROCEDURES

* * * * *

[In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution, if determined at the time of sentencing, or the basis for determining an amount of restitution. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.]

For procedures in cases in which restitution is imposed, see Rule 705.1.

For the right of a victim to have information included in the pre-sentence investigation report concerning the impact of the crime upon him or her, see 71 P. S. § 180-9.3(1) and Rule 702(A)(4).

* * * * *

Official Note: Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or

after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; Comment revised April 18, 1997, effective immediately; Comment revised January 9, 1998, effective immediately; amended July 15, 1999, effective January 1, 2000; renumbered Rule 704 and amended March 1, 2000, effective April 1, 2001; Comment revised March 27, 2003, effective July 1, 2003; amended April 28, 2005, effective August 1, 2005; Comment revised March 15, 2013, effective May 1, 2103; **Comment revised , 2014 effective , 2104.**

Committee Explanatory Reports:

* * * * *

Report explaining the revision of the Comment adding a cross-reference to Rule 705.1 concerning restitution published for comment at 44 Pa.B. 2371 (April 19, 2014).

(Editor’s Note: The following rule is new and printed in regular type to enhance readability.)

Rule 705.1. Restitution.

(A) At the time of sentencing, the judge shall determine what restitution, if any, shall be imposed.

(B) In any case in which restitution is imposed, the judge shall state in the sentencing order:

- (1) the amount of restitution ordered;
- (2) the details of any payment plan, including when payment is to begin;
- (3) the identity of the payee(s);
- (4) to which officer or agency the restitution payment shall be made;
- (5) any ongoing victim expenses that may need to be reviewed at a future time;
- (6) whether any restitution has been paid and in what amount; and
- (7) whether the restitution has been imposed as a part of the sentence or as a condition of probation.

(C) In any case in which restitution is imposed, a judge shall hold a hearing no later than 30 days prior to the expiration of any period of probation if there is any amount of restitution outstanding.

Comment

This rule is intended to provide procedures for the statutory requirement for the judge to impose restitution. In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution at the time of sentencing. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.

The extent of restitution may also be provided by statute. See, e.g., 18 Pa.C.S. § 1107 (restitution for timber theft); § 1107.1 (restitution for identity theft); and § 1110 (restitution for cleanup of clandestine labs).

The amount of restitution may change after sentence is imposed. A sentencing judge may amend a restitution order more than 30 days after sentencing if the court states its reasons and conclusions as a matter of record. *Commonwealth v. Dietrich*, 601 Pa. 58, 970 A.2d 1131 (2009). See also 18 Pa.C.S. § 1106(c)(3).

When imposing restitution, the sentencing judge should consider whether the defendant has received notice of the intention to seek restitution prior to the hearing and whether the defendant intends to object to the imposition of restitution. The sentencing hearing may need to be continued as a result.

Paragraph (B)(7) requires that the sentencing order make clear whether any restitution is being imposed as a part of the sentence pursuant to 18 Pa.C.S. § 1106 or as a condition of probation pursuant to 42 Pa.C.S. § 9754. Unlike restitution imposed under § 1106 that is penal in nature, restitution imposed as a condition of probation is primarily aimed at rehabilitation. Sentences of probation give a trial court the flexibility to determine all the direct and indirect damages caused by a defendant. *Commonwealth v. Harner*, 533 Pa. 14, 617 A.2d 702 (1992); *Commonwealth v. Hall*, ___ Pa. ___, 80 A.3d 1204 (2013). Because a term of probation may not exceed the maximum term for which the defendant could be confined, and a court cannot enforce a restitution sentence past the statutory maximum date, a court may not require that restitution imposed as a condition of probation be paid beyond the statutory maximum date. *Commonwealth v. Karth*, 994 A.2d 606 (Pa. Super. 2010). For this reason, paragraph (C) imposes the requirement that a hearing be held prior to the expiration of a defendant's probation to determine the status of the restitution payments and whether the conditions of probation have been violated.

Official Note: New Rule 704.1 adopted , 2014, effective , 2014.

Committee Explanatory Reports:

Report explaining proposed new Rule 705.1 concerning sentences of restitution published for comment at 44 Pa.B. 2371 (April 19, 2014).

REPORT

Proposed New Pa.Rs.Crim.P. 705.1, Proposed Amendments to Pa.Rs.Crim.P. 454, and Proposed Revisions to the Comments to Pa.Rs.Crim.P. 454 and 704

Sentences of Restitution

Background

Recently, the Committee reviewed the February 2013 report of the Restitution in Pennsylvania Task Force. The Task Force had been convened by the Pennsylvania Office of the Victim Advocate to study “solutions to increase the quality of restitution services at the state and county levels.” The Task Force included representatives from a wide spectrum of agencies involved in the justice system. Two of the Task Force’s recommendations are directed to the Rules of Criminal Procedure. One was to encourage “AOPC and/or the Court Rules Committee to standardize a restitution order for use at sentencing/disposition” and included suggested elements for such an order. The other recommendation was for the Committee to examine other jurisdictions “to consider whether any rules should be amended or new rules adopted to improve the collection of restitution.”¹

The Committee established a subcommittee to examine in depth what procedural rule changes might be recom-

mended to standardize and clarify the manner in which restitution is awarded. The subcommittee reviewed the report of the Restitution in Pennsylvania Task Force as well as the statutes that provide for the award of restitution and the practice in this area in several other jurisdictions. Subsequently, the subcommittee recommended the proposed rule changes above and the Committee accepted these recommendations with minor changes. The proposed rule changes are now being published for public comment.

Discussion

The Committee concluded that it would be a good idea to have a general rule stating the requirement to order restitution as part of sentencing. The Committee considered it anomalous that Rule 706 addresses fines and costs but no rule mentions restitution. Too often restitution is an afterthought during sentencing. This has resulted in one of the problems that the Task Force identified—that, although under Pennsylvania law, a sentencing court must specify the amount of restitution at the time of sentencing and may not simply state that the amount of restitution will be determined by the probation office, this latter practice is regularly followed. In addition to highlighting the need to order restitution, the rule would also provide guidance to the court in the contents of the order.

This new rule would be numbered 705.1, designed to follow Rule 705 which provides specifics regarding sentences that include incarceration. The Committee believes it is more logical to follow this latter rule with one dealing with restitution.

The text of the proposed rule is a statement reminding the sentencing judge to impose restitution. It acknowledges that some cases may not have restitution to impose. Originally, the subcommittee considered including discussion of an award of fines and costs. However, the text of the rule and the Comment was directed primarily to restitution and it seemed to detract from the purpose of the rule to include detailed provisions for fines and costs.

The Committee also considered the proposal to include a list of elements that the judge should include in the sentencing order to identify the restitution award details and assist in its collection. Originally, this was contained in the Comment. It seemed that it would be more effective in the rule itself. However, a concern was expressed that by placing this in the rule itself, unwarranted challenges might be raised based on a technical failure to include all the listed elements. Ultimately, the Committee concluded that it should be contained in the rule text to ensure compliance.

One of the problems discussed was that the nature of a restitution sentence varies depending on how the sentence was imposed. If awarded as part of the sentence, under 18 Pa.C.S. § 1106, the award is punitive in nature while if it is added as a condition of probation, it is rehabilitative in nature. As a result, the extent to which the sentence can be enforced varies. It was decided that this issue should be described in the Comment and that the rule should require that the sentencing judge make clear in the sentencing order which of the two sentencing concepts were applicable to any restitution award. Therefore, this has been added to the list of items required to be in the sentencing order with a detailed explanation contained in the Comment.

¹ Restitution in Pennsylvania Task Force Final Report, <http://www.center-school.org/Restitution/index.html>, pgs 30 and 42.

Related to this, the rule provides that a hearing or review be held prior to the expiration of probation when there is outstanding restitution owed. This would enable the court to decide whether to hold the defendant in violation for failure to pay before the court loses jurisdiction by the completion of the probation.

There was discussion regarding procedures to challenge a restitution sentence but it was ultimately decided that any challenge would occur at the sentencing hearing. The Committee agreed that there should be some notice to the defendant prior to sentencing. However, the Committee also acknowledged that in the majority of cases there will not be a dispute as to restitution and did not want to create a burdensome notice requirement. Therefore, language would be included in the Comment that the judge should consider the notice provided to the defendant and the defendant's desire to challenge the restitution before it is awarded.

Another issue that the Committee discussed was a later modification of the restitution order. Currently, the Comment to Rule 704 contains one brief paragraph about restitution:

In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution, if determined at the time of sentencing, or the basis for determining an amount of restitution. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.

This language suggested that the trial court had a fair amount of flexibility in later amending the restitution sentence. At first, this seemed inconsistent with some of the strict language of the statutes. However, the Committee examined the history of Rule 704 (then-Rule 1405) when the Comment was revised to specifically note that the sentencing judge has to set restitution at sentencing. In the Committee's Final Report at the time, 26 Pa.B. 13 (January 6, 1996), the Committee mentioned that this language represented a compromise to balance the statutory requirement that restitution be imposed at sentencing and the limited time limits in Rule 704 for imposition of sentencing which could create issues if the amount of restitution is not determined at the time of sentencing.

Additionally, case law suggests that there is some flexibility in this area. For example, *Commonwealth v. Dietrich*, 601 Pa. 58, 970 A.2d 1131 (2009), held that a court may not alter or amend a restitution order more than 30 days after the order was entered unless it states its reasons and conclusions as a matter of record for any changes to any previous order. Therefore, the proposed Comment to Rule 705.1 contains language reflecting the holding in *Dietrich*. Additionally, the above-mentioned paragraph regarding restitution would be deleted from the Rule 704 Comment since new Rule 705.1 is intended to specifically address restitution. A cross-reference to Rule 705.1 would be added to the Rule 704 Comment.

Another question raised was whether the proposal should include similar requirements for summary cases. The Committee agreed that it should and so paragraph (F) of Rule 454 (Trial in Summary Cases) would be amended to provide guidance as to what should be included in a restitution sentence similar to that which is provided for court cases in proposed new Rule 705.1. A cross-reference to this provision would be added to the Comment to Rule 455 (Trial in Defendant's Absence).

[Pa.B. Doc. No. 14-812. Filed for public inspection April 18, 2014, 9:00 a.m.]

Title 25—LOCAL COURT RULES

MONROE COUNTY

Adoption of Local Custody Rules 1915.1, 1915.3, 1915.3-3, 1915.4-3, 1915.4-4, 1915.8, 1915.12, 1915.22; Local Divorce Rules 1920.12, 1920.43, 1920.51, 1920.51-1, 1920.54, 1920.55-2; and Local Domestic Relations Rule 1930.8

Order

And Now, this 20th day of March, 2014, it is *Ordered* that the Monroe County Rules of Civil Procedure in Custody adopted November 1, 2011, and the Monroe County Rules of Civil Procedure in Divorce adopted June 27, 2001 and any subsequent amendments thereafter, are rescinded in their entirety, effective upon the adoption of new Local Rules of Court. Monroe County Local Custody Rules §§ 1915.1, 1915.3, 1915.3-3, 1915.4-3, 1915.4-4, 1915.8, 1915.12, 1915.22; Local Rules of Divorce §§ 1920.12, 1920.43, 1920.51, 1920.51-1, 1920.54, 1920.55-2 and Local Domestic Relations Rule 1930.8 are adopted as indicated as follows and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to:

1. File one (1) certified copy of the within Order and new local rules with the Administrative Office of Pennsylvania Courts;
2. Distribute two (2) certified paper copies and a computer diskette containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. File one (1) certified copy of the within order and new local rule with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania;
4. Forward one (1) copy to the *Monroe County Legal Reporter* for publication
5. Arrange to have the local rule changes published on the Monroe County Court of Common Pleas website at www.monroepacourts.us and the Monroe County Bar Association website at www.monroebar.org.

Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator, and the Monroe County Law Library.

By the Court

MARGHERITA PATTI WORTHINGTON,
President Judge

Actions in Custody

1915.1. Definitions.

"Conciliator" shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

"Conciliation Conference" shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator.

"Evidentiary Hearing" shall be an evidentiary hearing before a judge of the Court of Common Pleas of Monroe County.

“Program” shall be the Monroe County Co-Parent Education Program.

“Provider” shall be the provider of the Monroe County Co-Parent Education Program.

1915.3. Commencement of Action. Complaint. Order. Fees.

1. All complaints for custody, petitions for modification, petitions for contempt, and all motions for conciliation conference shall be substantially in the form set forth in Pa.R.C.P. 1915.15 or 1915.12, as applicable, filed with the Prothonotary, and forwarded promptly to the Court Administrator.

2. Initial complaints and initial motions for conciliation conference shall be accompanied by a scheduling order, the co-parent order, information and registration forms, and a blank criminal or abuse history verification in the forms set forth at Local Rule 1915.22(1), (2) below and Pa.R.C.P. 1915.3-2(c).

3. Upon the filing of any complaint, petition or motion relating to child custody, the moving party shall pay a fee to the Prothonotary (in addition to the fees required by Local Rule 1940.5) in an amount set forth in the fee schedule adopted by the Court.

4. Motions for the scheduling of a conciliation conference shall be in accordance with Local Rules 208.2(c), 208.2(d), and 208.3(a).

1915.3-3. Co-Parent Education Program.

1. All parties to initial custody actions and to divorce actions in which the divorce complaint contains a count for custody shall attend and complete the four hour program entitled Co-Parent Education Program. The Court, in its discretion, may require repeat attendance.

2. In divorce actions, parties with minor children may attend the Co-Parent Education Program but are not required to do so unless ordered by the Court.

3. The parties shall register for the program using the registration form set out in these Rules and served with the custody complaint or motion. The moving party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the aforementioned order. The responding party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the order. The provider shall certify the parties' attendance by filing a certificate of attendance with the Prothonotary.

Failure to comply with an order requiring attendance at the Co-Parent Education Program may result in the Court taking any appropriate action, including sanctions and/or contempt.

1915.4-3. Conciliation Conference.

1. All parties and all children specifically ordered to attend shall attend the conciliation conference. At the conciliation conference, the conciliator shall meet with the parties and their counsel to conciliate all claims and may meet with the children if deemed appropriate in the discretion of the conciliator. The conciliator shall also screen for referral of the appropriate cases to mediation.

2. To facilitate conciliation and to encourage frank, open and meaningful exchanges between the parties and their counsel, statements made by the parties, children, counsel or the conciliator at the conciliation conference shall not be admissible as evidence in court. The conciliator shall not be competent to serve as a witness for or against any party nor shall there be any testimony taken at the conciliation conference. The conciliator shall not be subject to subpoena to compel testimony regarding information revealed at the conciliation conference.

3. Promptly following the conciliation conference, the conciliator shall file a recommendation with the Court setting forth the terms of a consent agreement reached by the parties or setting forth a recommendation for an interim order that may include a requirement that the parties undergo a specific period of counseling with a licensed psychologist or therapist or with a certified mediator. In appropriate cases, the conciliator may recommend mediation pursuant to Pa.R.C.P. 1940.1 et seq.

4. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator shall recommend family social studies or the completion of custody questionnaires. Unless otherwise directed by the Court, the agency issuing the family social study shall mail the written study to the custody conciliation office and to counsel of record for the parties or to the parties if there are no attorneys of record, pursuant to Pa.R.C.P. 1915.8.

5. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator may make any additional recommendations for mental health evaluations, drug and alcohol evaluations, the appointment of experts, guardians ad litem, or counsel for the child or for any other prehearing matters the conciliator deems necessary or appropriate.

6. No exceptions may be taken from the recommendation of the conciliator.

7. Nothing in this rule shall be interpreted to contravene Pa.R.C.P. 1915.4.

1915.4-4. Pre-Trial Procedures.

Upon the completion of all family social studies and any evaluations ordered by the Court, either party may move for an evidentiary hearing that shall be held before a judge of the Court. The motion for evidentiary hearing shall be filed with the Prothonotary and shall be accompanied by a proposed order scheduling a prehearing conference and the evidentiary hearing in accordance with the form set forth in Local Rule 1915.22(3) below. Prior to any evidentiary hearing, counsel to the parties shall appear for a prehearing conference to be scheduled by the assigned judge. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

All parties shall provide to the Court and all other parties a completed parenting plan, in accordance with 23 Pa.C.S.A. § 5331, and an updated notarized criminal or abuse history verification concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329 and Pa.R.C.P. 1915.3-2. The completed parenting plan and criminal or abuse history verification shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

1915.8. Disclosure of Expert Evaluations.

A party to a custody action shall not disclose the contents of an expert report pursuant to Pa.R.C.P. 1915.8, including home study evaluations, mental and physical evaluations, and drug and alcohol evaluations, to anyone except their attorney. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

1915.12. Civil Contempt for Disobedience of a Custody Order.

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with Pa.R.C.P. 1915.12 and may be scheduled for a conference before the conciliator.

If the contempt matter is not resolved at conference, then the conciliator shall refer the matter to the judge for appropriate action.

1915.22. Forms.

1. The scheduling order on complaints and motions for conciliation conferences shall be in the form attached hereto.

2. The co-parent order, information and registration forms shall be in the forms attached hereto, as supplemented annually.

3. The order for prehearing conference and final hearing shall be in the form attached hereto.

4. The parenting plan to be submitted to the Court shall be in the form attached hereto.

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

| | | |
|-----------|---|-------------------|
| _____ , | : | NO. _____ CV 20__ |
| Plaintiff | : | NO. _____ DR 20__ |
| | : | |
| vs. | : | |
| | : | IN CUSTODY |
| _____ , | : | |
| Defendant | : | |

ORDER

You, _____, have been sued in court to obtain/modify custody or partial custody of the minor child(ren), _____, born _____, now age _____; _____, born _____, now age _____; _____, born _____, now age _____; _____, born _____, now age _____.

AND NOW, upon consideration of the attached Complaint/Petition, it is hereby Ordered that the parties and their respective counsel appear before _____, Esquire, Custody Conciliator, on the _____ day of _____, 20__ in the Conciliation Room, Second Floor, Monroe County Courthouse at _____ (a.m./p.m.) for a conciliation conference. At such conference, an effort will be made to resolve the issues in dispute; or, if this cannot be accomplished, to define and narrow the issues to be heard by the Court and to enter into an Interim Order. Failure to appear at the Conference may provide grounds for the entry of a Temporary Order.

You are further ordered to bring with you the following children to the conference: _____

NOTE: Children under the age of eight (8) need not attend.

You are also ordered to provide to the Court and all other parties a current criminal or abuse history verification in accordance with Pa.R.C.P. 1915.3-2(c) prior to the custody conference.

If you fail to appear as provided by this Order, to bring with you the minor child(ren), or provide the criminal or abuse history verification, an Order for custody may be entered against you by the Court or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

**MONROE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
913 MAIN STREET, P.O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
(570) 424-7288**

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: _____

J.

cc: _____, Esquire, Custody Conciliator

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

Plaintiff, NO. CV 20
NO. DR 20
vs.
Defendant, IN CUSTODY

ORDER

AND NOW, this ___ day of ___, 20___, ALL PARTIES ARE HEREBY ORDERED to attend a program entitled the Co-Parent Education Program and to bring with you the Certificate of Completion you will receive at the program.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

MONROE COUNTY BAR ASSOCIATION
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AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office.

BY THE COURT:

J.

cc:

2014 CO-PARENT EDUCATION PROGRAM

In cases involving minor children, attendance at a four-hour Co-Parent Education Program is required of the parties in custody and divorce actions.

MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM

Program Content

The program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress.

The Program addresses the following items:

- I. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.
II. Handling the Feelings: Identifying feelings; Anger in divorce: toward your co-parent, from your children, toward your children; Feeling and healing.
III. Video segments and Discussion: Explaining divorce, warning parents, new relationships, etc.
IV. Mediation: Explanation of mediation process and its applicability to divorce and custody matters.

THE COURTS

When

The Program is offered every month on one Saturday morning from 9:00 a.m. until 1:00 p.m. or every month on one Tuesday evening from 5:30 p.m. until 9:30 p.m.

Where

The Program will be presented in Hearing Room A, lower level of the Monroe County Courthouse, 7th & Monroe Streets, Stroudsburg, Pennsylvania, unless otherwise directed by security. A security officer will direct you on where to go.

Attendance

Attendance at the Program is required of parties to a case where the interests of children under the age of eighteen years are involved. Additional interested persons may attend the seminar upon prior approval of Family/Divorce Services and certain fees may apply.

Presenters

Qualified counselors, educators and trainers selected by Family/Divorce Services will present the Program pursuant to arrangements with the Court of Common Pleas of Monroe County.

Notification

A copy of the Order requiring the parties to attend the Program and Registration Form will be provided to the parties at the time of the filing of the action or service of the applicable pleading.

Fees

A fee of \$40.00 per party for the Program is required and will be used to cover all program costs including the presenter's fee, handouts and administration. The fee must be submitted with the registration form.

Registration

The registration form must be received by Family/Divorce Services at least seven (7) days prior to the Program date selected. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through Family/Divorce Services.

Verification of Attendance

Upon proof of identification at the Program, Family/Divorce Services will record the party as "present" and provide to the Prothonotary of Monroe County a Certificate of Completion, which shall be filed of record. Each person successfully completing the program will be given a Certificate of Attendance. Should you have a case in another County or State, you are responsible to provide that Court with a copy of your Certificate of Completion.

Americans with Disabilities

For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's office at (570)-517-3009. All arrangements must be made at least (72) hours prior to the Co-Parent Program and you must attend the scheduled program.

Security

The Monroe County Sheriff's Office will provide armed, uniformed deputies at each Program immediately prior to, during and immediately after each presentation.

CO-PARENT EDUCATION PROGRAM—2014 Registration Form**READ ALL INFORMATION**

The Program is held on the lower level of the Monroe County Courthouse, Stroudsburg, PA. The Sheriff's Department provides security. Register by MAIL ONLY. See form below.

Further questions should be directed to Family/Divorce Services at 610-366-8868.

The Program fee is \$40 per person for all persons ordered to attend. Guests are welcome, but require an additional \$15 fee. Sign them up on form below.

A videotape or DVD to view and return is available ONLY to parties who reside more than 90 minutes driving time from Stroudsburg. See below.

Please register at least a week before you plan to attend. Confirmations are NOT sent by mail or by phone. Send in your form and come to the courthouse on the date you choose.

Children shall not be brought to the courthouse. Be prompt. Latecomers will not be admitted and will have to re-schedule.

In case of a snowstorm, a message will play at 610-366-8868 if class is canceled. Also, listen to radio 93.5FM or 840AM or WYOU TV for notices of cancellation. If you are disabled and need special assistance to enter the courthouse, call ahead.

REGISTER BY MAIL: Choose your date, fill out the form below and send money order payable to: Family/Divorce Services, P.O. Box 318, Trexlertown, PA 18087.

DOCKET NUMBERS of your divorce and custody case MUST be filled in. Include numbers-letters-year of file: _____

Your name: _____

Guest (name and relationship to child): _____

Address: _____ City _____ State _____ Zip _____

Phone: Home _____ Work _____

PARENTING PLAN

This parenting plan involves the following child/children:

| Child's Name | Age | Where does this child live? |
|--------------|-------|-----------------------------|
| 1. _____ | _____ | _____ |
| 2. _____ | _____ | _____ |
| 3. _____ | _____ | _____ |
| 4. _____ | _____ | _____ |

If you have children not addressed by this parenting plan, name here:

| Child's Name | Age | Where does this child live? |
|--------------|-------|-----------------------------|
| 1. _____ | _____ | _____ |
| 2. _____ | _____ | _____ |
| 3. _____ | _____ | _____ |
| 4. _____ | _____ | _____ |

Legal Custody (who makes decisions about certain things):

Circle one

| | |
|--------------------|--|
| Diet | Both parties decide together / Plaintiff / Defendant |
| Religion | Both parties decide together / Plaintiff / Defendant |
| Medical Care | Both parties decide together / Plaintiff / Defendant |
| Mental Health Care | Both parties decide together / Plaintiff / Defendant |
| Discipline | Both parties decide together / Plaintiff / Defendant |
| Choice of School | Both parties decide together / Plaintiff / Defendant |
| Choice of Study | Both parties decide together / Plaintiff / Defendant |
| School Activities | Both parties decide together / Plaintiff / Defendant |
| Sports Activities | Both parties decide together / Plaintiff / Defendant |
| Additional items | Both parties decide together / Plaintiff / Defendant |

Explain what process you will use to make decisions? (For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline.)

Physical Custody (where the child/children live(s)):

The child's/children's residence is with _____.

Describe which days and which times of the day the child/children will be with each person:

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

Drop-Off:

Where: _____

When: _____

Pick-Up:

Where: _____

When: _____

If one of you doesn't show up, how long will the other wait? _____

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs?

HOLIDAYS

Where will the child/children stay?

| HOLIDAY | YEAR A | YEAR B | EVERY YEAR |
|-----------------------------|--------|--------|------------|
| Martin Luther King Day | _____ | _____ | _____ |
| President's Day | _____ | _____ | _____ |
| Easter | _____ | _____ | _____ |
| Memorial Day | _____ | _____ | _____ |
| Fourth of July | _____ | _____ | _____ |
| Labor Day | _____ | _____ | _____ |
| Yom Kippur | _____ | _____ | _____ |
| Rosh Hashanah | _____ | _____ | _____ |
| Thanksgiving | _____ | _____ | _____ |
| Vacation after Thanksgiving | _____ | _____ | _____ |
| Christmas Vacation | _____ | _____ | _____ |
| Kwanzaa | _____ | _____ | _____ |
| New Year's Eve/Day | _____ | _____ | _____ |
| Spring Vacation | _____ | _____ | _____ |
| Easter Sunday | _____ | _____ | _____ |
| Child's Birthday | _____ | _____ | _____ |
| Mother's Day | _____ | _____ | _____ |
| Father's Day | _____ | _____ | _____ |
| Other: | _____ | _____ | _____ |
| Other: | _____ | _____ | _____ |
| Other: | _____ | _____ | _____ |

Summer Vacation Plans:

Special Activities or School Activities:

Will both of you attend?

| Child's Name | Activity | If not, which of you will attend? |
|--------------|----------|-----------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Temporary changes to this parenting schedule:

From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

The parent asking for the change will ask _____ in person _____ by letter/mail _____ by phone

No later than _____ 12 hours _____ 24 hours _____ 1 week _____ 1 month

The parent being asked for a change will reply _____ in person _____ by letter/mail _____ by phone

No later than _____ 12 hours _____ 24 hours _____ 1 week _____ 1 month

May parents contact one another? _____

When the child/children is/are with one of you, how may they contact the other parent?

When and how may _____ contact the child?

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.):

The following matter or matters as specified by the court:

Other (Anything else you want to agree on):

_____ Date

_____ Signature of Mother

_____ Date

_____ Signature of Father

_____ Date

_____ Signature of Witness

Actions in Divorce

1920.12. Filing and Service of Complaint. Costs.

1. With the filing of a complaint in divorce, the plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

1920.43. Motions and Petitions.

- 1. Motions practice shall be in accordance with Local Rules, 208.2(c), 208.2(d), and 208.3(a).
- 2. Petitions practice shall be in accordance with Local Rule 206.1(a).
- 3. All divorce motions or petitions including a petition for a master’s hearing shall be filed with the Prothonotary.

1920.51. Proceedings Before the Master.

- 1. Monroe County shall follow the Master’s Hearing procedure set out at Pa.R.C.P. § 1920.55-2.
- 2. No case shall be scheduled for Master’s Hearing prior to the expiration of 90 days from the service of the Divorce Complaint.
- 3. Either party may file a Petition for the Appointment of a Divorce Master, in the Form set forth below, provided that:
 - a. The petitioning party has complied with the requirements of Pa.R.Civ.P. 1920.33 (pertaining to Inventory and Pretrial Statement); and
 - b. The required fee has been paid to the Prothonotary; and
 - c. The petitioning party certifies at the time of filing of the Petition that:
 - (i) The Inventory and Pretrial Statement of the petitioning party have been filed;
 - (ii) The petitioning party has completed all discovery and knows of no pending discovery on the part of the non-petitioning party which will delay Hearing;
 - (iii) The petitioning party has given 20 days written Notice of Intention to File Petition for the Appointment of a Divorce Master, using the Form set forth below, to all counsel of record and unrepresented parties.
- 4. If opposing counsel or any unrepresented party objects to the filing of the Petition for the Appointment of a Divorce Master, the objector shall, within 10 days of the service of the Notice of Intention to File Petition for the Appointment of a Divorce Master, file with the court a statement of objections which shall include the basis for objection and a statement of when the case will be ready for Master’s Hearing, along with a Praecipe for Argument. All of the foregoing shall be served on all counsel of record and unrepresented parties.
- 5. Upon the filing of the Petition, the Court Administrator shall assign the Master and the Court shall issue an Order scheduling a Hearing, a Pretrial Conference and setting a deadline for the filing and service of the non-petitioning parties’ Pretrial Statements in conformity with Pa.R.C.P. § 1920.33.
- 6. Counsel of record and unrepresented parties shall attend the Pretrial Conference; represented parties shall be available to consult with their counsel by telephone during the Pretrial Conference. In the event that counsel for either party or an unrepresented party fails to attend the Pretrial Conference, or fails to file a Pretrial Statement as Ordered, the Master may recommend that the Court impose sanctions.
- 7. If a Pretrial Conference or any portion of a Hearing day is held, the Master shall receive a fee in an amount determined by the Court

8. If additional Hearing days are needed, the Master shall petition the Court with a recommendation regarding the number of additional full or partial hearing days requested and the amount of the additional court costs to be paid by one or both of the parties. The Court shall issue an order for the payment of additional costs and following payment of the costs as ordered shall set the additional hearing dates. No additional hearing dates shall be scheduled prior to the payment of court costs. The Master shall be compensated for any additional full or partial days of hearing in an amount to be determined by the Court.

9. Forms.

[CASE CAPTION]

NOTICE OF INTENTION TO FILE PETITION REQUESTING THE APPOINTMENT OF A DIVORCE MASTER

Notice is hereby given that 20 days following the date set out below, [Plaintiff/Defendant] intends to file a Petition Requesting the Appointment of a Divorce Master.

Date: _____

[Signature of Counsel or Pro Se Party with full address and telephone.]

CERTIFICATE OF SERVICE

I certify that I have provided or will immediately provide a copy of this Notice of Intention to File Petition Requesting the Appointment of a Divorce Master to all other self-represented parties or their attorney of record at the following address as listed below:

Name _____

Address _____

Date: _____

[Signature of Counsel or Pro Se Party with full address and telephone.]

[CASE CAPTION]

PETITION REQUESTING THE APPOINTMENT OF A DIVORCE MASTER

_____, petitions this Honorable Court for the Appointment of a Master in Divorce, and in support thereof avers:

1. Petitioner is _____ .
2. Respondent is _____ .
3. Petitioner has complied with the requirements of Pa.R.C.P § 1920.33.
4. The required fee for the Master’s Hearing has been paid to the Prothonotary.
5. The Complaint was served on the Defendant by the following means:
6. Ninety days have passed since the date of service of the Complaint.
7. Petitioner filed an Inventory on the following date: _____. Petitioner filed a Pretrial Statement on the following date: _____ .
8. Petitioner has completed all discovery requests to and has received all necessary discovery from all other parties and knows of no pending discovery on the part of any other party which will delay the Master’s Hearing.
9. Petitioner has given 20 days written Notice of Intention to File Petition Requesting the Appointment of a Divorce Master to all other parties or their counsel of record at the address listed below and no party has filed objections to the appointment of a Divorce Master or to the scheduling of a Master’s Hearing.

Name _____

Address _____

Date Notice was Served: _____

Date: _____

[Signature of Counsel or Pro Se Party with full address and telephone.]

[CASE CAPTION]

ORDER FOR THE APPOINTMENT OF DIVORCE MASTER

AND NOW, this _____ day of _____, upon Petition for the Appointment of a Divorce Master, _____ is appointed Divorce Master.

It is ORDERED that a Pretrial Conference is scheduled for the _____ day of _____, 20 ____ at _____ : ____ o’clock a.m./p.m. in the office of the Master located at _____ .

It is further ORDERED that all parties shall file a Pretrial Statement in conformity with Pa.R.Civ.P. 1920.33. The petitioning party shall file his/her Pretrial Statement on or before the filing of the Petition for Appointment of a Divorce Master, and the responding party shall file his/her Pretrial Statement within 20 days of service of the petitioning party’s inventory.

Counsel of record and unrepresented parties shall attend the Pretrial Conference; represented parties shall be available to consult with their counsel by telephone during the Pretrial Conference. In the event that counsel for either party or an

unrepresented party fails to attend the Pretrial Conference, or fails to file a Pretrial Statement as ORDERED in this Order, the Master may recommend that the Court impose sanctions.

The parties and counsel of record are further ORDERED to appear for Hearing before the Master on the _____ day of _____, in Hearing Room _____, Monroe County Courthouse, Stroudsburg, Pennsylvania at _____ o'clock, _____ M.

By the Court,

cc:

1920.51-1. Continuance of Master's Hearing in Divorce.

1. Scheduled master's hearings may be continued by petition only, filed in accordance with Monroe Co.R.C.P. 206.1(a) and 208.2(d).

2. Prior to filing a petition to continue a master's hearing, the moving party or, if represented, their counsel shall contact the Office of the Court Administrator to secure several prospective dates for the rescheduled hearing, and shall list those dates on the concurrence/non-concurrence required to be attached to the petition and which shall be substantially in the form set forth below.

3. Upon receipt of prospective continuance dates from Court Administration, the moving party shall forward to all responding parties, or if represented, to their counsel, the concurrence/non-concurrence form setting forth the prospective continuance dates.

4. Within three (3) business days of receiving the concurrence/non-concurrence form from the moving party, all responding parties, or if represented, their counsel, shall complete the form stating their concurrence or non-concurrence in the petition, and notwithstanding their non-concurrence, shall indicate their availability for hearing on the prospective continuance dates.

5. The moving party or counsel shall complete a proposed order rescheduling the master's hearing by filling in a specific date for the rescheduled hearing from the list of prospective dates provided by the Court Administrator and approved by all responding parties and counsel, and attach the proposed order to the petition.

6. The completed petition, concurrence/non-concurrence form and proposed order shall be filed in the Office of the Prothonotary and copies served on the master, the Office of Court Administration and all parties, with a certificate of service.

7. Petitions for continuance of master's hearings shall be filed no later than one week before the scheduled pretrial conference with the master, except for good cause shown.

1920.54. Settlement Before Scheduled Hearing.

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the master and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the master an executed divorce settlement agreement and affidavits of consent. Where parties settle on the record or by the filing of a written divorce settlement agreement, the master shall file a report and recommendation within thirty days of the scheduled hearing date.

1920.55-2. Master's Report.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days from the last to occur of the receipt of the transcript by the master or last submission to the master in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master's report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. § 1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master's principal office.

Rule 1930.8. Self-represented party.

1. A party representing himself or herself shall enter a written appearance, substantially in the form set forth below, which shall state an address, which need not be his or her home address, where the party agrees that pleadings and other legal papers may be served, and a telephone number through which the party may be contacted.

2. A self-represented party is under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

3. When a party has an attorney of record, the party may assert his or her self-representation by:

- (a) Filing a written entry of appearance and directing the Prothonotary to remove the name of his or her counsel of record with contemporaneous notice to said counsel, or
- (b) Filing an entry of appearance with the withdrawal of appearance signed by his or her attorney of record.

4. The self-represented party shall provide a copy of the entry of appearance to all self-represented parties and attorneys of record.

- 5. The assertion of self-representation shall not delay any stage of the proceeding.
- 6. The written entry of appearance shall be substantially in the form set forth below.
- 7. Form.

**COURT OF COMMON PLEAS OF MONROE COUNTY
 FORTY-THIRD JUDICIAL DISTRICT
 COMMONWEALTH OF PENNSYLVANIA**

| | | |
|-----------|---|------------------|
| Plaintiff | : | NO. ____ CV 20__ |
| | : | NO. ____ DR 20__ |
| | : | |
| vs. | : | |
| | : | IN CUSTODY |
| | : | |
| Defendant | : | |

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

- 1. I am the Plaintiff Defendant in the above-captioned (MARK ONE) custody, divorce, support, Protection from abuse, paternity case.
- 2. This (MARK ONE) is is not a new case and I am representing myself in this case and have decided not to hire an attorney to represent me.

OR (check only one box)

This is NOT a new case and _____ (Name of Attorney) previously represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case.

I have provided a copy of this form to that attorney listed above at the following address:

OR (check only one box)

I am entering my appearance as a self-represented party (sign) _____. My attorney acknowledges his/her withdrawal as my attorney in this case.

(Attorney signature) _____, Esq.

(Print Attorney Name) _____, Esq.

3. My address for the purpose of receiving all future pleadings and other legal notices is: _____. I understand that this address will be the only address to which notices and pleadings in this case will be sent, and that I am responsible to regularly check my mail at this address to ensure that I do not miss important deadlines or proceedings.

This is my home address. This is not my home address.

4. My telephone number where I can be reached during normal business hours (8:30 a.m. - 4:30 p.m. Monday - Friday) is _____. My email address is _____.

My telephone number and email address are confidential pursuant to a Protection From Abuse Order.

5. I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

6. I have provided or will immediately provide a copy of this form to all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____ Address _____

Name _____ Address _____

7. I fully understand that by deciding to represent myself, the Court will hold me to the same standards of knowledge regarding the statutory law, evidence law, Local and State Rules of Procedure and applicable case law as a Pennsylvania licensed attorney, and that I must be fully prepared to meet those responsibilities.

I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities which could result in a fine and/or prison term.

Date

Signature (Your Signature)

Please Print (Your Name)

[Pa.B. Doc. No. 14-813. Filed for public inspection April 18, 2014, 9:00 a.m.]

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 427]

Public Transportation—Sustainable Mobility

The Department of Transportation (Department), Bureau of Public Transportation, under the authority in 74 Pa.C.S. § 1505 (relating to regulations), adopts permanent regulations to replace temporary regulations in Chapter 427 (relating to public transportation—sustainable mobility) to read as set forth in Annex A.

Purpose of this Chapter

The purpose of Chapter 427 is to implement 74 Pa.C.S. §§ 1501—1520 (relating to sustainable mobility options), as required under 74 Pa.C.S. § 1505. Section 1505 of 74 Pa.C.S. directed the Department to promulgate temporary regulations within 2 years of the effective date of 74 Pa.C.S. §§ 1501—1520, by July 18, 2009, and thereafter to promulgate permanent regulations. The Department used the effective period of the temporary regulations to test and refine the regulations to ensure compliance in carrying out the purposes for which 74 Pa.C.S. §§ 1501—1520 provide financial assistance for public transportation services and infrastructure in this Commonwealth. This final-form rulemaking is the result of that experience under the temporary regulations.

Summary of Comments and Changes in the Adopted Regulations

Notice of proposed rulemaking was published at 41 Pa.B. 6089 (November 12, 2011). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and to the House and Senate Transportation Committees. Comments were not received from the public or the House and Senate Committees. IRRC's comments follow.

First, IRRC noted that, insofar, as this promulgation of permanent regulations is intended to supplant the temporary regulations promulgated under 74 Pa.C.S. §§ 1501—1520, the final-form rulemaking must designate the full text of Chapter 427 in compliance with IRRC regulations specifically 1 Pa. Code § 307.3a (relating to formatting the text of a final regulation). The Department complied and the full text of Chapter 427 was formatted in accordance with 1 Pa. Code § 307.3a and IRRC's subsequent guidance to publish Chapter 427 in its entirety. (*Editor's Note:* The version of this final-form rulemaking formatted to comply with 1 Pa. Code § 307.3a is available as a PDF document at http://www.irrc.state.pa.us/regulation_details.aspx?IRRCNo=2922 by clicking the "Download final regulation" link. This version shows bracketed, upper case and strikethrough text.)

Second, IRRC noted that in § 427.4(a)(6) (relating to local matching funds) the term "swaptions" was used. IRRC recommended that the term either be defined or deleted. The term has been deleted. IRRC also noted that in subsections (b)(4) and (c)(3) the phrase "schedules as required by the Department" was vague and should be clarified. The provisions have been clarified to refer to "supplemental audit schedules required by the Department."

IRRC also noted that in § 427.5(b) (relating to procurement) the phrase "failure to comply with any applicable

requirement" could result in ineligibility for future funding. IRRC found the phrase to be vague and recommended that it be clarified. The provision has been amended to make clear that what grantees must adhere to in order to avoid ineligibility for future funding are the "procurement requirements" which are applicable. Applicable requirements will be dependent on whether the source of funding is Federal, State or local.

In § 427.6(a)(3) (relating to restriction on use of funds), IRRC noted that shorthand references to various provisions of the enabling statute were unclear. The substance of this section is to provide that request for approval of the use of operating funds for capital assistance must be supported by written justification documenting that the required level of funds transferred is needed to fund a capital project that cannot be funded from any other available source of State capital assistance. The shorthand references merely provided examples of other potential sources of capital assistance. The Department determined that the list is unnecessary and it has been deleted.

IRRC also asked for clarity in § 427.7 (relating to audits) with respect to the audit standards to be applicable under the regulation. The Department clarified this section to refer specifically to the generally accepted accounting principles, the standard in the accounting industry. In § 427.7(a)(4)(v), IRRC found the phrase "supplemental schedules as required by the Department" to be vague. The stand-alone provision was determined to be unnecessary and has been deleted.

In response to further IRRC comments, in § 427.11 (relating to data submission and verification), the reference to "section 1513 operating assistance funds" was clarified to refer to "operating assistance funds under section 1513 of the act (relating to operating program)."

Finally, in reference to § 427.12 (relating to performance reviews), IRRC requested a specific web site reference for the performance review policy and recommended that the performance review process be included in the final-form rulemaking. The proposed rulemaking delineated in considerable detail the elements and methodology of reviews of the performance of transportation organizations under 74 Pa.C.S. §§ 1501—1520 and the regulations. Establishing the review procedures themselves in the regulations would eliminate flexibility or discretion in the Department to allocate staff resources and time to the review process and would unnecessarily subject any identified need to tweak or adjust the procedures to the lengthy and time consuming regulatory review process. The interests of the transportation organizations and the public in having a knowable and transparent review of performance are amply protected in the detailed elements and methodologies already delineated in the regulations. At the suggestion of the IRRC, however, the Department included a link in the final-form rulemaking to the performance review policy guidance of the Department for performance reviews.

In that certain changes made necessary because of IRRC's comments were not implemented in the final-form rulemaking initially presented to IRRC and House and Senate Committees, the Department requested tolling this final-form rulemaking on January 14, 2014, which was not objected to by IRRC. This final-form rulemaking incorporates the necessary changes and adds additional clarity.

Persons and Entities Affected

This final-form rulemaking affects various private and public entities involved the provision of public transportation services throughout this Commonwealth.

The Department is affected as the administrator of the funding provided under 74 Pa.C.S. §§ 1501—1520.

Fiscal Impact

The final-form rulemaking will not require additional expenditure of funds by the affected entities or by the Commonwealth.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 1, 2011, the Department submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 6089, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, 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 February 26, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 27, 2014, and approved the final-form rulemaking after tolling.

Sunset Date

The Department is not establishing a sunset date for these regulations, as these regulations are needed to administer provisions required under 74 Pa.C.S. §§ 1501—1520. The Department, however, will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person is Laverne Collins, Director, Bureau of Public Transportation, Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0064, (717) 787-1214.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 427, are amended by amending and adopting as permanent regulations §§ 427.1, 427.4—427.7, 427.11 and 427.12 and adopting as permanent regulations §§ 427.2, 427.3, 427.13, 427.21 and 427.22 to read as set forth in Annex A.

(Editor's Note: Sections 427.2, 427.3, 427.6, 427.13, 427.21 and 427.22 were not included in the proposed rulemaking published at 41 Pa.B. 6089. This final-form rulemaking adopts these sections as permanent regulations.)

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Secretary shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BARRY J. SCHOCH, PE,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 1534 (March 15, 2014).)

Fiscal Note: Fiscal Note 18-420 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. NONVEHICLE CODE PROVISIONS

ARTICLE II. MASS TRANSIT

CHAPTER 427. PUBLIC TRANSPORTATION—SUSTAINABLE MOBILITY

GENERAL REQUIREMENTS

§ 427.1. Definitions.

(a) The terms and definitions in section 1503 of the act (relating to definitions) are adopted herein as if fully set forth.

(b) In addition, the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—74 Pa.C.S. Chapter 15 (relating to sustainable mobility options).

Department—The Department of Transportation of the Commonwealth.

Route guarantee—A conditional commitment, either express or implied, by a private or public entity to a local transportation organization to provide financial compensation in return for the provision of public transportation service to a designated area or destination which would not be served without the financial compensation.

§ 427.2. Purpose.

The purpose of this chapter is to implement the act which requires the Department to initiate and maintain a program of financial and performance review and oversight for all programs receiving financial assistance under the act.

§ 427.3. Application procedure.

(a) Local transportation organizations shall apply for funding under this chapter using the Department's electronic grants management system.

(b) Local transportation organizations shall supply the information and documentation requested by the Department.

§ 427.4. Local matching funds.

(a) *Eligible sources for required annual local matching funds.*

(1) For a private transportation company receiving grants directly from the Department under the act, eligible annual local matching funds shall only consist of contributed cash income that was generated by the transportation company from its nonsubsidized activities.

(2) Except for those local transportation organizations using local matching funds from private third-party contractors prior to the enactment of the act, eligible sources of local matching funds for a local transportation organi-

zation shall be cash contributions provided by one or more municipalities or private entities in accordance with paragraphs (1) and (10).

(i) The total amount of municipal local match cash contributions for operating assistance cannot be less than the total amount of municipal local match cash contributed in the prior fiscal year.

(ii) If the required local match is 15% of the State funding for operating assistance, the municipal local match contribution can be reduced proportionate to any reduction in State operating assistance funding.

(3) Advertising revenue may be considered an eligible source of local matching funds for operating assistance grants if the municipalities responsible for providing all of the local matching funds annually pass a resolution which:

(i) Acknowledges their responsibility for providing the local matching funds.

(ii) Agrees to offset any shortfall in advertising revenue received during the fiscal year which results in insufficient local matching funds.

(iii) Acknowledges that any reduction in service or increase in fares due to the net loss of operating revenue associated with the use of advertising revenue as local match is the responsibility of the municipalities which provide local match.

(4) If a shortfall in advertising revenue causes the local transportation organization to obtain less than its required operating assistance local matching funds in any fiscal year and the municipality does not offset the shortfall to bring the local match to the minimum required for State operating assistance funding, the following apply:

(i) Advertising revenue will no longer be considered an eligible source of local matching funds for the affected local transportation organization in future fiscal years.

(ii) The State operating assistance funding for the fiscal year in which the shortfall occurs will be prorated in accordance with subsection (e)(4).

(5) All categories of local transportation organization operating revenue, including passenger fares; public or private payments provided in lieu of fares including route guarantees, unless the route guarantee revenue is allowed as local match in accordance with paragraph (9); charter or school bus revenue; advertising revenue, unless the advertising revenue is approved for use as local match in accordance with paragraph (3); and interest income or other miscellaneous sources of revenue do not constitute eligible sources of local matching funds.

(6) Local bonds issued by local transportation organizations and guaranteed in whole or in part by State funding sources, including interest arbitrage instruments, do not constitute eligible sources of local matching funds for State grants.

(7) Income generated from the subsidized public passenger transportation service is not eligible to be used as a source of local matching funds.

(8) For a local transportation organization using funds provided by a private third-party contractor as a source of local matching funds prior to the enactment of the act, the following apply with regard to operating assistance:

(i) Local matching funds equal to the local matching funds provided by third-party contractors in State Fiscal Year 2009-10 may continue to come from private third-

party contractor sources provided the following requirements are met. The private third-party contractor source of local matching funds must:

(A) Segregate finances for all business entities.

(B) Maintain separate accounting records for each business entity.

(C) Submit an independently prepared audit for each business entity. The audit must clearly identify revenue sources used for local matching funds.

(ii) Local matching funds in excess of the local matching funds provided in State Fiscal Year 2009-10 must be provided in accordance with paragraph (2). Funding from private third-party contractor sources is not eligible for this portion of the local matching funds.

(iii) If the amount of local matching funds provided by the private third-party contractor is ever decreased to an amount less than the local matching funds provided in State Fiscal Year 2009-10, the lower amount will become the maximum amount of local matching funds which can be provided by the private third-party contractor. All local matching funds in excess of the lower amount must be provided in accordance with paragraph (2). Private third-party contractor sources are not eligible for this portion of the local matching funds.

(9) For a local transportation organization using route guarantee funds as a source of local matching funds prior to the enactment of the act, the following apply for operating assistance funding:

(i) Local matching funds equal to the local matching funds provided by route guarantee funds in State Fiscal Year 2009-10 may continue to come from route guarantee funds.

(ii) Local matching funds in excess of the local matching funds provided in State Fiscal Year 2009-10 must be provided in accordance with paragraph (2). Route guarantee funds are not eligible for this portion of the local matching funds.

(iii) If the amount of local matching funds provided through route guarantee funds is ever decreased to an amount less than the local matching funds provided in State Fiscal Year 2009-10, the lower amount will become the maximum amount of local matching funds which can be provided through route guarantee funds. Local matching funds in excess of the lower amount must be provided in accordance with paragraph (2). Route guarantee funds are not eligible for this portion of the local matching funds.

(10) Private sources other than funding from private third-party contractors and route guarantees may be eligible as local match provided that a local transportation organization has:

(i) Requested in writing Department approval of the source and amount of the local match from private sources.

(ii) Provided a written contract between the private source and the local transportation organization prior to submitting an application for State funding.

(11) Local transportation organizations may use uncommitted local match reserves for operating assistance if the following apply:

(i) The total local match reserve amount is identified in the most recent audit report and can be traced through transaction detail to the source of the local match.

(ii) The board of the local transportation organization passes a resolution which certifies that the local match reserve to be used for operating assistance is not committed to another project.

(iii) The local transportation organization provides to the municipalities responsible for providing the local match written notification of the amount of local match reserve that will be used in a fiscal year to offset shortfalls in local match payments.

(b) *Documentation of availability and schedule for payment of local matching funds.*

(1) For a private transportation provider, the private transportation provider shall submit to the Department a certification, signed by the company's chief operating officer, assuring that the amount of required eligible local matching funds will be provided by the end of the State fiscal year for which a grant is made.

(2) For local transportation organizations:

(i) Each local transportation organization shall submit a resolution, approved by its governing body, certifying that the required amount of eligible local matching funds will be secured no later than the end of the State fiscal year for which a grant is made. The local transportation organization shall submit the resolution to the Department as part of its State grant application.

(ii) A local municipality responsible for providing the required local matching funds shall submit to the local transportation provider an approved/adopted resolution or budget transmitted by letter signed by the municipality's chief executive officer certifying the amount that it shall provide the local transportation organization no later than the end of the State fiscal year. The local transportation organization shall submit all resolutions or budgets with the transmittal letter signed by the municipality's chief executive officer to the Department as part of its State grant application.

(3) For a local transportation organization receiving local matching funds through a private third-party contractor source, the private source of local matching funds shall provide the following:

(i) Documentation of the amount of local matching funds to be provided.

(ii) Documentation of segregation of finances and accounting records.

(iii) Documentation of agreement to provide an audit for every business.

(4) The audit referred to in paragraph (3)(iii) must include the supplemental audit schedules required by the Department.

(5) If the availability of required local matching funds is not certified, the Department may not execute a grant agreement.

(6) If less than the full amount of local matching funds is certified, the Department will prorate the State grant amount on a proportional basis to the local amount that is certified.

(c) *Required recordkeeping.*

(1) For both local transportation organizations and private transportation companies, the local funding provided to meet local matching funds requirements must be deposited and retained in a separate interest bearing account until used for eligible public transportation program expenses.

(2) Interest earned on these funds must only be used for public transportation purposes.

(3) Interest earned and expended shall be reported in the annual audit report on the supplemental audit schedules required by the Department.

(d) *Required minimum local matching funds.* The minimum local matching funds shall be as stated in sections 1513—1516 of the act.

(e) *Insufficient local matching funds.*

(1) If the required minimum local matching funds are not provided by the end of the project period, the following fiscal year's allocation will be reduced to reflect a proration of the prior year's grant based on the amount of local funds provided and the established local matching funds percentage.

(2) If the amount of local matching funds in arrears from the previous fiscal year is provided within a grace period of 90 days after the beginning of the fiscal year, the full State allocation will be restored.

(3) A grant recipient is eligible for a grace period for receipt of local matching funds no more frequently than once every 3 years.

(4) Prorates shall be calculated as follows:

(i) Calculate the State funding supplied for every dollar of local matching funds.

(ii) Multiply the local matching funds shortfall times the State funding supplied for every dollar of local matching funds.

(iii) Reduce funding in the subsequent fiscal year equal to the result of the calculation in subparagraph (ii).

§ 427.5. Procurement.

(a) Grantees receiving capital funding under this chapter shall follow the most stringent of any applicable Federal, State and local procurement procedures. Grantees shall have written procurement policies.

(b) Failure to comply with the procurement requirements applicable for the funding source for the procurement (Federal, State or local) may result in the ineligibility of the grantee to receive future State transit capital funds until the following conditions are met:

(1) The Department, or its representative, has conducted an audit of the grantee's compliance with procurement requirements.

(2) The grantee has resolved any findings in the audit to the satisfaction of the Department or is working toward the resolution of findings based on a Department-approved action plan.

(c) The Department may require the grantee to pay for the audit cost directly, or may deduct the cost of the audit from any future State grant.

(d) Failure to comply with applicable procurement requirements may also result in a requirement that the grantee repay State grant funds used for the procurement.

(e) The Department may require a grantee to submit all procurement related documents to the Department for review and written concurrence prior to award to be eligible to receive State funds for that procurement.

(f) If a grantee is required to repay Federal funds due to noncompliance with procurement requirements, the grantee must also repay State matching funds related to that procurement.

§ 427.6. Restriction on use of funds.

(a) With the approval of the Department, operating assistance funds may be used for capital assistance under the following circumstances:

(1) The need for the alternative use of these funds is limited to 1 year.

(2) The proposed use of operating funds for capital assistance will not result in any of the following:

(i) A reduction in service.

(ii) An increase in fare levels.

(iii) An unbalanced operating budget in the year of the transfer and for 3 succeeding fiscal years.

(3) The request for approval of the use of operating funds for capital assistance must be supported by written justification documenting that the required level of funds transferred is needed to fund a capital project that cannot be funded from any other available source of State capital assistance.

(4) The justification must demonstrate that the proposed capital project, for which the required operating funds will be used, cannot be deferred until a later year without incurring a significant identified hardship.

(b) With the approval of the Department, capital assistance funds may be used for operating assistance under the following circumstances:

(1) The need for the alternative use of these funds is limited to 1 year.

(2) The proposed use of capital funds for operating assistance is needed to support one or more of the following:

(i) To prevent a reduction in service.

(ii) To prevent an unreasonable fare increase.

(iii) To prevent a projected one-time unbalanced operating budget that is not expected to reoccur in the following and subsequent years.

(3) Written justification to support that the proposed one-time use of capital funds for operating assistance will not result in the deferral of any important capital project that could have been funded if the funds were not transferred.

(c) Operating funds may not be used to fund depreciation costs associated with capital assets procured using public funds.

§ 427.7. Audits.

(a) The Department will determine the frequency, content and format of reporting requirements, and may include requirements for audit testing procedures, for any entity receiving funding under this chapter.

(1) As an element of the application process, each applicant shall provide the name, address and contact information for the certified public accounting firm engaged for the financial audit.

(i) The applicant shall certify that the certified public accounting firm is aware of the Department's reporting requirements and deadlines.

(ii) The information shall be submitted to the Department by May 31 of the fiscal year preceding the year for which funds are requested.

(2) Within 90 days after the close of each fiscal year, each grant recipient will receive from the Department for

confirmation an accounting of funds received from the Department during the preceding fiscal year.

(3) The grant recipient shall convey directly to the certified public accounting firm the Department's confirmation of amounts identified in paragraph (2). The confirmed amounts shall become part of the financial audit report.

(4) Within 180 days after the close of a fiscal year, each grant recipient shall transmit to the Department an annual financial audit report prepared by the certified public accounting firm identified in paragraph (1).

(i) The audit shall be conducted in accordance with the generally accepted accounting principles auditing standards. Those standards require the audit firm to plan and perform the audit to obtain reasonable assurance about whether financial statements are free of material misstatement. The audit must include examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements and supplemental schedules.

(ii) The audit must meet all Department required reporting and formatting standards for presentation of information with regard to grant payments and uses.

(iii) The certified public accounting firm shall prepare all supplemental schedules as required by the Department.

(iv) Management letters and all schedules of findings based on the audit work shall become part of the annual financial audit report.

(v) If a single audit has been conducted, a copy of the single audit report shall also be submitted to the Department.

(vi) The audit may not be submitted to the Department unless the local transportation finance officer and board have reviewed the audit for accuracy and have approved it.

(5) The grant recipient shall review the audit report, identify inconsistencies between the supplemental schedules and other schedules and statements within the audit report and provide an explanation satisfactory to the Department for the discrepancies.

(i) The grant recipient shall provide a written response to the Department answering questions raised by the Department within 45 calendar days of receipt of the Department's questions.

(ii) Failure to comply with reporting requirements by the due date may result in delay or withholding of payments at the discretion of the Department.

(iii) If the grant recipient cannot produce a written response for each finding within 45 calendar days, the grant recipient shall request a time extension in writing to the Director of the Bureau of Public Transportation with justification for the request. The Director of the Bureau of Public Transportation's written response will accept or reject the request for a time extension.

(b) Failure to comply with reporting requirements may result in delay or withholding of payments at the discretion of the Department.

OPERATIONS

§ 427.11. Data submission and verification.

(a) *Factors.* The factors used to calculate the distribution of operating assistance funds under section 1513 of the act (relating to operating program) in excess of the

base operating allocation are the following for the most recently completed fiscal year, as defined in the act:

(1) The total number of Act 44 defined fixed route, ADA paratransit and other Department-approved passengers.

(2) The number of senior citizen passengers.

(3) The number of Act 44 defined fixed route, ADA paratransit and other Department-approved revenue vehicle hours.

(4) The number of Act 44 defined fixed route, ADA paratransit and other Department-approved revenue vehicle miles.

(b) *Submission.* Each local transportation organization receiving operating assistance funds under section 1513 of the act shall verify and submit to the Department the data set forth in subsection (a) by December 31 of the calendar year following the end of the preceding fiscal year.

(c) *Certification.* The chief operating officer of each local transportation organization shall certify the accuracy of the data factors submitted under this section.

(d) *Inaccurate data.* The following apply if the data used to calculate operating assistance grants under section 1513 of the act is determined to be inaccurate:

(1) When the inaccurate data is greater than accurate data, resulting in receipt of a grant award greater than actually justified:

(i) The grant award for that grantee will be recalculated based on the accurate data.

(ii) The grant award for the following year will be reduced by 125% of the difference between the grant awarded in the previous fiscal year and the recalculated grant award for that year.

(2) When the inaccurate data is less than the accurate data, resulting in receipt of a grant award smaller than actually justified, there will be no recalculation and no change in the grant award.

§ 427.12. Performance reviews.

(a) Local transportation organizations receiving operating assistance funding for fixed route or fixed guideway transit service under section 1513 of the act (relating to operating program) are subject to this section. Demand response services, including ADA paratransit, other paratransit and shared ride modes, are not subject to these requirements.

(b) Performance reviews will be undertaken for each local transportation organization on regular intervals at least every 5 years.

(1) A performance review will include, but is not limited to, a review of management, finance, operations, maintenance, capital projects and system performance.

(2) The Department will maintain on its web site, at ftp://ftp.dot.state.pa.us/public/bureaus/publictransportation/generalinformation/tpr_presentation.pdf, a performance review policy that will discuss the process for conducting a performance review.

(c) Minimum performance standards will be established for each grant recipient during a performance review in accordance with the process outlined in this section.

(d) Performance reviews will be conducted as follows:

(1) *Comparison to peers.*

(i) The Department will identify at least five prospective peer systems for each mode of the local transportation organization being reviewed. The Department will finalize the peer group selection after consultation with the local transportation organization.

(ii) The peer selection process will include, without limitation, the following data items:

(A) Revenue vehicle hours (car hours for rail and fixed guideway).

(B) Revenue vehicle miles (car miles for rail and fixed guideway).

(C) Number of peak vehicles.

(D) Service area population.

(iii) The Department will evaluate the local transportation organization based on the following performance criteria in accordance with the act:

(A) Passengers per revenue vehicle hour.

(B) Operating costs per revenue vehicle hour.

(C) Operating revenue per revenue vehicle hour.

(D) Operating costs per passenger.

(iv) The Department will:

(A) Calculate the average of each performance criterion by mode for the peer group (which includes the local transportation organization under review), using the single most recent year for which data is available.

(B) Calculate the standard deviation for each performance criterion by mode for the peer group and local transportation organization under review.

(v) The local transportation organization under review will be in compliance if the following conditions are met:

(A) Passengers per revenue vehicle hour is within plus or minus one standard deviation or exceeds plus one standard deviation.

(B) Operating revenue per revenue vehicle hour is within plus or minus one standard deviation or exceeds plus one standard deviation.

(C) Operating costs per revenue vehicle hour is within plus or minus one standard deviation or is below minus one standard deviation.

(D) Operating costs per passenger is within plus or minus one standard deviation or is below minus one standard deviation.

(vi) The local transportation organization will be determined at risk if one or more of the following apply:

(A) Passengers per revenue vehicle hour is below minus one standard deviation.

(B) Operating revenue per revenue vehicle hour is below minus one standard deviation.

(C) Operating costs per revenue vehicle hour exceeds plus one standard deviation.

(D) Operating cost per passenger exceeds plus one standard deviation.

(2) *Trend analysis.*

(i) The Department will prepare a 5-year trend analysis for the local transportation organization under review and the peer systems by performance criteria and by mode.

(ii) If the 5-year trend for all performance criteria by mode is positive and consistent with the peer trend, the local transportation organization is in compliance.

(iii) If the 5-year trend for any performance criterion by mode is negative, but consistent with the peer trend, the local transportation organization may be in compliance based on Department determination.

(iv) If the 5-year trend for any performance criterion by mode is negative and not in keeping with peers, the local transportation organization will be determined to be at risk.

(3) *Minimum performance standard.*

(i) In consultation with the local transportation organization, the Department will establish minimum performance standards to be met within 5 years from the date the standards are established.

(ii) The local transportation organization shall develop and submit to the Department within 90 days of the final report of the performance review a strategic action plan focused on continually improving the system to achieve the established minimum performance standards. The Department will provide technical assistance upon request.

(iii) The local transportation organization shall submit the strategic action plan to its governing body.

(iv) The local transportation organization shall report to its governing body and to the Department on strategic action plan progress on at least a quarterly basis.

(v) A revised minimum performance standard for each performance criterion by mode will be established in each subsequent performance review.

(vi) Upon request by the local transportation organization and submission of proper justification, the Department may approve revised minimum performance standards at times other than during a performance review.

(4) *Review and report.* Each year in the Pennsylvania Public Transportation Annual Performance Report, the local transportation organizations which have been reviewed during the preceding fiscal year will be identified. The report will include a summary of the reviews, the findings and the recommendations.

(e) The application of funding reduction will be as follows.

(1) Operating fund reductions in section 1513(g) of the act may be implemented for grantees subject to this section that are not satisfying the minimum performance standards, considering all other provisions of section 1513 of the act. A funding reduction may be assessed in cases when a local transportation organization fails to report progress or fails to implement the agreed upon strategic action plan, or both.

(2) Funding reductions may not exceed 5% of the total section 1513 of the act operating assistance allocation in any one fiscal year.

§ 427.13. **Demonstration projects.**

When a local transportation organization or an agency or instrumentality of the Commonwealth applies to the Department for reimbursement of operating costs related to demonstration program projects, the project must meet the following criteria:

(1) A feasibility study must be conducted and a report issued prior to application. The feasibility report must include annual estimates for the four performance criteria

identified in section 1513(f) of the act (relating to operating program) for the determination of the success of the demonstration project.

(2) The Department must approve minimum performance standards for the demonstration project.

(3) The applicant shall provide documentation of local acceptance of the established minimum performance standards. The local acceptance document must indicate that the applicant and the local funding entity understand that:

(i) If the demonstration service meets the established minimum performance standards within the 3-year demonstration period, it may receive formula based operating assistance from section 1513 of the act funds if there is sufficient funding available in section 1513 of the act to fund both existing services and the demonstration project.

(ii) If the demonstration project fails to meet the minimum performance standards within the 3-year period, the service is ineligible for State Section 1513 operating assistance.

(A) The applicant or the local funding entity may elect to continue the service and provide all required operating assistance.

(B) The applicant or the local funding entity, or both, may elect to discontinue the service and notify all affected parties of the decision and take responsibility for that decision.

(4) The applicant shall demonstrate the support of the local funding entity providing local matching funds for the demonstration project and accepting responsibility for decisions made with regard to continuation/discontinuation of service by issuing the following resolutions:

(i) A resolution certifying that sufficient local funds will be made available based on a 5-year annual projection of operating budgets and funding sources.

(ii) A resolution acknowledging that the applicant and the local funding entity are responsible for determining continuation of service prior to the end of the 3-year demonstration period.

(5) During the 3-year demonstration period, the local matching funds must equal at least 15% of the State demonstration grant.

(6) Within 30 days of the end of each quarter, the applicant shall submit quarterly reports providing financial information and operating statistics in a format determined by the Department within 30 days of the end of each quarter during the 3-year demonstration period to maintain eligibility for State funding.

NEW INITIATIVES

§ 427.21. **Application requirements for new initiatives.**

(a) Applications for new initiatives must be received by the Department by 5 p.m. on the second Monday of January.

(b) Any project that has received a rating of medium, medium-high or high under 49 U.S.C.A. § 5309 (relating to capital investment) is considered to have satisfied the project evaluation requirements of this chapter but must provide supporting documentation to the Department.

(1) The project sponsor shall submit to the Department a copy of the application documentation as submitted to the US DOT/FTA that resulted in the rating.

(2) Updates to the project application documentation shall be provided to the Department as they are approved by the Federal Transit Administration.

(c) A project that has received a rating of medium-low or low under 49 U.S.C.A. § 5309 or that has elected not to apply for funding under 49 U.S.C.A. § 5309 shall provide documentation supporting the following project evaluation requirements:

(1) *Investment optimization.* The applicant shall demonstrate that investments in the existing service areas have been optimized.

(i) The applicant shall document the steps taken to optimize existing services and the impacts of those steps on current ridership, revenues and customer satisfaction.

(ii) The applicant shall show how the proposed project will coordinate with other transit in the region, as well as with other transportation options when appropriate, such as bicycle paths, high-occupancy vehicle facilities, Amtrak or other intercity rail.

(2) *Cost/benefit.* The applicant shall demonstrate that the investment in the project results in reasonable public benefits that are proportional to the investment.

(i) The applicant shall document likely impacts on total transit ridership, impacts on greenhouse gasses and overall air quality, travel time, user costs, accessibility to employment centers and service to historically under-represented populations.

(ii) The costs of the project over its design life must be calculated and include capital investments, operations and maintenance.

(iii) Project benefits and costs should be calculated to a net present value and a current dollar benefit/cost ratio must be calculated.

(iv) The project must demonstrate a benefit/cost ratio greater than 1.0 to satisfy the reasonable public benefit requirement.

(v) If requested, the applicant shall document how or if the project supports statewide air quality and transportation policies.

(3) *Local funding commitments.* The applicant shall demonstrate that it has secured commitments for local share of funding.

(i) The applicant shall provide documentation showing what local funds are available for both the capital and operating funding needs of the project, any limitations on those funds and, when in a designated metropolitan planning organization area, affirm that the project is included in a cost affordable long range transportation plan.

(ii) A signed letter of commitment from the agency responsible for collecting capital, operations and maintenance funding must be included that documents the sources of the funding, the expiration date of the funding and a plan for extending the funding source's revenue period should it expire before the design life of the project.

(iii) Estimates of fare box revenues/recovery shall also be provided along with actionable strategies to cover any unexpected fare box shortfalls during the design life of the project.

(4) *Technical capacity.* The applicant shall provide a management plan for construction and operation of the project during the design life of the project.

(i) The management plan must identify in-house and consultant resources necessary to manage the project.

(ii) Where in-house services are to be used, it will be necessary to demonstrate those resources have sufficient experience managing projects of similar scope and scale.

(iii) Where outside services are to be used, the applicant shall document the expected costs of those services and include a plan to manage the services.

(5) *Integrated land use policies.* The applicant shall document relevant elements of local land use plans and policies that support efficient use of the transportation system in the project corridor.

(i) To demonstrate the integration, the applicant should cite relevant plans (comprehensive plan and zoning) as well as policies relating to parking availability/cost, existing and allowable densities, mix of land use and affordable housing.

(ii) Documentation should include maps, tables, specific local policies and narrative that make the case that land use policies recognize the integral relationship between transportation and land use.

(iii) In areas where walk or bicycle access will be important to the overall demand for the project the applicant shall document how patrons of the project will safely access the system from nearby significant land uses.

(iv) If requested, the applicant shall provide signed letters from local governing bodies in municipalities where stations would be located documenting the level of commitment and actions undertaken to assure land use policies are supportive of the project.

(d) Applicants shall provide documentation sufficient to compare the benefits, costs, local policies, technical capacity and funding commitment of applicants so that findings can be succinctly summarized for the Pennsylvania Public Transportation Annual Performance Report.

(e) The Department may request additional supporting documentation from the applicant to complete the application.

(f) Applicants shall provide responses to or acknowledgement of requests for additional supporting documentation within 14 days of the request.

§ 427.22. New initiative project evaluation.

(a) The Department will provide a project summary in the Pennsylvania Public Transportation Annual Performance Report for each completed application.

(1) The project summary will include comparisons with their current operations for key measures outlined in statute.

(2) The project summary will include comparisons with other similar systems for key measures outlined in statute.

(b) Funding for new initiatives under this section is subject to appropriation by the Pennsylvania General Assembly.

[Pa.B. Doc. No. 14-814. Filed for public inspection April 18, 2014, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 129]

Additional RACT Requirements for Major Sources of NO_x and VOCs

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 129 (relating to general provisions; and standards for sources) to read as set forth in Annex A. The proposed rulemaking would amend Chapter 129 to adopt presumptive reasonably available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of oxides of nitrogen (NO_x) and volatile organic compound (VOC) emissions.

The proposed rulemaking would revise § 121.1 (relating to definitions) to add or amend “CEMS—continuous emissions monitoring system,” “process heater” and “stationary internal combustion engine” to support the proposed amendments to Chapter 129.

The proposed rulemaking will be submitted to the United States Environmental Protection Agency (EPA) upon final-form publication for approval as a revision to the Commonwealth’s State Implementation Plan (SIP).

This proposed rulemaking is given under Board order at its meeting of November 19, 2013.

A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 772-3436; or Robert “Bo” Reiley, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically on the Department of Environmental Protection’s (Department) web site at www.dep.state.pa.us (DEP Search/Keyword: Public Participation).

C. Statutory Authority

The proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (act) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and section 5(a)(8) of the act, which grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. Background and Purpose

The EPA is required under section 109 the CAA (42 U.S.C.A. § 7409) to set National Ambient Air Quality Standards (NAAQS) for six criteria pollutants of which

ozone is one. The NAAQS are established by the EPA as the maximum concentrations in the atmosphere for specific air contaminants to protect public health and welfare.

Ozone is a highly reactive gas which at sufficient concentrations can produce a wide variety of harmful effects. At elevated concentrations, ozone can adversely affect human health, vegetation, materials, economic values, and personal comfort and well-being. It can cause damage to important food crops, forests, livestock and wildlife. Repeated exposure to ozone pollution may cause a variety of adverse health effects for healthy people and those with existing conditions including difficulty in breathing, chest pains, coughing, nausea, throat irritation and congestion. It can worsen bronchitis, heart disease, emphysema and asthma, and reduce lung capacity. Asthma is a significant and growing threat to children and adults. High levels of ozone also affect animals in ways similar to humans.

The EPA promulgated primary and secondary NAAQS for photochemical oxidants under section 109 of the CAA at 36 FR 8186 (April 30, 1971). These were set at an hourly average of 0.08 parts per million (ppm) total photochemical oxidants not to be exceeded more than 1 hour per year. The EPA announced a revision to the then-current 1-hour standard at 44 FR 8202 (February 8, 1979). The final rulemaking revised the level of the primary 1-hour ozone standard from 0.08 ppm to 0.12 ppm and set the secondary standard identical to the primary standard. This revised 1-hour standard was subsequently reaffirmed at 58 FR 13008 (March 9, 1993).

Section 110 of the CAA (42 U.S.C.A. § 7410) gives states primary responsibility for achieving the NAAQS. The principal mechanism at the state level for complying with the CAA is the SIP. A SIP includes the regulatory programs, actions and commitments a state will carry out to implement its responsibilities under the CAA. Once approved by the EPA, a SIP is legally enforceable under both Federal and state law.

Section 182 of the CAA (42 U.S.C.A. § 7511a) requires that, for areas that exceed the NAAQS for ozone, states shall develop and implement a program that mandates that certain major stationary sources develop and implement a RACT program. RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. See 44 FR 53762 (September 17, 1979).

Under section 182(f)(1) of the CAA and section 184(b)(2) of the CAA (42 U.S.C.A. § 7511c(b)(2)), these RACT requirements are applicable to all sources in this Commonwealth that emit or have a potential to emit greater than 100 tons per year of NO_x. Under sections 182(b)(2) and 184(b)(2) of the CAA, the RACT requirement are applicable to all sources in this Commonwealth that emit or have a potential to emit greater than 50 tons per year of VOCs. NO_x and VOC controls are required Statewide because of the Commonwealth’s inclusion in the Northeast Ozone Transport Region. See section 184(a) of the CAA. Additionally, because the five-county Philadelphia area was designated as severe ozone nonattainment for the 1-hour standard, sources of greater than 25 tons per year of either pollutant are required to implement RACT under section 182(d) of the CAA. The Commonwealth’s RACT regulations in §§ 129.91—129.95 (relating to sta-

tionary sources of NO_x and VOCs) were implemented for the 1-hour ozone standard. These regulations were effective January 15, 1994.

The EPA concluded in 1997 that revisions to the current primary standard to provide increased public health protection were appropriate at this time to protect public health with an adequate margin of safety. See 62 FR 38856 (July 18, 1997). Further, the EPA determined that it was appropriate to establish an 8-hour primary standard of 0.08 ppm. See 62 FR 38856. The EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS at 69 FR 23858, 23931 (April 30, 2004).

The EPA lowered the 8-hour standard from 0.08 ppm to 0.075 ppm at 73 FR 16436 (March 27, 2008). The EPA made designations for the 2008 8-hour ozone standards on April 30, 2012, with an effective date of July 20, 2012. See 77 FR 30160 (May 21, 2012). The EPA designated all or portions of Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland Counties as nonattainment for the 2008 8-hour ozone NAAQS. See 77 FR 30088, 30143 (May 21, 2012). Therefore, the Commonwealth must submit a SIP revision to demonstrate how it will attain and maintain the 2008 8-hour ozone standard in the nonattainment areas.

A re-evaluation of what measures constitute RACT is a requirement to be fulfilled each time a NAAQS is promulgated, as happened in 1997 and 2008 for ozone. According to the EPA's Final Rule to Implement the 8-Hour Ozone NAAQS, areas classified as "moderate" nonattainment or higher must submit a demonstration, as a revision to the SIP, that their current rules fulfill 8-hour ozone RACT requirements for all Control Techniques Guidelines (CTG) categories and all major, non-CTG sources. See 70 FR 71612 (November 29, 2005).

According to this implementation rule, demonstrations can be made with either a new RACT determination or a certification that previously-required RACT controls represent RACT for the 8-hour ozone NAAQS. The certification should be accompanied by appropriate supporting information, such as consideration of information received during the public comment period. The RACT SIP revision submittal is in addition to the 8-hour ozone attainment demonstration plan for the area, which will also be a revision to the Commonwealth's SIP. The RACT SIP revision was required to be submitted to the EPA by September 15, 2006.

The Commonwealth submitted a SIP revision in September 2006 certifying that RACT determinations made for the 1-hour ozone standard in 1994 under §§ 129.91—129.95 were RACT for the 8-hour standard, including for those sources where a determination was made that "no controls" continued to represent RACT for the 1-hour ozone standard. However, the EPA informally indicated to the Department that based on *NRDC v. EPA*, 571 F.3d 1245 (July 10, 2009), a reanalysis rather than certification is necessary for sources for which the Department previously determined that "no controls" represented RACT for the 1-hour ozone standard.

As a result of the EPA's decision, the Department conducted a generic RACT analysis of those sources where a "no controls" decision was previously made under §§ 129.91—129.95 for the 1-hour ozone standard to determine if additional controls would represent RACT for the 8-hour ozone NAAQS. That generic analysis identified

source categories looking at size and fuel type; identified available feasible NO_x or VOC, or both, control options for each type of existing source; estimated emission reduction potential for each control technology; identified costs for technologies, using appropriate updates; evaluated cost-effectiveness per EPA guidance, for both uncontrolled and controlled sources (combinations of technologies); and chose emission limit achievable by cost-effective technologies using benchmark cost/ton.

Based on this analysis, the Board determined that additional cost-effective controls represent RACT for the 8-hour ozone NAAQS. There are nine source categories that will be affected by this proposed rulemaking: combustion units; boilers; process heaters; turbines; engines; municipal solid waste landfills; municipal waste combustors; cement kilns; and other sources that are not regulated elsewhere under Chapter 129.

All together this proposed rulemaking would affect the owners and operators of approximately 810 individual sources at 192 major facilities throughout this Commonwealth. Under this proposed rulemaking, the Board anticipates that the total NO_x emission reductions will be approximately 158,421 tons per year.

The Board determines that this proposed rulemaking will fulfill requirements for re-evaluation and be less resource intensive than imposing case-by-case analysis for affected facilities in the covered categories. As more fully discussed in Section E of this preamble, the Board proposes a compliance option hierarchy where the owner or operator of a subject source that cannot meet the presumptive RACT emission limitations and requirements under proposed § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) may apply for facility-wide/system-wide NO_x emissions averaging under proposed § 129.98 (relating to facility-wide or system-wide NO_x emissions averaging RACT operating permit modification general requirements) or an alternative case-by-case RACT determination under proposed § 129.99 (relating to alternative RACT proposal and petition for alternative compliance schedule).

The Board determines that the requirements under this proposed rulemaking are reasonably necessary to attain and maintain the 8-hour ozone NAAQS.

E. Summary of Regulatory Requirements

§ 121.1. Definitions

The proposed rulemaking would revise § 121.1 to add or amend "CEMS—continuous emissions monitoring system," "process heater" and "stationary internal combustion engine" to support the proposed amendments to Chapter 129.

§ 129.96. Applicability

Under proposed subsection (a), the proposed regulation would apply Statewide to the owner and operator of a major NO_x emitting facility or a major VOC emitting facility, or both, that was in existence on or before July 20, 2012.

Under proposed subsection (b), the proposed regulation would apply Statewide to the owner and operator of a NO_x emitting facility or VOC emitting facility, or both, when the installation of a new source or a modification or change in operation of an existing source after July 20, 2012, results in the source or facility meeting the definition of a major NO_x emitting facility or a major VOC

emitting facility and for which a requirement or an emission limitation, or both, has not been established in §§ 129.51—129.52c, 129.54—129.69, 129.71—129.73, 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

§ 129.97. *Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule*

Under proposed subsection (a), the owner and operator of a source listed in one or more of subsections (b)—(h) located at a major NO_x emitting facility or major VOC emitting facility, or both, shall comply with the applicable presumptive RACT requirement or RACT emission limitation, or both, beginning with the specified compliance date, unless an alternative compliance schedule is submitted and approved under subsections (k)—(m) or § 129.99.

Under proposed subsection (b), the owner and operator of the listed combustion units that are located at a major NO_x emitting facility or major VOC emitting facility, or both, shall comply with the presumptive RACT requirement applicable to that source, which includes, among other things, inspection and adjustment requirements.

Under proposed subsection (c), the owner and operator of a source listed in this subsection located at a major NO_x emitting facility or major VOC emitting facility, or both, shall comply with the applicable presumptive RACT requirement, which includes, among other things, the operation of the source in accordance with the manufacturer's specifications and good engineering practices.

Under proposed subsection (d), the owner and operator of a combustion unit or other combustion source located at a major VOC emitting facility subject to § 129.96 (relating to applicability) shall comply with the presumptive RACT requirement of good engineering practices for the control of the VOC emissions from the combustion unit or other combustion source.

Under proposed subsection (e), the owner and operator of a municipal solid waste landfill subject to § 129.96 shall comply with the applicable presumptive RACT requirement identified under paragraphs (1) and (2).

Under proposed subsection (f), the owner and operator of a municipal waste combustor subject to § 129.96 shall comply with the applicable presumptive RACT requirement identified under paragraphs (1) and (2).

Under proposed subsection (g), the owner and operator of a NO_x air contamination source listed in this subsection located at a major NO_x emitting facility or a VOC air contamination source listed in this subsection located at a major VOC emitting facility, or both, subject to § 129.96 may not cause, allow or permit NO_x or VOCs, or both, to be emitted from the air contamination source for which the source is major in excess of the applicable RACT emission limitation under paragraphs (1)—(4).

Under proposed subsection (h), the owner and operator of a Portland cement kiln subject to § 129.96 shall comply with the applicable presumptive RACT emission limitation under paragraphs (1)—(3).

Under proposed subsection (i), among other things, the requirements and emission limitations of this proposed section would supersede the requirements and emission limitations of a RACT permit issued to the owner or operator of an air contamination source subject to one or more of subsections (b)—(h) prior to the effective date of adoption of this proposed rulemaking except to the extent the RACT permit contains more stringent requirements or emission limitations, or both.

Under proposed subsection (j), among other things, the requirements and emission limitations of this section do not supersede the requirements and emission limitations of §§ 129.201—129.205, 145.111—145.113 and 145.141—145.146 (relating to additional NO_x requirements; emissions of NO_x from stationary internal combustion engines; and emissions of NO_x from cement manufacturing) except to the extent this section contains more stringent requirements or emission limitations, or both.

Under proposed subsection (k), the owner or operator of a major NO_x emitting facility or a major VOC emitting facility, or both, subject to § 129.96 that includes an air contamination source subject to one or more of subsections (b)—(h) that cannot meet the applicable RACT requirement or RACT emission limitation without installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with paragraphs (1) and (2).

Under proposed subsection (l), the Department or appropriate approved local air pollution control agency would review the timely and complete written petition requesting an alternative compliance schedule submitted in accordance with subsection (k) and approve or deny the petition in writing.

Under proposed subsection (m), approval or denial under subsection (l) of the timely and complete petition for an alternative compliance schedule submitted under subsection (k) would be effective on the date the letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency.

§ 129.98. *Facility-wide or system-wide NO_x emissions averaging RACT operating permit modification general requirements*

Under proposed subsection (a), the owner or operator of a major NO_x emitting facility that includes an air contamination source subject to a NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 that cannot meet the applicable NO_x RACT requirement or NO_x RACT emission limitation may elect to meet the applicable NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 by averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average. System-wide emissions averaging must be among sources under common control of the same owner or operator in this Commonwealth.

Under proposed subsection (b), the owner or operator of each facility that elects to comply with subsection (a) shall submit an operating permit modification that incorporates the requirements of this section for averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average to the Department or appropriate approved local air pollution control agency by the applicable date in paragraphs (1) and (2).

Under proposed subsection (c), each NO_x emitting source included in the operating permit modification for averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must be an air contamination source subject to a NO_x RACT emission limitation in § 129.97.

Under proposed subsection (d), the operating permit modification for averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must demonstrate that the aggregate NO_x emissions emitted by the air contamination sources included in the facility-wide or

system-wide NO_x emissions averaging RACT operating permit modification using a 30-day rolling average are not greater than 90% of the sum of the NO_x emissions that would be emitted by the group of included sources if each source complied with the applicable NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 on a source-specific basis.

Under proposed subsection (e), the owner or operator shall calculate the alternative facility-wide or system-wide NO_x RACT emissions limitation using a 30-day rolling average for the air contamination sources included in the operating permit modification submitted under subsection (b) by using the equation in this subsection to sum the emissions for all of the sources included in the operating permit modification.

Under proposed subsection (f), the operating permit modification specified in subsections (b)–(e) may include facility-wide or system-wide averaging emissions using a 30-day rolling average only for NO_x emitting sources or NO_x emitting facilities that are owned or operated, or both, by the applicant.

Under proposed subsection (g), the operating permit modification specified in subsections (b)–(f) must include the information identified under paragraphs (1)–(3).

Under proposed subsection (h), an air contamination source or facility, or both, included in the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification may be included in only one facility-wide or system-wide NO_x emissions averaging RACT proposal.

Under proposed subsection (i), the Department or appropriate approved local air pollution control agency will issue a modification to the operating permit.

Under proposed subsection (j), the owner or operator of an air contamination source or facility, or both, included in the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification shall submit the reports and records specified in subsection (g)(3) to the Department or appropriate approved local air pollution control agency to demonstrate compliance with § 129.100 (relating to compliance demonstration and recordkeeping requirements).

Under proposed subsection (k), the owner or operator of an air contamination source or facility, or both, included in a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification that achieves emission reductions in accordance with other emission limitations required under the act or the CAA, or regulations adopted under the act or the CAA, that are not NO_x RACT emission limitations may not substitute those emission reductions for the emission reductions required by the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification.

Under proposed subsection (l), the owner or operator of an air contamination source subject to a NO_x emission limitation in § 129.97 that is not included in a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted under subsection (b) shall operate the source in compliance with the applicable NO_x emission limitation in § 129.97.

Under proposed subsection (m), the owner and operator of an air contamination source included in a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted under subsection (b) shall be liable for a violation of the operating permit modifica-

tion or this section at that source or other source in the operating permit modification.

§ 129.99. Alternative RACT proposal and petition for alternative compliance schedule

Under proposed subsection (a), the owner or operator of an air contamination source that cannot meet the applicable presumptive RACT requirement or RACT emission limitation of § 129.97 or participate in either a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification under § 129.98 may propose an alternative NO_x RACT emission limitation or VOC RACT emission limitation, or both, in accordance with subsection (d).

Under proposed subsection (b), the owner or operator of a NO_x air contamination source with a potential emission rate equal to or greater than 5.0 tons of NO_x per year that is not subject to § 129.97 or §§ 129.201–129.205 located at a major NO_x emitting facility subject to § 129.96 shall propose a NO_x RACT emission limitation in accordance with subsection (d).

Under proposed subsection (c), the owner or operator of a VOC air contamination source with a potential emission rate equal to or greater than 2.7 tons of VOC per year that is not subject to § 129.97 located at a major VOC emitting facility subject to § 129.96 shall propose a VOC RACT emission limitation in accordance with subsection (d).

Under proposed subsection (d), the owner or operator proposing an alternative RACT emission limitation under subsection (a), (b) or (c) shall comply with all of the proposal requirements under paragraphs (1)–(7).

Under proposed subsection (e), the Department or appropriate approved local air pollution control agency will review and approve, modify or deny the application as indicated under paragraphs (1)–(3).

Under proposed subsection (f), the proposed alternative RACT emission limitation must be approved, denied or modified by the Department or appropriate approved local air pollution control agency through the issuance of a plan approval or operating permit modification prior to the owner or operator implementing the alternative RACT emission limitation.

Under proposed subsection (g), the emission limit and requirements specified in the plan approval or operating permit under subsection (f) supersedes the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source except to the extent the existing plan approval or operating permit contains more stringent requirements.

Under proposed subsection (h), the Department will submit each approved alternative RACT emission limitation to the EPA for approval as a revision to the SIP. The owner and operator of the facility will bear the costs of public hearings and notification required for EPA SIP approval.

Under proposed subsection (i), the owner and operator of a facility proposing to comply with the applicable RACT emission limitation under subsection (a), (b) or (c) through the installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with paragraphs (1) and (2).

Under proposed subsection (j), the Department or appropriate approved local air pollution control agency will review the written petition requesting an alternative

compliance schedule submitted in accordance with subsection (h) and approve or deny the petition in writing.

Under proposed subsection (k), the emission limit and requirements specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (j) supersede the emission limit and requirements in the existing plan approval or operating permit, except to the extent the existing plan approval or operating permit contains more stringent requirements.

Under proposed subsection (l), approval or denial under subsection (j) of the timely and complete petition for an alternative compliance schedule submitted under subsection (i) will be effective on the date the letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency.

§ 129.100. Compliance demonstration and recordkeeping requirements

Under proposed subsection (a), the owner and operator of an air contamination source subject to the requirements of this proposed regulation shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation by performing the monitoring or testing procedures under paragraphs (1) and (2), except as provided in subsection (c).

Under proposed subsection (b), the owner and operator of an air contamination source subject to subsection (a) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation in accordance with the procedures in subsection (a) not later than the applicable time frames under paragraphs (1) and (2).

Under proposed subsection (c), an owner or operator of an air contamination source subject to this section and §§ 129.96—129.98 may request a waiver from the requirement to demonstrate compliance with the applicable emission limitation listed in § 129.97 if the requirements under paragraphs (1)—(4) are met.

Under proposed subsection (d), the owner and operator of an air contamination source subject to this section and §§ 129.96—129.99 shall keep records to demonstrate compliance with §§ 129.96—129.99 as set forth in paragraphs (1)—(3).

Under proposed subsection (e), the owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable NO_x emission rate threshold specified in § 129.99(b) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air pollution control agency that the air contamination source is not subject to the specified emission rate threshold.

Under proposed subsection (f), the owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable VOC emission rate threshold specified in § 129.99(c) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air pollution control agency that the air contamination source is not subject to the specified emission rate threshold.

Under proposed subsection (g), the owner or operator of a combustion unit subject to § 129.97(b)(1) shall record each adjustment conducted under the procedures in § 129.97(b)(1) in a permanently bound log book or other method approved by the Department or appropriate approved local air pollution control agency. This log book must contain, at a minimum, the information in paragraphs (1)—(6).

Under proposed subsection (h), the owner or operator of an oil-fired, gas-fired or combination oil-fired and gas-fired unit subject to § 129.97(b)(2) shall maintain records including a certification from the fuel supplier of the type of fuel. For each shipment of residual oil, the record must include the items in paragraphs (1) and (2).

Under proposed subsection (i), the owner or operator of a Portland cement kiln subject to § 129.97(h) shall maintain a daily operating log for each Portland cement kiln. The record for each kiln must include the items in paragraphs (1)—(4).

F. Benefits, Costs and Compliance

Benefits

Reduced ambient concentrations of ground-level ozone would reduce the incidences of hospital admissions for respiratory ailments including asthma and improve the quality of life for citizens overall. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ground-level ozone while engaged in activities that involve physical exertion.

The proposed rulemaking may create economic opportunities for NO_x and VOC emission control technology innovators, manufacturers and distributors through an increased demand for new or improved equipment. In addition, the owners and operators of regulated facilities may be required to install and operate an emissions monitoring system or equipment necessary for an emissions monitoring method to comply with the rulemaking, thereby creating an economic opportunity for the emissions monitoring industry.

Compliance Costs

Compliance costs will vary for each facility depending on which compliance option is chosen by the owners and operators of a facility. The proposed rulemaking would include a provision for the owner and operator of an affected facility that cannot meet the applicable NO_x RACT or VOC RACT emission limitation to elect to meet the applicable NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 by averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average or submit a case-specific RACT proposal for an alternative emission limitation to the Department for approval.

Under these provisions, the owner or operator shall demonstrate to the Department's satisfaction that it is economically or technically infeasible to meet the applicable proposed NO_x RACT or VOC RACT emission limitation. These provisions may minimize compliance costs to the owner or operator of an affected facility.

Emission limitations established by regulation will not require the submission of applications for amendments to existing operating permits. These requirements will be incorporated as applicable requirements at the time of permit renewal, if less than 3 years remain in the permit term.

Compliance Assistance Plan

The Department will continue to work with the Small Business Assistance Program to aid the facilities less able to handle permitting matters with in-house staff. Through increased preapplication meetings with facilities, the Department is targeting the benefit to industry and the Department for faster review of permit applications.

Paperwork Requirements

The proposed rulemaking will not increase the paperwork that is already generated during the normal course of business operations.

G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. The proposed RACT requirements would allow the Department and approved local air pollution control agencies to maintain or increase the reductions of NO_x and VOC emissions from the regulated sources in this Commonwealth, sustain the gains made in healthful air quality and ensure continued protection of the environment and the public health and welfare of the citizens of this Commonwealth.

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether they effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 7, 2014, 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 and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

J. Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by June 30, 2014. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the

Board by June 30, 2014. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final-form rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by mail or express mail as follows. Comments may be submitted online to the Board by accessing the Board's Regulatory Comment System at <http://www.ahs.dep.pa.gov/RegComments>. If an acknowledgement of comments submitted online is not received by the sender within 2 business days, the comments should be retransmitted to the Board to ensure receipt. Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301. Comments submitted by facsimile will not be accepted.

K. Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 1 p.m. on the following dates:

- | | |
|--------------|---|
| May 27, 2014 | Department of Environmental Protection Southwest Regional Office Waterfront Conference Rooms A and B 400 Waterfront Drive Pittsburgh, PA 15222 |
| May 28, 2014 | Department of Environmental Protection Southeast Regional Office Delaware and Schuylkill Conference Rooms 2 East Main Street Norristown, PA 19401 |
| May 29, 2014 | Department of Environmental Protection Rachel Carson State Office Building Conference Room 105 400 Market Street Harrisburg, PA 17105 |

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Chairperson

Fiscal Note: 7-485. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

**Subpart C. PROTECTION OF NATURAL
RESOURCES**

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

CEMS—Continuous emissions monitoring system—
[**For purposes of Chapter 127, Subchapter E, all**]
All of the equipment that may be required to meet the data acquisition and availability requirements [**of Chapter 127, Subchapter E to**] established under the act or Clean Air Act to monitor, measure, calculate, sample, condition, analyze and provide a permanent record of emissions from an affected unit on a continuous basis.

* * * * *

*Process—*A method, reaction or operation in which materials are handled or whereby materials undergo physical change—that is, the size, shape, appearance, temperature, state or other physical property of the material is altered—or chemical change—that is, a substance with different chemical composition or properties is formed or created. The term includes all of the equipment, operations and facilities necessary for the completion of the transformation of the materials to produce a physical or chemical change. There may be several processes in series or parallel necessary to the manufacture of a product.

Process heater—

(i) **An enclosed device using controlled flame, that is not a boiler, the primary purpose of which is to transfer heat to a process material or to a heat transfer material for use in a process unit.**

(ii) **The term does not include an enclosed device that meets either of the following circumstances:**

(A) **Has the primary purpose of generating steam.**

(B) **In which the material being heated is in direct contact with the products of combustion, including:**

(I) **A furnace.**

(II) **A kiln.**

(III) **An unfired waste heat recovery heater.**

(IV) **A unit used for comfort heat, space heat or food preparation for onsite consumption.**

(V) **An autoclave.**

*Project—*A physical change in or change in the method of operation of an existing facility, including a new emissions unit.

* * * * *

Stationary internal combustion engine—[**For purposes of § 129.203 (relating to stationary internal**

combustion engines), an] An internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one location to another and is not a mobile air contamination source.

* * * * *

**CHAPTER 129. STANDARDS FOR SOURCES
ADDITIONAL RACT REQUIREMENTS FOR MAJOR
SOURCES OF NO_x AND VOCs**

(*Editor's Note:* Sections 129.96—129.100 are new and printed in regular type to enhance readability.)

§ 129.96. Applicability.

(a) This section and §§ 129.97—129.100 apply State-wide to the owner and operator of a major NO_x emitting facility or a major VOC emitting facility, or both, that was in existence on or before July 20, 2012, for which a requirement or emission limitation, or both, has not been established in §§ 129.51—129.52c, 129.54—129.69, 129.71—129.73, 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

(b) This section and §§ 129.97—129.100 apply State-wide to the owner and operator of a NO_x emitting facility or VOC emitting facility, or both, when the installation of a new source or a modification or change in operation of an existing source after July 20, 2012, results in the source or facility meeting the definition of a major NO_x emitting facility or a major VOC emitting facility and for which a requirement or an emission limitation, or both, has not been established in §§ 129.51—129.52c, 129.54—129.69, 129.71—129.73, 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

§ 129.97. Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule.

(a) The owner and operator of a source listed in one or more of subsections (b)—(h) located at a major NO_x emitting facility or major VOC emitting facility, or both, subject to § 129.96 (relating to applicability) shall comply with the applicable presumptive RACT requirement or RACT emission limitation, or both, beginning with the specified compliance date as follows, unless an alternative compliance schedule is submitted and approved under subsections (k)—(m) or § 129.99 (relating to alternative RACT proposal and petition for alternative compliance schedule).

(1) _____, (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.) for a source subject to § 129.96(a).

(2) _____, (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.) or 1 year after the date the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.96(b).

(b) The owner and operator of a source in this subsection located at a major NO_x emitting facility or major VOC emitting facility, or both, subject to § 129.96 shall comply with the following:

(1) Except as specified in paragraph (2), the presumptive RACT requirement for a combustion unit with a rated heat input equal to or greater than 20 million Btu/hour and less than 50 million Btu/hour, which is the performance of an annual adjustment to or tune-up of the combustion process. The adjustment must include, at a minimum, the following:

(i) Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

(ii) Inspection and adjustment of the flame pattern or characteristics necessary to minimize total emissions of NO_x and, to the extent possible, emissions of CO .

(iii) Inspection and adjustment of the air-to-fuel ratio control system necessary to ensure proper calibration and operation as specified by the manufacturer.

(2) The presumptive RACT requirement for an oil-fired, gas-fired or combination oil-fired and gas-fired combustion unit with a rated heat input equal to or greater than 20 million Btu/hour and less than 50 million Btu/hour, which is the performance of all adjustments consistent with the EPA document "Combustion Efficiency Optimization Manual for Operators of Oil and Gas-fired Boilers (EPA-340/1-83-023)," September 1983 or as amended.

(3) The applicable recordkeeping requirements of § 129.100(d) or (e) (relating to compliance demonstration and recordkeeping requirements).

(c) The owner and operator of a source in this subsection located at a major NO_x emitting facility or major VOC emitting facility, or both, subject to § 129.96 shall comply with the following presumptive RACT requirement, which is the installation, maintenance and operation of the source in accordance with the manufacturer's specifications and good engineering practices:

(1) A boiler or other combustion source with an individual rated gross heat input less than 20 million Btu/hour.

(2) A combustion turbine with a rated output less than 1,000 bhp.

(3) An internal combustion engine rated at less than 500 bhp (gross).

(4) An incinerator, thermal oxidizer or catalytic oxidizer used primarily for air pollution control.

(5) A unit of fuel-burning equipment, a gas turbine or an internal combustion engine with an annual capacity factor of less than 5%.

(6) An emergency standby engine operating less than 500 hours in a 12-month rolling period.

(d) The owner and operator of a combustion unit or other combustion source located at a major VOC emitting facility subject to § 129.96 shall comply with the presumptive RACT requirement of good engineering practices for the control of the VOC emissions from the combustion unit or other combustion source.

(e) The owner and operator of a municipal solid waste landfill subject to § 129.96 shall comply with the following applicable presumptive RACT requirement:

(1) For a municipal solid waste landfill constructed on or before May 30, 1991, emission guidelines and compliance times in 40 CFR Part 60, Subpart Cc (relating to emission guidelines and compliance times for municipal solid waste landfills), which are adopted and incorporated by reference in § 122.3 (relating to adoption of standards), and applicable Federal or state plans in 40 CFR Part 62 (relating to approval and promulgation of state plans for designated facilities and pollutants).

(2) For a municipal solid waste landfill constructed after May 30, 1991, new source performance standards in 40 CFR Part 60, Subpart WWW (relating to standards of

performance for municipal solid waste landfills), which are adopted and incorporated by reference in § 122.3.

(f) The owner and operator of a municipal waste combustor subject to § 129.96 shall comply with the following applicable presumptive RACT requirement:

(1) For a municipal waste combustor constructed on or before September 20, 1994, the emission guidelines and compliance times in 40 CFR Part 60, Subpart Cb (relating to emissions guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994), which are adopted and incorporated by reference in § 122.3, and applicable Federal or state plans in 40 CFR Part 62.

(2) For a municipal waste combustor constructed after September 20, 1994, or for a municipal waste combustor that commenced a modification or reconstruction after June 19, 1996, the new source performance standards in 40 CFR Part 60, Subpart Eb (relating to standards of performance for large municipal waste combustors for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996), which are adopted and incorporated by reference in § 122.3.

(g) The owner and operator of a NO_x air contamination source in this subsection located at a major NO_x emitting facility or a VOC air contamination source in this subsection located at a major VOC emitting facility, or both, subject to § 129.96 may not cause, allow or permit NO_x or VOCs, or both, to be emitted from the air contamination source for which the source is major in excess of the applicable RACT emission limitation:

(1) A combustion unit or process heater:

(i) For a natural gas-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.08 lb NO_x /million Btu heat input.

(ii) For a distillate oil-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.12 lb NO_x /million Btu heat input.

(iii) For a residual oil-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.20 lb NO_x /million Btu heat input.

(iv) For a refinery gas-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.25 lb NO_x /million Btu heat input.

(v) For a coal-fired combustion unit with a rated heat input equal to or greater than 50 million Btu/hour and less than 250 million Btu/hour, 0.45 lb NO_x /million Btu heat input.

(vi) For a coal-fired combustion unit with a rated heat input equal to or greater than 250 million Btu/hour that is:

(A) A circulating fluidized bed combustion unit, 0.20 lb NO_x /million Btu heat input.

(B) A tangentially fired combustion unit, 0.35 lb NO_x /million Btu heat input.

(C) Another combustion unit, 0.40 lb NO_x /million Btu heat input.

(2) A combustion turbine:

(i) For a combined cycle or combined heat and power combustion turbine with a rated output equal to or greater than 1,000 bhp and less than 180 MW when firing:

(A) Natural gas or a noncommercial gaseous fuel, 42 ppmvd NO_x @ 15% oxygen.

(B) Fuel oil, 75 ppmvd NO_x @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 2 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 2 ppmvd VOC (as propane) @ 15% oxygen.

(ii) For a combined cycle or combined heat and power combustion turbine with a rated output equal to or greater than 180 MW when firing:

(A) Natural gas or a noncommercial gaseous fuel, 4 ppmvd NO_x @ 15% oxygen.

(B) Fuel oil, 8 ppmvd NO_x @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 2 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 2 ppmvd VOC (as propane) @ 15% oxygen.

(iii) For a simple cycle or regenerative cycle combustion turbine with a rated output equal to or greater than 1,000 bhp when firing:

(A) Natural gas or a noncommercial gaseous fuel, 42 ppmvd NO_x @ 15% oxygen.

(B) Fuel oil, 75 ppmvd NO_x @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 9 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 9 ppmvd VOC (as propane) @ 15% oxygen.

(3) A stationary internal combustion engine:

(i) For a lean burn stationary internal combustion engine with a rating equal to or greater than 500 bhp fired with:

(A) Natural gas, 3.0 grams NO_x/bhp-hr.

(B) Natural gas, liquid fuel or dual-fuel, 0.4 gram VOC/bhp-hr.

(ii) For a stationary internal combustion engine with a rating equal to or greater than 500 bhp fired with liquid fuel or dual-fuel, 8.0 grams NO_x/bhp-hr.

(iii) For a rich burn stationary internal combustion engine with a rating equal to or greater than 500 bhp fired with:

(A) Natural gas, 2.0 grams NO_x/bhp-hr.

(B) Natural gas, 1.0 gram VOC/bhp-hr.

(4) A unit firing multiple fuels simultaneously:

(i) The applicable RACT multiple fuel emission limit shall be determined on a total heat input fuel weighted basis using the following equation:

$$E_{HI\text{weighted}} = \frac{\sum_{i=1}^n E_i H_i}{\sum_{i=1}^n H_i}$$

where:

$E_{HI\text{weighted}}$ = The heat input fuel weighted multiple fuel emission rate or emission limitation for the compliance period, expressed in units of measure consistent with the units of measure for the emission limitation.

E_i = The emission rate or emission limit for fuel i during the compliance period, expressed in units of measure consistent with the units of measure for the emission limitation.

H_i = The total heat input for fuel i during the compliance period.

n = The number of different fuels used during the compliance period.

(ii) A fuel representing less than 1% of the unit's annual fuel consumption on a heat input basis is excluded when determining the applicable RACT multiple fuel emission limit calculated in accordance with subparagraph (i).

(iii) The determination in subparagraph (i) does not apply to a stationary internal combustion engine that is subject to the RACT emission limits in paragraph (3).

(h) The owner and operator of a Portland cement kiln subject to § 129.96 shall comply with the following applicable presumptive RACT emission limitation:

(1) 3.88 pounds of NO_x per ton of clinker produced for a long wet-process cement kiln as defined in § 145.142 (relating to definitions).

(2) 3.44 pounds of NO_x per ton of clinker produced for a long dry-process cement kiln as defined in § 145.142.

(3) 2.36 pounds of NO_x per ton of clinker produced for:

(i) A preheater cement kiln as defined in § 145.142.

(ii) A precalciner cement kiln as defined in § 145.142.

(i) The requirements and emission limitations of this section supersede the requirements and emission limitations of a RACT permit issued to the owner or operator of an air contamination source subject to one or more of subsections (b)—(h) prior to _____, (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) under §§ 129.91—129.95 (relating to stationary sources of NO_x and VOCs) to control, reduce or minimize NO_x emissions or VOC emissions, or both, from the air contamination source except to the extent the RACT permit contains more stringent requirements or emission limitations, or both.

(j) The requirements and emission limitations of this section do not supersede the requirements and emission limitations of §§ 129.201—129.205, 145.111—145.113 and 145.141—145.146 (relating to additional NO_x requirements; emissions of NO_x from stationary internal combustion engines; and emissions of NO_x from cement manufacturing) except to the extent this section contains more stringent requirements or emission limitations, or both, for the owner or operator of a major NO_x emitting facility subject to § 129.96 to control, reduce or minimize NO_x emissions from an air contamination source subject to §§ 129.201—129.205, §§ 145.111—145.113 or §§ 145.141—145.146.

(k) The owner or operator of a major NO_x emitting facility or a major VOC emitting facility, or both, subject to § 129.96 that includes an air contamination source subject to one or more of subsections (b)—(h) that cannot meet the applicable RACT requirement or RACT emission limitation without installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with the following:

(1) The written petition shall be submitted to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) for a source subject to § 129.96(a).

(ii) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) or 6 months after the date that the

source meets the definition of a major NO_x emitting facility, whichever is later, for a source subject to § 129.96(b).

(2) The written petition must include:

(i) A description, including make, model and location, of each affected source subject to a RACT requirement or a RACT emission limitation in one or more of subsections (b)—(h).

(ii) A description of the proposed air cleaning device to be installed.

(iii) A schedule containing proposed interim dates for completing each phase of the required work to install the air cleaning device described in subparagraph (ii).

(iv) A proposed interim emission limitation that will be imposed on the affected source until compliance is achieved with the applicable RACT requirement or RACT emission limitation.

(v) A proposed final compliance date that is as soon as possible but not later than _____ (*Editor's Note:* The blank refers to the date 3 years after the effective date of adoption of this proposed rulemaking.)

(l) The Department or appropriate approved local air pollution control agency will review the timely and complete written petition requesting an alternative compliance schedule submitted in accordance with subsection (k) and approve or deny the petition in writing.

(m) Approval or denial under subsection (l) of the timely and complete petition for an alternative compliance schedule submitted under subsection (k) will be effective on the date the letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency.

§ 129.98. Facility-wide or system-wide NO_x emissions averaging RACT operating permit modification general requirements.

(a) The owner or operator of a major NO_x emitting facility subject to § 129.96 (relating to applicability) that includes an air contamination source subject to a NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) that cannot meet the applicable NO_x RACT requirement or NO_x RACT emission limitation may elect to meet the applicable NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 by averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average. System-wide emissions averaging must be among sources under common control of the same owner or operator in this Commonwealth.

(b) The owner or operator of each facility that elects to comply with subsection (a) shall submit an operating permit modification that incorporates the requirements of this section for averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average to the Department or appropriate approved local air pollution control agency by the applicable date as follows:

(1) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) for a source subject to § 129.96(a).

(2) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) or 6 months after the date that the

source meets the definition of a major NO_x emitting facility, whichever is later, for a source subject to § 129.96(b).

(c) Each NO_x emitting source included in the operating permit modification for averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must be an air contamination source subject to a NO_x RACT emission limitation in § 129.97.

(d) The operating permit modification for averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must demonstrate that the aggregate NO_x emissions emitted by the air contamination sources included in the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification using a 30-day rolling average are not greater than 90% of the sum of the NO_x emissions that would be emitted by the group of included sources if each source complied with the applicable NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 on a source-specific basis.

(e) The owner or operator shall calculate the alternative facility-wide or system-wide NO_x RACT emissions limitation using a 30-day rolling average for the air contamination sources included in the operating permit modification submitted under subsection (b) by using the following equation to sum the emissions for all of the sources included in the operating permit modification:

$$\left[\sum_{i=1}^n Ri_{\text{actual}} * Hi \right] \leq \left[\sum_{i=1}^n Ri_{\text{allowable}} * Hi \right] * 0.9$$

Where:

Ri_{actual} = The daily actual NO_x emission rate for air contamination source i, lb/mmBtu, using a 30-day rolling average.

Ri_{allowable} = The applicable NO_x emission rate limitation for air contamination source i, lb/mmBtu, specified in § 129.97.

Hi = The daily actual heat input for air contamination source i, mmBtu, using a 30-day rolling average.

n = The number of air contamination sources included in the operating permit modification.

0.9 = The 90% limit specified under subsection (d).

(f) The operating permit modification specified in subsections (b)—(e) may include facility-wide or system-wide averaging emissions using a 30-day rolling average only for NO_x emitting sources or NO_x emitting facilities that are owned or operated, or both, by the applicant.

(g) The operating permit modification specified in subsections (b)—(f) must include the following information:

(1) Identification of each air contamination source included in the NO_x emissions averaging RACT operating permit modification.

(2) Each air contamination source's applicable emission limitation in § 129.97.

(3) Methods for demonstrating compliance and record-keeping and reporting requirements in accordance with § 129.100 (relating to compliance demonstration and recordkeeping requirements) for each source included in the NO_x emissions averaging RACT operating permit modification submitted under subsection (b).

(h) An air contamination source or facility, or both, included in the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification sub-

mitted in accordance with subsections (b)—(g) may be included in only one facility-wide or system-wide NO_x emissions averaging RACT proposal.

(i) The Department or appropriate approved local air pollution control agency will issue a modification to the operating permit.

(j) The owner or operator of an air contamination source or facility, or both, included in the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted in accordance with subsections (b)—(h) shall submit the reports and records specified in subsection (g)(3) to the Department or appropriate approved local air pollution control agency on the schedule specified in subsection (g)(3) to demonstrate compliance with § 129.100.

(k) The owner or operator of an air contamination source or facility, or both, included in a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted in accordance with subsections (b)—(h) that achieves emission reductions in accordance with other emission limitations required under the act or the Clean Air Act, or regulations adopted under the act or the Clean Air Act, that are not NO_x RACT emission limitations may not substitute those emission reductions for the emission reductions required by the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted to the Department or appropriate approved local air pollution control agency under subsection (b).

(l) The owner or operator of an air contamination source subject to a NO_x emission limitation in § 129.97 that is not included in a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted under subsection (b) shall operate the source in compliance with the applicable NO_x emission limitation in § 129.97.

(m) The owner and operator of an air contamination source included in a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted under subsection (b) shall be liable for a violation of the operating permit modification or this section at that source or other source in the operating permit modification.

§ 129.99. Alternative RACT proposal and petition for alternative compliance schedule.

(a) The owner or operator of an air contamination source subject to § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) located at a major NO_x emitting facility or major VOC emitting facility, or both, subject to § 129.96 (relating to applicability) that cannot meet the applicable presumptive RACT requirement or RACT emission limitation of § 129.97 or participate in either a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification under § 129.98 (relating to facility-wide or system-wide NO_x emissions averaging RACT operating permit modification general requirements) may propose an alternative NO_x RACT emission limitation or VOC RACT emission limitation, or both, in accordance with subsection (d).

(b) The owner or operator of a NO_x air contamination source with a potential emission rate equal to or greater than 5.0 tons of NO_x per year that is not subject to § 129.97 or §§ 129.201—129.205 (relating to additional NO_x requirements) located at a major NO_x emitting facility subject to § 129.96 shall propose a NO_x RACT emission limitation in accordance with subsection (d).

(c) The owner or operator of a VOC air contamination source with a potential emission rate equal to or greater than 2.7 tons of VOC per year that is not subject to § 129.97 located at a major VOC emitting facility subject to § 129.96 shall propose a VOC RACT emission limitation in accordance with subsection (d).

(d) The owner or operator proposing an alternative RACT emission limitation under subsection (a), (b) or (c) shall:

(1) Submit a written RACT proposal in accordance with the procedures in § 129.92(a)(1)—(5), (7)—(10) and (b) (relating to RACT proposal requirements) to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) for a source subject to § 129.96(a).

(ii) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) or 6 months after the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(2) Be in receipt of an approval issued by the Department or appropriate approved local air pollution control agency in writing through a plan approval or operating permit modification for a RACT proposal submitted under paragraph (1)(ii) prior to the installation, modification or change in the operation of the existing air contamination source that will result in the source or facility meeting the definition of a major NO_x emitting facility or major VOC emitting facility, or both.

(3) Include in the RACT proposal the proposed alternative NO_x RACT emission limitation or VOC RACT emission limitation developed in accordance with the procedures in § 129.92(a)(1)—(5) and (b).

(4) Include in the RACT proposal a schedule for completing implementation of the RACT emission limitation as soon as possible but not later than:

(i) _____, (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.) for a source subject to § 129.96(a).

(ii) _____, (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.) or 1 year after the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(5) Include interim dates in the schedule required under paragraph (4) for the:

(i) Issuance of purchase orders.

(ii) Start and completion of process, technology and control technology changes.

(iii) Completion of compliance testing.

(6) Include in the RACT proposal methods for demonstrating compliance and recordkeeping and reporting requirements in accordance with § 129.100 (relating to compliance demonstration and recordkeeping requirements) for each air contamination source included in the RACT proposal.

(7) Demonstrate to the satisfaction of the Department or the appropriate approved local air pollution control agency that the proposed emission limitation is RACT for the air contamination source.

(e) The Department or appropriate approved local air pollution control agency will:

(1) Review the timely and complete alternative RACT proposal submitted in accordance with subsection (d).

(2) Approve the alternative RACT proposal submitted under subsection (d), in writing, if the Department or appropriate approved local air pollution control agency is satisfied that the alternative RACT proposal complies with the requirements of subsection (d) and that the proposed alternative emission limitation is RACT for the air contamination source.

(3) Deny or modify the alternative RACT proposal submitted under subsection (d), in writing, if the proposal does not comply with the requirements of subsection (d).

(f) The proposed alternative RACT emission limitation and the implementation schedule submitted under subsection (d) will be approved, denied or modified by the Department or appropriate approved local air pollution control agency in accordance with subsection (e) in writing through the issuance of a plan approval or operating permit modification prior to the owner or operator implementing the alternative RACT emission limitation.

(g) The emission limit and requirements specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (f) supersede the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source prior to _____, (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) on the date specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (f), except to the extent the existing plan approval or operating permit contains more stringent requirements.

(h) The Department will submit each alternative RACT emission limitation approved under subsection (f) to the Administrator of the EPA for approval as a revision to the SIP. The owner and operator of the facility shall bear the costs of public hearings and notification required for EPA SIP approval.

(i) The owner and operator of a facility proposing to comply with the applicable RACT emission limitation under subsection (a), (b) or (c) through the installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with the following:

(1) The written petition requesting an alternative compliance schedule shall be submitted to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) for a source subject to § 129.96(a).

(ii) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) or 6 months after the date that the source meets the definition of a major NO_x emitting facility, whichever is later, for a source subject to § 129.96(b).

(2) The written petition must include:

(i) A description, including make, model and location, of each air contamination source subject to a RACT requirement or a RACT emission limitation in one or more of subsections (a)–(c).

(ii) A description of the proposed air cleaning device to be installed.

(iii) A schedule containing proposed interim dates for completing each phase of the required work to install the air cleaning device described in subparagraph (ii).

(iv) A proposed interim emission limitation that will be imposed on the affected air contamination source until compliance is achieved with the applicable RACT requirement or RACT emission limitation.

(v) A proposed final compliance date that is as soon as possible but not later than _____ (*Editor's Note:* The blank refers to the date 3 years after the effective date of adoption of this proposed rulemaking.).

(j) The Department or appropriate approved local air pollution control agency will review the timely and complete written petition requesting an alternative compliance schedule submitted in accordance with subsection (h) and approve or deny the petition in writing.

(k) The emission limit and requirements specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (j) supersede the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source prior to _____, (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) on the date specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (j), except to the extent the existing plan approval or operating permit contains more stringent requirements.

(l) Approval or denial under subsection (j) of the timely and complete petition for an alternative compliance schedule submitted under subsection (i) will be effective on the date the letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency.

§ 129.100. Compliance demonstration and record-keeping requirements.

(a) Except as provided in subsection (c), the owner and operator of an air contamination source subject to a NO_x emission limitation or VOC emission limitation, or both, listed in § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation by performing the following monitoring or testing procedures:

(1) For an air contamination source with a CEMS, monitoring and testing in accordance with the requirements of Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources) using a 30-day rolling average.

(2) For an air contamination source without a CEMS, monitoring and testing in accordance with a Department-approved emissions source test that meets the requirements of Chapter 139, Subchapter A (relating to sampling and testing methods and procedures).

(b) The owner and operator of an air contamination source subject to subsection (a) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation in accordance with the procedures in subsection (a) not later than:

(1) _____, (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.) for a source subject to § 129.96(a) (relating to applicability).

(2) _____, (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.) or 1 year after the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(c) An owner or operator of an air contamination source subject to this section, §§ 129.96 and 129.97 and § 129.98 (relating to facility-wide or system-wide NO_x emissions averaging RACT operating permit modification general requirements) may request a waiver from the requirement to demonstrate compliance with the applicable emission limitation listed in § 129.97 if the following requirements are met:

(1) The request for a waiver is submitted, in writing, to the Department not later than:

(i) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) for a source subject to § 129.96(a).

(ii) _____, (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.) or 6 months after the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(2) The request for a waiver demonstrates that a Department-approved emissions source test was performed in accordance with the requirements of Chapter 139, Subchapter A, on or after:

(i) _____, (*Editor's Note:* The blank refers to the date within 12 months prior to the effective date of adoption of this proposed rulemaking.) for a source subject to § 129.96(a).

(ii) _____, (*Editor's Note:* The blank refers to the date within 12 months prior to the effective date of adoption of this proposed rulemaking.) or within 12 months prior to the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(3) The request for a waiver demonstrates to the satisfaction of the Department that the test results show that the source's rate of emissions is in compliance with the source's applicable NO_x emission limitation or VOC emission limitation, or both.

(4) The Department approves, in writing, the request for a waiver.

(d) The owner and operator of an air contamination source subject to this section, §§ 129.96—129.98 and § 129.99 (relating to alternative RACT proposal and petition for alternative compliance schedule) shall keep records to demonstrate compliance with §§ 129.96—129.99 in the following manner:

(1) The records shall include sufficient data and calculations to demonstrate that the requirements of §§ 129.96—129.99 are met.

(2) Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.

(3) The records shall be retained for 5 years and made available to the Department or appropriate approved local air pollution control agency upon written request.

(e) The owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable NO_x emission rate threshold specified in § 129.99(b) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air pollution control agency that the air contamination source is not subject to the specified emission rate threshold.

(f) The owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable VOC emission rate threshold specified in § 129.99(c) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air pollution control agency that the air contamination source is not subject to the specified emission rate threshold.

(g) The owner or operator of a combustion unit subject to § 129.97(b)(1) shall record each adjustment conducted under the procedures in § 129.97(b)(1) in a permanently bound log book or other method approved by the Department or appropriate approved local air pollution control agency. This log book must contain, at a minimum:

(1) The date of the tuning procedure.

(2) The name of the service company and the technician performing the procedure.

(3) The final operating rate or load.

(4) The final NO_x and CO emission rates.

(5) The final excess oxygen rate.

(6) Other information required by the applicable operating permit.

(h) The owner or operator of an oil-fired, gas-fired or combination oil-fired and gas-fired unit subject to § 129.97(b)(2) shall maintain records including a certification from the fuel supplier of the type of fuel. For each shipment of residual oil, the record must include:

(1) A certification of the nitrogen content of the fuel.

(2) Identification of the sampling method and sampling protocol used to determine the nitrogen content of the fuel.

(i) The owner or operator of a Portland cement kiln subject to § 129.97(h) shall maintain a daily operating log for each Portland cement kiln. The record for each kiln must include:

(1) The total hours of operation.

(2) The type and quantity of fuel used.

(3) The quantity of clinker produced.

(4) The date, time and duration of a start-up, shutdown or malfunction of a Portland cement kiln or emissions monitoring system.

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STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-2013-2382943]

Utility Service Outage Response, Recovery and Public Notification

The Pennsylvania Public Utility Commission (Commission), on March 6, 2014, adopted a final policy statement which revises existing response, recovery and public notification guidelines with additional storm preparation and response best practices that were developed following hurricanes Irene and Sandy.

Public Meeting held
March 6, 2014

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; James H. Cawley; Pamela A. Witmer, statement follows; Gladys M. Brown

*Policy Statement Regarding Utility Service Outage Response, Recovery And Public Notification Guidelines;
Doc. No. M-2013-2382943*

Final Policy Statement

By the Commission:

On September 27, 2013, the Commission entered a proposed policy statement order inviting comment regarding proposed amendments to the Commission's policy statements regarding electric distribution utility service outage response, recovery and public notification guidelines at 52 Pa. Code §§ 69.1902 and 69.1903, et seq. The amendments included revising section 69.1902 and adding a new section 69.1903 for preparation and response measures, and inviting comment on whether the new preparation and response measures added for electric distribution utilities should apply to water and natural gas utilities as well. Based upon our review and consideration of the many comments filed in this proceeding by the industry, statutory advocates and other interested persons, we shall adopt a final policy statement regarding utility service outage response, recovery and public notification guidelines.

Background and Procedural History

On September 14 and 15, 2008, Hurricane Ike swept through Pennsylvania interrupting electric service to over 450,000 customers. Prompted by this occurrence, on September 25, 2008, the Commission issued a Secretarial Letter to all electric distribution companies (EDCs) operating in Pennsylvania seeking information regarding their service and public notice practices. On the same date, an investigation was initiated into EDCs' service outage responses and restoration practices with the same information requested. Responses were filed by the EDCs. As part of this investigation, the Commission also held two public input hearings in western Pennsylvania and solicited information from EDCs regarding their current and past storm preparation and response practices.

In April 2009, the Commission's Bureau of Conservation, Economics and Energy Planning (this Bureau was reorganized into the Bureau of Technical Utility Services, or TUS) and Office of Communications submitted a report

to the Commission entitled, Electric Distribution Company Service Outage Response and Restoration Practices Report (Outage Response and Restoration Report). This report was adopted by the Commission at Public Meeting of April 30, 2009, at Docket No. M-2008-2065532. On the same date, this Commission adopted the Joint Motion of former Vice Chairman Tyrone J. Christy and Commissioner Kim Pizzingrilli to initiate a rulemaking proceeding to revise our regulations on Service Outages at 52 Pa. Code Section 67.1, et seq., and reportable incidents at 52 Pa. Code Sections 57.11, 59.11 and 65.2. The Joint Motion also directed that a Policy Statement be issued.

The Outage Response and Restoration Report summarized the findings of the staff's investigation and recommended the following future actions:

- Utilities should apply the principles of the National Incident Management System (NIMS) and its Incident Command System when managing widespread service outages. Application of NIMS would include:

1. Development of written crisis communication plans consistent with national NIMS standards.

2. Establishment of a Joint Information System/Joint Information Center to coordinate responses when multiple utilities in the same region are affected by an incident.

- Utility personnel should communicate with the news media and public in a consistent fashion. Common talking points should be distributed to all utility employees who may be in contact with the public and news media.

- During incident management, utilities should establish a schedule for the regular release of information to the news media.

- Utilities should strive to use the best available technology to facilitate the sharing of information, including automated dialing systems, electronic mail and text messaging.

- Utilities should provide a greater level of detail in their written reports to the Commission for unscheduled service interruptions that meet the criteria under 52 Pa. Code § 67.1(b), including the level of damage to utility facilities, number of personnel utilized through mutual aid agreements, and other matters identified in the report.

- The Commission should establish a more uniform approach to reportable accidents involving utility facilities and operations.

Given the communication methods and reaction of consumers from the September 2008 electric outages and subsequent large-scale and extended duration outage events, including those in the late summer and fall of 2011, we subsequently issued a Final Policy Statement on December 15, 2011 for our EDCs and NGDCs. It was similar to the one adopted on November 9, 2006, for our jurisdictional water utilities. Additionally, we revised the policy statement for water to make it consistent with the electric and gas sections. For example, we revised the water section to encourage the use of social media and other emerging technology. We also added the section on the NIMS standards that water utilities should strive to follow.

On September 23, 2011, the Commission issued a Final Rulemaking Order revising 52 Pa. Code Chapters 57, 59,

65 and 67 regarding utilities' service outage response and restorations practices with the goal of having even more effective responses to future unscheduled service outages. In general, under sections 57.11, 59.11 and 65.2, we expanded our regulations to capture more reportable events, such as cyber security attacks, and established deadlines for reporting accidents. Under section 67.1, we expanded our general provisions regarding service outages such that rather than just an approximate number of customers involved in a single incident is reported, the total number of sustained outages during the event are reported. As utilities employ better technology to more accurately count their sustained outages, this information is reportable to the Commission and we should be made aware of it. Other changes to section 67.1 included reporting the number of not only utility workers, but also contract workers specifically assigned to the repair work and mutual aid workers.

Hurricane Irene hit Pennsylvania in August of 2011. On October 12, 2011, the Commission held a Special Reliability Meeting, focusing the discussion on the Commission's role in storm response as well as the preparation and response of the six EDCs that were affected most by Irene.¹ On August 7, 2012, the Commission issued three reports. The first report summarized the preparation and response of the PUC and EDCs to Hurricane Irene. The second report detailed information relating to handling of high-call volumes during major storms and corrective actions currently underway or completed. This report also addressed the need to focus on the increase in severe weather events and whether infrastructure improvements are necessary. The third report summarized outage information submitted by the EDCs for the period from May through November 2011 on full or partial circuit outages greater than 24 hours; between 24 and 48 hours; greater than 48 hours to 72 hours; and greater than 72 hours. This report also considered circuits that were among the worst performing 5 percent of circuits identified in the PUC-filed Quarterly Reliability Reports for the first three quarters of 2011.²

Hurricane Sandy swept through Pennsylvania in October of 2012. Following Hurricane Sandy, the Commission directed the EDCs to work together to share best practices learned from the response to Sandy and to develop best practices to address some of the issues identified during the response to Sandy. On January 10, 2013, the Commission held a Special Reliability Meeting which focused on the preparation and response of the EDCs for Sandy as well as a briefing on the EDC best practices group's progress.³ On March 20, 2013, the EDC Best Practices Team briefed the Commission Reliability staff on the group's progress at a meeting of the Energy Association of Pennsylvania's Electric Transmission and Distribution Committee. On May 7, 2013, the Commission and EDC Best Practices Team briefed the PA Senate Consumer Protection & Professional Licensure Committee on the lessons learned from Sandy and the Best Practice Team's progress. On September 13, 2013, the EDC Best Practices Team updated the Commission's Reliability and Emergency Response Staff on the group's progress.

As discussed above, over the past three years, the Bureau of Technical Utility Services (TUS) has reviewed several significant service outages, including the Sandy

Report prepared in May of 2013.⁴ Following this review, TUS recommended that the Commission consider revising the Utility Service Outage Public Notification Guidelines for Pennsylvania EDCs so that the efforts that were undertaken by the EDCs to improve their storm response performance following Hurricanes Irene and Sandy can be memorialized.

While this Final Policy Statement focuses mainly on improving coordination, communications, and event forecasting, as well as holding exercises in order to better respond to major service outage events, the Commission will continue to work with various utility working groups to identify further best practices in an effort to continuously improve response capabilities. The Commission will continue to enhance its policies as these best practices are further developed and defined.

Comments have been received from the following: the Pennsylvania State Association of Township Supervisors (PSATS), Broadband Cable Association of Pennsylvania, (BCAP), Pennsylvania Telephone Association (PTA), AT&T Corporation and Teleport Communications America, LLC (collectively, AT&T), Verizon Pennsylvania LLC and Verizon North LLC (collectively, Verizon), Aqua, Pennsylvania, Inc. (Aqua), Pennsylvania-American Water Company (PAWC), Energy Association of Pennsylvania (EAP), National Fuel Gas Distribution Corporation (NFG), PPL Electric Utilities Corporation (PPL), Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively First Energy), PECO Energy Company (PECO), Duquesne Light Company (Duquesne Light), and the Office of Consumer Advocate (OCA).

Establishment of Critical Infrastructure Interdependency Working Group

In addition to revising this Policy Statement to account for the experience gained in the more recent significant service outages, the Commission recognizes the need to coordinate restoration of critical infrastructure facilities. Coordinating the response among electric, telephone, water, wastewater, and natural gas systems in areas where more than one of those systems may be affected during major service outage events such as hurricanes, tropical storms, major flooding, ice storms, heavy snows, cybersecurity incidents and other similar occurrences is an important component to an effective response. Thus, the Commission has recommended the establishment of a Critical Infrastructure Interdependency Working Group (CIIWG or working group). The Commission also recognizes that non-jurisdictional stakeholders such as municipal water and wastewater systems, mid-stream natural gas companies, wireless telecommunications carriers and cable companies provide vital services and would also benefit from coordination with regulated utilities. To provide a means for all parties to discuss interdependencies and share best practices, the Commission is establishing the CIIWG. We invited comment on the establishment of this CIIWG from all interested persons.

The CIIWG will meet at least once per calendar year. The Commission will invite all jurisdictional EDCs, incumbent telephone, facilities-based competitive telecommunications, water, wastewater, and natural gas distribution utilities with 5,000 or more customers. The Commission will also invite certain non-jurisdictional stakeholders to participate, including non-jurisdictional utilities as well as county and state emergency response officials.

¹ Link to documents from the meeting: http://www.puc.pa.gov/consumer_info/electricity/reliability.aspx.

² The reports are available on the Commission's website at: http://www.puc.pa.gov/utility_industry/electricity.aspx.

³ The presentations from this meeting are available here: http://www.puc.pa.gov/consumer_info/electricity/reliability.aspx.

⁴ The Sandy Report can be found on the Commission's website at http://www.puc.state.pa.us/Electric/pdf/October_2012_Sandy_Report-public.pdf.

One of the goals of the CIIWG will be for parties to come to an understanding of their critical interdependencies and how to coordinate restoration of services where more than one party is affected in a geographic area. This would include identification of mission critical facilities and their interdependencies such as commercial power, natural gas service, telecommunications, and water/sewer service. Also, participants could discuss prioritization of restoration of those mission critical facilities based on their current and projected capabilities such as alternate power generation, water and gas storage, populations served, and other considerations. Many utilities already have relationships in place with critical interdependency partners and those utilities would be encouraged to share the best practices of those relationships with the group. Utilities are also encouraged to work with their trade associations.

Comments

All parties who commented on the Proposed Policy Statement generally supported the establishment of the proposed CIIWG and indicated a willingness to participate. In addition to this overarching support, commenters shared the following thoughts regarding the Working Group.

Verizon supported the creation of a voluntary working group so long as it does not increase regulatory burdens on communications companies and commented that the prioritization of repairs during emergency outages is a good subject for discussion in a voluntary working group. However, Verizon noted that to the extent details about critical infrastructure are shared within the group, the Commission should devise and maintain appropriate safeguards that ensure proprietary data and network infrastructure information remains confidential. In offering support to the establishment of the CIIWG, AT&T commented that periodic meetings open to all interested companies would further the goals identified by the Commission, specifically improving the coordination of response and restoration efforts, identifying and prioritizing the restoration of critical facilities, and sharing best practices.

PAWC added that the discussion of coordination and response in major service outage events will benefit all stakeholders and ultimately the Commonwealth and its citizens. PPL encouraged the Commission to be mindful that there are several ways to achieve positive collaborative results and to recognize the different circumstances that each EDC may face.

The EAP and NFG recommended that the first step of the CIIWG be to meet and develop a charter specifying the Working Group's scope and objectives. The EAP noted that cybersecurity merits discussion and inquiry before it should be included on the list of major service outage events as the Commission proposed. Both the EAP and NFG commented that the CIIWG might be the appropriate body to initially focus on cybersecurity and to distinguish between these outages and weather-related ones. Thus, the Working Group could determine whether any expansion of the 2011 Policy Statement to include cybersecurity is appropriate.

Duquesne Light commented that the Working Group provides an opportunity for non-EDCs to better understand EDC outage restoration priorities and illustrate how to coordinate restoration efforts where mission critical facilities are affected.

PSATS suggested the following two additions for the Commission's consideration: (1) The Commission may

want to create a subgroup for small utilities which may face unique issues; and (2) The Commission might consider inviting both local emergency response personnel since they are truly in the field and locally elected officials who provide the resources and means for emergency and utility personnel responding to emergencies.

Resolution

The Commission appreciates that all commenters were generally supportive of the formation of a CIIWG. We look forward to the participation and cooperation of all key stakeholders. We concur with the suggestions by the EAP and NFG regarding the development of a group charter and identification of specific goals and objectives. We believe that the initial meeting of the CIIWG should be used to facilitate development of a group charter, mission statement, code of conduct, and specific functional subgroups to address goals identified in the charter. The Commission will include in the charter of the CIIWG that participation is conditioned on the agreement to non-disclosure of potentially sensitive competitive information and confidential infrastructure and cybersecurity information. In addition, it will be more efficient for smaller subgroups to concentrate on various functional areas rather than to have the whole CIIWG work on all identified goals at once. The subgroups could meet on their own during the course of the year and report out any accomplishments and deliverables at the annual CIIWG meeting. We support the use of collaborative technologies such as Wiki sites that allow participants to provide direct feedback without the need for a physical meeting.

We touched on some functional areas that the CIIWG may consider addressing, such as coordination of restoration of services in geographic areas where more than one infrastructure stakeholder is affected as well as discussions around identification and prioritization of restoration of mission critical facilities given their capabilities. The process to address road closures during major service outage events is another area that may be of interest to the CIIWG. Based on the comments received, cybersecurity is an area that may be best addressed through the CIIWG. However, as outages caused by cybersecurity are already identified in our regulations as a potential trigger for a reportable event, we disagree with commenters that identified the issue as one to be addressed at a later time. We are mindful of the disclosure of any sensitive information and expect any cybersecurity discussions to focus on best practice sharing and joint training and exercising opportunities. We welcome further discussion of functional areas to address at the initial meeting. The Commission's role in the CIIWG is that of a facilitator and we expect the members of the CIIWG to guide the discussion and goal-setting.

The date for the first meeting of the CIIWG is April 30, 2014 to be held at the Commission's Hearing Room 1, 2nd floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania 17120. A meeting time and agenda will be distributed to participants. We welcome participants from all of our private and public stakeholders. Due to space constraints, we ask that stakeholders limit their participants to two (2) maximum. We ask participants to email their intent to attend to RA-PC-CIIWORKINGGRP@pa.gov by April 11, 2014, and include their name, title, business or agency name, business address, phone number, and email address.

We also plan to notify some stakeholders that were not on the original service list in the September 26, 2013 Proposed Policy Statement Order. Examples of those

stakeholders include, but are not limited to: Pennsylvania Rural Electric Association, Pennsylvania Rural Water Association, Pennsylvania Chapter of the American Water Works Association, National Association of Water Companies, Comcast, Marcellus Shale Coalition, American Petroleum Institute, Pennsylvania Independent Oil and Gas Association, County Emergency Managers, Pennsylvania State Association of Township Supervisors, Pennsylvania Municipal Authorities Association, Carnegie Mellon University, Department of Environmental Protection, Pennsylvania Governor's Office of Homeland Security, Pennsylvania State Police Criminal Intelligence Center, Pennsylvania Department of Transportation, Pennsylvania Department of Health, Pennsylvania Department of Public Welfare, Pennsylvania Department of Agriculture, and the three Pennsylvania regional Department of Homeland Security Protective Security Advisors.

Policy Statement

General discussion

We sought comment on whether we should revise the policy statement to apply to other industries including water, wastewater, gas, and telecommunications. In the proposed policy statement, we simply revised Section 69.1702 (NGDC) and Section 69.1602 (Water) to change the name of the Emergency Preparedness Coordinator to Lead Emergency Preparedness Liaison Officer consistent with the proposed revision here in 52 Pa. Code § 69.1902 (EDC).

Further, we invited comment on the cost/benefit analysis regarding what benefits versus what costs the EDCs, and potentially other industries, may incur with implementation of the policy statement. In particular, we invited comment regarding the associated costs in developing storm damage and outage prediction models as outlined in the proposed preparation and response measure at Section 69.1903(f).

Comments

PECO, the EAP, NFG, and First Energy contended that the Commission's Proposed Policy Statement should be less prescriptive and allow EDCs greater discretion to implement best practices. PECO claimed that such a policy would allow (1) greater space for flexibility among varying utilities; (2) room for modifications as new technologies are developed; and (3) EDCs to consider more cost-effective and effective mechanisms to improve storm response performance.

The EAP stated that any expansion made to the current policy should (1) encourage further action in line with recommendations made in the May 2013 Technical Utility Services (TUS) Report; and (2) account for development and adoption of new approaches and technologies applicable to weather-related outages. The EAP also suggested that the Proposed Policy Statement could be revised to encourage the continued development of best practices with regard to preparation and response. The EAP requested that the final policy statement use the word "may" rather than "should" to advance flexibility and innovation.

Outside the implementation of additional storm exercises, changes to its website, and the outage prediction model (discussed below), Duquesne Light stated that the changes in the Proposed Policy Statement do not represent significant costs compared to the benefits that will be provided.

The OCA commented that the Proposed Policy Statement does not account for direct communications by

EDCs with customers or for coordination efforts with local officials regarding vulnerable customers. The OCA identified several initiatives by other states to improve their utilities' communications with customers about outage events and to address the specific needs of vulnerable customers during major storms. The OCA suggested that EDCs develop specific plans to communicate with such customers and advocated the use of auto-dialer systems and using third parties to reach out to vulnerable customers and provide assistance when needed.

In addition to recommending that the Commission encourage EDCs to look at best practices to develop plans to communicate and accommodate vulnerable customers, the OCA suggested improved multi-lingual communication. The OCA proffered an additional subsection to proposed Section 69.1903 regarding customer communications that addressed its comments.

Verizon and the PTA commented that two years ago the Commission rejected extending this policy statement to regulated communications providers and that the Commission should reach that same conclusion again. Verizon, as well as AT&T, contended that the Commission staff's study of service restoration practices was limited to restoration practices in the electric industry. Verizon continued that there has been no finding that current customer notification practices in the communications industry are inadequate. AT&T added that applying the proposed changes and additions in an across-the-board manner to other industries would fail to recognize the differences between EDCs and other utilities.

The PTA opposed the extension of the Commission's policy statement and pointed out that PTA Companies are unlike the gas and energy industries which are fully regulated monopolies regarding transmission and delivery functions and are only competitive at the commodity level. The PTA noted that its Companies operate in an environment where any change in their regulatory burden may negatively impact the ability to remain competitive, and identified their most aggressive competitive challenges as wireless providers, cable companies, and nomadic VoIP service providers.

Similarly, BCAP commented that it would be unnecessary to extend the Commission's policy statement, with the proposed revisions, to telecommunications providers.

PAWC and Aqua stated that it is not necessary presently to apply the proposed policy statement to the water and wastewater industries because the industry is unique in their pipes being underground. PAWC acknowledges the importance of communications with the electric industry during outages, but believes that coordination can be achieved outside the proposed statement.

PECO offered general support to extending the Proposed Policy Statement's applicability to other jurisdictional utilities, but acknowledged that some aspects may not be relevant or practicable for other industries.

Neither the EAP nor NFG supported extending the Proposed Policy Statement to include other fixed utilities, especially natural gas distribution companies (NGDCs). Similar to the communications companies above, the EAP and NFG pointed to the fact that the Proposed Policy Statement addressed issues unique to EDCs and was the result of investigations, meetings and reports directed at EDCs. Both parties expressed that it would be beneficial to first engage stakeholders who would be able to contribute to the dialogue operational differences between electric utilities and natural gas utilities. The EAP and NFG identified that the majority of NGDC facilities are under-

ground and that NGDCs have outage response and notification obligations to the U.S. Department of Transportation. NFG added that NGDCs have specific safety concerns after restoring service that are not relevant to EDCs and noted that NGDCs' most common outage scenarios involved line hits unrelated to weather.

Duquesne Light and First Energy offered no comments on whether the Proposed Policy Statement should be applied to other industries. However, Duquesne suggested that the Commission should receive specific feedback from impacted industries and First Energy stated that the possible extension to other industries only underscored the importance of the Proposed Policy Statement being less rigid.

Resolution

The Commission agrees with the commenters and will not further revise the policy statement to apply to other industries including water, wastewater, gas, and telecommunications. We note that those utilities not included within the scope of the policy statement are expected to work cooperatively on interoperability issues related to major service outage events at the time of the event as well as through the CIIWG.

In addition, while OCA suggested that EDCs develop specific plans to communicate with vulnerable customers and advocated the use of auto-dialer systems and using third parties to reach out to these customers and provide assistance when needed, the Commission did not revise the policy statement to include this as it is outside of the scope of this policy statement and may involve significant costs, especially the use of auto-dialer systems.

§§ 69.1602, 69.1702, and 69.1902

We proposed revising §§ 69.1602, 69.1702, and 69.1902 to change the name of the Emergency Preparedness Coordinator to Lead Emergency Preparedness Liaison Officer (Lead EPLO). This is based upon an internal administrative decision. This was not a substantive change to the administrative duties of this position but it is a different title. The Commission proposed changing the title to Lead EPLO to be consistent with other Pennsylvania state agencies that use this same title.

Resolution

Commenters agreed with changing the name of the Emergency Preparedness Coordinator to Lead Emergency Preparedness Liaison Officer (Lead EPLO) to be consistent with other Pennsylvania state agencies that use this same title.

§ 69.1903(a)

Subsection 69.1903(a) states that EDCs should offer company liaisons to counties including County Emergency Operations Centers or 9-1-1 Centers, depending on the county's preference, in the EDCs' service territories during high impact and major service outage events.

AT&T and BCAP noted that dedicating personnel to act as liaisons to multiple county agencies under Section 1903(a), or to participate in multiple regional conference calls pursuant to Section 1903(b), would dilute the personnel available to restore service when utility companies are not as large as most EDC operations and lack the available personnel to meet the proposed requirements.

PPL commented that the proposed policy does not account for future advances in technology and that Subsection 69.1903(a)(1) be modified so that EDCs are encouraged to adapt their notification methods to consider advances in technology and implement procedures that

suit each individual EDC and its customers. PPL stated that a utility liaison should not be requested by a 9-1-1 call center and remarked that Subsection 69.1903(a) is unclear about when an EDC should send a liaison to these call centers or the liaison's role upon arrival. PPL also noted that the company could incur significant additional expenses for equipment purchases for liaisons.

Regarding Subsection 69.1903(a)(2), PPL expressed concern that the proposed guidelines do not address conflicts between counties and EDCs that do not agree on threshold criteria for sending a liaison. Similarly, for Subsection 69.1903(a)(3), PPL contended that it is unclear whether an EDC must provide a requested liaison for events that do not meet an established threshold or whether an EDC could refuse or postpone the request under extenuating circumstances. PPL also sought clarification, under Subsection 69.1903(a)(4), about what constitutes an acceptable response to a county's request for a liaison and whether an EDC must respond affirmatively.

PECO noted its current practice of providing company liaisons to 9-1-1 call centers and supported this guideline's inclusion in the Proposed Policy Statement.

First Energy generally supported the concept of ensuring an open dialogue and coordination between an EDC and the county it serves along with staffing counties on an as-needed basis. However, First Energy proposed modifications of this Subsection to promote appropriate flexibility and stressed the importance of practices that are agreed on by EDCs and counties. First Energy identified at least one ambiguity, as did PPL directly above, regarding Subsection (a)(4) and an EDC's duty to respond to a county's request for a liaison; while First Energy makes best efforts to respond to all requests, the companies argue that EDCs should have discretion to make placement determinations.

Resolution

In response to comments from PPL, First Energy, and EAP, concerning when the EDC should send a company liaison to counties, the Commission agrees to change § 69.1903(a) to limit the times that an EDC provides liaisons to counties in its service territory to only those counties that are "significantly impacted." We also defined "significantly impacted" to include those counties in which at least 10 percent of customers are expected to experience an outage for over 48 hours.

Additionally, the Commission agrees to include additional limiting language that EDCs should make a "best effort" to respond to a county's request for a company liaison for events that do not meet the established threshold and that this would be "subject to operational and safety considerations." The Commission agrees to this additional language in response to the comments from the EDCs that it was unclear if the EDCs were directed to respond for such instances, or whether it was at the discretion of the EDC. The Commission eliminated the former subsection 69.1903(a)(5) since it was duplicative of subsection (a)(1) where it states that the Commission should inform the Commission's Lead EPLO of the counties in which the company has placed liaisons. The Commission further agreed to limiting language in subsection (a)(1) indicating that the requirement to inform the Lead EPLO only has to be done, "when this information is available."

§ 69.1903(b)

Subsection 69.1903(b) states that EDCs should offer regional conference calls for state and local elected officials and local emergency managers for major service

outage events. We defined major service outage events to include hurricanes, tropical storms, major flooding, ice storms, heavy snows, and other similar occurrences.

PPL and Duquesne Light supported EDCs offering regional conference calls for state and local elected officials, but objected to the rigidity of the Commission's proposed policy statement requiring calls to begin at least 2 days prior to an expected major service outage under Subsection 60.1903(b)(3). PPL recommended that the guidelines use either (1) a "1 day" standard; or (2) state simply that prior to a major service outage event the EDC should begin conference calls. Duquesne Light only suggested that no specific time frame should be provided.

PECO noted its support of regional conference calls as a best practice. PECO suggested that the definition of "major service outage events" be moved to an introductory section for purposes of clarity rather than remaining in Subsection (b)(1). PECO also recommended that the Commission remove "cybersecurity incidents" as an event to which the Statement applies due to the differences between cybersecurity and weather-related events, and commented that the Commission might instead include a catch-all provision such as "other event that may cause a major service outage."

First Energy supported the concept of ensuring communications and information sharing, but also emphasized the need for flexibility in the execution. First Energy contended that plans already in place aimed at ensuring that affected stakeholders are informed should be taken into account by the Proposed Policy Statement. First Energy suggested the elimination of Subsections (b)(2)—(b)(6).

PSATS inquired about whether the term "local official" includes both county and municipal officials.

Resolution

The Commission agrees with the comments received from NFG, EAP, and PECO that preparations and restoration practices for responding to cybersecurity incidents largely differs from those practices for the other events listed. However, the Commission finds that the differences between cybersecurity incidents and the other events is precisely why it should remain on this list. Major service outage events can have any number of causes and it is no less important to communicate updates to municipal partners when thousands may be without power during a cybersecurity incident. We further agree with the suggestions of the EAP that cybersecurity incidents should be included as a functional sub-group in the CIIWG.

In addition, the Commission will revise subsection 69.1903(b)(3) in light of Duquesne Light, and PPL's concerns about the holding regional conference calls with reference to a specific timeframe prior to the event. We removed the "at least 2 days prior" requirement and left it simply as "prior to" an expected major service outage event. Additionally, we added more flexibility to allow for continuing these conference calls "daily" as "warranted by the needs of the parties on the calls."

§ 69.1903(c)

Subsection 69.1903(c) states that EDCs should develop and hold a storm restoration exercise at least once each calendar year and should notify the counties in their service territories of the dates and times of such exercises at least 3 months in advance and invite the counties to participate in the exercise. Although these storm restoration exercises may already be a part of the normal

emergency response or business continuity exercise programs required of EDCs under 52 Pa. Code § 101.3(b), we proposed in this subsection that EDCs bring in other stakeholders to this process as participants.

AT&T stated that requiring all utilities to separately conduct storm restoration exercises would unduly burden utilities, as well as state and local officials, by requiring them to participate in and/or attend numerous exercises. AT&T continued that it currently conducts these exercises on a regional basis leading to greater efficiency and effectiveness. BCAP advocated that if the Commission decides to require storm restoration exercises for other utility industries, then such exercises should be done on a statewide basis because most companies' service territories do not align with those of EDCs.

PPL commented that, while it is their intent to conduct an annual exercise using external participants, based on actual storm activity in a given year, PPL may not hold an annual drill if the planning and execution are impacted by live storm events. As far as notification to the counties and other utilities in its service territory, PPL, PECO, and First Energy voiced concerns that the duty to alert such parties 3 months in advance is too great due to potential schedule changes and unforeseen conflicts. Thus, PECO recommended that the Commission add "where practicable" or similar language be added to Subsection (c)(1). First Energy proposed a more limited time frame for advance notice, two weeks.

PECO suggested that EDCs retain discretion over how to structure storm restoration exercises so that PECO might continue to determine the parties it wishes to include in a particular drill and the extent of their participation.

Duquesne Light requested that the Commission provide clarification with respect to stakeholders other than county officials and designated representatives that should be involved, including the nature and level of their involvement and the type of coordination that is being encouraged. Also, Duquesne proposed that the language of Subsection 96.1903(c) be revised so that regional restoration drills could qualify as the required storm exercise. Duquesne Light suggested that the Lead Emergency Preparedness Liaison Officer be consulted about any lesson learned or best practice discovered as a result of the storm exercise.

First Energy stated that its companies typically schedule their events at times in the year when weather events are less likely to directly interfere and stated the difficulty of coordinating with the Pennsylvania Emergency Management Agency (PEMA) because their drills usually take place when First Energy is entering a period where significant weather events occur. Also, First Energy shared that requiring EDCs to develop after action reports and submit them creates a regulatory reporting obligation where this type of drill should remain an operational exercise. Thus, First Energy suggested the removal of Subsections (c)(1), (c)(3), (c)(4), and (c)(6).

PSATS recommended that, in addition to counties being invited to participate in storm restoration exercises, municipalities contribute to the discussion and be invited to participate in exercises. Also, PSATS suggested that the Commission define the term "smaller-scale exercises."

Resolution

We agree with the comments of First Energy, PPL, and PECO that the proposed 3 month lead time for EDCs to notify the counties and other utilities in its service territory of the dates and times of storm restoration

exercises in subsection (1) is too long. We have changed this requirement to “3 weeks in advance, if possible.” The Commission has also deleted the proposed subsection (3) in response to comments from First Energy, Duquesne, PECO, and EAP that this was problematic. Additionally, in response to concerns expressed by First Energy, PECO, and Duquesne, we revised subsection (4), changing “should” to “may” to provide for more flexibility.

§ 69.1903(d)

Subsection 69.1903(d) states that both large and small EDCs should provide outage information on their websites. However, dependent on the size of the EDC, as defined by 52 Pa. Code § 57.195(b), different requirements for the website are stated as well as different times for updating the information listed.

AT&T commented that the reporting requirements proposed for EDCs in this section are not reflective of the nature of outages suffered by utilities in other industries or of the necessary responses to other such outages. AT&T also argued that it would be neither efficient nor effective for communications companies to provide outage or restoration information hourly because service is often restored through a central office versus restoration in smaller geographic increments for EDCs.

PPL presented a concern that Subsection 69.1903(d)(1) would require information to be reported on the company’s website that it cannot currently provide. PPL allows customers to access estimated times of restoration (ETRs) in their individual accounts once they are available, but do not post ETRs on its outage map. PPL stated that the proposed policy should permit EDCs to suppress ETRs until reliable restoration times are received. Also, PPL noted that the Commission’s guidelines do not indicate when ETRs should be posted, the frequency at which they should be updated, or the areas to be covered (e.g., should ETRs be posted at the county or municipal level). PPL commented that EDCs should have discretion to provide restoration information down to the individual job level so that customers are provided with the most accurate information. PPL mentioned that providing on their website the number of customers served would require new functionality and additional costs.

PECO expressed certain cost/benefit concerns regarding Subsection (d) as it relates to the Company’s outage website. First, PECO posited that companies should be extended the flexibility and latitude to structure outage websites in a way that best serves the needs of their service territory. PECO noted that it would be inclined to post ETRs only on a global basis and stated that it does not currently provide a breakdown of outages by municipality or borough on its graphic outage map, as the Statement describes in Subsection (d)(1)(i).

Duquesne Light encouraged the Commission to add language to acknowledge the different technologies used by various EDCs and suggested that the Commission add the words “as technology permits” to the end of Subsection 69.1903(d)(1). First Energy supports the proposed outage maps as a means to disseminate timely and accurate information to customers during outage events.

PSATS contended that where the Commission uses the phrase “municipality or borough” that only the term “municipality” is needed.

The OCA recommended that EDCs’ websites be utilized to provide additional information to customers as these websites receive large volumes of traffic during major service outage events by customers turning to EDCs to obtain outage information. The OCA suggested that

EDCs’ websites provide information on storm preparation, safety advice, and information regarding shelters and community agencies that will offer assistance during the outage event. Additionally, the OCA commented that EDCs should offer secondary language options on their websites.

Resolution

The Commission agrees to change subsection (d)(1) in response to Duquesne Light, PECO, and PPL’s concerns about technology to add, “technology permitting” for the large EDCs. Additionally, PPL and PECO reported concerns about subsection (1)(ii) that some of the estimated restoration time information would not be available. In light of this concern, we agree to add the language, “when available” to this section.

§ 69.1903(e)

Subsection 69.1903(e) states that after a major service outage event, EDCs should coordinate after action review with each other as well as solicit input from each county and other utilities as to the companies’ performance during the event and any suggested improvements or comments on successful initiatives.

PPL commented that Subsection 69.1903(e) provides that each EDC should conduct “post-storm after action reviews” and requires certain meeting and reporting obligations that extend further than PPL’s practice of conducting internal reviews depending on the number of customers affected and the duration of the outages. PPL encourages the Commission to seek feedback only from the counties that are most significantly impacted.

PECO supported the inclusion of this best practice and currently undertakes such reviews. However, because the proposed language establishes a reporting commitment with deadlines for completion, PECO recommends that this reporting be completed on an as-requested basis by the Commission.

First Energy also supported the general goal of these reviews to encourage dialogue and share experiences. However, First Energy objected to the formality of the proposed process and contended that the Proposed Policy Statement may chill what has been until now an open sharing of information and experience. First Energy recommended that Subsection (e) be modified to call for a revival of the Best Practices Working Group under its current practice in the aftermath of major service outage events.

PSATS suggested that municipal input be solicited in addition to the county. The OCA recommended that EDCs develop metrics that allow them to track the effectiveness of their storm communications with customers and include an assessment in their reports to the Commission.

Resolution

The Commission agrees with First Energy’s comments that subsections (1) and (2) should be revised to include that after action reviews be coordinated with other EDCs through the EDC Best Practices Working Group. We agree to eliminate the proposed subsection (3) consistent with the revisions to subsection (1) and (2). We also changed the term “post storm” to “major service outage event” to make this subsection consistent with the other subsections in § 69.1903.

§ 69.1903(f)

Subsection 69.1903(f) states that all EDCs should develop a storm damage and outage prediction model that provides a means for the EDC to estimate expected storm

damage and the potential number of service outages given inputs such as weather data, service territory geography/topography, historical data on similar storms, customer density, and location of crew and service centers.

AT&T and BCAP commented that the use of weather prediction models to assist in establishing response and recovery plans several days in advance of a major storm should not be applied to other utilities.

PPL supported the requirement that EDCs develop storm damage and outage prediction models. However, with respect to Subsection (f)(5) that the Commission's Lead EPLO and county emergency managers receive the prediction models, PPL had two concerns: (1) That an event may not rise to the level of a major event that the guideline contemplates; and (2) That releasing the data to either the Officer or county managers prior to the event may be counterproductive because data changes frequently during storms.

PECO expressed certain cost/benefit concerns regarding Subsection (f) as it relates to the Company's storm prediction models. PECO stated that to implement the kind of model the Commission describes in Subsection (f)(1), it would utilize capital and resources that could significantly outweigh the benefits since these models tend to be flawed and inaccurate. PECO also cautioned against reporting predictions because of the detriment that may occur if those predictions are incorrect. PECO suggested rewording Subsection (f) to state that "An EDC is encouraged to utilize a storm damage and outage prediction model."

NFG stated that it would incur significant costs if required to develop a storm outage prediction model and argued that there would be minimal benefit because NGDCs are less susceptible to such outage events than their electric counter parts. Duquesne Light supported the development of outage prediction models to enhance utilities' ability to prepare for severe events and forecast potential outages, and acknowledged that such modeling can be achieved in a multitude of ways.

First Energy noted that its companies are actively developing prediction models and support the Commission's outlined principles. First Energy called attention to Subsection (f)(5) that specifically ties the provision of predictions associated with these models to Section 67.1(b) of the regulations (calling for reports to be provided where sustained interruptions lasting six hours or longer are experienced by either 2,500 customers or 5% of their total customers) and stated that it is unlikely that prediction models would be required for an event that might meet the Section 67.1(b) threshold. First Energy suggests modifying Subsection (f) to be consistent with the remainder of the Proposed Policy Statement, applying the major service outage event as the threshold, as defined in Subsection (b)(1). First Energy also stated that it is doubtful that an input specifying the location of crews and service centers in a territory will contribute to an accurate prediction of the damages.

Resolution

We agree with the concerns expressed by First Energy, regarding subsection (1), regarding the location of crews and service centers, and have deleted this from the information under the storm outage prediction models. Additionally, we have revised subsection (5) in response to concerns expressed by PECO, PPL, and First Energy about providing this information to county emergency managers. We have also revised this subsection to make

it consistent with the subsection (b)(1). We disagree with PECO's comments that implementing this storm prediction model would involve significant costs as we did not expect EDCs to expend large capital outlays to develop such a model. There are EDCs that currently have models, or are already developing models, as well as possible collaborations with academic institutions within the Commonwealth, which Duquesne Light notes they have already begun exploring (Duquesne Light comments at 6).

§ 69.1903(g)

Subsection 69.1903(g) states that EDCs should continue their work on improving the process of providing timely and accurate ETRs during all service outages, but especially during major service outage events. PPL, PECO, and First Energy simply stated their support for a requirement that EDCs continue providing timely and accurately estimated ETRs.

Resolution

The Commission agrees with the commenters and has kept this section the same as in the proposed policy statement. However, we added the word "service" simply to clarify that this involves "major service outage events" and to make this consistent with other subsections in § 69.1903.

Conclusion

The Commission appreciates that all commenters were generally supportive of the formation of a CIIWG. We look forward to the participation and cooperation of all key stakeholders beginning with the first meeting on April 30, 2014 to be held at the Commission. This Final Policy Statement identifies best practices learned from Hurricane's Irene and Sandy, including improving coordination, communications, event forecasting, and holding exercises in order to better respond to major storms.

Accordingly, pursuant to Sections 501, 504, 505, 506, 1501, and 2801, et seq., and the regulations promulgated thereunder at 52 Pa. Code §§ 57.191—57.197 and 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 at 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 745.5 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 will adopt as final the proposed revisions to Section 69 as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 69, are amended by adding § 69.1903 and amending §§ 69.1602, 69.1702 and 69.1902 to read as set forth in Annex A with ellipses referring to the existing text of the regulations.

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

3. The Secretary shall certify this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. This policy statement shall become effective upon publication in the *Pennsylvania Bulletin*.

5. This Final Order and Annex A be posted on the Commission's website.

6. The contact persons for this are Daniel Searfoorce, Bureau of Technical Utility Services, dsearfoorc@pa.gov, (717) 783-6159, Jennifer Kocher, Office of Communications, jekochoer@pa.gov, (717) 783-6152, and Patricia Wiedt, Law Bureau, (717) 787-5755, pwiedt@pa.gov.

7. A copy of this order and Annex A be served on all parties that filed comments at Docket No. M-2013-2382943 Utility Service Outage Response, Recovery and Public Notification Guidelines, the Office of Small Business Advocate, the AFL-CIO Utility Caucus, the Pennsylvania Utility Contractors Association, the Energy Association of Pennsylvania, the Director of the Pennsylvania Emergency Management Agency (PEMA), the County Commissioners Association, and the three Area Directors of PEMA.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: Fiscal Note 57-300 remains valid for the final adoption of the subject regulations.

Statement of Commissioner Pamela A. Witmer

Before the Public Utility Commission (Commission) today is the Final Order approving revisions to our Proposed Policy Statement regarding Utility Service Outage Response, Recovery and Public Notification Guidelines. The updated Policy Statement establishes guidance for additional preparation and response measures by electric distribution companies (EDCs) during major service outage events. Some of the additional measures provide for regional conference calls for state and local government officials including local emergency managers, annual storm restoration exercises, and up-to-date outage information reported on websites, as available. I fully support this Final Policy Statement because it incorporates and consolidates many best practices developed through the utilities' storm response to date from events occurring in Pennsylvania over the last three years.

We have learned many lessons, and will continue to learn, from weather events ranging from Superstorm Sandy to the most recent snow and ice storms in terms of better managing major service outages to mitigate the serious impacts that may occur to the lives and property of Pennsylvania's residents and businesses. Ensuring safe and reliable service is a basic responsibility of the Commission. Whether the cause of an outage is an anticipated major storm or an unexpected cybersecurity incident, today's action represents further progress on the part of the Commission, utilities, statutory advocates, and interested partners in assuring that significant measures are in place to expedite the restoration of electric service for all customers.

Specifically, I have had a keen interest in the interdependency between all utility sectors from both a physical and cybersecurity perspective and in the development of interoperability best practices so that certain utility services can be maintained during a major service outage. Thus, I fully support the establishment of the Critical Infrastructure Interdependency Working Group (CIIWG) and its mission to further develop additional best practices to address the needs of all customers during major outages. During these outage events, it is critical that our utilities work cooperatively across various utility and government sectors so that power is restored as quickly and safely as possible. The safe and reliable operation of one or several utilities may be dependent upon the quick restoration of service by another sector.

Having all of our utilities and non-jurisdictional partners in one room discussing best practices can only lead to greater cooperation and procedures that benefit all residential and business customers in this Commonwealth.

I am confident that the outcomes from this Working Group will enhance our outage response capabilities during future major service outage events and will help companies share lessons learned throughout the Commonwealth for the good of all customers. I look forward to attending the first meeting of the CIIWG to help effectuate these goals.

PAMELA A. WITMER,
Commissioner

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

UNSCHEDULED WATER SERVICE INTERRUPTIONS AND ASSOCIATED ACTIONS

§ 69.1602. Public notification guidelines.

(a) *Acceptable methods of public notification.* In the event of an unscheduled water service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Mass media.* Facsimile/electronic mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, the possible adverse health effects and the population or subpopulation particularly at risk, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Communications and Lead Emergency Preparedness Liaison Officer should also receive these notifications.

* * * * *

UTILITY SERVICE OUTAGE PUBLIC NOTIFICATION GUIDELINES—NATURAL GAS DISTRIBUTION MARKET

§ 69.1702. Notification guidelines.

(a) *Acceptable methods of public notification.* In the event of a service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Mass media.* Facsimile/electronic mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should

be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Communications and Lead Emergency Preparedness Liaison Officer should also receive these notifications.

* * * * *

**UTILITY SERVICE OUTAGE RESPONSE
RECOVERY AND PUBLIC NOTIFICATION
GUIDELINES—ELECTRIC DISTRIBUTION
MARKET**

§ 69.1902. Notification guidelines.

(a) *Acceptable methods of public notification.* In the event of a service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Mass media.* Facsimile/electronic mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Communications and Lead Emergency Preparedness Liaison Officer (Lead EPLO) should also receive these notifications.

* * * * *

§ 69.1903. Preparation and response measures.

(a) *EDC liaisons to counties.* An electric distribution company (EDC) should offer a company liaison to counties (County Emergency Operations Centers or 9-1-1 Centers, depending on the county's preference) in its service territory that are significantly impacted, meaning those with at least 10% of customers in the county experiencing an outage for over 48 hours, during high-impact and major service outage events such as those listed in subsection (b)(1).

(1) An EDC should inform the Commission's Lead Emergency Preparedness Liaison Officer (EPLO) of the counties in which the company has placed liaisons when this information is available.

(2) The threshold for when a company liaison is offered should be determined in agreement with the counties.

(3) A county may request a company liaison for events that do not meet the established threshold subject to operational constraints.

(4) An EDC should make a best effort to respond to a county's request for a company liaison under paragraph (3), subject to operational and safety considerations.

(5) In a county served by more than one EDC, the EDCs should coordinate their response to the county so that the county has representation from the desired EDCs.

(6) An EDC should meet at least yearly with each county to review the liaison program and other emergency response issues.

(b) *EDC regional conference calls.* An EDC should offer regional conference calls for State and local elected officials and local emergency managers for major service outage events.

(1) Examples of major service outage events include:

(i) Hurricanes.

(ii) Tropical storms.

(iii) Major flooding.

(iv) Ice storms.

(v) Heavy snows.

(vi) Cybersecurity incidents.

(2) Regions should be determined based on the geographic locations affected by the major service outage event.

(3) An EDC should begin conference calls prior to an expected major service outage event and should offer to continue the conference calls daily as warranted by the needs of the parties on the calls.

(4) An EDC should ensure participants on the conference call have the required call-in information prior to initiating the calls.

(5) EDCs should work together to share best practices on how to structure and manage the regional conference calls, especially in those areas that are served by multiple EDCs.

(6) An EDC should notify the Commission's Lead EPLO when initiating regional conference calls.

(c) *EDC storm exercises.* An EDC should develop and hold a storm restoration exercise at least once each calendar year.

(1) An EDC should notify the counties and other utilities in its service territory of the dates and times of storm restoration exercises at least 3 weeks in advance, if possible.

(2) An EDC should invite counties in its service territory to participate in its storm restoration exercises.

(3) An EDC that has a large service territory may hold several smaller-scale exercises on a regional level.

(4) An EDC should inform the Commission's Lead EPLO of the dates and times of its storm restoration exercises.

(5) An EDC should review its exercise After Action Reports with the Commission, including corrective actions or best practice implementations planned as a result.

(d) *EDC outage web sites.*

(1) *Large EDCs.* A large EDC, as defined in § 57.195(b) (relating to reporting requirements), should have an outage information section or portal on its web site. The outage information should be updated on a periodic basis of at least once per hour. The outage section or portal should provide one of the following as technology permits:

(i) A graphic outage map of the service territory with county boundaries clearly defined that shows current service outages for the entire service territory and current outages in each county using text, colors or some other means. The outage map should:

(A) Allow users to click on a specific county and view the total number of customers out of service for the county.

(B) Indicate the current number of customers out of service by municipality or borough.

(C) Provide estimated times of restoration when available.

(D) Include the number of customers served in each county and municipality or borough.

(ii) A summary tab that allows users to view the total number of customers out of service for the municipality or borough in each county along with an option to view the total number of customers out of service for the municipality or borough in each county along with estimated times of restoration, when available, and the number of customers served in each county and municipality or borough.

(2) *Small EDCs.* A small EDC, as defined in § 57.195(c), should provide an outage section on its web site that provides:

(i) Outage and estimated restoration information by county and municipality or borough for service outages that meet the reporting criteria as defined in § 67.1(b) (relating to general provisions).

(ii) Outage and estimated restoration information, updated at least twice daily, and noting the next update time for each posting.

(3) *Duration.* Outage information for large and small EDCs should be provided until the last customer's service affected by the outage event is restored.

(e) *EDC major service outage event after action reviews.* After major service outage events as defined in subsection (b)(1), an EDC should:

(1) Coordinate after action reviews with other EDCs through the EDC Best Practices Working Group and solicit input from each significantly impacted county and other utilities as to the EDC's performance during the event and suggested improvements or comments on successful initiatives.

(2) The EDC Best Practices Working Group should report to the Commission on best practices identified and areas for improvement along with a timeline of imple-

mentation of those best practices and corrective actions for the areas of improvement. The best practices report should be reported to the Commission within 1 calendar year of the major service outage event's occurrence.

(f) *EDC storm outage prediction models.* An EDC should develop a storm damage and outage prediction model.

(1) A storm outage prediction model should be a means for an EDC to estimate expected storm damage and the potential number of service outages given inputs such as weather data, service territory geography/topography, historical data on similar storms, customer density and other relevant factors.

(2) An EDC should provide the Commission with an overview of its model when it is completed. An EDC is encouraged to work together with other EDCs throughout the county and with academic institutions to develop its prediction model.

(3) An EDC that already has a working model is encouraged to share its best practices with other EDCs while respect is given to proprietary elements in its model.

(4) An EDC should provide an overview of its developed and implemented model to the Commission and county emergency managers in its service territory.

(5) An EDC should provide the Commission's Lead EPLO with its model's predictions prior to expected major service outage events as defined in subsection (b)(1).

(g) *EDC estimated time of restoration messaging.* An EDC should continue its work on improving the process of providing timely and accurate estimated times of restoration during service outages, especially during major service outage events as defined in subsection (b)(1).

[Pa.B. Doc. No. 14-816. Filed for public inspection April 18, 2014, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGING DEPARTMENT OF PUBLIC WELFARE

Pennsylvania Long-Term Care Commission; Notice of Public Input Meetings

On January 31, 2014, Governor Tom Corbett issued an Executive Order creating the Pennsylvania Long-Term Care Commission (Commission). Part of the Governor's Healthy Pennsylvania plan is to ensure access to quality, affordable health care in this Commonwealth. The Commission consists of 25 members, including consumers and their families and representatives from Area Agencies on Aging, the physical disabilities community, medical community, providers of long-term care, managed care organizations and members of the General Assembly. Secretary of Public Welfare Beverly Mackereth and Secretary of Aging Brian Duke, serve as the Commission's cochairs.

Governor Corbett has charged the Commission with evaluating and developing recommendations to improve this Commonwealth's long-term care system, including identifying effective ways to provide a better coordinated approach to delivering services and support and ensuring quality health care for older residents of this Commonwealth and individuals with physical disabilities. The Commission must report its findings and recommendations to the Governor by December 31, 2014.

The Commission believes that public input is critical to fulfilling its mission. Over the next several months, the Commission will be convening a series of public input meetings throughout this Commonwealth. The first meeting was held on April 11, 2014, in Harrisburg. The remaining meetings will be held at the times and locations noted as follows. The Commission invites interested persons to attend these meetings and offer their input to assist the Commission in understanding the current long-term care system and recommending ways in which it can be improved.

While the Commission will accept all comments, the Commission is particularly interested in receiving feedback on the following topics:

- *Prevention and caregiver support:* What services, supports and other activities are currently available or should be provided to consumers and their caregivers to improve health and well-being, prevent or delay nursing facility admissions and enable consumers to remain in their own homes as long as possible?

- *Accessibility:* How do consumers currently obtain privately and publically funded long-term services and supports and how could the process, including intake and assessment, be improved to provide better access to individuals and families who need those services and supports? What is the capacity of the healthcare system to meet the growing number and needs within long-term care?

- *Provision of service:* What should be done to improve coordination of social, medical and long-term care services within the long-term care continuum? What are best

practices in care coordination? What changes should be made to promote a person-centered system for the delivery of long-term care services?

- *Quality outcomes and measurement:* What measures are currently being taken or should be adopted, to monitor the quality and cost-effectiveness of long-term care services and supports? What information and data is, or should be, collected and used to measure quality of care and to promote and improve health outcomes for consumers?

Locations, Dates and Times

Mercer—Thursday, May 8, 2014
Mercer County Career Center
776 Greenville Road
Mercer, PA 16137
9 a.m. to 12 p.m.

Allegheny—Friday, May 9, 2014
A.W. Beattie Career Center
9600 Babcock Boulevard
Allison Park, PA 15101
1 p.m. to 4 p.m.

Lycoming—Friday, May 30, 2014
Pennsylvania College of Technology
1 College Avenue
Williamsport, PA 17701
9 a.m. to 12 p.m.

Montgomery—Friday, June 6, 2014
Montgomery County Community College
Central Blue Bell Campus
340 Dekalb Pike
Blue Bell, PA 19422
1 p.m. to 4 p.m.

Pike—Friday, June 20, 2014
Pike County Training Center
135 Pike County Boulevard
Lords Valley, PA 18428
9 a.m. to 12 p.m.

Registering for a Public Meeting

Persons who wish to provide verbal comments at a public meeting must register prior to the date. Registration is not required for persons attending to listen, but the Commission is requesting those interested in attending register to help ensure there is adequate seating. If there are capacity limitations, priority will be given to those who have registered to attend.

To register to present verbal comments or to attend the public meeting go to www.dpw.state.pa.us and follow the registration instructions. Individuals may also register by calling (717) 425-5719 or (800) 654-5984 (TDD users) with name and telephone number.

Verbal comments at the public meeting will be limited to 5 minutes to allow others time to share their comments. To assist the Commission in accurately capturing verbal comments, individuals are asked to submit a written copy of their comments by submitting a copy at the hearing, e-mailing them or mailing them to the address noted as follows.

Submitting Written Comments and Feedback

If individuals cannot attend the public meetings but would still like to provide input to the Commission, the Commission will be accepting written comments and feedback through June 27, 2014.

Submit written comments to the Department of Public Welfare, P. O. Box 8025, Attn: OLTL Policy, Harrisburg, PA 17105-8025, ra-LTCCommission@pa.gov.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BRIAN M. DUKE,
Secretary of Aging

BEVERLY D. MACKERETH,
Secretary of Public Welfare

[Pa.B. Doc. No. 14-817. Filed for public inspection April 18, 2014, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 8, 2014.

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> |
|-------------|--|--|---------------|
| 4-2-2014 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | 100 Buffalo Plaza Sarver Butler County (Limited Service Facility) | Approved |
| 4-2-2014 | Riverview Bank Marysville Perry County | 2800 State Hill Road Reading Berks County | Approved |

SAVINGS INSTITUTIONS

No Activity

CREDIT UNIONS

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|--|---------------|
| 4-8-2014 | White Rose Credit Union York York County Application for approval to merge HD York Federal Credit Union, York, with and into White Rose Credit Union, York. | Approved |

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 14-818. Filed for public inspection April 18, 2014, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 2014

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of May, 2014, is 5 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and

which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.23 to which was added 2.50 percentage points for a total of 5.73 that by law is rounded off to the nearest quarter at 5 3/4%.

GLENN E. MOYER,
Secretary

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed No.) | EPA Waived Y/N? |
|-----------------------|---|--|--|--------------------|
| PA0035271 (Sewage) | Tall Timbers Village TTV 6 Factoryville, PA 18419 | Lackawanna County La Plume Township | South Branch Tunkhannock Creek (4-F) | Y |

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed #) | EPA Waived Y/N? |
|---------------------|---|---|---------------------------------|--------------------|
| PA0038318— SEW | Pequea Valley School District (Salisbury Elementary School) PO Box 130 Kinzer, PA 17535 | Lancaster County / Salisbury Township | Pequea Creek / 7-K | Y |
| PA0038326— SEW | Pequea Valley School District (Pequea Valley High School) PO Box 130 Kinzer, PA 17535 | Lancaster County / Leacock Township | Pequea Creek / 7-K | Y |
| PA0013862— IW | Corixa Corp dba Glaxo Kline Vaccines 325 N. Bridge Street Marietta, PA 17547 | Lancaster County / East Donegal Township | UNT Chickies Creek / 7-G | Y |
| PA0051781— IW | Reading Area Water Authority 1801 Kutztown Road Reading, PA 19604 | Berks County / Reading City & Ontelaunee Townships | Maiden Creek / 3-B | Y |
| PA0082457— IW | Alexandria Borough Water Authority 7561 Bridge Street, Suite 3 PO Box 336 Alexandria, PA 16611 | Huntingdon County / Porter Township | Robinson Run / 11-A | Y |
| PA0085502— SEW | Ward Realty 210 Verdan Drive York, PA 17403 | Dauphin County / East Hanover Township | Manada Creek / 7-D | Y |
| PA0082937— IW | RR Donnelley 1375 Harrisburg Pike Lancaster, PA 17601-2612 | Lancaster County / Lancaster City | Little Conestoga Creek / 7-J | Y |
| PA0086266— SEW | Northern Lancaster County Authority 983 Beam Road Denver, PA 17517 | Lancaster County / Brecknock Township | Little Muddy Creek / 7-J | Y |
| PA0009741— IW | Exelon Generation Company, LLC Muddy Run Pumped Storage Facility 300 Exelon Way Kennett Square, PA 19348 | Lancaster County / Drumore Township | Susquehanna River / 7-K | Y |
| PA0247596— IW | Ephrata Area Joint Authority 124 South State Street Ephrata, PA 17522-2611 | Lancaster County / Ephrata Township | Cocalico Creek / 7-J | Y |

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed#) | EPA Waived Y/N? |
|-----------------------|--|--------------------------|-----------------------------|--------------------|
| PA0044547 (Sewage) | Hills Creek State Park 111 Spillway Road Wellsboro, PA 16901 | Tioga County | Hills Creek (4-A) | Y |

| <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> |
|------------------------------------|--|--|---|----------------------------|
| PA0008575 (Industrial Waste) | Wirerope Works, Inc. 100 Maynard Street Williamsport, PA 17701 | Lycoming County, City of Williamsport | West Branch Susquehanna River (10-B) | N |
| PA0228737 (Sewage) | Westover Borough Wastewater Treatment Plant 143 Tannery Road Westover, PA 16692 | Clearfield County Westover Borough | Chest Creek (8-B) | Y |
| PA0217697 (Sewage) | Sarah Mine STP 1639 Klines Mill Road Boswell, PA 15541 | Somerset County Jenner Township | Unnamed Tributary to Roaring Run (18-E) | Y |
| PA0024163 (Sewage) | Revloc STP Bethlehem Mine Road Revloc, PA 15948 | Cambria County Cambria Township | South Branch Blacklick Creek (18-D) | Y |
| PA0093408 (Sewage) | Crucible WPCF Sr 1052 Crucible Road Carmichaels, PA 15320 | Greene County Cumberland Township | Monongahela River 19-B | Y |
| PA0094382 (Sewage) | Metzgar Elementary School STP New Alexandria, PA 15670-9803 | Westmoreland County Salem Township | Loyalhanna Lake (18-C) | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed#)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|---|---|----------------------------|
| PA0221643 (Sewage) | Sligo Borough STP 78 Limestone Flat Road Sligo, PA 16255 | Clarion County Sligo Borough | Mineral Run (17-B) | Y |
| PA0000701 (Sewage) | PFV Enterprises Whse 225015 Titusville Road Titusville, PA 16354 | Venango County Oilcreek Township | Unnamed tributary of Pine Creek (16-E) | Y |
| PA0103551 (Sewage) | Drake Well Museum 202 Museum Lane Titusville, PA 16354-8902 | Venango County Cherrytree Township | Oil Creek (16-E) | Y |
| PA0043834 (Sewage) | Chestnut Run Swimming Beach STP State Route 486, Hermitage, PA 16148 | Mercer County South Pymatuning Township | Pymatuning Creek (Shenango River Reservoir) (20-A) | Y |
| PA0222283 (Sewage) | Corsica Borough STP Intersection Of 322 & Summerville Road Corsica, PA 15829 | Jefferson County Corsica Borough | Welch Run (17-C) | Y |

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

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: (412) 442-4000.

PA0204765, SIC Code 5171, **Shell Chemicals LP**, 910 Louisiana Street, Houston, TX 77002-4999. Facility Name: Great Lakes Terminal & Transportation Corp. This existing facility is located in Industry Borough, **Beaver County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater associated with a petroleum marketing terminal.

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

The proposed effluent limits for Outfall 004 are based on a precipitation based flow.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-------------------|----------------------------|----------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| pH | XXX | XXX | 6 | XXX | 9 |
| Oil and Grease | XXX | XXX | XXX | 15 | 30 |
| TRPH | XXX | XXX | XXX | 15 | 30 |

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

The EPA Waiver is in effect.

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

PA0051616, IW, SIC Code 4941, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033. Facility Name: Shady Lane Water Treatment Plant. This existing facility is located in East Vincent Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated wastewater from water filtration operations only during emergency situations.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.07 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-------------------------|-----------------|---------------|------------------|----------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Instant. Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | 0.7 | XXX | 2.0 |
| Total Suspended Solids | 19 | 38 | XXX | 30 | 60 | 75 |
| Total Aluminum | 2.54 | 5.07 | XXX | 4.0 | 8.0 | 10.0 |
| Total Iron | 1.27 | 2.54 | XXX | 2.0 | 4.0 | 5.0 |
| Total Manganese | 0.64 | 1.28 | XXX | 1.0 | 2.0 | 2.5 |
| Chlorodibromomethane | XXX | XXX | XXX | XXX | Report | XXX |
| Dichlorobromomethane | XXX | XXX | XXX | XXX | Report | XXX |
| Chloroform | XXX | XXX | XXX | XXX | Report | XXX |

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

- I.
 - A. Property Rights
 - B. Proper Sludge Disposal
 - C. BAT/BCT
 - D. Special sampling requirement

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

The EPA Waiver is in effect.

PA0042978, Sewage, SIC Code 8412, **Pennsylvania Historical & Museum Commission**, 400 North Street, Harrisburg, PA 17120. Facility Name: Washington Crossing Historic Park. This existing facility is located in Solebury Township, **Bucks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.025 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|-----------------|---------|------------------|----------------------|------------------|------------------|
| | Average Monthly | Minimum | Instant. Maximum | Average Monthly | Instant. Maximum | Instant. Maximum |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 4.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.2 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Ammonia-Nitrogen | XXX | XXX | XXX | 20 | XXX | 40 |
| Total Phosphorus | XXX | XXX | XXX | 1.0 | XXX | 2.0 |

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

- TRC Minimization
- Sludge Disposal
- Special Protection Waters

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

The EPA Waiver is in effect.

PA0056847, Sewage, SIC Code 4952, **East Rockhill Township**, 1622 Ridge Road, Perkasio, PA 18944. Facility Name: E Rockhill Township WWTP. This existing facility is located in East Rockhill Township, **Bucks County**.

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

The receiving stream(s), East Branch Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.113 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|---|------------------------|-----------------------|-------------------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ Influent | Report | Report | XXX | Report | Report | XXX |
| CBOD ₅ May 1 - Oct 31 | 19 | 28 | XXX | 20 | 30 | 40 |
| Nov 1 - Apr 30 | 24 | 38 | XXX | 25 | 40 | 50 |
| BOD ₅ Influent | Report | Report | XXX | Report | Report | XXX |
| Total Suspended Solids | 28 | 42 | XXX | 30 | 45 | 60 |
| Total Suspended Solids Influent | Report | Report | XXX | Report | Report | XXX |
| Total Dissolved Solids | XXX | XXX | XXX | Report Daily Max | XXX | XXX |
| Fecal Coliform (CFU/100 ml) May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| UV Intensity (mW/cm ²) | XXX | XXX | XXX | Report | XXX | Report |
| Total Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Ammonia-Nitrogen May 1 - Oct 31 | 9.4 | XXX | XXX | 10 | XXX | 20 |
| Nov 1 - Apr 30 | 14.1 | XXX | XXX | 15 | XXX | 30 |
| Total Phosphorus | 1.9 | XXX | XXX | 2.0 | XXX | 4.0 |

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

- Notification of Responsible Operator
- Change of Ownership
- Proper Screening/Sludge Disposal
- Lab Certification
- Operation and Maintenance Plan

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

The EPA Waiver is in effect.

PA0057339, SIC Code 8811, **Brian & Cheryl Davidson**, 209 Poplar Road, Honey Brook, PA 19344. Facility Name: Davidson SRSTP. This existing facility is located in Honey Brook Township, **Chester County**.

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

The receiving stream(s), West Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for High Quality Waters—Trout Stocking and Mi, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

| Parameters | Mass (lb/day) | | Instant. Minimum | Concentration (mg/l) | | Instant. Maximum |
|-----------------------------|------------------|------------------|---------------------|----------------------|------------------|---------------------|
| | Daily Average | Daily Maximum | | Average Monthly | Daily Maximum | |
| Flow (GPD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6 | XXX | XXX | 9 |
| Dissolved Oxygen | XXX | XXX | 6.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | XXX | 1.0 | XXX |
| CBOD ₅ | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 10 | XXX | 20 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 20 | XXX | 40 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Total Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 1.5 | XXX | 3.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 4.5 | XXX | 9.0 |
| Total Phosphorus | XXX | XXX | XXX | Report | XXX | XXX |

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

Proposed Part C Conditions:

- A. AMR to DEP
- B. DMR to DEP if Attached
- C. 1/year Measure Depth of Septage and Scum
- D. Septic Tanks Pumped Once Every Three Years
- E. Total Residual Chlorine Requirement
- F. No Stormwater
- G. Necessary Property Rights
- H. Proper Sludge Disposal
- I. Abandon STP when Municipal Sewers Available
- J. Remedial Measures if Unsatisfactory Effluent

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

The EPA Waiver is not in effect.

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

PA0246565, Industrial Waste, SIC Code 3273, **Kinsley Concrete**, 629 Loucks Mill Road, York, PA 17403-1010. Facility Name: Kinsley Concrete Plant. This existing facility is located in Spring Garden Township, **York 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), Unnamed Tributary to Codorus Creek, is located in State Water Plan watershed 7-H 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 0.540 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Suspended Solids | XXX | XXX | XXX | Report | XXX | 50 |
| Oil and Grease | XXX | XXX | XXX | Report | XXX | XXX |
| Total Kjeldahl Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | Report | XXX | XXX |
| pH (S.U.) | | | | | | |
| Instream Monitoring | XXX | XXX | Report | XXX | XXX | Report |
| Total Suspended Solids | | | | | | |
| Instream Monitoring | XXX | XXX | XXX | Report | XXX | Report |

The proposed effluent limits for Outfall 101 are based on a design flow of 0.540 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Suspended Solids | XXX | XXX | XXX | Report | XXX | 50 |
| Total Aluminum | 3.80 | 7.61 | XXX | 0.843 | 1.69 | 2.11 |
| Dissolved Iron | 2.37 | 4.73 | XXX | 0.526 | 1.05 | 1.32 |
| Hexavalent Chromium | 0.08 | 0.18 | XXX | 0.018 | 0.04 | 0.05 |
| Total Phenolics | Report | Report | XXX | Report | Report | XXX |
| Total Dissolved Solids | Report | Report | XXX | Report | Report | XXX |
| Sulfate | Report | Report | XXX | Report | Report | XXX |
| Chloride | Report | Report | XXX | Report | Report | XXX |
| Bromide | Report | Report | XXX | Report | Report | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0023604, Sewage, SIC Code 4952, **McAlisterville Area Joint Authority**, P. O. Box 61, McAlisterville, PA 17049. Facility Name: McAlisterville WWTP. This existing facility is located in Fayette Township, **Juniata County**.

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

The receiving stream(s), Little Lost Creek, is located in State Water Plan watershed 12-A and is classified for Trout Stocking, aquatic life, water supply and recreation.

The discharge is not expected to affect public water supplies. The proposed effluent limits for Outfall 001 are based on a design flow of 0.13 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|--------------------|------------------|---------|----------------------|-------------------|---------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Weekly Average | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.17 | XXX | 0.56 |
| CBOD ₅ | 27 | 43 | XXX | 25 | 40 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 32 | 49 | XXX | 30 | 45 | 60 |
| | | Wkly Avg | | | | |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 2.1 | XXX | XXX | 2.0 | XXX | 4.0 |
| Nov 1 - Apr 30 | 6.5 | XXX | XXX | 6.0 | XXX | 12 |
| Total Phosphorus | 2.1 | XXX | XXX | 2.0 | XXX | XXX |
| Total Nitrogen (lbs/year) | XXX | Report | XXX | Report | XXX | XXX |
| | | Annl Avg | | Annl Avg | | |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

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

PA0272809, Sewage, SIC Code 8811, **Rabbitt Peter J**, 17381 Adamsville Road, Cochranon, PA 16314. Facility Name: Peter Rabbitt SRSTP. This proposed facility is located in Greenwood Township, **Crawford County**.

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

The receiving stream, Williams Run, is located in State Water Plan watershed 16-D and is classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|------------------------|----------------|----------------|-----------------------------|-----------------|-------------------------|
| | <i>Average Monthly</i> | <i>Minimum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Geo Mean</i> | |
| Flow (GPD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 20 | XXX | 40 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |

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

- Prohibition of Stormwater Discharges
- Right of Way
- Department Revocation of Permit
- Septic Tank Pumping Requirement
- Abandonment of the Treatment System
- Submittal of an Annual Maintenance Report

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.

PA0028487, Sewage, SIC Code 4900, 4952, **Hermitage Municipal Authority Mercer County**, 800 North Hermitage Road, Hermitage, PA 16148. Facility Name: Hermitage Municipal Authority STP. This existing facility is located in Hermitage City, **Mercer County**.

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

The receiving stream is the Shenango River, located in State Water Plan watershed 20-A and 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 7.7 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|------------------------------------|------------------------|----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | Report | XXX | XXX | XXX |
| CBOD ₅ | 1,605 | 2,569 | XXX | 25 | 40 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 1,927 | 2,890 | XXX | 30 | 45 | 60 |
| | | Wkly Avg | | | | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| UV Intensity (µw/cm ²) | XXX | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 706 | XXX | XXX | 11 | XXX | 22 |
| Nov 1 - Apr 30 | Report | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | Report | XXX | XXX |
| Total Copper | XXX | XXX | XXX | 0.018 | XXX | Report |
| Total Iron | XXX | XXX | XXX | Report | XXX | XXX |
| Chlordane | XXX | XXX | XXX | 0.00003 | XXX | 0.00006 |

The proposed effluent limits for Outfall 002, 003, 004, and 004 are based on storm water design.

| Parameters | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|---|------------------------|----------------|-----------------------------|-------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Geo Mean</i> | |
| Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX |
| Ammonia-Nitrogen Nov 1 - Apr 30 | Report | XXX | XXX | Report | XXX |

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000000 MGD.

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

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

The EPA Waiver is not in effect.

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

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

WQM Permit No. WQG02461406, Sewage, **Springfield Township**, 1510 Paper Mill Road, Wyndmoor, PA 19038-7032.

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

Description of Action/Activity: Construction and operation of a sanitary sewer system.

WQM Permit No. WQG02151407, Sewage, **Valley Township**, P. O. Box 467, 890 West Lincoln Highway, Coatesville, PA 19320.

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

Description of Action/Activity: Construction and operation of a new duplex non-clog sewage pump station to serve 115 single family homes.

WQM Permit No. WQG02461408, Sewage, **Borough of Lansdale**, 1 Vine Street, Lansdale, PA 19446.

This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Action/Activity: Upgrades to the existing Broad St. & Hancock St. sewer interceptor.

WQM Permit No. 2314402, Sewage, **Episcopal Academy**, 1785 Bishop White Drive, Newtown Square, PA 19073.

This proposed facility is located in Newtown Township, **Delaware County**.

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

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

WQM Permit No. 0214402, Sewage, **Pittsburgh Water Sewer Authority**, Penn Liberty Plaza I, Pittsburgh, PA 15222.

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

Description of Proposed Action/Activity: Installation of an Aerobic Digester Blower.

WQM Permit No. 0214401, Sewage, **Pittsburgh Water Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222.

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

Description of Proposed Action/Activity: construction of dedicated sanitary sewer line.

WQM Permit No. 5689412 A-1, Sewage, **Berlin Borough Municipal Authority Somerset County**, 700 North St, Berlin, PA 15530-1125.

This existing facility is located in Berlin Borough, **Somerset County**.

Description of Proposed Action/Activity: Installation of a new aerobic digester blower.

WQM Permit No. 0213410, Sewage, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237-5597.

This proposed facility is located in Pine Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction of sanitary sewer extension and manholes.

IV. NPDES Applications for Stormwater Discharges from MS4

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

PAI136122, MS4, **Nottingham Township Washington County**, 909 Sugar Run Road, Eighty Four, PA 15330. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal

separate storm sewer system (MS4) to waters of the Commonwealth in Nottingham Township, **Washington County**. The receiving stream(s), Mingo Creek and Peters Creek, is located in State Water Plan watershed 19-C and is classified for Trout Stocking and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation.

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

The EPA waiver is not in effect.

PAI136127, MS4, **Mount Pleasant Township**, PO Box 158, 208 Poker Road, Mammoth, PA 15664-0158. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Mount Pleasant Township, **Westmoreland County**. The receiving stream(s), Sewickley Creek, Shupe Run and Unnamed Tributary to Jacobs Creek, are located in State Water Plan watershed 19-D and is classified Warm Water Fishes and High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation.

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

The EPA waiver is not in effect.

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|----------------------|-------------------------|----------------------------|
| PAI01 1514014 | Alliance HSP Malvern Office, LP 40 Morris Avenue, Suite 230 Bryn Mawr, PA 19010 | Chester | East Whiteland Township | Little Valley Creek EV |
| PAI01 4614001 | Boos Development Group, Inc. 2651 McCormick Drive Clearwater, FL 33759 | Montgomery County | Pottstown Borough | Schuylkill River WWF—MF |

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Lackawanna County Conservation District, 1038 Montdale Road, Suite 109, Scott Twp., PA 18447

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|--|
| PAI023514001 | Scranton Lackawanna Industrial Building Company 222 Mulberry Street P. O. Box 431 Scranton, PA 18501-0431 | Lackawanna | Jessup Borough | Grassy Island Creek (HQ-CWF, MF) Sterry Creek (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> |
|-------------------------|--|---------------|---|--|
| PAI024814003 | William A. Eaton 6051 Main Boulevard West Bath, PA 18014 | Northampton | Moore Township and East Allen Township | UNT to Monocacy Creek (HQ-CWF, MF) |

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

| <i>Permit No.</i> | <i>Applicant & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Stream Name</i> |
|-------------------|--|-------------------------------|---|--|
| PAI056314002 | Kurt Subrick 121 W. Patterson Road Eighty Four, PA 15330 | Washington | North Strabane Township | UNT to Little Chartiers Creek (HQ-WWF) |
| PAI056514003 | Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672 | Westmoreland and Allegheny | North Huntingdon Township and White Oak Borough | Long Run (HQ-TSF) |

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

PAG-12 CAFOs

CAFO Notices of Intent Received

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

PAG123685, CAFO, **Thomas L. Zartman, Zartman Farms LLC**, 820 Hilltop Road, Ephrata, PA 17522.

This proposed facility is located in Clay Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Renewal of general permit with an existing operation of 2200 finishing pigs—625.95 AEU and six beef steers—5.7 AEU.

The receiving stream, UNT to Middle Creek, is in watershed 7-J, and classified for: WWF.

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

PAG123778, CAFO, **Daniel S. Sensenig**, 65 Halteman Lane, Lebanon, PA 17046.

This proposed facility is located in Swatara Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: New NPDES (PAG) for 314 AEU finishing swine operation.

The receiving stream, UNT to Little Swatara Creek, is in watershed 7-D, and classified for: WWF.

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

PAG123681, CAFO, **Justin Beamesderfer, Thistle Creek Farm, LLC**, 10702 Jonestown Road, Annville, PA 17003-8410.

This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Renewal for poultry operation.

The receiving stream, UNT to Reeds Creek, is in watershed 7-D, and classified for: WWF.

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

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

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4614503 Public Water Supply

Applicant **Pennsylvania American Company**

City **Montgomery**

Township Lower Providence

Responsible Official David R. Kauffman
800 West Hershey Park Drive
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer URS Corporation
Iron Hill Corporate Center
4051 Ogletown Road, Suite 300
Newark, DE 19713

Application Received Date March 25, 2014

Description of Action Construction of a new booster station to support an interconnection between PA American Norristown and PA American Royersford.

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

Application No. 4814504 Public Water Supply.

Applicant **PA American Water**
800 W. Hersheypark Drive
Hershey, PA. 17033

[Township or Borough] Upper Nazareth Township
Northampton County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Christopher Hannum, PE
Entech Engineering, Inc.
4 S. 4th Street
PO Box 32
Reading, PA. 19603-0032

Application Received Date April 2, 2014

Description of Action This project provides for the construction of a booster pump station and transmission main to provide domestic water and fire protection to the 48 lot residential development know as Scenic View Estates III.

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

Permit No. 2814504, Public Water Supply.

Applicant **Borough of Chambersburg**

Municipality Chambersburg Borough

County **Franklin**

Responsible Official Lance D. Anderson, Water superintendent
100 South Second Street
Chambersburg, PA 17201

Type of Facility Public Water Supply

Consulting Engineer Jacob L. Rainwater, P.E.
AECOM
1700 Market Street
Philadelphia, PA 17103

Application Received: 3/17/2014

Description of Action Upgrades to the Julio D. Lecuona Water Treatment Plant filters. Work will include the replacement of filter media and renovation of existing concrete filter tanks. Air scour piping will also be installed for the ability to include air scour at a later date without disturbing the filter media.

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

Permit No. 2514502, Public Water Supply

Applicant **Albion Borough**

Township or Borough Albion Borough

County **Erie**

Responsible Official Becky Marshall

Type of Facility Public Water Supply

Consulting Engineer August E. Maas, P.E.
Hill Engineering, Inc.
8 Gibson Street
North East, PA 16428

Application Received Date March 10, 2014

Description of Action Construction of 1,240,000 gallon storage tank for distribution system; 75,000 gallon storage tank for Pont Well supply; pump station for Point Well supply; and booster chlorination system at storage tank site.

Permit No. 6114501, Public Water Supply

Applicant **Country Estates Mobile Home Park**

Township or Borough Clinton Township

County **Venango**

Responsible Official Andrew Narlee

Type of Facility Public Water Supply

Consulting Engineer Steven R. Halmi, P.E.
Deiss & Halmi Engineering, Inc.
105 Meadville Street
Edinboro, PA 16412

Application Received Date April 2, 2014

Description of Action Replace manganese greensand filtration system for removal of iron, manganese, aluminum; modify disinfection to meet 4-log treatment requirements of GWR.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 2520031, Minor Amendment.

Applicant **LW Mobile Home Park LLC**
24 Pinewood Drive
Covington Township, Pa 18424

[Township or Borough] Lackawaxen Township
Pike County

Responsible Official Mr. Glenn Khoury

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received Date 4/3/2014

Description of Action This application proposes the transfer of PWS facilities under PWS Permit No. 2520031

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

Application No. 0214524MA, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Township or Borough] City of Pittsburgh

Responsible Official James Good, Executive Director
Pittsburgh Water & Sewer Authority
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

Type of Facility Water system

Consulting Engineer Chester Engineers
1555 Coraopolis Heights Drive
Moon Township, PA 15108

Application Received Date April 3, 2014

Description of Action Painting and rehabilitation of the Allentown Tank #1.

Application No. 0214525MA, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Township or Borough] City of Pittsburgh

Responsible Official James Good, Executive Director
Pittsburgh Water & Sewer Authority
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

Type of Facility Water system

Consulting Engineer Chester Engineers
1555 Coraopolis Heights Drive
Moon Township, PA 15108

Application Received Date April 3, 2014

Description of Action Painting and rehabilitation of the Allentown Tank #2.

Application No. 3014502WMP, Minor Amendment.

Applicant **Municipal Authority of the Borough of Carmichaels**
104 North Pine Street
Carmichaels, PA 15320

[Township or Borough] Carmichaels Borough

Responsible Official John Konkus, Jr.
Municipal Authority of the Borough of Carmichaels
104 North Pine Street
Carmichaels, PA 15320

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Application Received Date April 4, 2014

Description of Action Installation of four bulk water loading stations.

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

Application No. 1011502-MA1, Minor Amendment.

Applicant **Evans City Water and Sewer Authority**

Township or Borough Forward and Jackson Townships

Responsible Official Timothy Schoeffel

Type of Facility Public Water Supply

Consulting Engineer Corbet G. Martin, P.E.
Herbert, Rowland & Grubic, Inc.
200 West Kensing Drive,
Suite 400
Cranberry Township, PA 16066

Application Received Date March 19, 2014

Description of Action Installing meter devices on two existing fire hydrants.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**UNDER ACT 2, 1995
PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person

proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Heritage Hills Resort, 2800 Mount Rose Avenue, York, PA 17402, York Township, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Heritage Hills Associates, 2700 Mount Rose Avenue, York, PA 17402, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel. The site will be remediated to the Residential Statewide Health standard and remain residential. The Notice of Intent to Remediate was published in the *York Dispatch / York Daily News* on March 10, 2014.

Marian Berry Residence, 923 Franklin Street, Carlisle, PA 17013, Borough of Carlisle, **Cumberland County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Marian Berry, 923 Franklin Street, Carlisle, PA 17013; and State Farm

Insurance Company, PA Fire Claims, PO Box 106110, Atlanta Georgia 30348-6110, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health standard and remain residential. The Notice of Intent to Remediate was published in *The Sentinel* on March 22, 2014.

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

Parcel 25-04-20-06, 450 feet Northeast of Northernmost end of Mitchell Avenue, Cornplanter Township, **Venango County**. URS Corporation, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876, on behalf of Shell Oil Products US, 17 Junction Drive, PMB #399, Glen Carbon, IL 62034, submitted a Notice of Intent to Remediate. Environmental investigation findings indicate that historic site operations associated with crude oil production, storage, or distribution likely resulted in the release of petroleum constituents. The primary contaminants to be addressed in soil are 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and benzo[a]pyrene. Future use of the property is anticipated to be non-residential. The proposed cleanup standard for the site is Statewide Health. The Notice of Intent to Remediate was published in *The Derrick* on March 7, 2014.

Southeast Region: Environmental Cleanup Program Manager, Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass

Crossing Pipe Line Release Site, State Route 332, Newtown Township, **Bucks County**. Martin Liebhardt, P.G., Evergreen Resources Management Operations, 2 Righter Parkway, Suite 200, Wilmington, DE 19803, James Mulry, Mulry and Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343 on behalf of Brian Flores, 101 Swamp Road, Newtown, PA 18940-1151 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of btex, mtbe, naphthalene. The residual impact is limited to Tyler State Park, which is intended to remain to Public Park for the foreseeable future. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on March 10, 2014. PF620491.

US Steel Fairless Works Lot 8 KIPC, One Ben Fairless Drive, Falls Township, **Bucks County**. Kathleen M. Mayher, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburg, PA 15222 on behalf of John A. Garges, Conestoga-Rovers & Associates, Inc., 410 Eagleview Blvd, Suite 110, Exton, PA 19341 has submitted a Notice of Intent to Remediate. Soil at site has been impacted with the release of vocs, svocs, metals and pcbs. The KIPC Facility and the site is currently zoned for heavy industrial use and future use is nonresidential involving storage, manufacturing, and industrial uses. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on February 21, 2014. PF696036.

Baldt Inc., 801 West 6th Street, City of Chester, **Chester County**. Bill Johnson, Linebach Funkhouse, Inc., 114 Fairfax Avenue, Louisville, KY 40207 on behalf of Susan Suplee, Baldt, Inc., 801 West 6th Street, Chester, PA 19013 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been

impacted with the release of pahs. The future use of the site will remain the same. The Notice of Intent to Remediate was published in the *Delaware County Daily Times* on March 15, 2014. PF774462.

Colonial Heritage Trailer Park, 173 Wooded Drive, Doylestown Township, **Bucks County**. Staci Cottone, J&J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel. The future use of the property will remain residential. The Notice of Intent to Remediate was published in the *Intelligencer* on February 16, 2014. PF725969.

Yutkowitz Residence, 4 Robin Circle, Horsham Township, **Montgomery County**. Staci Cottone, J&J Sill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Jonathon and Susan Yutkowitz, 4 Robin Circle, Horsham, PA 19044 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 heating oil. The intended future use of the property will remain residential. The Notice of Intent to Remediate was published in the *Intelligencer* on February 14, 2014. PF774473.

Girard Medical Center, 8th Street and Girard Avenue, City of Philadelphia, **Philadelphia County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of George Walmsley, Girard Medical Center, 8th Street and Girard Avenue, Philadelphia, PA 19112 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The current future use of the site is commercial and residential. The Notice of Intent to Remediate was published in the *Intelligencer* on February 9, 2014. PF619292.

Colonial Heritage Mobil Home Park, 433 Gladiola Lane, Doylestown Township, **Bucks County**. Staci Cottone, J&J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Jim Perano, Colonial Village LLC, P. O. Box 677, Morgantown, PA 19543 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel. The intended future use of the property will remain residential. The Notice of Intent to Remediate was published in the *Intelligencer* on February 21, 2014. PF774290.

Hayward Residence, 5997 Stover Mill Road, Solebury Township, **Bucks County**. Staci Cottone, J&J Sill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Jonathon and Bette Hayward, 5997 Stovers Mill Road, Doylestown, PA 18901 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 heating oil. The Notice of Intent to Remediate was published in the *Intelligencer* on February 6, 2014. PF772058.

Chestnut Street Property, 1118-1128 Chestnut Street, City of Philadelphia, **Philadelphia County**. Greg Helfin, BJP Chestnut Owner, LLC, 701 Market Street, Philadelphia, PA 19106 on behalf of Scott Bisbort, Ransom Environmental, 2127 Hamilton Avenue, Hamilton, NJ 08619 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of pahs and pcbs. The new structure will be a 6-story building with retail use in the basement, first and second floors and apartments on the above floors (3rd through

6th). A Notice of Intent to Remediate was published in the *Philadelphia Daily News* on February 17, 2014. PF773956.

RESIDUAL WASTE GENERAL PERMITS

Application 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. WMGR147. GMA Garnet Corporation, 1800 Hughes Landing, Suite 350, The Woodlands, TX 77380; Site: Fairless Hills Recycling Facility, 25 Sorrells Boulevard, Fairless Hills, PA 19030, **Bucks County**. This general permit application is for the processing and beneficial use of garnet used in waterjet cutting and abrasive blasting. The processing includes sizing, separation, extraction, and drying. The reprocessed garnet will be beneficially used for its original purpose. The application was determined to be administratively complete by Central Office on March 26, 2014.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR147" 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 RESIDUAL WASTE GENERAL PERMITS

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

General Permit Application No. WMGR123SW009. Fluid Recovery Services, LLC., 5035 Route 110, P. O. Box 232, Creekside, PA 15732. FRS Creekside Site, 5035 Route 110, P. O. Box 232, Creekside, PA 15732. An application for a residual waste general permit for the processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture and oil or gas well. The application was received by the Regional Office on March 14, 2014.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

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

Permit Application No. 300002. GenOn Northeast Management Company, 121 Champion Way, Suite 300, Canonsburg, PA 15317-5817. Application for major permit modification for modification of the closure plan at this residual waste landfill known as the Bangor Ash Disposal Site located at the Portland Generating Station in Upper Mount Bethel Township, **Northampton County**. The application was received by the Regional Office on March 21, 2014 and accepted as complete on March 27, 2014.

Permit Application No. 101247. Keystone Sanitary Landfill, Inc., 249 Dunham Drive, Dunmore, PA 18512. An application for major permit modification for Phase III Site Development. The Phase III Site Development consists of a 435 acre expansion of the municipal solid waste landfill located in Dunmore and Throop Boroughs, **Lackawanna County**. The application was received by the Regional Office on March 20, 2014.

Comments concerning these applications should be directed to William Tomayko, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18704-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

**PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS
NEW SOURCES AND MODIFICATIONS**

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed

documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

PLAN APPROVALS

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

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

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

04-00699H: NGC Industries, LLC (168 Shippingport Hill Road, Shippingport, PA 15077) to increase hours for specialty wallboard products at their Shippingport Plant in Shippingport Borough, **Beaver County**. This is a major facility Plan Approval application submittal.

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

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

16-132K: Clarion Boards, Inc. (143 Fiberboard Road, Shippensburg, PA 16254) for exhausting the 2nd and 3rd stage dryers to atmosphere through baghouses, for removal of the press enclosure, and for inclusion of existing sources not included in the facility operating permit in Paint Township, **Clarion County**. This is a Title V facility.

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

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

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

53-00004M: Dominion Transmission, Inc. (5000 Dominion Boulevard, Glen Allen, VA 23060) to establish

performance or emission standards for the boilers and process heaters at their Harrison Compressor Station in Harrison Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers and process heaters at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers and process heaters under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers and process heaters listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source IDs 045, 057, 058, 039, 040, 041, and 042 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

a) For Source IDs 045, 058, and 040, subsequent tune-ups shall be performed every five (5) years, no more than 61 months after the previous tune-up.

b) For Source IDs 041 and 042, subsequent tune-ups shall be performed every two (2) years, no more than 25 months after the previous tune-up.

c) For Source IDs 057 and 039, subsequent tune-ups shall be performed every year, no more than 13 months after the previous tune-up.

2. At all times, the permittee shall operate and maintain Source IDs 045, 057, 058, 039, 040, 041, and 042, and any associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source IDs 045, 057, 058, 039, 040, 041, and 042 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR § 63.7540.

3. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

4. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR § 63.7555 and 40 CFR § 63.7560 pertaining to Source IDs 045, 057, 058, 039, 040, 041, and 042.

5. The permittee shall submit the required notifications specified in 40 CFR § 63.7545 pertaining to Source IDs 045, 057, 058, 039, 040, 041, and 042.

6. The permittee shall submit all required reports specified in 40 CFR § 63.7550 pertaining to Source IDs 045, 057, 058, 039, 040, 041, and 042.

7. Source IDs 045, 057, 058, 039, 040, 041, and 042 are subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source IDs 045, 057, 058, 039, 040, 041, and 042 shall comply with all applicable requirements of Subpart DDDDD.

8. Pursuant to 40 CFR § 63.7495, for Source IDs 045, 057, 058, 039, 040, 041, and 042 the compliance date for Subpart DDDDD is January 31, 2016.

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.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 53-00004M), and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570.327.3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800.654.5984.

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

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

25-1043A: Barrel O' Fun Snack Foods Co.—East (821 Route 97 South, Waterford, PA 16441) for the proposed construction of 6 Batch Kettle Fryers (2,700 #/hr of chips), a Corn Puff Line, a Corn Popper, and a hot water boiler in Waterford Township, **Erie County**. This is a State Only facility. The public notice is required for

sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or 127.505, be incorporated into the State Only operating permit at a later date.

The proposed construction of 6 Batch Kettle Fryers with a high efficiency oil mist eliminator (2,700 #/hr of chips), a Corn Puff Line, a Corn Popper, and a hot water boiler will result in projected actual emissions of 0.7 tpy for VOC, 9.6 tpy for NO_x, 8.1 tpy for CO, 4.8 tpy for PM, and 0.6 tpy for SO_x. This Plan Approval will contain emission restriction, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Source 110 (6 Batch Kettle Fryers)
 - No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (both filterable and condensable) in the effluent gas from the outlet of the control device exceeds 0.040 grain per dry standard cubic foot.
 - Emissions from all the fryer's control devices (C110) shall not exceed the following:
 - PM (both filterable and condensable): 4.02 tpy based on a 12-month rolling total
 - PM₁₀: 4.02 tpy based on a 12-month rolling total
 - PM_{2.5}: 4.02 tpy based on a 12-month rolling total
 - Emissions from all the fryer's combustion stacks shall not exceed the following:
 - PM (both filterable and condensable): 0.63 tpy based on a 12-month rolling total
 - PM₁₀: 0.63 tpy based on a 12-month rolling total
 - PM_{2.5}: 0.63 tpy based on a 12-month rolling total
 - NO_x: 8.2 tpy based on a 12-month rolling total
 - SO_x: 0.05 tpy based on a 12-month rolling total
 - VOC: 0.45 tpy based on a 12-month rolling total
 - CO: 6.89 tpy based on a 12-month rolling total
 - The facility shall test initially and once every 5 years at operating permit renewal at the outlet of the combustion stack for total particulate matter (both filterable and condensable), NO_x, SO_x, CO, and VOC and at the outlet of the control device for total particulate matter (both filterable and condensable) and VOC. During the initial testing, only one fryer needs to be tested. Subsequent testing should be conducted on a different fryer rotating through all 6 fryers.
 - The permittee shall perform a weekly operational inspection of the control device which consists of measuring the pressure drop across the mesh pads prior to and after cleaning; cleaning the mesh pads; and inspecting the mesh pads for wear.

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

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-1043A] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

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

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

OPERATING PERMITS

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

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

38-05035: PPL Renewable Energy, LLC (1610 Russell Road, Lebanon, PA 17046) for the two landfill gas fired engine generators in North Annville Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility had actual 2012 emissions of 63 tpy of CO, 14.6 tpy of NO_x, 3.3 tpy of PM₁₀, 3.7 tpy of SO_x, 1.9 tpy of VOCs, 0.3 tpy of Formaldehyde and 14, 622 tpy of CO₂. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

TIVOP 08-00045: Panda Liberty LLC (4100 Spring Valley Road, Suite 1001, Dallas, TX 75244) for the proposed Panda Liberty Power Project in Asylum Township, **Bradford County**. This Title V facility is subject to the Acid Rain Requirements of Title IV of the Clean Air Act. The application is subject to the regulatory requirements specified in 40 CFR Part 72. The Acid Rain Permit will cover the two (2) combined cycle combustion turbine units at the facility. The Acid Rain Permit incorporates the applicable requirements to the units, as specified in 25 Pa. Code § 127.531 and 40 CFR Parts 72 through 80. The SO₂ allowance allocated by the Acid Rain Program pursuant to 40 CFR Part 73 for this facility is zero. The Title IV permit includes special permit conditions for the allowance tracking system. The units are not subject to the NO_x emission limitations of 40 CFR Part 96 since they are only authorized to combust natural gas for operation. Based on the information presented above and included in the application for the initial Acid Rain Permit, TIVOP 08-00045, the Department intends to issue TIVOP 08-00045 for the Panda Liberty Power Project. The proposed permit will become effective 180 days from the commencement of commercial operation date and expire five years from the issued date. The Acid Rain Permit will be incorporated into the initial Title V operating permit for the facility.

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.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments; Identification of the proposed permit (specify TIVOP 08-00045); Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570.327.3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800.654.5984.

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

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

65-00207: OMNOVA Solutions, Inc. / Jeannette Plant (1001 Chambers Ave. Jeannette, PA 15644-3207) for the operation of a plastic film plant located the City of Jeannette, **Westmoreland County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and is providing public notice that it intends to issue a renewal Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of 2-12.5 MMBtu/hr natural gas boilers, 3-5.2 MMBtu/hr natural gas make-up heaters, 4 calender lines, 2 embossers/laminator lines, liquid storage tanks, 6 resin silos, scrap reclaiming system, and a 50 hp natural gas generator.

This facility is limited to 40 tons per year of VOC from each calender line and a maximum combined (from all 4 calender lines) limit of 150 tons per year VOC. The 2 embossers/laminator lines are limited to a combined 8 tons per year of VOC. Based on AP-42 emissions factors and RACT limits; the facility has the potential to emit: 159.10 tons VOC, 17.37 tons NO_x, 14.5 tons CO, 0.114 ton SO_x, 0.013 ton HAPs, 186.74 tons PM, and 55.34 tons PM₁₀. In 2013, the facility reported their annual emissions as: 35.2 tons VOC, 0.6 ton NO_x, 0.4 ton CO, and 7.6 tons PM/PM₁₀. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting, and work practice conditions of the TVOP have been derived from all applicable requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with 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 requests for a public hearing, and all 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). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 65-00207) 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.

Written comments, protests and requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

32-00065: Specialty Tires of America, Inc. (1600 Washington St., Indiana, PA 15701-2893). 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 renewal Title V Operating Permit (TV-32-00065) to Specialty Tires of America, Inc. (STA) for the operation of their Indiana Plant located in Indiana Borough, **Indiana County**.

The main sources of emissions at the facility include one Steam Boiler, Undertread Cementing, Tread End Cementing, Green Tire Building, Other Solvent Usage, Jetzone Pellet Dryer, Banbury Mixers, Tire Buffers, Carbon Black Transfer Station and Plant Space Heaters.

The Indiana Plant is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements). In 2013, STA reported emitting the following type and quantity of air contaminants (on an annual basis) from the Indiana Plant: 6.9 tons of carbon monoxide (CO), 10.0 tons of nitrogen oxides (NO_x), 4.5 tons of particulate matter less than 10-microns (PM₁₀), 0.1 ton of sulfur oxides (SO_x), and 162.9 tons of volatile organic compounds (VOC). STA also reported emissions of 11,005 tons of greenhouse gases (GHGs) in 2013.

The emission restrictions and testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 61, 63, and 70, and 25 Pa. Code Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with 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 requests for a public hearing, and all 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). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Title V Operating Permit 32-00065); 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.

Written comments, protests, and requests for a public hearing should be directed to Nicholas J. Waryanka, Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Nicholas J. Waryanka at (412) 442-4172.

03-00060: 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 (TVOP-03-00060) to **Allegheny Ludlum LLC.** for the operation of the Bagdad facility, located in Leechburg Boro, **Armstrong County**. The name and address of the applicant is Allegheny Ludlum LLC., 100 River Road, Brackenridge, PA 15014

The main sources at this facility consist of various furnaces, bliss mill, cleaning and coating lines and other miscellaneous equipment associated with this type of operation. The bliss mill is equipped with a mist eliminator. Coil cleaning lines No. 66 and No. 67 are equipped with baghouse. This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 577.9 tons of carbon monoxide, 328.6 tons of nitrogen oxides, 128.1 tons of particulate matter, 1.3 ton of sulfur oxides, and 123.4 tons of volatile organic compounds. No emission or equipment changes are being proposed by this action. 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 64 and 25 Pa. Code Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Wa-

terfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 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). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 03-00060) 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.

Written comments, protests and requests for a public hearing should be directed to Noor Nahar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, and 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Noor Nahar at 412-442-5225.

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

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

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

09-00189: Eureka Stone Quarry (Route 611, Warrington, PA 18976), for the renewal of a State Only, Synthetic Minor Operating Permit in East Warrington Township, **Bucks County**. The company operates a quarrying and stone crushing operation at this site. The proposed renewal of the Operating Permit does not authorize any increase in air emissions, of regulated pollutants, above previously approved levels. The renewed permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and federal air quality requirements.

15-00112: PPD Vaccines & Biologics, LLC (466 Devon Park Drive, Wayne, PA 19087; Attn: Mr. Edward Kaercher) for the renewal of a Natural Minor Operating Permit in Tredyffrin Township, **Chester County**. The initial operating permit was issued on January 22, 2004, and was effective March 01, 2004. PPD Vaccines &

Biologics, LLC is a pharmaceutical Research and Development (R&D) facility. Sources of emissions from the facility are two boilers and two emergency generators. The boilers (Source ID 032) are subject to 40 CFR Part 60, Subpart Dc. One emergency generator (Source ID 101) is subject to 40 CFR Part 63, Subpart ZZZZ. The other emergency generator (Source ID 103) is subject to 40 CFR Part 60, Subpart IIII. Applicable requirements have been incorporated into the operating permit. Potential emissions from the facility are: PM/PM₁₀/PM_{2.5}—2.36 TPY, NO_x—12.39 TPY, CO—11.45 TPY, SO_x—4.83 TPY, VOC—0.70 TPY, and HAP—0.33 TPY. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

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

35-00057: Finch Hill Vet Clinic (436 Route 106, Greenfield Township, PA 18407-3904) to issue a renewal State Only Operating Permit for their facility in Greenfield Township, **Lackawanna County**. Sources at the facility include one (1) crematory oven. The proposed State Only 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.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

67-03056: SKF USA, Inc. (20 Industrial Drive, Hanover, PA 17331) for their spherical roller bearing manufacturing facility in Penn Township, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following estimated actual emissions in 2013: 6.7 tons VOC. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office at 909 Elmerston Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

34-05004: Jay Fulkroad & Sons, Inc. (198 Quarry Rd., McAlisterville, PA 17049) for operation of a limestone crushing plant and two batch asphalt plants in Fayette Township, **Juniata County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The 2013 actual emissions of the facility were 0.2 ton of PM per year, 3.1 tons of CO per year, 0.92 ton of NO_x per year, 0.7 ton of SO_x per year, 0.3 ton of VOC per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility is subject to 40 CFR Part 60, Subpart I-Standard of Performance for Hot Mix Asphalt Facilities, and 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

38-05024: Pennsy Supply Inc. (200 Prescott Road, Lebanon, PA 17042) for the quarry in South Lebanon Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions for March 2013 through February 2014 of 3.97 tons of PM₁₀. 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 40 CFR

Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

01-05020: Knouse Food Coop, Inc.—Biglerville Fruit Processing Plant (PO Box 807, Biglerville, PA 17307-0807) for a fruit processing operation located in Biglerville Borough, **Adams County**. This is a renewal of their State-Only Operating Permit issued in March 2009.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

Knouse Food Coop, Biglerville plant is a synthetic minor facility subject to the operating permit requirements of 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements). The primary emissions from the facility is the No. 1 boiler combusting fuel oil; based on AP-42 emission factors, the potential emissions are SO_x 68.7 tpy, NO_x 50.4 tpy, CO 4.6 tpy, and PM 7.2 tpy. The boilers' actual 2013 emissions while combusting natural gas were NO_x 4.1 tons and CO 3.44 tons.

Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

59-00012: Dairy Farmers of America, Inc. (72 Milk Plant Road, Middlebury Center, PA 16935) for renewal of the State Only Operating Permits for their facility in Middlebury Township, **Tioga County**. The facility is currently operating under the State Only operating permit 59-00012. The facility's sources include two natural gas fired boilers and a natural gas fired powder milk dryer. The facility has potential emissions of 18.44 tons per year of nitrogen oxides, 15.03 tons per year of carbon monoxide, 0.43 ton per year of sulfur oxides, 5.55 tons per year of particulate matter, 4.12 tons per year of volatile organic compounds, 0.24 ton per year of total hazardous air pollutants (HAPs), and 19,750 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting, and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Part 60, and 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.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this operating permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed operating permit (specify State Only Operating Permit No. 59-00012) and concise statements regarding the relevancy of the information or objections to issuance of the operating permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570.327.3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800.654.5984.

08-00017: Northern Tier Solid Waste Authority (PO Box 10, Burlington, PA 18814) for renewal of the State Only Operating Permit for their landfill in West Burlington Township, **Bradford County**. The facility is

currently operating under the State Only operating permit 08-00017. The facility's sources include the municipal waste landfill and a leachate treatment operation. The facility has potential emissions of 24.6 tons per year of nitrogen oxides, 91.3 tons per year of carbon monoxide, 15.1 tons per year of sulfur oxides, 15.9 tons per year of particulate matter, 13.8 tons per year of volatile organic compounds, 7.8 tons per year of total hazardous air pollutants (HAPs). The emission restriction, testing, monitoring, recordkeeping, reporting, and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Part 60, 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.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this operating permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed operating permit (specify State Only Operating Permit No. 08-00017) and concise statements regarding the relevancy of the information or objections to issuance of the operating permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570.327.3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800.654.5984.

12-00004: GE Transportation (55 South Pine Street, Emporium, PA 15834-1529) to issue a renewal State Only Operating Permit for their Emporium Plant located in Emporium Borough, **Cameron County**. The facility is currently operating under State Only Operating Permit 12-00004. The facility's main sources include a red rubber primer surface coating line controlled by an afterburner, a motor coil burnout oven controlled by an afterburner, quench and venturi scrubber, a vacuum pressure impregnation operation and a spray booth.

The facility has potential/actual emissions of 4.82 TPY CO, 5.98 TPY NO_x, 0.06 TPY SO_x, 1.14 TPY PM₁₀, 1.15 TPY HAPs and 12.49 TPY VOCs. Changes in operation of the surface coating operation has resulted in a 1.1 TPY increase in HAPs and a 2 TPY increase in VOCs.

The facility is subject to 40 CFR Part 63 and Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

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 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.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this operating permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed operating permit (specify State Only Operating Permit No. 12-00004) and concise statements regarding the relevancy of the information or objections to issuance of the operating permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570.327.3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800.654.5984.

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

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

04-00226: Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425) for asphalt paving mixture and block manufacturing at the Sewickley Creek Asphalt Plant in Economy Borough, **Beaver County**. This is a State-Only Operating Permit renewal application submittal.

65-00871: OPCO, Inc. / Latrobe Plant (205 Harrison Ave. West, Latrobe, PA 15650) for the manufacturing of expandable polystyrene products located in Latrobe Borough, **Westmoreland County**. In accordance with 25

Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and is providing public notice that it intends to issue an Air Quality Operating Permit renewal for the above mentioned facility.

The subject facility consists of expandable polystyrene (EPS) molding (expander, silos, mold press and warehousing). The facility's potential emissions are calculated to be 49.93 tpy VOC and less than 0.5 tpy for all other criteria pollutants (NO_x, CO, SO_x, PM and PM₁₀). The facility is required to perform weekly visual inspections of the site. The facility is required to maintain monthly records of amount and percent VOC content of each expandable resin used, as well as manufacturer's certificate of analysis for each expandable resin formulation used. The proposed authorization is subject to State and Federal Regulations. The permit includes additional operational requirements, monitoring requirements, and recordkeeping requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with 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 requests for a public hearing, and all 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). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 65-00871) 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.

Written comments, protests and requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

63-00636: McGrew Welding & Fabricating, Inc.—Donora Site (30 S. Washington St., Donora, PA, 15033) Operating permit renewal for the facility located in the borough of Donora, **Washington County**. Equipment at this facility includes a surface coating operation, a con-

veyor system, barge unloading, coal storage piles, sand/gravel storage piles, paved/unpaved roads and material handling/truck unloading. Actual emissions from the sources at this facility are between 3.0 and 5.0 tons per year of VOC and 5.0 tons per year of particulate matter less than ten microns. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments or object to the operating permit or a proposed condition thereof by filing a written protest with 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.

A protest 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). A protest shall include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 63-00636) 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, 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 § 127.426 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 notification by telephone is sufficient.

Written comments, protests and requests for a public hearing should be directed to Nick Waryanka, Air Quality Engineer, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Mr. Waryanka at (412) 442-4172.

65-00378: Buckeye Terminals LLC (134 BP Tank Lane, Greensburg, PA 15601), Synthetic Minor Operating Permit renewal for the operation of a bulk gasoline transfer terminal, known as the Greensburg Terminal, located in Hempfield Township, **Westmoreland County**.

The facility contains air contamination sources consisting of five gasoline storage tanks, with storage capacities of 7,300, 16,200, 16,500, 16,500, and 60,595 barrels (bbl, 1 barrel petroleum = 42 US gallons), one ethanol tank with a capacity of 7,300 bbl, three distillate storage tanks with capacities of 4,500, 4,500, and 8,300 bbl, and gasoline and distillate tank truck loading racks. Gasoline loaded at the facility is limited to 173,200,000 gallons per year and distillate loading is limited to 80,000,000 gallons per year. A vapor recovery unit controls VOC emissions from the loading racks and an internal floating roof in each gasoline or ethanol storage tank also controls emissions of

VOC. Facility emissions are 47.3 tons per year of VOC, 2.1 tons per year of benzene, and 3.6 tons per year of all HAPS combined. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to applicable requirements of 25 Pa. Code Chapters 121—145, 40 CFR 60, Subparts A (General Provisions) and Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984), and 40 CFR 63, Subparts A (General Provisions) and BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities). The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 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). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 65-00378) 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.

Written 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. For additional information concerning the permit or the issuance procedure, contact Martin Hochhauser at (412) 442-4057.

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

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

10-00326: Oesterling Sandblasting & Painting, Inc. (686 Glenwood Way, Butler, PA 16001-8422) to renew a State Only Operating Permit for their facility in Center Township, **Butler County**. The facility is a Natural Minor. The primary sources at the facility include abrasive blasting operations, 2 paint booths for spray painting, and natural gas fueled space heaters. The potential emissions from the facility are less than the Title V thresholds. The permit includes a federally enforceable restriction on VOC emissions not to exceed 20 tons per year. The permit renewal contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00055: Bonsal American, Inc. (97 Main Street, Fredonia, PA 16124) for renewal of their natural minor operating permit to operate a concrete mix products facility in Fredonia Borough, **Mercer County**. The facility's emitting sources include: 1) Bagging and Bins, 2) Degreasers (2) and, 3) Rotary Drum Dryer. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility is considered a natural minor. Actual emissions from the sources rotary drum dryer and bagging and bins operation, stated in original permit application were: PM: 0.408 Ton per year, NO_x: 0.528 TPY, CO: 0.834 TPY.

62-00150: Superior Tire & Rubber Corp. (1818 Pennsylvania Avenue, Warren, PA 16365) for a Synthetic Minor Permit to operate a tire and inner tube manufacturing facility in the City of Warren, **Warren County**. The emitting sources are Boiler-1, Boiler-2; Spray finishing 1, Spray finishing 2, Burn off oven, Degreaser unit, Miscellaneous Natural Gas Usage, and a Kohler Emergency Generator. This facility has taken a restriction on emission of VOC less than 50 tons per year, a restriction on individual HAPs less than 10 tons per year, and a restriction on multiple HAPs less than 25 tons per year. The emergency generator is subject to 40 CFR Part 60, Subpart JJJJ. All applicable conditions of subpart JJJJ have been included in the source level of the permit. The facility has reported emissions of VOC less than 50 Tons per year (TPY), emissions of individual HAPs less than 10 TPY, and emissions of combined HAPs less than 25 TPY.

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

32921601 and NPDES No. PA0095117. Sprankle Mills Tipple, (PO Box 343, Punxsutawney, PA 15767). To renew the permit for the Valier Coal Yard in North Mahoning and Perry Townships, **Indiana and Jefferson Counties** and related NPDES Permit. No additional discharge. The application was considered administratively complete on April 1, 2014. Application received November 4, 2013.

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

Permit No. 56090107 and NPDES No. PA0262790. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, transfer of an existing bituminous surface and auger mine from Rosebud Mining Company—Meyersdale Division, 1117 Shaw Mines Road, Meyersdale, PA 15552, located in Stonycreek Township, **Somerset County** affecting 108.7 acres. Receiving stream: unnamed tributary to Stonycreek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 14, 2014.

Permit No. 56663069 and NPDES No. PA0120944. Rosebud Mining Co., P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Elk Lick and Summit Townships, **Somerset County**, affecting 3,040 acres. Receiving streams: unnamed tributary to/and Caselman River and an unnamed tributary to/and Elk Lick Creek, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 5, 2014. This notice was originally published March 29, 2014 and is being republished due to an error in the operational status.

Permit No. 56970104 and NPDES No. PA0234541. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, permit for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 95.1 acres. Receiving stream: unnamed tributary to Stony Creek classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Somerset County Municipal Authority Stonycreek SWI. Application received: March 12, 2014.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03910115 and NPDES Permit No. PA0200174. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 15201). Renewal application for continued operation and reclamation to an existing bituminous surface mine, located in West Franklin Township, **Armstrong County**, affecting 468.8 acres. Receiving stream: Buffalo Creek, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 31, 2014.

65080101 and NPDES Permit No. PA0251526. V.P. Smith Company, Inc. (257 Derry Lane, Blairsville, PA 15717). Renewal application for continued operation and reclamation to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 14.6 acres. Receiving stream: unnamed tributary to Stony Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 1, 2014.

26-13-01 and NPDES Permit No. PA0252425. Fayette Coal & Coke, Inc. (195 Enterprise Lane, Connellsville, PA 15425). Application for commencement, operation and reclamation for a Government Financed Contractual Contract, located in Franklin Township, **Fayette County**, affecting 45.9 acres. Receiving streams: unnamed tributaries to Bolden Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 21, 2014.

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

24980105 and NPDES Permit No. PA0227871. Tam-burlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous surface and auger mine and associated NPDES permit in Horton Township, **Elk County**, affecting 139.0 acres. Receiving streams: Karnes Run, Johnson Run, and unnamed tributary to Brandy Camp Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 28, 2014.

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

Permit No. 54070202R. Coaldale Energy, LLC, (PO Box 502, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing operation in Coaldale and Tamaqua Boroughs, **Schuylkill County** affecting 195.0 acres, receiving stream: Panther Creek, classified for the following uses: cold water and migratory fishes. Application received: March 24, 2014.

54-305-010-G12R. Coaldale Energy, LLC, (PO Box 502, Tamaqua, PA 18252), renewal of a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54070202 in Coaldale and Tamaqua Borough, **Schuylkill County**. Application received: March 24, 2014.

Coal Applications Returned

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

65091301 and NPDES No. PA0235873. C&D Coal Company, LLC, (145 Ivy Lane, Tazewell, VA 24651), to revise the permit for the Kingston West Mine in Derry Township, **Westmoreland County** to add subsidence control plan permit acres for full-extraction (retreat) mining. Subsidence Control Plan Acres Proposed 311. No additional discharges. The application was considered administratively complete on October 24, 2013. Application received August 22, 2013. Application returned April 1, 2014.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

Permit No. 05920301 and NPDES No. PA0212261, New Enterprise Stone & Lime Co., Inc., P. O. Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES permit located in Snake Spring Township, **Bedford County**. Receiving streams: Cove Creek and Raystown Branch of the Juniata River classified for the following uses: exceptional value; trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 14, 2014.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

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

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

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

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

* The parameter is applicable at all times.

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit

applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

Noncoal NPDES Draft Permits

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

NPDES No. PA0258768 (Permit No. 37090302). Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Revision and renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 104.1 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: March 31, 2014.

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

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| 003 (TP-3) | N |
| 004 (TP-4) | 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 | 6 | 7 |
| Manganese (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.

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| 001 (SP-1) | N |
| 002 (SP-2) | 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 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Settleable Solids (ml/l) | | | | 0.5 |
| Suspended Solids (mg/l) | | | | 90 |

NPDES No. PA0258457 (Permit No. 37070301). Terra Resources, LLC (267 Gilmore Road, Enon Valley, PA 16120) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 74.0 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Unnamed tributary to Brush Run, classified for the following uses: CWF. TMDL: None. Application received: March 25, 2014.

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

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek and unnamed tributary to Brush Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| TP-A | N |
| TP-B | N |
| TP-C | N |

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

| Parameter | Minimum | 30-Day Average | Daily Maximum | Instant. Maximum |
|--|---------|----------------|---------------|------------------|
| pH ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | 3 | 6 | 7 |
| Manganese (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.

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek and unnamed tributary to Brush Run:

| Outfall No. | New Outfall (Y/N) |
|-------------|-------------------|
| SP-A | N |
| SP-B | N |
| SP-C | N |

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

| Parameter | Minimum | 30-Day Average | Daily Maximum | Instant. Maximum |
|--|---------|----------------|---------------|------------------|
| pH ¹ (S.U.) | 6.0 | | | 9.0 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Settleable Solids (ml/l) | | | | 0.5 |
| Suspended Solids (mg/l) | | | | 90 |

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-589. PPL Electric Utilities Corporation, Two North 9th Street, Allentown, PA 18101, in Stroud Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a fill area that is approximately 216-foot long by 77-foot wide by 6-foot high within the 100-year floodplain of the Brodhead Creek (HQ-CWF, MF) for the purpose of expanding the PPL North Stroudsburg Substation. The project is located approximately 0.6 mile west of the intersection of Crowe Road and Mill Creek Road (East Stroudsburg, PA Quadrangle, Latitude: 41°1'29"; Longitude: -75°12'6").

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

E36-926, PA Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, in Ephrata Borough, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District

The applicant proposes to: 1) remove the existing structure and to construct and maintain a three-span composite pre-stressed concrete PA bulb-tee beam bridge skewed 75°, having a total clear span of 177.98', a width varying from 55.54' to 57.5', and an underclearance of 10.4' to 17.8', across Cocalico Creek (WWF, MF), and 2) construct and maintain four stormwater outfall structures with associated headwalls and riprap aprons along Cocalico Creek (WWF, MF), all for the purpose of improving transportation safety and roadway standards, temporarily impacting 0.05 acre (2,010 square feet) of Palus-

trine Emergent/Palustrine Scrub-Shrub wetlands and permanently impacting 65 square feet of PEM/PSS wetlands. Construction will include a two-phase temporary cofferdam and causeway. The project is located approximately one mile south of the SR 0272/US 322 interchange in Ephrata Borough, Lancaster County (Latitude: 40° 10' 31", Longitude: -76° 11' 47"). Permanent wetland impacts are considered de minimus and wetland replacement is not required.

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

E30-245. PA Game Commission, 4820 Route 711, Bolivar, PA 15923; Whiteley Township, **Greene County**; ACOE Pittsburgh District

Applicant is proposing to re-grade the stream banks, and to install and maintain stream bank toe rock stabilization along the stream banks, at multiple locations along an approximately 2,085' long reach of Whiteley Creek (TSF), and to install and maintain rock vane deflectors and to randomly place boulders within the watercourse, to improve fish habitat. The project is located within State Game Land #223, approximately 900' east of the intersection of Kirby-Garards Fort Road and McCoy Road (Garards Fort, PA USGS Quadrangle, N: 11.27 inches; W: 9.3 inches; Latitude: 39°48'39.7"; Longitude: -80°4'19.9"), in Whiteley Township, Greene County.

E63-653. Kurt and Kristin Subrick, 121 W. Patterson Road, Eighty Four, PA 15330-2144; North Strabane Township, **Washington County**; ACOE Pittsburgh District.

Applicant is proposing to excavate material from the floodway of three (3) unnamed tributaries to Little Chartiers Creek (HQ-WWF) in association with the construction of a non-jurisdictional dam across one of these tributaries, for the purpose of providing a water source for fire protection, crop irrigation and recreation. The project will cumulatively affect approximately 914 linear feet of the three (3) watercourses, and is located on the applicant's property, near the intersection of W. Patterson Road and Meyers Road (Hackett, PA USGS topographic quadrangle map, N: 13.97 inches; W: 15.4 inches; Latitude: 40°12'6.9"; Longitude: -80°6'36.95"), in North Strabane Township, Washington County.

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

E5829-074. Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Park Drive, Pittsburgh, PA 15275; Brooklyn and Harford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 16-inch diameter natural gas pipeline and temporary timber mat crossing impacting 28,324 square feet (0.65 acre) of a PEM wetland (Montrose East, PA Quadrangle; N 41° 48' 01" Lat., W -75° 47' 15" Long.),

2) a 16-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 117 lineal feet of unnamed tributaries to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 48' 01" Lat., W -75° 47' 00" Long.),

3) a 16-inch diameter natural gas pipeline and temporary timber mat crossing impacting 4,150 square feet (0.10 acre) of a PFO/PSS wetland (Montrose East, PA Quadrangle; N 41° 48' 01" Lat., W -75° 47' 00" Long.),

4) a 16-inch diameter natural gas pipeline and temporary timber mat crossing impacting 1,560 square feet (0.04 acre) of a PEM wetland (Montrose East, PA Quadrangle; N 41° 48' 01" Lat., W -75° 47' 00" Long.),

5) a 16-inch diameter natural gas pipeline and temporary timber mat crossing impacting 1,850 square feet (0.04 acre) of a PSS wetland (Montrose East, PA Quadrangle; N 41° 48' 01" Lat., W -75° 46' 54" Long.),

6) a 16-inch diameter natural gas pipeline and temporary timber mat crossing impacting 1,539 square feet (0.04 acre) of a PEM wetland (Montrose East, PA Quadrangle; N 41° 48' 01" Lat., W -75° 46' 54" Long.),

7) a 16-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 144 lineal feet of unnamed tributaries to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 55" Lat., W -75° 46' 25" Long.),

8) a 16-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 204 lineal feet of unnamed tributaries to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 54" Lat., W -75° 46' 25" Long.),

9) a temporary timber bridge crossing impacting 100 lineal feet of floodway to an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 55" Lat., W -75° 46' 23" Long.),

10) a 16-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 83 lineal feet of unnamed tributaries to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 55" Lat., W -75° 46' 23" Long.),

11) a 16-inch diameter natural gas pipeline and temporary timber mat crossing impacting 159 square feet (0.01 acre) of a PEM wetland (Montrose East, PA Quadrangle; N 41° 47' 57" Lat., W -75° 46' 19" Long.),

12) a 16-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 74 lineal feet of Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 57" Lat., W -75° 46' 19" Long.),

13) a 16-inch diameter natural gas pipeline and temporary construction access/culvert crossing impacting 174 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 58" Lat., W -75° 46' 16" Long.),

14) a 16-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 158 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 57" Lat., W -75° 46' 16" Long.),

15) a temporary timber bridge crossing impacting 183 lineal feet of floodway to an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 59" Lat., W -75° 46' 01" Long.),

16) a 16-inch diameter natural gas pipeline and temporary timber mat crossing impacting 11,059 square feet (0.25 acre) of a PEM wetland (Montrose East, PA Quadrangle; N 41° 48' 00" Lat., W -75° 45' 59" Long.),

17) a 16-inch and a 20-inch diameter natural gas pipeline and temporary timber mat crossing impacting 12,870 square feet (0.30 acre) of a PFO wetland (Montrose East, PA Quadrangle; N 41° 48' 01" Lat., W -75° 45' 18" Long.),

18) a 16-inch diameter and a 20-inch diameter natural gas pipeline and temporary timber mat crossing impact-

ing 4,154 square feet (0.10 acre) of a PEM wetland (Montrose East, PA Quadrangle; N 41° 48' 01" Lat., W -75° 45' 18" Long.),

19) a 16-inch and a 20-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 105 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 59" Lat., W -75° 45' 14" Long.),

20) a 16-inch and a 20-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 124 lineal feet of an unnamed tributary to East Branch Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 48' 00" Lat., W -75° 45' 14" Long.),

21) a 16-inch and a 20-inch diameter natural gas pipeline and temporary timber mat crossing impacting 874 square feet (0.02 acre) of a PSS wetland (Montrose East, PA Quadrangle; N 41° 48' 00" Lat., W -75° 45' 14" Long.),

22) a 16-inch and a 20-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 66 lineal feet of an unnamed tributary to East Branch Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; N 41° 47' 55" Lat., W -75° 44' 45" Long.),

23) a 16-inch and a 20-inch diameter natural gas pipeline and temporary timber mat crossing impacting 20,800 square feet (0.48 acre) of a PSS wetland (Montrose East, PA Quadrangle; N 41° 47' 55" Lat., W -75° 44' 45" Long.).

The project consists of constructing approximately 16,856 lineal feet (3.19 miles) of 16" natural gas gathering line (Alford Pipeline) and 8,441 lineal feet (1.60 miles) of 20" natural gas gathering line (Reynolds Pipeline), located within a 75' permanent right of way in Brooklyn and Harford Townships, Susquehanna County. The Reynolds Pipeline is co-located within the Alford Pipeline right of way. The project will result in 186 lineal feet of temporary stream impacts, 1.07 acres of temporary wetland impacts, and 0.93 acre of permanent conversion impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

E5829-075: Lenox Township, PVR NEPA Gas Gathering, LLC; 101 West Third Street, Williamsport, PA 17701; Lenox Township, **Susquehanna County;** ACOE Baltimore District.

To construct, operate, and maintain:

1) an 8 inch diameter natural gas pipeline and temporary timber bridge crossing impacting 85 lineal feet of unnamed tributary to Willow Brook (CWF, MF) (Hop Bottom, PA Quadrangle, N 41° 41' 18", W -75° 45' 16"),

2) an 8 inch diameter natural gas pipeline and temporary timber bridge crossing impacting 80 lineal feet of unnamed tributary to Willow Brook (CWF, MF) (Hop Bottom, PA Quadrangle, N 41° 41' 16", W -75° 45' 21"),

3) an 8 inch diameter natural gas pipeline and temporary timber bridge crossing impacting 76 lineal feet of unnamed tributary to Willow Brook (CWF, MF) (Hop Bottom, PA Quadrangle, N 41° 40' 55", W -75° 45' 12"),

4) an 8 inch diameter natural gas pipeline and temporary timber mat crossing impacting 613 square feet (0.01 acre) of PEM wetlands (Susquehanna, PA Quadrangle, N 41° 40' 45", W -75° 44' 57"),

5) an 8 inch diameter natural gas pipeline and temporary timber bridge crossing impacting 52 lineal feet of unnamed tributary to Willow Brook (CWF, MF) (Hop Bottom, PA Quadrangle, N 41° 40' 45", W -75° 44' 58"),

6) an 8 inch diameter natural gas pipeline and temporary timber mat crossing impacting 91 square feet (0.01 acre) of PEM wetlands (Susquehanna, PA Quadrangle, N 41° 40' 45", W -75° 44' 58"),

7) an 8 inch diameter natural gas pipeline and temporary timber bridge crossing impacting 65 lineal feet of Willow Brook (CWF, MF) (Hop Bottom, PA Quadrangle, N 41° 40' 02", W -75° 45' 06"),

8) an 8 inch diameter natural gas pipeline and temporary timber bridge crossing impacting 75 lineal feet of unnamed tributary to Willow Brook (CWF, MF) (Hop Bottom, PA Quadrangle, N 41° 40' 00", W -75° 45' 07"),

9) an 8 inch diameter natural gas pipeline and temporary timber mat crossing impacting 27,679 square feet (0.64 acre) of PEM wetlands (Susquehanna, PA Quadrangle, N 41° 39' 59", W -75° 45' 08").

The Spencer Well Connect Pipeline consists of approximately 18,480 feet (3.5 miles) of 8" steel natural gas gathering line located in Lenox Township, Susquehanna County. The project will result in 433 lineal feet of temporary stream impacts and 28,383 square feet (0.65 acre) of temporary wetland impacts all for the purpose of development and conveyance of Marcellus Shale natural gas.

E5829-078: Auburn Township, Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Auburn Township, **Susquehanna County,** ACOE Baltimore District.

To construct, operate, and maintain:

1. a 6 inch diameter natural gas pipeline and temporary timber bridge crossing impacting 49 lineal feet of Riley Creek (Springville, PA Quadrangle; Lat. 41° 40' 27", Long. -75° 59' 56"),

2. a 6 inch diameter natural gas pipeline and temporary timber mat crossing impacting 817 square feet (0.02 acre) of a PEM wetland (Springville, PA Quadrangle; Lat. 41° 40' 27", Long. -75° 59' 54"),

3. a 6 inch diameter natural gas pipeline and temporary timber mat crossing impacting 1,212 square feet (0.03 acre) of a PEM wetland (Springville, PA Quadrangle; Lat. 41° 40' 28", Long. -75° 59' 54"),

4. an 8 inch diameter natural gas pipeline and temporary timber mat crossing impacting 1,894 square feet (0.04 acre) of a PEM wetland (Springville, PA Quadrangle; Lat. 41° 39' 54", Long. -75° 59' 39"),

5. an 8 inch diameter natural gas pipeline and temporary timber mat crossing impacting 4,764 square feet (0.11 acre) of a PEM wetland (Springville, PA Quadrangle; Lat. 41° 39' 34", Long. -75° 59' 45").

The Hooker and O'Dowd South Well Lines consist of a 6" gas gathering line from Hooker Well Pad to the O'Dowd Well Pad and an 8" gas gathering line from the O'Dowd Well Pad to the connection with the Riley Pipeline all located within Auburn Township, Susquehanna County. The project will result in 49 linear feet of temporary stream impacts, 8,687 (0.20 acre) square feet of temporary wetland impacts all for the purpose of conveying Marcellus Shale natural gas to market.

DAM SAFETY

Southwest Regional Oil and Gas Manager, 400 Water-front Drive, Pittsburgh, PA 15222-4745

Permit # 95-7-37312-26, Marchand Centralized Impoundment. CNX Gas Company LLC, 280 Indian Springs Rd Ste 333, Indiana, PA 15701. Applicant CNX Gas Company LLC proposes a project to operate and maintain March and Centralized Impoundment as a centralized wastewater impoundment to store 53.23 ac-ft

or 17.35 MG fracturing fluids for the six Crawford W 5B-5G wells, three Marchand 3H-3J wells, five Sub Indiana 3A-3E wells, and future other wells in the area.

PA Quadrangle: Marion Center; Latitude: N 40° 51' 15.57", Longitude: W 79° 2' 4.76", in North Mahoning Township, **Indiana County**. ACOE: Pittsburgh District

State Water Plan Subbasin 17-D, Mahoning Creek Watershed (HQ-CWF).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-------------------------|---|------------------------------------|------------------------------------|------------------------|
| PA0061948 (Sewage) | Lehighon Land Company Otto's Blue Mountain RV & Camping Resort 1500 Rock Street Lehighon, PA 18235 | Carbon County Franklin Township | Pohopoco Creek (2-B) | Y |

| <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> |
|-----------------------------|---|--------------------------------------|--|----------------------------|
| PA0060895 (Sewage) | Pocono Mountains Industries, Inc. (Pocono Mountains Corporate Center East WWTP) Kolb Court Tobyhanna, PA 18466 | Monroe County Coolbaugh Township | UNT to Red Run (2-A) | Y |

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

| <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> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0217913 (Sewage) | Urling Mine 1 & 2 Main Portal STP Anthony Run Road Shelocta, PA 15774 | Indiana County Armstrong Township | Anthony Run (17-E) | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|---------------------------------------|---|-----------------------------|
| PA0023451 (Sewage) | Mount Jewett WWTP 1 Kinzua Street, Mount Jewett, PA 16740 | McKean County Mount Jewett Borough | Unnamed Tributary to the Kinzua Creek (16-B) | Y |
| PA0240214 (Sewage) | Wen-Li Wang SRSTP 7673 East Lake Road, Erie, PA 16511 | Erie County Harborcreek Township | Unnamed Tributary to the Scott Run (15-A) | Y |
| PA0239518 (Sewage) | Meadow Ridge STP Rt 68 & Buhl Hill Road Evans City, PA 16033 | Butler County Forward Township | Unnamed Tributary to Connoquenessing Creek (20-C) | Y |
| PAS208302 (IW) | Keystone Powdered Metal Lewis Run, 8 Hanley Drive, Lewis Run, PA 16738 | McKean County Lewis Run Borough | Unnamed tributary to the East Branch Tunungwant Creek (16-C) | Y |

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

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

NPDES Permit No. PA0050644, Industrial, **Borough of East Greenville**, 206 Main Street, East Greenville, PA 18041.

This proposed facility is located in East Greenville Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.016 MGD of treated filter backwash and sedimentation basin cleaning wastewater from a facility known as East Greenville Water Filtration Plant to Perkiomen Creek in Watershed 3-E.

NPDES Permit No. PA0056014, Industrial, **Ametek Inc.**, 900 Clymer Avenue, Sellersville, PA 18960.

This proposed facility is located in Sellersville Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated water from groundwater remediation system from a facility known as Ametek's US Gauge Division to East Branch Perkiomen Creek in Watershed 3-E.

NPDES Permit No. PA0054780, Sewage, **Concord Township**, 43 Thornton Road, Glen Mills, PA 19342.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated Sewage from a facility known as Riviera at Concord STP to Green Creek in Watershed 3-G.

NPDES Permit No. PA0054305, Stormwater, **Sunoco Partners Marketing & Terminals, L.P.**, 4041 Market Street, Aston, PA 19014.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated Storm Water from a facility known as Sunoco Exton Terminal to Unnamed Tributary to Valley Creek in Watershed 3-H.

NPDES Permit No. PA0244422, Stormwater, **Norfolk Southern Railway Company**, 1200 Peachtree Street, N.E., Box 13, Atlanta, GA 30309-0013.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated Storm Water from a facility known as Norfolk Southern Abrams Yard to Crow Creek and Schuylkill River (via unnamed tributaries/drainage swales) in Watershed 3-F.

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

PABIG-9903, Synagro, 1605 Dooley Road, PO Box B, Whiteford, MD 21160 in Fawn Township, **York County** has applied to have their biosolids approved for beneficial use by land applications.

Kenneth Moore #2 Farm, Route 850 & Anderson Road.

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

NPDES Permit No. PA0026352, Sewage, SIC Code 4952, **Riverview Sanitary Authority**, 3100 University Boulevard, Moon Township, PA 15108-2530.

This existing facility is located in Coraopolis Borough, **Allegheny County**.

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

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

PA0103896, Industrial Waste, SIC Code 4953, **County Landfill, Inc.**, P. O. Box 237, Leeper, PA 16233. Facility Name: County Landfill. This existing facility is located in Farmington Township, **Clarion County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated landfill leachate and stormwater.

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. WQG02461404, Sewage, **Yvette L. Smith**, Owner, Red Fox Farm Inc., 1895 Skippack Pike, Blue Bell, PA 19422.

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

Description of Action/Activity: Construction and operation of a sewer extension single residence sewage treatment plant.

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

WQM Permit No. 5413403, Sewage, SIC Code 4952, **Pusti Margiya Vashnav Samaj Of North America**, 15 Manor Road, Schuylkill Haven, PA 17972.

This proposed facility is located in Wayne Township, **Schuylkill County**.

Description of Proposed Action/Activity: The project is for the expansion of the existing 0.011 MGD wastewater treatment plant to a 0.051 MGD wastewater treatment plant.

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

WQM Permit No. WQG01621401, Sewage, **Elizabeth Allen**, 4813 Yankee Bush Road, Warren, PA 16365. Address

This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

WQM Permit No. 6188404, Sewage, Amendment No. 2, **Pleasantville Borough**, 114 West State Street, Pleasantville, PA 16341.

This existing facility is located in Pleasantville Borough, **Venango County**.

Description of Proposed Action/Activity: Amendment to permit existing modifications of alum feed, chlorination, and dechlorination.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

Facility Location

Municipality &
County

Permit No.

Applicant Name &
Address

Receiving
Water / Use

Contact Office &
Phone No.

Newtown Township
Delaware County

PAI130502

Newtown Township
Delaware County
209 Bishop Hollow Road
Newtown Square, PA
19073-0393

Darby Creek, Foxes
Run, Julip Run,
Lewis Run, Preston
Run, Reeses Run,
Saw Mill Run,
Thomas Run,
Unnamed Tributary
to Crum Creek,
Unnamed Tributary
to Darby Creek and
Unnamed Tributary
to Hunter Run—3-G

DEP Southeast
Regional Office
Clean Water Program
2 E Main Street,
Norristown, PA 19401
484.250.5970

| <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> |
|--|-------------------|---|--|---|
| Phoenixville Borough Chester County | PAI130003 | Phoenixville Borough Chester County 140 Church Street Phoenixville, PA 19460 | French Creek and Schuylkill River— 3-D | DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970 |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|--|---------------|---------------------------|---|
| PAI132204 | Upper Milford Township Lehigh County, PO Box 210, Old Zionsville, PA 18068-0210 | Lehigh | Upper Milford Township | Leibert Creek, Unnamed Tributary of Hosensack Creek, Unnamed Tributary to Leibert Creek, Unnamed Tributary to Little Lehigh Creek and Unnamed Tributary to Swabia Creek, Saucon Creek / CWF, MF, HQ-CWF and MF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|---|---------------|----------------------------|---|
| PAI136107 | Dunbar Township Fayette County, 128 Township Drive, Dunbar, PA 15431 | Fayette | Dunbar Township | Dickerson Run, Gist Run, Opossum Run and Youghiogheny River / WWF, TSF, HQ-WWF |
| PAI136103 | Edgeworth Borough 301 Beaver Road, Edgeworth, PA 15143 | Allegheny | Edgeworth Borough | Little Sewickley Creek Ohio River HQ-TSF and WWF |
| PAI136118 | South Strabane Township 550 Washington Road, Washington, PA 15301-9621 | Washington | South Strabane Township | Chartiers Creek and Unnamed Tributary of Chartiers Creek / HQ-WWF and WWF |

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|--|---------------|---------------------|----------------------------------|
| PAI01 1513014(1) | Valley Forge National Historic Park 1400 North Outer Line Drive King of Prussia, PA 19406 | Chester | Tredyffrin Township | Valley Creek EV |

NOTICES

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-----------------------------|---|-----------------------------------|--|---|
| PAI026413003 | PPL Electric Utilities Corporation Two North 9th Street Allentown, PA 18101 | Lackawanna & Wayne Counties | Covington Madison Dreher Lehigh Paupack Salem Sterling | Roaring Brook (HQ-CWF, MF) East Branch of Roaring Brook (HQ-CWF, MF) Unnamed Tributaries to East Branch of Roaring Brook (HQ-CWF, MF) Butternut Creek (EV) Unnamed Tributaries to Butternut Creek (EV) Rockport Creek (HQ-CWF, MF) Unnamed Tributaries to Rockport Creek (HQ-CWF, MF) Wallenpaupack Creek (HQ-CWF, MF) Unnamed Tributaries to Wallenpaupack Creek (HQ-CWF, MF) West Branch of Wallenpaupack Creek (HQ-CWF, MF) Ariel Creek (HQ-CWF, MF) Unnamed Tributaries to Ariel Creek (HQ-CWF, MF) Purdy Creek (HQ-CWF, MF) Unnamed Tributary to Purdy Creek (HQ-CWF, MF) Unnamed Tributary to Spinner Brook (HQ-CWF, MF) Unnamed Tributary to Wangum Creek (HQ-CWF, MF) Lehigh River (EV) Unnamed Tributaries to Lehigh River (EV) West Fork of Lehigh River (EV) Unnamed Tributaries to West Fork of Lehigh River (EV) |
| PAI023913017 | Upper Macungie Authority 8330 Schantz Road Breinigsville, PA 18031 | Lehigh County | Upper Macungie Township | Little Cedar Creek (HQ-CWF, MF) and Cedar Creek (HQ-CWF, MF) |
| PAI023913016 | Restaurant Depot 15-24 132nd Street College Point, NY 11356 | Lehigh County | City of Bethlehem | Monocacy Creek (HQ-CWF, MF) |
| PAI024013001 | Geisinger Clinic 100 North Academy Ave. Danville, PA 17822 | Luzerne County | Fairview Township | Big Wapwallopen Creek (HQ-CWF, MF) |

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

| <i>Permit #</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|---------------------------|---|---------------|--|-------------------------------|
| PAI030611008(2) Issued | East Penn Manufacturing Company Deka Road, PO Box 147 Lyon Station, PA 19536 | Berks | Richmond and Maxatawny Townships Lyons Borough | Moselem Creek (HQ-CWF, MF) |

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

| | |
|-------------|---|
| PAG-1 | General Permit for Discharges From Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO) |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | (To Be Announced) |
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |
| PAG-14 | (To Be Announced) |
| PAG-15 | General Permit for Discharges From the Application of Pesticides |

General Permit Type—PAG-02

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-----------------------|---|---|---|
| Buckingham Township Bucks County | PAG0200 0914016 | Central Bucks School District 320 W. Swamp Road Doylestown, PA 18901 | Unnamed Tributary to Mill Creek CWF—MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Richlandtown Borough Richland Township Bucks County | PAG0200 0911074 | Phoebe Richland Health Care Center 1925 Turner Street Allentown, PA 18104 | Tohickon Creek TSF—MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Newtown Township Bucks County | PAG0200 0914016 | Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044 | Newtown and Houghs Creek WWF—MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Lower Merion Township Montgomery County | PAG0200 4613032(1) | Lower Merion School District 301 East Montgomery Avenue Ardmore, PA 19003 | Unnamed Tributary to Schuylkill River WWF—MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

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> |
|--|-------------------|--|-----------------------------------|---|
| City of Philadelphia Philadelphia County | PAG0201 511402 | U.S. Construction, Inc. 400 Market Street, Suite 415 Philadelphia, PA 19106 | Delaware River WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| City of Philadelphia Philadelphia County | PAG0201 511408 | Liberty Property Trust, LP 1628 John F. Kennedy Boulevard, Suite 1100 Philadelphia, PA 19103 | Tidal Schuylkill Watershed WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

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 Brunswick Township Schuylkill County | PAG02005409004RR | Phillip Joswick 44 Ricks Road New Ringgold, PA 17960 | Keenigs Creek (CWF, MF) | Schuylkill County Conservation District 570-622-3742 |
| Pine Grove Township Pine Grove Borough Schuylkill County | PAG02005404014RR | Pine Vista Estates 45 Tremont Road Pine Grove, PA 17963 | Daubert Creek (CWF, MF) | Schuylkill County Conservation District 570-622-3742 |
| Middletown Township Susquehanna County | PAG02005814003 | James Lai 102 Valley Road Media, PA 19063 | Baldwin Creek (CWF, MF) North Branch Wyalusing Creek (CWF, MF) Wyalusing Creek (CWF, MF) | Susquehanna County Conservation District 570-278-4600 |

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

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> |
|---|----------------------------|---|---|--|
| Exeter Township, Berks County | PAG02000613057 (Issued) | Berks Homes PO Box 7 Mohnton, PA 19540 | Antietam Creek/ CWF | Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657 |
| Swatara Township, Dauphin County | PAG02002214002 (Issued) | United Parcel Service 301 East Oak Avenue Lawnside, NJ 08045 | Spring Creek (West)/ CWF | Dauphin Co Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100 |
| Conewago Township, Dauphin County | PAG020022038R (Issued) | Deodate Associates, LP 4499 Deer Path Road Harrisburg, PA 17110 | Brills Run / TSF and Lynch Run / TSF | Dauphin Co Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100 |
| Silver Spring Township, Cumberland County | PAG02002114002 (Issued) | Dallas Acquisitions, LLC Trindle Spring Center 770 Route 220, Suite 1 Muncy Valley, PA 17758 | Conodoguinet Creek/ WW, MF | Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.6169 |
| Upper Allen Township, Cumberland County | PAG02002114004 (Issued) | 635 Associates, LLC Mountain View Office Park Lot 2 5 Kacey Court Mechanicsburg, PA 17055 | Yellow Breeches Creek/CWF | Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.6169 |

NOTICES

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| <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> |
|---|--------------------------------|--|---|---|
| Silver Spring Township, Cumberland County | PAG02002114005 (Issued) | JJLH Associates, LTD Faulkner Automobile Dealership 4437 Street Road Trevose PA 19053 | Hogestown Run/ CWF | Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.6169 |
| Lower Allen Township, Cumberland County | PAG02002113044 (Issued) | Lower Allen Township 2233 Gettysburg Road Camp Hill, PA 17011 | Unt TO Cedar Run/ CWF, MF | Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.6169 |
| Lower Frankford Township, Cumberland County | PAG02002113024 (Issued) | Nelson High 1406 Fonderwhite Road Lebanon, PA 17042 | Locust Creek/WWF | Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.6169 |
| Feremanagh Township, Juniata County | PAG02003414001 (Issued) | PV Transport, Inc. 2704 Clemens Road Hatfield, PA 19440 | UNT to Schweyer Run/CWF | Juniata County Conservation District 146 Stoney Creek Drive, Suite 4, Mifflintown, PA 17059 717. 436.8953 ext. 5 |
| Union Township, Lebanon County | PAG02003809011(19) (Issued) | Training Site Headquarters (FTIG-GC) Building T-0-1, FTIG Annville PA 17003 | Aires Run/WWF | Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042-9788 717.272.5314 |
| North Londonderry Township, Lebanon County | PAG02003814006 (Issued) | Jared A. Reed 1829 Creek View Drive Palmyra, PA 17078 | UNT to Swatara Creek/WWF | Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042-9788 717.272.5314 |
| Palmyra Borough, Lebanon County | PAG02003814007 (Issued) | Roger Powl 325 South Railroad Street, Suite 3 Palmyra, PA 17078-2400 | Discharges to an existing EPA Class V Injection Well with no direct discharge to surface waters | Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042-9788 717.272.5314 |
| North Annville Township, Lebanon County | PAG02003813046 (Issued) | Michael Zimmerman 1447 Dridge Hill Road Lititz, PA 17543-8967 | UNT to Swatara Creek/WWF, Swatara Creek/WWF, UNT to Swatara Creek/WWF | Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042-9788 717.272.5314 |
| Union Township, Lebanon County | PAG02003812007R (Issued) | Andrew C. Kolb One Meadowlands Plaza, Suite 100 East Rutherford, NJ 07073 | Forge Creek/WWF | Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042-9788 717.272.5314 |
| Spring Garden Township, York County | PAG02006713051 (Issued) | York College of Pennsylvania 441 Country Club Road York, PA 17403-3651 | UNT to Codorus Creek/WWF | York County Conservation District 118 Pleasant Acres Road York, PA 71402 717.840.7430 |
| Shrewsbury Township, York County | PAG02006713033 (Issued) | Steven L. & Heidi S. Berman c/o James Krout 1274 Oakwood Road New Freedom, PA 17349 | Deer Creek/CWF | York County Conservation District 118 Pleasant Acres Road York, PA 71402 717.840.7430 |

| <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> |
|--|----------------------------|--|---|--|
| Fairview Township, York County and Steelton Borough, Dauphin County | PAG02006714007 (Issued) | UGI Utilities, Inc. 2525 N. 12th Street Suite 360 PO Box 12677 Reading, PA 19612 | Susquehanna River/WWF | York County Conservation District 118 Pleasant Acres Road York, PA 71402 717.840.7430 |
| <i>Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i> | | | | |
| <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> |
| Redbank Township Armstrong County | PAG02000314001 | Peoples TWP, LLC. 205 North Main Street Butler, PA 16001 | UNT to Little Mudlick Creek (CWF) | Armstrong County CD Armsdale Administration Bldg 124 Armsdale Road Suite B-2 Kittanning, PA 16201 (724) 548-3425 |
| Bethel Township Armstrong County | PAG02000314003 | PennDOT Engineering District 11-0 2550 Oakland Avenue Indiana, PA 15701 | Taylor Run (WWF) and Spur Run (WWF) | Armstrong County CD Armsdale Administration Bldg 124 Armsdale Road Suite B-2 Kittanning, PA 16201 (724) 548-3425 |
| German Township Fayette County | PAG02002611015R | Veolia ES Chestnut Valley Landfill, Inc. 1184 McClellandtown Rd McClellandtown, PA 15458 | UNT to North Branch of Browns Run (WWF) | Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497 |
| Dunbar Township Fayette County | PAG02002612029 | Fay-Penn Economic Development Council 1040 Eberly Way Suite 200 Lemont Furnace, PA 15456 | UNT to Gist Run (TSF) | Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497 |
| South Union Township Fayette County | PAG02002613004 | Maxim Development 121 Regency Drive Uniontown, PA 15401 | UNT to Lick Run (WWF) | Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497 |
| Menallen Township Fayette County | PAG02002613012 | PennDOT Engineering District 12-0 PO Box 459 Uniontown, PA 15401 | UNT to Salt Lick Run (WWF) | Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497 |
| North Union Township Fayette County | PAG02002613013 | Private Industry Council of Westmoreland/ Fayette, Inc. 219 Donohoe Rd. Greensburg, PA 15601 | UNT to Cove Run (WWF) | Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497 |
| Somerset Township Somerset County | PAG02005614002 | Plum Contracting, Inc. | UNT to East Branch of Coxes Creek (TSF) | Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652 |
| Canonsburg Borough Washington County | PAG0200630531R | Maronda Homes, Inc. 1383 State Route 30 Clinton, PA 15026 | Brush Run (WWF) | Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098 |

| <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> |
|--|-------------------|---|--------------------------------------|---|
| Chartiers Township Washington County | PAG02006313018 | Robert Quarture 596 Justabout Road Venetia, PA 15367 | UNT to Chartiers Creek (WWF) | Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098 |
| Rostraver Township Westmoreland County | PAG0200651009R | PennDOT Engineering District 12-0 PO Box 472 Latrobe, PA 15650 | UNT to Monongahela River (WWF) | Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271 |
| Municipality of Murrysville Westmoreland County | PAG02006513048 | Branmexpress, LLC. 100 Hafner Avenue Pittsburgh, PA 15223 | UNT to Turtle Creek (TSF) | Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271 |
| Sewickley Township Westmoreland County | PAG02006513060 | Columbia Gas of PA, Inc. 4000 Energy Drive Bridgeville, PA 15017 | Little Sewickley Creek (TSF) | Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271 |

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

| <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> |
|---|-------------------|--|----------------------------------|--|
| Callery Borough Butler County | PAG02001013032 | Callery Industrial Park Inc c/o Michael Foley 10 Mars-Evans City Road Mars PA 16046 | Breakneck Creek WWF | Butler County Conservation District 724-284-5270 |

General Permit Type—PAG-03

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|--|--|
| Upper Merion Township Montgomery County | PAR150009 | Coopers Creek Chemical Corp 884 River Road West Conshohocken, PA 19428 | Schuylkill River-3F | Southeast Region Clean Water Program 484.250.5970 |
| Muncy Creek Township Lycoming County | PAR224850 | Muncy Homes Inc. 1567 Pa Route 442 Muncy, PA 17756 | Little Muncy Creek—10-D | DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530 |
| Shenango Township Mercer County | PAR608327 | Patrick Sickafuse d/b/a Route 18 Auto Wrecking 4287 New Castle Road, Pulaski, PA 16143 | Unnamed Tributary to the Shenango River 20-A | DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942 |
| Kane Borough McKean County | PAR318308 | Seneca Resources Corporation PO Box 808 Kane PA 16735 | Wilson Run and Hubert Run 17-A and 16-B | DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942 |

*General Permit Type—PAG-4**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> |
|-------------------------------------|-------------------|---|---|---|
| Conewango Township Warren County | PAG041144 | Elizabeth Allen 4813 Yankee Bush Road, Warren, PA 16365 | Unnamed Tributary to Irvine Run 16-B | DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942 |
| Cranberry Township Butler County | PAG041148 | Kathy L. & Steven E. Kimmel, 140 Hope Road, Cranberry Township, PA 16066 | Unnamed Tributary to Wolfe Run 20-G | DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942 |

General Permit Type—PAG-7

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

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|----------------------------------|---------------------------------------|--|--|---|
| Fawn Township York County | PAG070003, PAG070005, PAG073508 | Synagro 1605 Dooley Road PO Box B Whiteford, MD 21160 | Kenneth Moore #2 Farm, Route 850 & Anderson Road Fawn Township / York County | DEP—SCRO— Clean Water Program 909 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4707 |

*General Permit Type—PAG-8**Facility Location:*

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant's Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Telephone No.</i> |
|---|---|---|---|--|
| Borough of Phoenixville WWTP Chester County Phoenixville Borough | PAG080003 | Borough of Phoenixville 351 Bridge Street Phoenixville, PA 19460 | | Southeast Region Clean Water Program 484.250.5970 |
| <i>Facility Location:</i> <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
| Newport Borough / Perry County | PAG083558— REVOCATION DATE: 3/25/2014 | Newport Borough Authority 231 Market Street Newport, PA 17074 | Newport Wastewater Treatment Plant / Newport Borough, Perry County | DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707 |
| Freedom Township / Blair | PAG083589 | Freedom Township Water & Sewer Authority 131 Municipal Street East Freedom, PA 16637 | Freedom Township Water & Sewer Authority 60 East Standish Lane Duncansville, PA 16635 | DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707 |

General Permit Type—PAG-8 (SSN)

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|---|--|--|---|--|
| Freedom Township / York County | PAG080002, PAG080003, PAG080004, PAG080005, PAG080006, PAG080008, PAG080011, PAG080018, PAG080021, PAG082203, PAG082211, PAG082219, PAG083501, PAG083502, PAG083506, PAG083510, PAG083515, PAG083517, PAG083518, PAG083522, PAG083535, PAG083540, PAG083542, PAG083547, PAG083551, PAG083556, PAG083565, PAG083567, PAG083573, PAG083596, PAG083597, PAG083600, PAG083605, PAG083825, PAG089903, PAG089904, PAG089905, PAG089909, PAG089910, WMGR-099 | Synagro 1605 Dooley Road PO Box B Whiteford, MD 21160 | Kenneth Moore #2 Farm Route 850 & Anderson Road Fawn Township / York County | DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707 |

General Permit Type—PAG-13

| <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> |
|---|-------------------|--|---|---|
| Upper Chichester Township Delaware County | PAG130082 | Upper Chichester Township Delaware County PO Box 2187 Boothwyn, PA 19061 | Delaware River, East Branch Naaman Creek, Spring Run and Unnamed Tributary to Marcus Hook Creek—3-G | DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970 |
| West Sadsbury Township Chester County | PAG130170 | West Sadsbury Township Chester County 6400 North Moscow Road Parkesburg, PA 19365 | Valley Creek—7-K | DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970 |

*General Permit Type—MS4 PAG 13**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> |
|--|-------------------|---|---|--|
| Borough of Mount Pleasant Westmoreland County | PAG136179 | Borough of Mount Pleasant 1 Etze Avenue Mount Pleasant, PA 15666 | Shupe Run 19-D | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000 |
| City of Monessen Westmoreland County | PAG136283 | City of Monessen Monessen Municipal Complex 1 Wendell Ramey Lane Suite 423 Monessen, PA 15062 | Monongahela River 19-C | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000 |
| Chartiers Township Washington County | PAG136212 | Chartiers Township 2 Buccaneer Drive Houston, PA 15342 | Chartiers Run, Georges Run, Plum Run, Unnamed Tributary to Chartiers Creek and Unnamed Tributary to Plum Run 20-F | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000 |

PUBLIC WATER SUPPLY PERMITS

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

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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 (35 P. S. 721.1—721.17).**

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

Permit No. 2406498, Operations Permit Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Nature's Way Springs, LP 164 Commerce Rd. Pittston, Pa 18701 |
| [Borough or Township] | Foster Township |
| County | Luzerne |
| Type of Facility | PWS |
| Consulting Engineer | N/A |
| Permit Rescinded | March 13, 2014 |

Permit No. 3396552, Operations Permit Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Niagara Bottling, LLC 5675 East Concourse Street Ontario, CA 91764 |
| [Borough or Township] | Upper Macungie Township |
| County | Lehigh |
| Type of Facility | PWS |
| Consulting Engineer | N/A |
| Permit Rescinded | March 13, 2014 |

Permit No. 2406411, Operations Permit Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Nature's Way Purewater Systems, Inc. 164 Commerce Rd. Pittston, Pa 18701 |
| [Borough or Township] | Dupont Borough |
| County | Luzerne |
| Type of Facility | PWS |
| Consulting Engineer | N/A |
| Permit Rescinded | March 17, 2014 |

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

Permit No. 5713501—Construction—Public Water Supply.

Applicant **Red Rock Job Corps**
 Township/Borough Colley Township
 County **Sullivan**
 Responsible Official Mr. John R. Fite
 Red Rock Job Corps
 U.S. Department of Labor
 P. O. Box 218
 Lopez, PA 18628-0218

Type of Facility Public Water Supply
 Consulting Engineer Ashok Bhatia, P.E.
 BBIX, LLC
 67 Public Square, Suite 510
 Wilkes-Barre, PA 18701

Permit Issued April 2, 2014
 Description of Action Authorizes development of Well No. 5, with related appurtenances. New source treatment will be via the existing greensand filtration plant.

Permit No. 1214501-MA—Operation Public Water Supply.

Applicant **Emporium Water Company**
 Township/Borough Emporium Borough
 County **Cameron**
 Responsible Official Ron Andrews, President
 Emporium Water Company
 174 Nickler Road
 Emporium, PA 15834

Type of Facility Public Water Supply
 Consulting Engineer Craig J. Bauer, P.E.
 KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit Issued April 7, 2014
 Description of Action Operation of the non-potable bulk water loading station located at 201 Sizerville Road.

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

Operations Permit issued to: **Cowanshannock Township Municipal Authority**, Box 127, NuMine, PA 16244 (PWSID #5030047), Cowanshannock Township, **Armstrong County** on April 3, 2014 for the operation of facilities approved under Construction Permit # 0310510MA.

Operations Permit issued to: **Cowanshannock Township Municipal Authority**, Box 127, NuMine, PA 16244 (PWSID #5030047), Cowanshannock Township, **Armstrong County** on April 3, 2014 for the operation of facilities approved under Construction Permit # 0310507GWR.

Operations Permit issued to: **Indiana County Municipal Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320109), Conemaugh, Cherry Hill and Armstrong Townships, **Indiana County** on April 2, 2014 for the operation of facilities approved under Construction Permit # 3209505MA.

Operations Permit issued to: **Indiana County Municipal Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320109), Conemaugh, Cherry Hill and Armstrong Townships, **Indiana County** on April 2, 2014 for the operation of facilities approved under Construction Permit # 3210501.

Permit No. 6514503MA, Minor Amendment. Public Water Supply.

Applicant **Latrobe Municipal Authority**
 104 Gueirrier Road
 Latrobe, PA 15650

[Borough or Township] Derry Township
 County **Westmoreland**
 Type of Facility Site water storage tank
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct Issued April 2, 2014

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

Permit No. 4313506 Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**
 Township or Borough City of Sharon
 County **Mercer**
 Type of Facility Public Water Supply
 Consulting Engineer Mark A. Tompeck, P.E.
 Hatch Mott MacDonald
 27 Bleeker Street
 Millburn, NJ 07041

Permit to Construct Issued April 3, 2014

Permit No. 2510505-MA1 Public Water Supply

Applicant **Erie City Water Authority d/b/a Erie Water Works**
 Township or Borough Millcreek Township
 County **Erie**
 Type of Facility Public Water Supply
 Consulting Engineer Edward J. St. John, P.E. CDM Smith
 1468 West 9th Street
 Cleveland, OH 44113

Permit to Construct Issued April 7, 2014

Permit No. 3713506 Public Water Supply

Applicant **Pennsylvania American Water Company**
 Township or Borough Ellwood City Borough
 County **Lawrence**
 Type of Facility Public Water Supply
 Consulting Engineer William Lage, Project Manager
 Pennsylvania American Water Co.
 2736 Ellwood Road
 New Castle, PA 16101

Permit to Construct Issued April 7, 2014

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.

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

WA 39-1003, Water Allocation, **City of Bethlehem**, 10 East Church St., Bethlehem, PA 18018, City of Bethlehem, **Lehigh County**. This action rescinds permit WA 39-1003 which granted the right to purchase up to 18,750 gpd, based on a 30-day average, from the City of Allentown. Permit rescinded on April 8, 2014.

WA 54-968, Water Allocation, **Hegins-Hublely Authority**, 915 West Maple Street, P. O. Box 144, Valley View, PA 17983-0144, Hubley Township, **Schuylkill County**. This action rescinds permit WA 54-968 which granted the right to purchase up to 50,000 gpd, based on a 30-day average, from the Hegins Township Authority. Permit rescinded on April 8, 2014.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|------------------------------------|-----------------|
| Bethel Township | PO Box 24 Bethel, PA 19507 | Berks County |

Plan Description: Approval of a revision to the official plan of Bethel Township, Berks County. The project is known as Prologis Midway Industrial Development. The plan provides for a 1 lot industrial development to generate a total of 6090 gallons of sewage per day to be served by a private pump station tributary to the Bethel wastewater treatment plant. The proposed development is located on Old Rt. 22., Bethel Twp. Berks County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-06922-251-3A and the APS Id is 603333. Any permits must be obtained in the name of Authority.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Newberry Township | 1915 Old Trail Road, Etters, PA 17319 | York County |

Plan Description: Bobby Jones Sanitary Sewer Extension: The approved plan provides for the construction of a 900 linear foot interceptor extending from Mulligan Drive to Sam Snead Circle, which will eliminate the Bobby Jones Pump Station. The interceptor will serve 92 existing EDU's, with all sewage flows ultimately tributary to the Newberry Township Wastewater Treatment Plant. The proposed interceptor will be located in Newberry Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---|-----------------|
| Hamiltonban Township | 23 Carroll's Tract Road, Fairfield, PA 17320 | Adams County |
| Franklin Township | 55 Scott School Road, Cashtown, PA 17310 | Adams County |
| Highland Township | 3641 Fairfield Road, Gettysburg, PA 17325 | Adams County |

Plan Description: Hamiltonban-Franklin Sewer Connection: The approved plan provides for the decommissioning of the Hamiltonban Township Wastewater Treatment Plant, the construction of a pump station at the site of the decommissioned wastewater treatment plant and a force main for ultimate connection to Franklin Township's collection and conveyance system. Total estimated sewage flows are 50,000 gpd, and they will be treated by the Franklin Township Wastewater Treatment Plant. The proposed pump station will be located on the east side of Orrtanna Road at its intersection with Carroll's Tract Road in Highland Township. The force main will run from this point along Orrtanna Road to Sunset Road in Franklin Township, and from Sunset Road to Flohr's Church Road, where it will connect to an existing man-hole near the intersection of Flohr's Church Road and Old Route 30. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|------------------------------------|---------------|
| Richmond Township | PO Box 474, Fleetwood, PA 19522 | Berks |

Plan Description: The approved plan provides for a modification of the existing Walnuttown public sewer service area of Richmond Township to incorporate the additional parcel known as the Grande Tract. The alternative of choice to be implemented for the expanded Walnuttown area is a gravity collection system connecting to the existing Fleetwood Borough Municipal Authority sewer system. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 2**

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in

environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

RH Crawford, Inc., Diesel Fuel Release, 6475 York Road, Spring Grove, PA 17362, Heidelberg Township, **York County**. Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 1711, on behalf of RH Crawford, Inc., 341 Moulstown Road, Hanover, PA 17331, and Phillip A. and Lora A. Stambaugh, 6475 York Road, Spring Grove, PA 17362, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel released in a vehicle accident. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Campus Grille, 430 Harrisburg Avenue, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Oak Tree Development Group, LLC, 2450 Marietta Avenue, Lancaster, PA 17601 and William Thomas/Campus Grille, 430 Harrisburg Avenue, Lancaster, PA 17603 submitted a Final Report concerning remediation of site soils and gasoline contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific and Nonresidential Statewide Health standards.

4419 & 4421 East Prospect Road, York, PA 17406, Lower Windsor Township, **York County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Republic Services of PA, LLC, 4400 Mount Pisgah Road, York, PA 17406 and John J II and Barbara S. Bowser, 4415 East Prospect Road, York, PA 17406, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Marian Berry Residence, 923 Franklin Street, Carlisle, PA 17013, Borough of Carlisle, **Cumberland**

County. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Marian Berry, 923 Franklin Street, Carlisle, PA 17013; and State Farm Insurance Company, PA Fire Claims, PO Box 106110, Atlanta Georgia 30348-6110, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

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

Bradford Mall, 1001 East Main Street, Foster Township, **McKean County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Brixmor Properties Group, 420 Lexington Avenue, 7th Floor, New York, NY 10170, submitted a Cleanup Plan concerning the remediation of site soils contaminated with Chlorinated Volatile Organic Compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Former GM Pittsburgh Stamping Plant, 1451 Lebanon School Road, Borough of West Mifflin, **Allegheny County**. KU Resources, 22 South Linden Street, Duquesne, PA 15110 on behalf of Mifflin, LLC., 1650 Des Peres Road, Suite 303, St. Louis, Missouri, 63131 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with metals, volatile and semi-volatile organic compounds, and PCB's. The Final Report is intended to document remediation of the site to meet the Site-Specific Standard. Notice of the report was published in the Pittsburgh Post-Gazette on March 26, 2014.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass 484-250-5787

MNM Group Inc., 2421-A Wyandotte Road, Upper Moreland Township, **Montgomery County**. Mr. Scott Smith, PE, LEED AP, EnviroSure, Inc., 103 South High Street, Suite 1, West Chester, PA 19382 on behalf of Mr. Greg Carson, MNM Group, Inc., 2421-A Wyandotte Road, Willow Grove, PA 19090 has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Site Specific Standard. PF769585.

Toners Beef & Ale Restaurant, 101 Bethlehem Pike, Upper Darby Township, **Montgomery County**. Mr. John Toner, Jr., Mr. Lawrence Toner, Mr. Robert J. Toner, Toner's Beef & Ale, 101 East Pennsylvania Avenue, Fort Washington, PA 19454 on behalf of Mr. Phil Gray, Jr., Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 has submitted a Remedial Investigation Report /Cleanup Plan concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard. PF764905.

Fleagle Property, 659 Vine Street, Honey Brook Township, **Chester County**. Mr. John Fleagle, 659 Vine Street, Honey Brook, PA 19344 on behalf of Mr. Michael Raffoni, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 has submitted a Final Report

concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF773563.

Hayward Residence, 5997 Stover Mill Road, Solebury Township, **Bucks County**. Ms. Staci Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422 on behalf of Mr. Johnathon & Bette Hayward, 5997 Stovers Mill Road, PA 18901 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF772058.

Colonial Heritage MHP, 433 Gladiola Lane, Doylestown Township, **Bucks County**. Ms. Staci Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422 on behalf of James Perano-GSP Management, Colonial Valley LLC, P. O. Box 677, Morgantown, PA 19543 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF774290.

Yutkowitz Residence, 4 Robin Circle, Horsham Township, **Montgomery County**. Ms. Staci Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422 on behalf of Mr. Jonathan Yutkowitz, 4 Robin Circle, Horsham, PA 19044 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF774473.

TK Budd Company Die, Storage Yard, 2800R Fox Street, City of Philadelphia, **Philadelphia County**. Mr. Larry Cohen, JMDH Real Estate of Hunting Park, 15-29 132 Street, College Point, NY 11356 on behalf of Robert Ehlenberger, AMEC E&I, 751 Arbor Way, Suite 180, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard. PF665678

Ursinus College, 601 Main Street, Collegeville Township, **Montgomery County**. Andrew Feick, Ursinus College, 601, Main Street, Collegeville, PA 19426 on behalf of Gilbert Marshall, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site Specific Standard. PF648108.

Davis Residence, 809 Bryn Mawr Avenue, Radnor Township, **Delaware County**. Richard Ubert, Petro Care, 2187 Atlantic Street, Stamford, CT 06092 on behalf of Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF768382.

Zieger Rose Nursery, 1756 and 1760 Dreshertown Road, Upper Dublin Township, **Montgomery County**. Mr. Richard McBride, The Cutler Group, 5 Apollo Road, Suite 2, Plymouth Meeting, PA 19462 on behalf of Mark Fortna, DelVal Soil & Environmental Consultants, Inc., 4050 Skyron Drive, Suite A-1, Doylestown, PA 18902 has submitted a Remedial Investigation/Cleanup Plan and Risk Assessment Report concerning remediation of site

soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard. PF713282.

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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Christian Thorne Property, 3 Poplar Avenue, Temple, PA 19560, Alsace Township, **Berks County**.

Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Christian Thorne, 3 Poplar Avenue, Temple, PA 19560, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Health standard, and was disapproved by the Department on March 31, 2014.

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

Rex Energy Ballie Trust, 568 1/2 Lindsay Road, Jackson Township, **Butler County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of R. E. Gas Development, 366 Walker Drive, State College, PA 16801, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, Silver, Benzene, Toluene, Ethylbenzene, and Xylenes. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 28, 2014.

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

Former First Student Bus Garage (First Student 20516) 235 Chartiers Ave., City of Pittsburgh, **Allegheny County**. American Geosciences Inc., 3925 Reed Blvd., Ste. 400 Murrysville, PA 15668 on behalf of Christine J. Roman, 1245 Anderson Road, Pittsburgh, PA 15209 submitted a Remedial Investigation Report and Addendum to Remedial Investigation concerning the remediation of site soil and groundwater contaminated with unleaded/leaded gasoline and diesel fuel/heating oil. The Remedial Investigation Report and Addendum was approved by the Department on April 2, 2014.

HAZARDOUS WASTE ACTION

Variations issued under the Solid Waste Management Act, P. L. (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 April 4, 2014.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 400558. Covanta Plymouth Renewable Energy Limited Partnership, 1155 Conshohocken

Road, Conshohocken PA 19428. This Application is for the 10-year renewal of the existing solid waste permit (400558) for Covanta Plymouth Renewable Energy, LP facility, a municipal waste resource recovery facility located at 1155 Conshohocken Road, Conshohocken, PA 19428 in Plymouth Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on March 24, 2014.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.

Permit ID No. 300558. FirstEnergy Generation, LLC, 76 South Main Street, Akron, OH 44308. Bruce Mansfield Plant, 128 Ferry Hill Road, Shippingport, PA 15077. Major permit modification approving a Closure Plan for the Little Blue Run Residual Waste Disposal Impoundment located in Greene Township, **Beaver County**, Pennsylvania and Grant District, Hancock County, West Virginia was issued in the Regional Office on April 3, 2014.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP9-58-017: Meshoppen Stone, Inc. (P. O. Box 127, Meshoppen, PA 18630) on April 03, 2014, to construct and operate diesel fired internal combustion engines at their facility in Oakland Township, **Susquehanna County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

GP3-22-03093: Liberty Excavators, Inc. (4402 Gettysburg Road, Camp Hill, PA 17011) on April 4, 2014, for a portable nonmetallic mineral processing plant under GP3 at the Fed Ex Ground site, in Lower Swatara Township, **Dauphin County**.

GP11-22-03093: Liberty Excavators, Inc. (4402 Gettysburg Road, Camp Hill, PA 17011) on April 4, 2014, for three nonroad engines under GP11, to power portable nonmetallic mineral processing equipment at the Fed Ex Ground site, in Lower Swatara Township, **Dauphin County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP3-26-00597D: Bullskin Stone & Lime, LLC (P. O. Box 528, Latrobe, PA 15650) on March 31, 2014, authorized to construct and operate sources and controls associated with a portable non-metallic mineral processing plant at their Bullskin No. 1 Mine in Bullskin Township, **Fayette County**.

GP9-26-00597D: Bullskin Stone & Lime, LLC (P. O. Box 528, Latrobe, PA 15650) on March 31, 2014, autho-

rized to construct and operate a diesel or #2 fuel-fired internal combustion engine associated with a portable non-metallic mineral processing plant at their Bullskin No. 1 Mine in Bullskin Township, **Fayette County**.

GP3-26-00597E: Bullskin Stone & Lime, LLC (P. O. Box 528, Latrobe, PA 15650) on March 31, 2014, authorized to construct and operate sources and controls associated with a portable non-metallic mineral processing plant at their Bullskin No. 1 Mine in Bullskin Township, **Fayette County**.

GP9-26-00597E: Bullskin Stone & Lime, LLC (P. O. Box 528, Latrobe, PA 15650) on March 31, 2014, authorized to construct and operate a diesel or #2 fuel-fired internal combustion engine associated with a portable non-metallic mineral processing plant at their Bullskin No. 1 Mine in Bullskin Township, **Fayette County**.

GP3-04-00739: Brandenburg Industrial Service Co. (2217 Spillman Drive, Bethlehem, PA 18015) on April 1, 2014, to install and operate a portable nonmetallic mineral processing plant including one crusher with attached conveyor and operated by a diesel-fired engine at Horsehead Corporation's Monaca Zinc Smelter in Potter Township, **Beaver County**.

GP5-03-00261: EQT Gathering, LLC (EQT Plaza 625 Liberty Ave., Suite 1700, Pittsburgh, PA 15222) on January 9, 2014, to authorize the installation and operation of a natural gas compressor station consisting of four lean burn natural gas-fired compressor engines rated at 1,775 bhp each and controlled by oxidation catalysts, one tri-ethylene glycol dehydrator (including reboiler) rated for 50 MMSCF/day and controlled by an enclosed flare, and one 8,820 gallon produced fluids tank. Other miscellaneous sources include lube oil, ethylene glycol, and tri-ethylene glycol storage tanks, two rich burn natural gas-fired generator engines rated at 566 bhp each and controlled by nonselective catalytic reduction, and one natural gas-fired line heater rated at 0.54 MMBtu/hr in West Franklin Township, **Armstrong County**. The facility will be authorized under GP-5 for natural gas production, named Trout Compressor Station, and located in West Franklin Township, **Armstrong County**. This is a correction a notice previously published on January 25, 2014.

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

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

GP9-10-265B: Iron Mountain Information Management, Inc. (1137 Branchton Road, Boyers, PA 16020) on March 31, 2014, to operate two (2) diesel or #2 fuel fired internal combustion engines, Cummins model QSK 60, Cummins model QSB 7 (BAQ-GPA/GP-9) in Cherry Township, **Butler County**.

GP1-20-294B: International Waxes, Inc. (1007 East Spring Street, Titusville, PA 16354) on March 28, 2014, to operate one (1) York-Shipley natural fuel fired boiler, model SPHC-700-N-209203, rated 23.45 MMBtu/hour (BAQ-GPA/GP-1) in City of Titusville, **Crawford 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: James Beach, New Source Review Chief—Telephone: 484-250-5920

09-0152C: Gelest, Inc. (11 East Steel Road, Morrisville, PA 19067) on April 3, 2014, to install a gas scrubber with 99% efficiency to serve as a back-up control device, and also retrofit an existing source in **Bucks County**. The company currently manufactures metal organics, silane, and silane specialty chemicals. The pollutant of concern is Volatile organic Compound (VOC). This facility is a Minor facility. There will be potential increase of 1.92 ton of VOC & 1.91 ton of HAPs emissions due to this modification. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions and all applicable air quality requirements.

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

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

64-00017A: Northeast Pennsylvania Pet Cremation Services, Inc. (256 Southwoods Court, Hawley, PA 18428) on March 21, 2014, to install and operate an incinerator in Lake Township, **Wayne County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

06-03117H: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 19606) on April 2, 2014, for installation of a Micronizing Mill No. 38, controlled by a fabric filter, and for installation of Nuisance Dust Collection System #2 fabric filter at the micronized resin and plastic manufacturing facility located in Exeter Township, **Berks County**.

36-03030A: ICM of Pennsylvania, Inc. (638 Lancaster Avenue, Malvern, PA 19355) to reauthorize the operation of a portable crushing facility previously authorized under State-only Operating Permit No. 36-03030 at the Talmage quarry in Upper Leacock Township, **Lancaster County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

32-00230B: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251) on April 2, 2014 for construction and temporary operation of one (1) Solar Titan 130 lean-premixed dry low-NOX natural gas-fired combustion turbine (to drive a centrifugal natural gas compressor) and other ancillary sources at the Armagh Compressor Station, an existing facility located in West Wheatfield Township, **Indiana County**.

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

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

33-172A: Original Fuels, Inc. (St Jacobs Church Road, Punxsutawney, PA 15767) on April 1, 2014, to modify conditions for Source 101 (Primary Diesel Generator) operating under the GP9 in Perry Township, **Jefferson County**. This is a State Only facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

06-05069U: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) on April 3, 2014, for modifying the A-2 Facility operations at the lead-acid battery assembly facility in Richmond Township, **Berks County**. The plan approval was extended.

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

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

32-00055F: NRG Homer City Services, LLC (1750 Power Plant Rd., Homer City, PA 15748) on April 1, 2014, to extend the period of temporary operation of the 313 MMBtu/hr distillate oil-fired auxiliary boiler authorized under plan approval PA-32-00055F, until October 4, 2014, at Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

63-00549A: Arden Landfill, Inc. (200 Rangos Lane, Washington, PA 15301) on April 2, 2014, to extend the temporary operation period for the landfill gas renewable energy facility at the Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date shall be October 5, 2014.

63-00549B: Arden Landfill, Inc. (625 Cherrington Parkway, Moon Township, PA 15108) on April 2, 2014, to extend the temporary operation period for the landfill expansion at Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date shall be November 3, 2014.

63-00943A: Dominion Transmission, Inc. (500 Dominion Blvd., Glenn Allen, VA 23060) on April 2, 2014, for a Plan Approval Extension issuance date effective April 04, 2014, to extend the temporary operation to facilitate the shake-down of sources, until October 04, 2014, at their Charleroi Propane Station in Fallowfield Township, **Washington County**.

03-00253A: Western Allegheny, LLC (301 Market Street, Kittanning, PA 16201-9642) on April 7, 2014, to extend the period of construction and temporary operation 180 days of the 800,000 tons per year Parkwood Mine Coal Preparation Plant in Plumcreek Township, **Armstrong County**. The new expiration date shall be October 10, 2014.

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

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

62-032I: Ellwood National Steel (3 Front Street, Irvine, PA 16329) on April 2, 2014, effective April 30, 2014, will issue a plan approval extension for the construction of a new vacuum oxygen decarburization (VOD) unit and seventh annealing furnace in Brokenstraw Township, **Warren County**. This is a Title V facility.

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

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

21-05038: Holy Spirit Hospital (503 N. 21st Street, Camp Hill, PA 17011-2288) on April 2, 2014, for their hospital facility in East Pennsboro Township, **Cumberland County**. The Title V permit was renewed.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481 Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

24-00009: Domtar Paper Co.—Johnsonburg Mill (100 Center Street, Johnsonburg, PA 15845) on April 2, 2014, for a minor operating permit modification of the Title V Operating Permit to incorporate the requirements of an alternative operating scenario approved under Request for Determination (RFD) #4051 for the facility located in Johnsonburg Borough, **Elk County**. This alternate operating scenario will occur during periods when the recovery furnace is firing natural gas only. During these periods, the recovery furnace will not be subject to the current concentration-based carbon monoxide (CO) limit of 300 ppmvd (corrected to 8% O₂), and the emissions will not exceed the current mass-based limit of 167.1 lb/hr. The RFD was approved on January 29, 2014 and the RFD required Domtar to submit a minor operating permit modification to incorporate the alternate operating scenario into the TV permit.

42-00028: Saint-Gobain Containers, Inc.—SGCI (1, Glass Place, Port Allegany, PA 16743-1154) on April 1, 2014, for the renewal of a Title V Permit to operate a glass container manufacturing facility in Port Allegany Borough, **McKean County**. The facility's emitting sources include, 1) Boilers, 2) Furnace #1, 3) Furnace #3, 4) Batch house feed, 5) Batch house cullet piles, 6) Forming / Finishing Lines Furnace #1 and, #3, 7) Hot end treatment furnace #1 and, #3, 8) Mold swab furnace #1 and, #3, 9) Miscellaneous natural gas usage, 10) Two degreaser units and, 11) Emergency generator, and, 12) Fritting Channel. The facility is a major facility for Title V due to its potential to emit of Oxides of Nitrogen and Oxides of Sulfur. The emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ are included in the permit. The applicable conditions of 40 CFR Part 63, Subpart SSSSSS for glass furnaces were previously included in the permit and have not been changed by this renewal. The facility provided the following actual emissions for 2012: NO_x: 229.62 Tons per year (TPY), SO₂: 140.33, CO: 187.64 TPY, VOC: 20.89 TPY, PM-10: 82.62 TPY, Ethane: 1.12 TPY, Methane: 1.02 TPY, Sulfuric Acid: 41.56 TPY, CO₂: 67,149.52TPY, Nitrous Oxide: 0.11 TPY, Hydrochloric Acid: 1.99 TPY (HAP), Methyl Ethyl Ketone: 0.03 TPY (HAP).

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 19428

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

46-00171: John Evans' Sons, Inc. (1 Spring Avenue, Lansdale, PA 19446) on March 19, 2014, for the renewal of a Non-Title V Facility, State-Only, Natural Minor Permit in Lansdale Borough, **Montgomery County**. John Evans' Sons, Inc. operates a boiler, a parts washer, and a number of spring forming machines. The facility has a potential to emit 3 tons of hazardous air pollutants per year, and less than 2.7 tons of n-propyl bromide. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

09-00136: Powdersize, Inc. (20 Pacific Drive, Quakertown, PA 18951-3601) on March 19, 2014, for operation of pulverizing and screening powder form products to meet customer specifications in Richland Township, **Bucks County**. This action is a renewal of the State Only Operating Permit (Natural Minor). The original State Only Operating Permit was issued on January 29, 2004. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

36-03076: New Enterprise Stone & Lime Co., Inc. (PO Box 550, Blue Ball, PA 17506-5550) on April 1, 2014, for their limestone crushing operations at the Weaverland Quarry in East Earl Township, **Lancaster County**. The State-only permit was renewed.

67-03018: Penn Mar Castings, Inc. (500 Broadway, Hanover, PA 17331-2001) on March 18, 2014, for the gray iron foundry in Hanover Borough, **York County**. The State-only permit was renewed.

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

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

04-00714: Ashland, Inc. (3499 Blazer Parkway, Lexington, KY 40509) On April 7, 2014, the Department issued the State Only Operating Permit for the operation of a lubricant blending and packaging facility, known as the Rochester Facility, located in Rochester Borough, **Beaver County**.

The facility contains air contamination sources consisting of sixty-eight above ground storage tanks ranging in capacity from 997 gallons to 1,052,685 gallons, packaging lines, and two (8 and 5.2 MMBtu/hr) natural gas-fired boilers. Oil throughput is limited to 134,600,000 gallons per year.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 60 and Pa. Code Title 25, Article III, Chapters 121 through 145.

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

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

25-00066: Accuride Erie LP (1015 E. 12th Street, Erie, PA 16503-1520) on April 1, 2014, for renewal of the Synthetic Minor Operating Permit to operate nonferrous forging facility located in City of Erie, **Erie County**. The emitting sources included: Source ID # 102: 8000 ton forging press (22-13), Source ID # 103: 7000 ton forging press (22-17), Source ID # 104: 2000 heat treating furnaces (9-1, 9-2, & 10-1), Source ID # 106A: 1995 solution furnace (26-4), Source ID # 106B: 1995 quench tank (26-5), Source ID #106C: 1995 age furnace (26-6), Source ID # 107: (2) cold cleaning machines (4-4 & 22-7), Source ID # 108: Process heating—natural gas usage, Source ID # 109: Miscellaneous natural gas usage, Source ID# 110: (9) Wheel Washers (5-6, 5-7, 5-10, 285, 585, 785, 885, 985, and, ML), Source ID# 111: (2) Carbottom furnaces (22-22 & 22-23) (Bldg. 22), Source ID # 112A: 2006 solution furnace, Source ID # 112B: 2006 Quench tank, Source ID #112C: 2006 Age Furnace, Source ID # 113: 7000 Ton forge line 5, Source ID # 114: 7000 ton forge line 6, Source ID # 115: Wheel machining lines 2, 8 & 9, Source ID # 116: polishing cells, Source ID# 117: Emergency Generator, Source 118: Emergency fire water pump. The emergency fire water pump, (Source ID #118) is subject to 40 CFR Part 60, Subpart IIII. All applicable conditions of Subpart IIII have been included in the source level of the permit. The facility has taken a restriction of emissions of Carbon Monoxide (CO) from the facility to not exceed 95 Tons per year (TPY) and maintains the status of Synthetic Minor. The facility reported the following emissions in 2012: CO, Carbon Monoxide: 24.5 Tons per year, NO_x, Oxides of Nitrogen: 9.65 TPY, PM-10, Particulate matter less than 10 micron: 9.80 TPY, PM-2.5, Particulate matter less than 2.5 micron: 9.8 TPY, SO_x, Oxides of Sulfur: 2.13 TPY, VOC, Volatile organic compound: 5.79 TPY, Methane: 0.10 TPY, N₂O, Nitrous Oxide: 0.10 TPY, CO₂, Carbon Di Oxide: 9,888.40 TPY.

62-00176: Allegheny Pellet Corp. (PO Box 183, Matthews Run Road, Youngsville, PA 16371-0183) on April 1, 2014, issued a State Operating Permit for the wood pellet manufacturing plant in Brokenstraw Township, **Warren County**. The facility's primary emission sources include two small wood fired boilers for building heat (each 140,000 btu/hr), a small pellet stove for building heat (50,000 btu/hr), a rotary dryer, dry sawdust truck dumping, green sawdust truck dumping, a metering bin, a hammermill, screening, three pellet mills, three storage silos, a parts washer, and an emergency diesel generator. The rotary dryer is subject to the requirements of plan approval 62-176A. The particulate matter from the dry sawdust truck dumping and the hammermill is controlled by a baghouse. The screening is controlled by a cartridge collector. The silos are controlled by bin vent collectors. The engine is subject to 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Units. The potential emissions from the facility are less than the following: NO_x 27.5 TPY; CO 59.5 TPY; VOC 17.7 TPY; SO_x 2.59 TPY; and, particulate matter 29.8 TPY. The operating permit contains applicable emission restrictions, testing requirements, monitoring requirements, reporting requirements, work practice requirements, and additional requirements in accordance with the Clean Air Act.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

53-00003: National Fuel Gas Supply Corp. (PO Box 2081, Erie, PA 16512) on April 1, 2014, issued a revised Title V operating permit for their Ellisburg Natural Gas Compressor Station in Allegany Township, **Potter County**. The revision was for the incorporation of terms and conditions from Plan Approval 53-00003D. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, record-keeping and reporting conditions.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

32-00059: GenOn Northeast Management Company (121 Champion Way, Suite 200, Canonsburg, PA 15317). Per Title 25 Pa. Code Section 127.449(i), this Notice is for the following de minimis emission increase

| <i>Date</i> | <i>Source</i> | <i>PM₁₀ (tons)</i> | <i>SO_x (tons)</i> | <i>NO_x (tons)</i> | <i>VOC (tons)</i> | <i>CO (tons)</i> |
|--------------------------|--|-----------------------------------|------------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 03-21-14 | Installation of an anodizing tank to Source 112. | 0.00004 | - | - | - | - |
| Total Reported Increases | | 0.00004 | - | - | - | - |
| Allowable | | 0.6 ton/source 3 tons/facility | 1.6 tons/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

56773707 and NPDES No. PA0215775 and GP12-56773707-R8. PBS Coals, Inc., (1576 Stoystown Road,

at the GenOn Northeast **Management Company**, Conemaugh Power Plant, located in West Wheatfield Township, Indiana County: Project to apply additives to coal prior to combustion for mercury and NO_x emission control. Total emissions from this project will not exceed 0.3 tpy PM₁₀.

The list of de minimis increases for this facility includes only this project.

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

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

10-00267: Alcoa Commercial Windows LLC (71 Progress Avenue, Cranberry Township, PA 16066) for facility located in Cranberry Township, **Butler County**. The de minimis emission increase is due to the installation of a sulfuric acid anodizing tank to source 112 (Acid Anodizing Tanks 3). The Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the September 22, 2010, TV Operating Permit issuance date, Alcoa Commercial Windows LLC has notified the Department of the following de minimis emission increases at the Facility:

PO Box 260, Friedens, PA 15541). To renew the permit for the Cambria Fuel Refuse Disposal Area in Stonycreek Township, **Somerset County** and related NPDES permit, and Air Quality GPA/GP12 Authorization. Approval is authorized under General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56773707-R8. No additional discharges. GPA/GP12 received and accepted May 2, 2011. The application was considered administratively complete on August 31, 2011. Application received March 25, 2011. Permit issued March 31, 2014.

30841313 and NPDES No. PA0022594. Consol Mining Company LLC, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To transfer the permit and related NPDES permit for the Dilworth Mine in Cumberland Township, **Greene County** from Consolidation Coal Company to Consol Mining Company LLC. No additional discharges. The application was considered administratively complete on January 27, 2014. Application received January 6, 2014. Permit issued April 1, 2014.

Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500

65010101 and NPDES Permit No. PA0202908. M.B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717). Permit renewal issued for continued treatment of discharge to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 197

acres. Receiving streams: unnamed tributary to Miller Run and Saxman Run. Application received: September 23, 2013. Permit issued: April 4, 2014.

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

17070111 and NPDES PA0256579. RES Coal LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Renewal for the continued operation and restoration of a bituminous surface and auger mine in Girard Township, **Clearfield County** affecting 370.0 acres. Receiving stream(s): Bald Hill Run and Surveyor Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 6, 2013. Permit issued: March 27, 2014.

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

54980102R3. Tuscarora Mine & Minerals Corp., (PO Box 131, Tuscarora, PA 17982), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 144.6 acres, receiving stream: Silver Creek. Application received: May 24, 2013. Renewal issued: April 3, 2014.

54980102GP104. Tuscarora Mine & Minerals Corp., (PO Box 131, Tuscarora, PA 17982), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54980102 in Blythe Township, **Schuylkill County**, receiving stream: Silver Creek. Application received: May 24, 2013. Permit issued: April 3, 2014.

Noncoal Permits Issued

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

Permit No. 56763036 and NPDES No. PA0125015, Shade Landfill, Inc., 1176 No. 1 Road, Cairnbrook, PA 15924, permit renewal for the continued operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 84.2 acres. Receiving stream: Miller Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received October 1, 2013. Permit Issued: March 27, 2014.

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

3074SM13 and NPDES Permit No. PA0107433. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Revision to an existing large industrial minerals mine to add 49.1 acres of additional land and delete 49.1 acres in Slippery Rock Township, **Butler County**. The total acreage will remain 1,058.5 acres. This revision also includes a land use change from pasturelands/lands occasionally cut for hay to industrial/commercial land and unmanaged natural habitat on the Allegheny Mineral Corporation property. Receiving streams: Five unnamed tributaries to Slippery Rock Creek and two unnamed tributaries to Wolf Creek. Application received: September 9, 2013. Permit Issued: March 31, 2014.

3074SM13. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0107433 in Slippery Rock Township, **Butler County**. Receiving streams: Five unnamed tributaries to Slippery Rock Creek and two unnamed tributaries to Wolf Creek. Application received: September 9, 2013. Permit Issued: March 31, 2014.

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

4773SM2 and NPDES PA0596680. Hanson Aggregates Pennsylvania LLC (7660 Imperial Way, Allentown, PA 18195). Renewal of the NPDES permit on an existing industrial mineral mine located in Potter Township, **Centre County** affecting 15 acres. Receiving stream(s): Unnamed Tributary to Cedar Run classified for the following use(s): Cold Water Fishes and Migratory Fishes. Application received: February 21, 2014. Permit issued: April 2, 2014.

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

Permit No. 58131001. Pennsy Supply, Inc., (PO Box 3331, Harrisburg PA 17105), commencement, operation and restoration of a short-term construction project (GP103) in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Nick Creek. Application received: November 14, 2013. Permit issued: April 2, 2014.

Permit No. 58131001GP104. Pennsy Supply, Inc., (PO Box 3331, Harrisburg PA 17105), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58131001 in Auburn Township, **Susquehanna County**, receiving stream: Nick Creek. Application received: November 14, 2013. Permit issued: April 2, 2014

Permit No. 58132804. Larry Donald Rood, (8605 SR 2067, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: East Branch Martin's Creek. Application received: November 18, 2013. Permit issued: April 2, 2014.

Permit No. 58132804GP104. Larry Donald Rood, (8605 SR 2067, Susquehanna, PA 18847), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58132804 in New Milford Township, **Susquehanna County**, receiving stream: East Branch Martin's Creek. Application received: November 18, 2013. Permit issued: April 2, 2014.

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

57144101. John H Brainard (3978 SR 2073, Kingsley, PA 18826-7039). Blasting for Insinger Excavating single dwelling located in Cherry Township, **Sullivan County** with an expiration date of May 31, 2014. Permit issued: April 1, 2014.

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

Permit No. 58144119. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Linde Corp. Hop Bottom Pipeline in

Brooklyn and Harford Townships, **Susquehanna County** with an expiration date of March 25, 2015. Permit issued: April 2, 2014.

Permit No. 58144120. DW Drilling & Blasting, (9990 Coconut Road, Bonita Springs, FL 34135), construction blasting for Grasavage Gas Pad & Tank Farm in Jessup Township, **Susquehanna County** with an expiration date of March 27, 2015. Permit issued: April 2, 2014.

Permit No. 58144118. John H. Brainard, (3978 SR 2073, Kingsley, PA 18826), construction blasting for NR 15 Hughes Pad and Road in Great Bend Township, **Susquehanna County** with an expiration date of December 31, 2014. Permit issued: April 3, 2014.

Permit No. 67144103. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Spring Woods in York Township, **York County** with an expiration date of April 1, 2015. Permit issued: April 3, 2014.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E40-743. Shannon Properties, LP, P. O. Box 803, Bloomsburg, PA 18715. Conyngham Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the construction of a commercial building:

1. To place and maintain fill in approximately 0.2 acre of the floodway of an Unnamed Tributary to Nescopeck Creek (CWF, MF) for the purpose of constructing an asphalt parking lot and two stormwater management impoundment areas.

2. To construct and maintain a stormwater outfall consisting of a 15-inch diameter pipe and an 18-inch diameter pipe with a riprap apron in the floodway of an Unnamed Tributary to Nescopeck Creek.

3. To construct and maintain a 26-foot wide driveway crossing of an Unnamed Tributary to Nescopeck Creek and a de minimus area of adjacent wetlands equal to 0.04 acre consisting of a box culvert having a 16-foot span and a 5-foot underclearance. The driveway crossing was previously authorized under General Permit No. GP074010412, but has since expired.

The project is located along S.R. 93, approximately 300-ft south of the intersection of S.R. 93 and Brookhill Road (Conyngham, PA Quadrangle Latitude: 40° 59' 36.8"; Longitude: -76° 04' 09") in Conyngham Borough, Luzerne County. Subbasin: 5D

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

F31-229: Petersburg Borough, 223 Penn Street, Huntingdon PA 16652 in Petersburg Borough, **Huntingdon County**, ACOE Baltimore District.

To remove structures from the floodplain at the locations listed. The projects propose to temporarily affect approximately .1 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341). The permit was approved.

| | <i>Address</i> | <i>Waterway</i> | <i>Chapter 93 Designation</i> | <i>USGS Quadrangle</i> | <i>Latitude</i> | <i>Longitude</i> |
|---|--|-----------------|-------------------------------|------------------------|-----------------|------------------|
| 1 | 424 Columbia St. Petersburg, PA 16669 | Shavers Creek | HQ-CWF | Alexandria, PA | 40.5735 | -78.0494 |

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

E02-1681. Pennsylvania Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676; Harmar & Indiana Townships, **Allegheny County**; ACOE Pittsburgh District.

Has been given consent to permanently impact a total of approximately 2,274 linear feet (LF) of various watercourses and 0.75 acre of wetland, and to temporarily impact a total of approximately 1,167 LF of various watercourses and 0.384 acre of wetland, in association with the widening and reconstruction of the Pennsylvania Turnpike (Interstate 70/76), between milepost (MP) 43.56 and MP 47.07. This construction activity is one (1) of eight (8) subprojects that is associated with a total reconstruction of a portion of the PA Turnpike, between MP 39 and 47, between the Butler Valley and Allegheny Valley Interchanges (a.k.a. the PTC 40-48 Project) in Harmar and Indiana Townships, Allegheny County (Starting at Glenshaw, PA Quadrangle N: 15.54 inches; W: 0.08 inch; Latitude: 40° 35' 8" ; Longitude: -79° 52' 32" and ending at New Kensington West, PA Quadrangle N: 8.58 inches; W: 10.30 inches; Latitude: 40° 32' 50" Longitude: -79° 49' 27"). Water Obstruction and Encroachment Permits have already been issued for three (3) of the other subprojects (Permit Nos. E02-1651, GP070211202 and E02-1669).

E02-1692. Eastman Chemical Resins, Inc., 2200 State RT 837, P. O. Box 545, West Elizabeth, PA 15088-0545; Jefferson Hills Borough, **Allegheny County**; ACOE Pittsburgh District.

Has been given consent to operate and maintain an existing 60-ft long, 60-inch diameter CMP culvert, and an approximately 44-ft long extension of this pipe. The existing pipe was extended to secure a pipe bent foundation supporting bridge, which carries process and supply pipelines across an unnamed tributary to the Monongahela River (WWF). This extension was previously authorized by Emergency Permit #EP0213210. This stream enclosure is located within the aforementioned watercourse, at the Eastman Chemical Resins, Inc.—Jefferson Site facility (Glassport, PA Quadrangle; N: 2.81 inches; W: 3.77 inches; Latitude: 40°15'55.7"; Longitude: -79°54' 7.24") in Jefferson Hills Borough, Allegheny County.

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

E20-592, Crawford Area Transportation Authority, 214 Pine Street, Meadville, PA 16335 in the City of Meadville, **Crawford County**, ACOE Pittsburgh District

To construct and maintain a bus shelter measuring approximately 13 feet wide by 8 feet long and associated grading occupying a total area of approximately 20 feet wide by 15 feet long within the mapped FEMA floodway of French Creek at the southwest corner of the intersection of Rogers Ferry Road and Asbury Manor East entrance driveway. (Meadville, PA Quadrangle N: 41°, 39', 07"; W: -80°, 09', 56")

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

E4129-079: Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365, Cummings Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 73 linear feet of an unnamed tributary to Ramsey Run (HQ-CWF) (Waterville, PA Quadrangle 41°17'58"N 77°18'43"W);

2) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 70 linear feet of an unnamed tributary to Ramsey Run (HQ-CWF) (Waterville, PA Quadrangle 41°17'59"N 76°18'43"W);

3) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 64 linear feet of an unnamed tributary to Ramsey Run (HQ-CWF) (Waterville, PA Quadrangle 41°18'34"N 77°18'51"W);

4) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 60 linear feet of an unnamed tributary to Ramsey Run (HQ-CWF) and 3,809 square feet of adjacent palustrine emergent (PEM) wetland (Waterville, PA Quadrangle 41°19'02"N 77°19'04"W);

5) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 61 linear feet of Ramsey Run (HQ-CWF) (Waterville, PA Quadrangle 41°19'13"N 77°19'34"W).

The project will result in a total of 328 linear feet of stream impacts and 0.09 acre of wetland impacts all for the purpose of installing a natural gas gathering line, fiber optic cable, and temporary access roadways for Marcellus well development.

E5829-062. Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Park Drive, Pittsburgh, PA 15275; Springville Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 16-inch diameter natural gas pipeline and timber mat crossing impacting 1,035 square feet (0.02 acre) of PEM wetlands (Springville, PA Quadrangle; N 41° 39' 09" Lat., W -75° 52' 54" Long.),

2. a 16-inch diameter natural gas pipeline and timber mat crossing impacting 78 linear feet of an unnamed tributary to Monroe Creek (CWF-MF) (Springville, PA Quadrangle; N 41° 39' 09" Lat., W -75° 52' 54" Long.),

3. a 16-inch diameter natural gas pipeline and timber mat crossing impacting 3,046 square feet (0.07 acre) of PEM wetlands (Springville, PA Quadrangle; N 41° 39' 03" Lat., W -75° 53' 11" Long.),

4. a 16-inch diameter natural gas pipeline impacting 23 square feet (0.01 acre) of PEM wetlands (Springville, PA Quadrangle; N 41° 39' 19" Lat., W - 75° 53' 24" Long.),

5. a 16-inch diameter natural gas pipeline impacting 185 square feet (0.01 acre) of PEM wetlands (Springville, PA Quadrangle; N 41° 39' 21" Lat., W -75° 53' 23" Long.),

6. a 16-inch diameter natural gas pipeline impacting 1 linear foot of an unnamed tributary to Pond Brook (CWF-MF) (Springville, PA Quadrangle; N 41° 39' 21" Lat., W -75° 53' 23" Long.),

7. a timber mat crossing impacting 133 square feet (0.01 acre) of PEM wetlands (Springville, PA Quadrangle; N 41° 39' 34" Lat., W - 75° 53' 35" Long.),

8. an 8-inch diameter natural gas pipeline and timber mat crossing impacting 102 linear feet of Pond Brook (CWF-MF) (Springville, PA Quadrangle; N 41° 39' 46" Lat., W -75° 53' 40" Long.).

The project consists of constructing approximately 13,063 lineal feet of 8" transitioning to 16" natural gas gathering line, within a 50 to 75 foot permanent right of way, routed to connect the Garrison Road Pipeline and the Pijanowski well pad located in Springville Township, Susquehanna County. The project will result in 132 lineal feet of temporary stream impacts, 0.10 acre of temporary wetland impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh PA, 15222

E30-07-006: Penneco Oil Company Inc., 6608 Rte. 22, Delmont, PA 15626-2408, Center Township, **Greene County**, ACOE Pittsburgh District.

Penneco Oil Company Inc., shall construct a prefabricated Steel bridge, 50 feet long across Jacob's Creek, a High Quality, Warm Water Fishery, to access an existing gas well pad and eliminate a ford crossing, in Center Township, **Greene County**, Pittsburgh ACOE District (Rogersville Quadrangle, Latitude N 39° 53' 49.20" Longitude -80° 21' 08.04"). This project will permanently impact 50 feet of stream and 0.02 acre of PEM wetland. The upstream watershed drainage area is 1.97 square miles.

ENVIRONMENTAL ASSESSMENTS

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.

EA56-007. National Park Service Flight 93 National Memorial, PO Box 911, Shanksville, PA 15560; Stoneycreek Township, **Somerset County**; ACOE Pittsburgh District

On November 3, 2009, the Department approved an Environmental Assessment and granted 401 Water Quality Certification, under Section 401(a) of the Federal Clean Water Act, to the National Park Service (NPS), regarding the following activities:

1. to place and maintain fill, to construct and maintain a road with multiple pipes (18" or 30" minimum diameter) and to construct and maintain a boardwalk in 1.79 acres of wetland (PEM/POW),
2. To place and maintain fill in 0.2 acre of open water,
3. To remove 0.09 acre of wetland through the modification of an existing pond, and
4. To place and maintain fill in approximately 521 feet of an unnamed tributary within the Grove Run watershed (CWF),

This approval is for the purpose of constructing Phase 1A of the Flight 93 National Memorial. In addition, 2.09 acres of wetland (PEM/POW) will be temporarily im-

acted from the construction of a cofferdam and causeway, and 2.36 acres of open water will be temporarily dewatered, during the construction of the memorial. The project is located off of Skyline Road, approximately 1.2 miles southeast of this roadway's intersection with Lambertsville Road, in Stonycreek Township, Somerset County. To compensate for the permanent impacts, 2.55 acres of replacement wetland, 0.2 acre of open water and 1,314 feet of channel will be constructed. If successfully created, the additional wetland replacement acreage of approximately 0.67 acre will be utilized to compensate for potential impacts that may result from the construction of future phases of the memorial (Pittsburgh ACOE District, Stoystown, Pa Quadrangle, N 9.5", West 4.2"; Latitude 40° 3' 8", Longitude 78° 54' 16").

The Department is now approving the environmental assessment and granting 401 Water Quality Certification to the National Park Service, to temporarily impact approximately 1.01 acres of wetland (PEM/POW), to construct temporary access roads, to facilitate the construction of the pedestrian bridge/boardwalk, which was granted 401 Water Quality Certification with the previous/forementioned environmental assessment approval. The temporary access roads will be removed, and the temporarily affected wetland areas will be restored, after construction of the pedestrian bridge/boardwalk is completed.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

| <i>ESCGP-2 No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|--------------------|--|---|---|---|
| 65138006-1 | Sunoco Pipeline, LP 525 Fritztown Rd Sinking Springs, PA 19608 | Westmoreland, Washington, and Allegheny | Hempfield, Jeanette, Murrysville, Sewickley, South Huntingdon, Elizabeth, Forward, Chartiers, North Strabane, Nottingham, Union | Chartiers Run (WWF), UNT to Chartiers Run (WWF), UNT to Chartiers Creek (WWF), UNT to Little Chartiers Creek (HQ), UNT to Peters Creek (HQ-TSF), UNT to Froman Run (TSF), Froman Run (TSF), Monongahela River (WWF), UNT to Bunola Run (WWF), Bunola Run (WWF), Kelly Run (WWF), Perry Mill Run (WWF), UNT to Sunfish Run (WWF), Sunfish Run (WWF), UNT to Beckers Run (WWF), UNT to Gillespie Run (WWF), UNT to Pollock Run (WWF), Pollock Run (WWF), Sewickley Creek (WWF), Youghiogeny River (WWF), UNT to Sewickley Creek (WWF), UNT to Little Sewickley Creek (WWF), UNT to Brush Creek (TSF), Brush Creek (TSF), UNT to Bushy Run (TSF), Bushy Run (TSF), UNT to Turtle Creek (TSF), Turtle Creek (TSF), UNT to Beaver Run (TSF) |

*Northwest Region: Oil and Gas Program Manager, 230
Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX13-019-0006—Morrow Well Pad—Major
Modification
Applicant EM Energy Pennsylvania, LLC
Contact Mr. Hugh Caperton
Address 601 Technology Drive, Suite 300
City Canonsburg State PA Zip Code 15317
County Butler Township(s) Concord(s)
Receiving Stream(s) and Classification(s) UNT1 and
UNT2 to Pine Run / Trib 35326 of Connequenessing
Creek / Connequenessing Watershed

ESCGP-1 #ESX14-085-0009—Delaware Capatho Russian
Church Well Pad
Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street Suite 1400
City Houston State TX Zip Code 77002
County Mercer Township(s) Delaware(s)
Receiving Stream(s) and Classification(s) UNT to
Shenango River

ESCGP-1 #ESX14-019-0018—AK Steel Well Pad D
Applicant XTO Energy
Contact Melissa Breitenbach
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086
County Butler Township(s) Butler(s)

Receiving Stream(s) and Classification(s) Connoqueness-
ing Creek, UNT to Connoquenessing Creek WWF

ESCGP-1 #ESX14-085-0010—Delaware Dickson Well Pad
Applicant Hilcorp Energy
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400
City Houston State TX Zip Code 77002
County Mercer Township(s) Delaware(s)
Receiving Stream(s) and Classification(s) UNT 36048 to
Shenango River WWF

ESCGP-1 #ESX10-083-0031A—Heartwood Well Pad D—
Major Modification
Applicant PA General Energy Co LLC
Contact Jim Ashbaugh
Address 120 Market Street
City Warren State PA Zip Code 16365
County Mckean Township(s) Norwich(s)
Receiving Stream(s) and Classification(s) Parker Run
(EV-NRWTS)

ESCGP-1 #ESX14-085-0003—Pymatuning McKnight Well
Pad
Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400
City Houston State TX Zip Code 77002
County Mercer Township(s) Pymatuning(s)
Receiving Stream(s) and Classification(s) UNT to

Shenango River, UNT to Big Run, Shenango River,
and Big Run WWF

ESCGP-1 #ESX14-085-0011—Delaware Douds Well Pad
Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400
City Houston State TX Zip Code 77002
County Mercer Township(s) Delaware(s)
Receiving Stream(s) and Classification(s) UNT to
Shenango River, Shenango River WWF

ESCGP-1 #ESG14-085-0005—Sandy Lake Morton Well
Pad
Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400
City Houston State TX Zip Code 77002
County Mercer Township(s) Pymatuning(s)
Receiving Stream(s) and Classification(s) UNT to Little
Sandy Creek HQ-CWF, Allegheny River WWF

ESCGP-1 #ESX14-073-0008—Ambrosia South Gathering
Pipeline
Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400
City Houston State TX Zip Code 77002
County Lawrence Township(s) Mahoning(s)
Receiving Stream(s) and Classification(s) UNTs to Mahon-
ing River WWF

*Eastern Region: Oil & Gas Management Program Man-
ager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESG29-023-14-0001
Applicant Name Seneca Resources Corporation
Contact Person Michael Clinger
Address 5800 Corporate Drive, Suite 300
City, State, Zip Pittsburgh, PA 15237
County Cameron County
Township(s) Shippen Township
Receiving Stream(s) and Classification(s) Right Branch
Cooks Run/Sinnemahoning Creek (EV and Wild Trout);
Secondary: Driftwood Branch Sinnemahoning Creek

ESCGP-1 # ESG29-115-14-0009
Applicant Name Southwestern Energy Production
Company
Contact Person Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna County
Township(s) New Milford Township
Receiving Stream(s) and Classification(s) UNT to Martins
Creek (CWF/MF) and UNTs to Beaver Creek (HQ,
CWF/MF)

ESCGP-1 # ESX29-115-14-0023
Applicant Name Southwestern Energy Production
Company
Contact Person Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna County
Township(s) Oakland Township
Receiving Stream(s) and Classification(s) Drinker Creek
(CWF/MF)

ESCGP-1 # ESX11-115-0143 (02)
Applicant Name Williams Field Services Company, LLC
Contact Person Julie Nicholas
Address 1212 S. Abington Road
City, State, Zip Clarks Summit, PA 18411
County Susquehanna County

Township(s) Dimock Township
Receiving Stream(s) and Classification(s) West Branch
Meshoppen Creek (CWF/MF)

ESCGP-1 # ESX29-117-14-0004
Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 2100 Georgetown Drive, Suite 400
City, State, Zip Sewickley, PA 15143
County Tioga County
Township(s) Richmond Township
Receiving Stream(s) and Classification(s) UNT to Canoe
Camp Creek (CWF/MF);
Secondary: Canoe Camp Creek

ESCGP-1 # ESG13-081-0018 (01)
Applicant Name Pennsylvania General Energy Company,
LLC
Contact Person James Ashbaugh
Address 120 Market Street
City, State, Zip Warren, PA 16365
County Lycoming County
Township(s) Cummings and McHenry Townships
Receiving Stream(s) and Classification(s) Callahan Run,
Love Run, Hackett Ford, UNT to Little Pine Creek;
(EV);
Secondary: Pine Creek, Little Pine Creek

ESCGP-1 # ESG29-023-14-0002
Applicant Name Seneca Resources Corporation
Contact Person Michael Clinger
Address 5800 Corporate Drive, Suite 300
City, State, Zip Pittsburgh, PA 15237
County Cameron County
Township(s) Shippen Township
Receiving Stream(s) and Classification(s) Nicholas Run,
Brewer Fork/Sinnemahoning Creek (HQ/EV) Stream
Sections Supporting Natural Production of Trout;
Secondary: Elk Fork

ESCGP-1 # ESX29-115-14-0030
Applicant Name Susquehanna Gathering Company, LLC
Contact Person Herman Van Eck, Jr.
Address 1299 Oliver Road
City, State, Zip New Milford, PA 18834
County Susquehanna County
Township(s) Jackson Township
Receiving Stream(s) and Classification(s) Tunkhannock
Creek (CWF)

ESCGP-1 # ESG29-015-14-0005
Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 100 IST Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Wilmot Township
Receiving Stream(s) and Classification(s) Two UNTs to
Foster Branch Sugar Run, Foster Branch Sugar Run
Watershed (CWF, Wild Trout);
Secondary: Susquehanna River

ESCGP-1 # ESX29-115-14-0004
Applicant Name Cabot Oil & Gas Corporation
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Bridgewater Township
Receiving Stream(s) and Classification(s) Meshoppen
Creek (CWF/MF)

ESCGP-1 # ESX12-131-0033 (01)
 Applicant Name UGI Energy Services, LLC
 Contact Person Jeff England
 Address 1 Meridian Boulevard
 City, State, Zip Wyomissing, PA 19610
 County Wyoming County
 Township(s) Washington Township
 Receiving Stream(s) and Classification(s) UNT to
 Susquehanna River/Little Mehoopany Creek-Lower
 Susquehanna River (HUC 12) (WWF/MF);
 Secondary: Susquehanna River (WWF/MF)

ESCGP-1 # ESX29-115-14-0027
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Randy DeLaune
 Address 100 1ST Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna County
 Township(s) Auburn Township
 Receiving Stream(s) and Classification(s) Dority Creek
 (CWF/MF), Baker Creek (CWF/MF) and Riley Creek
 (CWF/MF)

ESCGP-1 # ESG29-015-14-0003
 Applicant Name Appalachia Midstream Services LLC
 Contact Person Randy DeLaune
 Address 100 1ST Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Terry and Wilmot
 Receiving Stream(s) and Classification(s) 2 UNTs to Fos-
 ter Branch Sugar Run Foster Branch Sugar Run Water-
 shed (CWF-Wild Trout)
 Secondary—Susquehanna River

ESCGP-1 # ESG29-015-14-0007
 Applicant Name Appalachia Midstream Services LLC
 Contact Person Randy DeLaune
 Address 100 1ST Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Terry
 Receiving Stream(s) and Classification(s) Panther Lick
 Creek (CWF-Wild Trout Fishes) Sugar Run Creek
 (CWF) Panther Lick Creek Watershed (CWF-Wild Trout
 Fishes) Sugar Run Creek Watershed (CWF)
 Secondary—Susquehanna River

ESCGP-1 # ESG29-081-14-0011
 Applicant Name Pennsylvania General Energy Company,
 LLC
 Contact Person James Ashbaugh
 Address 120 Market Street
 City, State, Zip Warren, PA 16365
 County Lycoming County
 Township(s) Cummings and McHenry
 Receiving Stream(s) and Classification(s) Boone Run
 (EV);
 Secondary: Little Pine Creek (HQ/TSF)

ESCGP-1 # ESG13-081-0073
 Applicant Name Seneca Resources Corporation
 Contact Person Doug Kepler
 Address 51 Zents Blvd.
 City, State, Zip Brookville, PA 15825
 County Lycoming County
 Township(s) Gamble and Lewis Townships
 Receiving Stream(s) and Classification(s) Trout Run,
 UNTs to Lycoming Creek (HQ-CWF/MF), Lycoming
 Creek (CWF, MF, EV), Trib. 19854 to Mill Creek, UNTs
 to Mill Creek (TSF/MF, EV)/all to lower West Branch of
 Susquehanna;
 Secondary: Susquehanna River

ESCGP-1 # ESX11-131-0041 (01)
 Applicant Name Williams Field Services Co, LLC
 Contact Person Julie Nicholas
 Address 1212 Abington Road
 City, State, Zip Clarks Summit, PA 18411
 County Wyoming County
 Township(s) Washington Township
 Receiving Stream(s) and Classification(s) Meshoppen
 Creek (CWF);
 Secondary: Susquehanna River

SPECIAL NOTICES

General NPDES Permit for Stormwater Discharges Associated with Construction Activities

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

PAG-2-27-56-14-001, Ridge Energy Company, Inc.,
 265 Swamp Road, Clymer, PA 15728. General NPDES
 Permit for Stormwater Discharges Associated with Con-
 struction Activities on GFCC Permit No. 56-12-01 in
 Conemaugh Township, **Somerset County**. Receiving
 streams: Stonycreek River classified for the following use:
 warm water fishery. There are no potable water supply
 intakes within 10 miles downstream. Notice of Intent for
 coverage received: November 21, 2013. Coverage Ap-
 proved: February 18, 2014.

[Pa.B. Doc. No. 14-820. Filed for public inspection April 18, 2014, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the
 Department of Environmental Protection's (Department)
 web site at www.eLibrary.dep.state.pa.us. The "Technical
 Guidance Final Documents" heading is the link to a menu
 of the various Department bureaus where each bureau's
 final technical guidance documents are posted. The "Tech-
 nical Guidance Draft Documents" heading is the link to
 the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to
 view and download technical guidance documents. When
 this option is not available, persons can order a paper
 copy of any of the Department's draft or final technical
 guidance documents by contacting the Department at
 (717) 783-8727.

In addition, bound copies of some of the Department's
 documents are available as Department publications.
 Check with the appropriate bureau for more information
 about the availability of a particular document as a
 publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons
 who have questions or comments about a particular
 document should call the contact person whose name and
 phone number is listed with each document.

Final Technical Guidance—Substantive Revision

DEP ID: 012-4180-001. **Title:** Policy for the Consider-
 ation of Community Environmental Projects in Conjunction
 with Assessment of Civil Penalty. **Description:** The
 Department staff will consider the performance of a
 Community Environmental Project (CEP), in appropriate
 situations, in lieu of a portion of the amount of civil

penalty it will accept as a settlement. The Department may, in determining the amount of civil penalty to collect, consider projects that have substantial public health or environmental benefits. The Department may consider CEPs in situations it decides are appropriate, as an exercise of its enforcement discretion. Additional consideration may be given to CEPs proposed in areas that are susceptible to disproportionate environmental impacts and projects that will benefit conditions in an environmental justice area. The Department sought input from the Citizens Advisory Council and the Environmental Justice Advisory Board in the development of this policy. Where possible, those comments were included in the version that was shared with the public for comment. Due to the early involvement of both advisory groups prior to public comment, neither had additional comments on the version published for public comment. This revised guidance was published as draft at 43 Pa.B. 6450 (October 26, 2013), for a 30-day public comment period. Comments were received from two commentators. Subsequent to publication, the Department completed minor edits in response to the public comments. Revisions to the draft technical guidance document resulting from the public comments are described in the accompanying Comment-Response Document.

Contact: Questions regarding this action should be directed to Laura Henry at (717) 705-3769 or lahenry@pa.gov.

Effective Date: April 19, 2014

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-821. Filed for public inspection April 18, 2014, 9:00 a.m.]

Bid Opportunity

OSM 14(6787)101.1, Abandoned Mine Reclamation Project, Beauty Camp Far West, Snoeshoe and Burnside Townships, Centre County. The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; brush barrier 6,680 linear feet; removal of solid waste 20 tons; subsurface drain 3,350 linear feet; grading 749,000 cubic yards; tree planting 5,600 trees; and seeding. This bid issues on April 18, 2014, and bids will be opened on May 15, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-822. Filed for public inspection April 18, 2014, 9:00 a.m.]

Bid Opportunity

OSM 02(0351)102.1, Abandoned Mine Reclamation Project, Clinton Southeast, PIT Radar Tower Spoil Fire, Findlay Township, Allegheny County. The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing;

excavation and backfilling 429,500 cubic yards; water 5,000 gallons; firefighting foam 200 gallons; alkaline addition 1,330 tons; roadway surface material 480 tons; and seeding 12.2 acres. This bid issues on April 18, 2014, and bids will be opened on May 15, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-823. Filed for public inspection April 18, 2014, 9:00 a.m.]

Bid Opportunity

OOGM 13-8R, Cleaning Out and Plugging One Abandoned Gas Well (Kenneth R. Eppley and Lynn L. Brillhart Property), Benezette Township, Elk County. The principal items of work and approximate quantities are to clean out and plug one abandoned gas well, estimated to be 7,200 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites/site; and to mobilize and demobilize plugging equipment. This project issues on April 18, 2014, and bids will be opened on May 29, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A mandatory prebid meeting will be held on May 2, 2014, at 10 a.m. Contact the Construction Contracts Section at (717) 787-7820 or dhopp@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-824. Filed for public inspection April 18, 2014, 9:00 a.m.]

Bid Opportunity

OOGM 13-6R, Cleaning Out and Plugging One Abandoned Oil Well (Diane Ford Stewart, Executrix, Raymond Steigerwald Estate Property), Glen Osborne Borough, Allegheny County. The principal items of work and approximate quantities are to clean out and plug one abandoned oil well, estimated to be 2,500 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well site; and to mobilize and demobilize plugging equipment. This project issues on April 18, 2014, and bids will be opened on May 29, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid meeting will be held on May 6, 2014, at 11 a.m. Contact the Construction Contracts Section at (717) 787-7820 or dhopp@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-825. Filed for public inspection April 18, 2014, 9:00 a.m.]

Bid Opportunity

OOGM 13-9R, Cleaning Out and Plugging Three Abandoned and Orphan Gas Wells (Anthony D. Rossi, Jr., Partner and Perry A. Rossi, Partner, Mr. and Mrs. Thomas J. Adams and Buncher Company, c/o Edward A. Very, V.P., Properties), Kennedy and Robinson Townships, Allegheny County. The principal items of work and approximate quantities are to clean out and plug three abandoned and orphan gas wells, estimated to be 3,000 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites/site; and to mobilize and demobilize plugging equipment. This project issues on April 18, 2014, and bids will be opened on May 29, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid meeting will be held on May 6, 2014, at 12:30 p.m. Contact the Construction Contracts Section at (717) 787-7820 or dhopp@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-826. Filed for public inspection April 18, 2014, 9:00 a.m.]

Chesapeake Bay Management Team Meeting

The Department of Environmental Protection (Department) will hold a Chesapeake Bay Management Team meeting on Wednesday, May 7, 2014, at 9:30 a.m. in Susquehanna Rooms A and B of the Department South-central Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Rhonda Manning at (717) 772-4472 or rmanning@pa.gov. The agenda and meeting materials for the May 7, 2014, meeting will be available through the Interstate Waters Office web site at www.dep.state.pa.us (DEP Keywords: "Interstate Waters Office").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-4693 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-827. Filed for public inspection April 18, 2014, 9:00 a.m.]

Final Assessment and Listing Methodology Notice of Availability

The Department of Environmental Protection (Department) is providing its final Assessment and Listing Methodology (methodology) following the public comment period of September 28, 2013, through November 27, 2013. Sections 303(d) and 305(b) of the Federal Clean Water Act (33 U.S.C.A. §§ 1313(d) and 1315(b)) require states to report on the condition of all their waters in the biennial Integrated Report (report). The methodologies

referred to in this public notice will be used to assess the quality of the Commonwealth's waters under this legal mandate.

Stream and lake evaluations presented in the report must be supported by assessment methodologies based on sound science and technical procedures that are clear and complete. The methodology is a compilation of the protocols being used to assess waters that may appear in the 2014 Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Integrated Report) and subsequent Integrated Reports.

The protocols comprising the methodology describe the field data collection procedures and data analysis methods used to obtain and evaluate water quality data. The individual protocols apply to a wide range of water resource types, data sources and environmental indicators.

The methodology is available on the Department's web site at www.dep.state.pa.us (DEP Keyword "Water Quality Standards"). Because of the large number of pages, the methodology will not be available in hard copy.

The 2013 Assessment Methods includes the following documents: Instream Comprehensive Evaluations; Limestone Steams; Multi-Habitat Pool/Glide Streams; Riffle/Run Freestone Streams; Continuous Instream Monitoring; Periphyton; Streambed Sediment; Surface Water Collection; Semi-Quantitative Fish Sampling Protocol; Lake Assessment Protocol; Aquatic Macrophyte Cover; Lake Fisheries; Evaluations of Phosphorus Discharges to Lakes, Ponds and Impoundments; Plankton Sampling; Chlorophyll A Sampling; Chemistry—Bacteriological Evaluations; Fish Tissue Sampling; Natural Pollutant Sources; Outside Agency Data; Appendix A—Sources and Cause Definitions; Appendix B—Taxa Tolerances; Appendix C—Biological Field Methods; Appendix C1—Habitat; Appendix C2—Benthic Macroinvertebrates; Appendix C3—Fish; and Appendix C4—Taxonomic Reference.

Questions concerning the methodology should be directed to Gary Walters, Division of Water Quality Standards, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637, gawalters@pa.gov.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-828. Filed for public inspection April 18, 2014, 9:00 a.m.]

Radiation Protection Advisory Committee Rescheduled Meeting

The April 24, 2014, meeting of the Radiation Protection Advisory Committee (Committee) has been rescheduled to June 12, 2014, at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the next scheduled meeting of the Committee can be directed to Joseph Melnic at (717) 783-9730 or jmelnic@pa.gov. The agenda and meeting materials for the June 12, 2014, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (DEP Keywords "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should con-

tact the Department at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-829. Filed for public inspection April 18, 2014, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Erie County

Proposals are invited to provide the Department of General Services with 2,413 usable square feet of office space for the Department of Community and Economic Development and the Office of the Governor in Erie County. For more information on SFP No. 94524, which is due on Tuesday, May 27, 2014, visit www.dgs.state.pa.us or contact Rebecca Kuhn at (717) 787-7412 or rekuhn@pa.gov.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-830. Filed for public inspection April 18, 2014, 9:00 a.m.]

Lease Office Space to the Commonwealth Pike County

Proposals are invited to provide the Department of General Services with 5,491 usable square feet of office space for the Department of Public Welfare in Pike County. For more information on SFP No. 94526, which is due on Tuesday, May 27, 2014, visit www.dgs.state.pa.us or contact Rebecca Kuhn at (717) 787-7412 or rekuhn@pa.gov.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-831. Filed for public inspection April 18, 2014, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Ambulatory Surgery Center at Jefferson, Pain & Rehab for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ambulatory Surgery Center at Jefferson, Pain & Rehab has requested an exception to the requirements of 28 Pa. Code § 569.35(7) (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-832. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Dermatology) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Dermatology, 90 Beaver Drive, Suite 122D, DuBois, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-7.2.2.3(1)(a), 3.1-3.2.4.2(2), 3.1-3.8.1 and 3.1-6.1.1.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-833. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Family/Internal Medicine) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Family/Internal Medicine, 531A and 531B Hannah Street, Clearfield, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.6.6.1, 3.1-3.6.6.2, 3.1-3.6.6.3, 3.1-3.6.6.4 and 3.1-6.1.4.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-834. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Family/Internal Medicine) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Family/Internal Medicine, 1095 Million Dollar Highway, St. Marys, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.2.2(2) and 3.1-3.2.4.2(2) (relating to examination rooms; and treatment rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-835. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Family Medicine) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Family Medicine, 502 Park Avenue, Clearfield, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.2.3, 3.1-6.1.4 and 3.1-3.2.4.2(1) (relating to hand washing stations; public toilets; and area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-836. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Family Medicine—Phillipsburg) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Family Medicine—Phillipsburg) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.4.2(1) and 3.1-3.6.6.2 (relating to treatment rooms; and sinks).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-837. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands General Surgery) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands General Surgery, 123 South Street, Ridgeway, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-7.2.2.2.1(1) and 3.1-7.2.2.3(1)(a)(b) (relating to public corridors; and doors and hardware).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-838. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands General Surgery) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands General Surgery, 761 Johnsonburg Road, Suite 130, St. Marys, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-7.2.2.3(1)(a)(b) and 3.1-3.8.1 (relating to doors and hardware; and toilets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-839. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands General Surgery/Urology) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that DuBois Regional Medical Center (Penn Highlands General Surgery/Urology, 807 Turnpike Avenue, Suite 220, Clearfield, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.2.2(1) and 3.1-3.8.1 (relating to exam/observation areas; and toilets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-840. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands OB/GYN) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands OB/GYN, 807 Turnpike Avenue, Clearfield, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemption from the following standards contained in this publication: 3.1-7.2.2.2(2) (relating to exam/observation areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-841. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Orthopedics) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Orthopedics, 807 Turnpike Avenue, Suite 120, Clearfield, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-7.2.2.1(1), 3.1-7.2.2.3(1)(a)(b), 3.1-3.2.2.2(1)(2), 3.1-3.2.4.2(2), 3.1-3.6.6.2 and 3.1-3.8.1.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-842. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Pediatrics) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Pediatrics, 135B Midway Drive, DuBois, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the

following publication: *American Institute of Architects*. The facility specifically requests exemption from the following standards contained in this publication: 3.1-3.2.4.2(1) (relating to treatment rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-843. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Pediatrics) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Pediatrics, 529 Sunflower Drive, DuBois, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-6.1.4 (relating to public toilets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-844. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Pediatrics) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Pediatrics, 2834 Maplevale Road, Brookville, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemption from the following standards contained in this publication: 3.1-6.1.4 (relating to toilets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-845. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of DuBois Regional Medical Center (Penn Highlands Q-Care) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center (Penn Highlands Q-Care, 761 Johnsonburg Road, Suite 160, St. Marys, PA) has requested exceptions to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publica-

tion: 3.1-3.8.1 and 3.2-6.3 (relating to toilets; and support areas for staff).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-846. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of Mount Nittany Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mount Nittany Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemption from the following standards contained in this publication: 6.4.2 (relating to filter banks).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-847. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of Robert Packer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Robert Packer Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-848. Filed for public inspection April 18, 2014, 9:00 a.m.]

Application of UPMC Altoona for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Altoona has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.2.2(1)(2), 3.1-3.2.4.2(1)(2), 3.1-3.9.2, 3.1-7.2.2.1 and 3.1-7.2.2.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-849. Filed for public inspection April 18, 2014, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Care Pavilion Nursing and Rehabilitation Center
6212 Walnut Street
Philadelphia, PA 19139
FAC ID 292002

Millville Health and Rehabilitation Center
Box 320, 48 Haven Lane
Millville, PA 17846
FAC ID # 022202

Milton Nursing and Rehabilitation Center
743 Mahoning Street
Milton, PA 17847
FAC ID # 379902

Pembroke Health and Rehabilitation Center
1130 West Chester Pike
West Chester, PA 19382
FAC ID 230602

Powerback Rehabilitation Phoenixville
3000 Balfour Circle
Phoenixville, PA 19460
FAC ID # 21760201

Spruce Manor Nursing and Rehabilitation Center
220 South 4th Avenue
West Reading, PA 19611
FAC ID # 180302

Statesman Health and Rehabilitation Center
2629 Trenton Road
Levittown, PA 19056
FAC ID 193702

Watsonstown Nursing and Rehabilitation Center
245 East Eighth Street
Watsonstown, PA 17777
FAC ID # 110702

Willowbrooke Court at Brittany Pointe Estates
1001 Valley Forge Road
Lansdale, PA 19446
FAC ID # 740902

Willowbrooke Court at Southampton Estates
238 Street Road
Southampton, PA 18966
FAC ID # 151302

Willowbrooke Court at Spring House Estates
728 Norristown Road
Lower Gwynedd, PA 19002
FAC ID 971502

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code § 211.3(c) (relating to oral and telephone orders):

UPMC McKeesport Long Term Care Facility
1500 Fifth Avenue
McKeesport, PA 15132
FAC ID # 650402

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-850. Filed for public inspection April 18, 2014, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, May 2, 2014, from 10 a.m. to 3 p.m. The meeting will be held in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Joshua Goodling, Division of Child and Adult Health Services at (717) 772-2762, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-851. Filed for public inspection April 18, 2014, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania On A Roll Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania On A Roll.

2. *Price:* The price of a Pennsylvania On A Roll instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania On A Roll instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9," and "GAME 10." Each "GAME" features a "ROLL NEEDED" area, a "YOUR ROLLS" area, and a "PRIZE" area. Each "GAME" is played separately. There will be five dice play symbols located in the "YOUR ROLLS" area for each "GAME." The dice play symbols and their captions located in the "YOUR ROLLS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE) and 6 (SIX). The play symbols that will be located in the "ROLL NEEDED" area, that convey the "ROLL NEEDED" conditions, are: ROLL ALL EVEN NUMBERS, ROLL ONE EVEN NUMBER, ROLL TWO EVEN NUMBERS, ROLL ALL ODD NUMBERS, ROLL ONE ODD NUMBER, ROLL THREE ODD NUMBERS, ROLL A 1, ROLL A 2, ROLL A 3, ROLL A 4, ROLL A 5, ROLL A 6, ROLL TWO 1S, ROLL TWO 2S, ROLL TWO 3S, ROLL TWO 4S, ROLL TWO 5S, ROLL TWO 6S, ROLL THREE 1S, ROLL THREE 2S, ROLL THREE 3S, ROLL THREE 4S, ROLL THREE 5S, ROLL THREE 6S, ROLL FOUR 1S, ROLL FOUR 2S, ROLL FOUR 3S, ROLL FOUR 4S, ROLL FOUR 5S, ROLL FOUR 6S, ROLL ALL 1S, ROLL ALL 2S, ROLL ALL 3S, ROLL ALL 4S, ROLL ALL 5S, ROLL ALL 6S, ROLL A 1 AND 2, ROLL A 1 AND 3, ROLL A 1 AND 4, ROLL A 1 AND 5, ROLL A 1 AND 6, ROLL A 2 AND 3, ROLL A 2 AND 4, ROLL A 2 AND 5, ROLL A 2 AND 6, ROLL A 3 AND 4, ROLL A 3 AND 5, ROLL A 3 AND 6, ROLL A 4 AND 5, ROLL A 4 AND 6, ROLL A 5 AND 6.

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area for each "GAME" are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$300 (THR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), and \$50,000 (FIFTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$10, \$20, \$25, \$50, \$100, \$150, \$300, \$1,000, \$5,000, and \$50,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,200,000 tickets will be printed for the Pennsylvania On A Roll instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$5,000 (FIV THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$300 (THR HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$150 (ONEHUNFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$150.

(f) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which the "ROLL NEEDED" condition is satisfied by the dice play symbols contained in the "YOUR ROLL" area for the same "GAME," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(1) Holders of tickets upon which the “ROLL NEEDED” condition is satisfied by the dice play symbols contained in the “YOUR ROLL” area for the same “GAME,” and a prize symbol of \$3⁰⁰ (THR DOL) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$3.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*Scratch Across Each Game.
When A Roll Needed
Condition Is Satisfied By
Your Roll For The Same
Game Win Prize Shown To
The Right of That Game. Win
With:*

| <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 10,200,000 Tickets</i> |
|------------------------------|-----------------------------------|--|
| \$3 | 9.09 | 1,122,000 |
| \$5 | 13.70 | 744,600 |
| \$5 × 2 | 58.82 | 173,400 |
| \$10 | 58.82 | 173,400 |
| \$5 × 4 | 500 | 20,400 |
| \$10 × 2 | 500 | 20,400 |
| (\$3 × 5) + \$5 | 250 | 40,800 |
| \$20 | 500 | 20,400 |
| \$5 × 5 | 1,000 | 10,200 |
| (\$5 × 2) + (\$3 × 5) | 1,000 | 10,200 |
| (\$10 × 2) + \$5 | 500 | 20,400 |
| \$25 | 1,000 | 10,200 |
| \$5 × 10 | 2,000 | 5,100 |
| \$25 × 2 | 2,000 | 5,100 |
| (\$20 × 2) + \$10 | 2,000 | 5,100 |
| (\$10 × 3) + (\$3 × 5) + \$5 | 2,000 | 5,100 |
| \$50 | 2,000 | 5,100 |
| \$10 × 10 | 2,000 | 5,100 |
| \$20 × 5 | 8,000 | 1,275 |
| \$25 × 4 | 8,000 | 1,275 |
| (\$25 × 2) + \$50 | 4,000 | 2,550 |
| \$100 | 4,000 | 2,550 |
| \$25 × 6 | 12,000 | 850 |
| \$50 × 3 | 12,000 | 850 |
| (\$20 × 5) + (\$10 × 5) | 6,000 | 1,700 |
| (\$20 × 6) + (\$10 × 3) | 12,000 | 850 |
| \$100 + \$50 | 8,000 | 1,275 |
| \$150 | 12,000 | 850 |
| \$50 × 6 | 15,000 | 680 |
| \$150 × 2 | 40,000 | 255 |
| (\$50 × 4) + (\$20 × 5) | 40,000 | 255 |
| (\$50 × 2) + (\$25 × 8) | 12,000 | 850 |
| (\$100 × 2) + (\$25 × 4) | 40,000 | 255 |
| \$300 | 40,000 | 255 |
| \$100 × 10 | 30,000 | 340 |
| (\$300 × 2) + (\$100 × 4) | 30,000 | 340 |
| \$1,000 | 30,000 | 340 |
| \$5,000 | 120,000 | 85 |
| \$50,000 | 680,000 | 15 |

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania On A Roll instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000

shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will

not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania On A Roll, prize money from winning Pennsylvania On A Roll instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania On A Roll instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania On A Roll or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 14-852. Filed for public inspection April 18, 2014, 9:00 a.m.]

DEPARTMENT OF STATE

Bureau of Corporations and Charitable Organizations; Adopted Official Forms

The Department of State's Bureau of Corporations and Charitable Organizations (Bureau) published notice at 44 Pa.B. 1401 (March 8, 2014) of the Bureau's intent to amend the forms currently in 19 Pa. Code Appendix B (relating to official forms) to provide for a new form relating to expedited services—Form DSCB:15-153(a)(16) (Expedited Service Request). Notice of expedited services and a copy of Form DSCB:15-153(a)(16) was also published at 43 Pa.B. 7515 (December 21, 2013). Form DSCB:15-153(a)(16), which does not constitute agency regulations, was subject to the opportunity for public comment under section 201 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1201), known as the Commonwealth Documents Law. The Bureau did not receive any comments during the intervening 30-day public comment period. Therefore, the new form is being codified and inserted into 19 Pa. Code Appendix B as it was published at 44 Pa.B. 1401.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 14-853. Filed for public inspection April 18, 2014, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

| <i>Final-Omit Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|--------------------------------|--|-----------------|---------------------------|
| 57-305 | Pennsylvania Public Utility Commission Amending Regulations Regarding Disclosure Statement for Residential and Small Business Customers and the Provision of Notices of Contract Expiration or Changes in Terms for Residential and Small Business Customers | 4/8/14 | 5/22/14 |
| 57-306 | Pennsylvania Public Utility Commission Amending Regulations Regarding Standards for Changing a Customer's Electricity Generation Supplier | 4/8/14 | 5/22/14 |

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-854. Filed for public inspection April 18, 2014, 9:00 a.m.]

Notice of Filing of Final Rulemakings; Correction

An error occurred in the notice published at 44 Pa.B. 2142 (April 5, 2014). The date of the public meeting for consideration of final-form rulemaking 7-483 was incorrect. The correct information follows. The remainder of the notice was accurate as published.

| <i>Final-Form Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|--------------------------------|--|-----------------|---------------------------|
| 7-483 | Environmental Quality Board Oil and Gas Well Fee Amendments | 3/21/14 | 5/1/14 |

[Pa.B. Doc. No. 14-855. Filed for public inspection April 18, 2014, 9:00 a.m.]

INSURANCE DEPARTMENT**Health Maintenance Organization Certificate of Authority Application Filed by Oxford Health Plans (NJ), Inc.**

Notice is given that on February 10, 2014, Oxford Health Plans (NJ), Inc. filed an application with the Department of Health and the Insurance Department for a certificate of authority to establish, operate and maintain a health maintenance organization (HMO) under the Health Maintenance Organization Act (40 P. S. §§ 1551—1567), Department of Health HMO regulations (28 Pa. Code §§ 9.631—9.654) and the Insurance Department HMO regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service area of the applicant is Allegheny, Beaver, Berks, Butler, Erie, Fayette, Greene, Lancaster, Lawrence, Lehigh, Northampton, Westmoreland and York Counties.

A copy of the application is available for public inspection, by appointment only, at the following locations:

Department of Health
Bureau of Managed Care
Room 912, Health and Welfare Building
Harrisburg, PA 17109-0900
Telephone: (717) 787-5193

Insurance Department
Company Licensing Division
1345 Strawberry Square
Harrisburg, PA 17120
Telephone: (717) 787-2735

Interested parties are invited to submit written comments to William Wiegmann, Department of Health or Steven Yerger, Insurance Department at the previously listed addresses. Persons who wish to submit written comments regarding the application may do so within 7 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats, such as by audio tape, Braille or using the Department of Health TDD (717) 783-6514. Persons with a disability requesting alternative forms may contact William Wiegmann so that he may make the necessary arrangements.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-856. Filed for public inspection April 18, 2014, 9:00 a.m.]

Health Maintenance Organization Certificate of Authority Application Filed by UnitedHealthCare of New England, Inc.

Notice is given that on February 14, 2014, UnitedHealthCare of New England, Inc. filed an application with the Department of Health and the Insurance Department for a certificate of authority to establish, operate and maintain a health maintenance organization (HMO) under the provisions of the Health Maintenance Organization Act (40 P. S. §§ 1551—1567), Department of Health HMO regulations (28 Pa. Code §§ 9.631—9.654) and the Insurance Department HMO regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service area of the applicant is Berks and Bucks Counties.

A copy of the application is available for public inspection, by appointment only, at the following locations:

Department of Health
Bureau of Managed Care
Room 912, Health and Welfare Building
Harrisburg, PA 17109-0900
Telephone: (717) 787-5193

Insurance Department
Company Licensing Division
1345 Strawberry Square
Harrisburg, PA 17120
Telephone: (717) 787-2735

Interested parties are invited to submit written comments to William Wiegmann, Department of Health or Steven Yerger, Insurance Department at the previously listed addresses. Persons who wish to submit written comments regarding the application may do so within 7 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats, such as by audio tape, Braille or using the Department of Health TDD (717) 783-6514. Persons with a disability requesting alternative forms may contact William Wiegmann so that he may make the necessary arrangements.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-857. Filed for public inspection April 18, 2014, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Rhonda Christensen; file no. 14-114-158347; State Farm; Doc. No. P14-04-004; May 13, 2014, 9:30 a.m.

The following hearings will be held in Strawbridge and Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Brian Torres; file no. 14-188-158687; Nationwide Affinity Insurance Company; Doc. No. P14-03-013; May 8, 2014, 9 a.m.

Appeal of Yi Feng; file no. 14-116-157562; GEICO Casualty Company; Doc. No. P14-04-002; May 8, 2014, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-858. Filed for public inspection April 18, 2014, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Strawbridge and Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Melvin Gowans; file no. 14-130-159614; Foremost Insurance Company; Doc. No. P14-04-003; May 8, 2014, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-859. Filed for public inspection April 18, 2014, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.12—Financial Disclosures Required of Former Public Employees and Former Public Officials by the Public Official and Employee Ethics Act, 65 Pa.C.S. Sections 1101—1113, Amended March 27, 2014.

Management Directive No. 245.16—Pennsylvania Justice Network (JNET) Governance Structure, Amended March 18, 2014.

Management Directive No. 305.7—Interest Penalties for Late Payments, Amended March 10, 2014.

LAURA CAMPBELL,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 14-860. Filed for public inspection April 18, 2014, 9:00 a.m.]

LIQUOR CONTROL BOARD

Request for Proposals

Proposals are invited to provide the Liquor Control Board with approximately 9,000 to 10,000 net useable square feet of new or existing space within a 1-mile radius of SR 132 and SR 611, Warrington, Bucks County.

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 14-861. Filed for public inspection April 18, 2014, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Intra-Company Changes

A-2014-2415216 and A-2014-2415219. Sidera Networks, LLC and NEON Connect, Inc. Joint application of Sidera Networks, LLC and NEON Connect, Inc., for approval of certain pro forma intra-company changes.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 5, 2014. 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: Sidera Networks, LLC, NEON Connect, Inc.

Through and By Counsel: Michael A. Gruin, Esquire, Stevens & Lee, Harrisburg Market Square, 17 North 2nd Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-862. Filed for public inspection April 18, 2014, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 5, 2014. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2014-2400613. Vantastic Limo, LLC (626 Crane Avenue, Pittsburgh, Allegheny County, PA 15216) in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington and Westmoreland, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2014-2403346. Choice Cab Company (20857 Rt. 68, Clarion, Clarion County, PA 16214) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Butler, Clarion, Forest, Jefferson and Venango, to points in Pennsylvania, and return.

A-2014-2404166. DN Safety Transit, LLC (2943 Elbridge Street, Philadelphia, Philadelphia County, PA 19149) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia and the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return.

A-2014-2415045. Lyft, Inc. (548 Market Street #68514, San Francisco, CA 94104)—a corporation of the State of Delaware—for the right to begin to transport, by motor vehicle, persons in the experimental service of Transportation Network Company for passenger trips between points in Allegheny County. *Attorney:* James P. Dougherty, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

A-2014-2415047. Lyft, Inc. (548 Market Street #68514, San Francisco, CA 94104)—a corporation of the State of Delaware—for the right to begin to transport, by motor vehicle, persons in the experimental service of Transportation Network Company for passenger trips between points in Pennsylvania. *Attorney:* James P. Dougherty, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-863. Filed for public inspection April 18, 2014, 9:00 a.m.]

Telecommunications

A-2014-2414812. Verizon North, LLC and North Penn Long Distance Corporation, d/b/a North Penn Access. Joint petition of Verizon North, LLC and North Penn Long Distance Corporation, d/b/a North Penn Access for approval of adoption of interconnection agreement under section 252(i) of The Telecommunications Act of 1996.

Verizon North, LLC and North Penn Long Distance Corporation, d/b/a North Penn Access, by its counsel, filed on April 4, 2014, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of 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, at the Commission's web site at www.puc.pa.gov, and at the applicant's business address. Copies of the Verizon North, LLC and North Penn Long Distance Corporation, d/b/a North Penn Access joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-864. Filed for public inspection April 18, 2014, 9:00 a.m.]

Telecommunications

A-2014-2414793. Verizon Pennsylvania, LLC and North Penn Long Distance Corporation, d/b/a North Penn Access. Joint petition of Verizon Pennsylvania, LLC and North Penn Long Distance Corporation, d/b/a North Penn Access for approval of adoption of an interconnection agreement under section 252(i) of The Telecommunications Act of 1996.

Joint petition of Verizon Pennsylvania, LLC and North Penn Long Distance Corporation, d/b/a North Penn Access by its counsel, filed on April 4, 2014, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of 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, at the Commission's web site at www.puc.pa.gov, and at the applicant's business address. Copies of the joint petition of Verizon Pennsylvania, LLC and North Penn Long Distance Corporation, d/b/a North Penn Access are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-865. Filed for public inspection April 18, 2014, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.
Qwan McIntyre; Doc. No. 0287-42-2014**

On September 30, 2008, Qwan McIntyre, of Steelton, Dauphin County, had his license no. BL052352 to practice barbering suspended under the Order of the Court of Common Pleas in Philadelphia County dated February 14, 2014, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). This suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Cynthia K. Montgomery, Senior Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOHN E. PAYNE, Jr.,
Chairperson

[Pa.B. Doc. No. 14-866. Filed for public inspection April 18, 2014, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act) the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting in Room 307, Finance Building, Harrisburg, PA on April 25, 2014, beginning at 9 a.m. for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or Commission operations should contact Heather Mulhollan at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

ROBERT P. CARUSO,
Executive Director

[Pa.B. Doc. No. 14-867. Filed for public inspection April 18, 2014, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on May 8, 2014, at 2:30 p.m. at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, PA. The public hearing will end at 5 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for June 5, 2014, which will be noticed separately. The Commission will also hear testimony on: (1) amending its Regulatory Program Fee Schedule; (2) amending its Records Processing Fee Schedule; and (3) amending the Comprehensive Plan for the Water Resources of the Susquehanna River Basin. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and other items. The deadline for the submission of written comments is May 19, 2014.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 1306, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission Water Resource Portal at www.srbc.net/wrp. Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF.

Supplementary Information

The public hearing will cover: (1) amendment to its Regulatory Program Fee Schedule; (2) amendment to its Records Processing Fee Schedule; and (3) amendment to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin. The public hearing will also cover the following projects:

Public Hearing—Projects Scheduled for Action

1. Project Sponsor and Facility: DS Waters of America, Inc., Clay Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 6.

2. Project Sponsor and Facility: Healthy Properties, Inc. (Sugar Creek), North Towanda Township, Bradford County, PA. Application for renewal and modification to increase surface water withdrawal by an additional 0.549 mgd (peak day), for a total of up to 0.999 mgd (peak day) (Docket No. 20100308).

3. Project Sponsor and Facility: IBM Corporation, Village of Owego, Tioga County, NY. Application for groundwater withdrawal of up to 0.002 mgd (30-day average) from Well 415.

4. Project Sponsor and Facility: Jay Township Water Authority, Jay Township, Elk County, PA. Application for groundwater withdrawal of up to 0.265 mgd (30-day average) from Byrnedale Well #1.

5. Project Sponsor and Facility: LDG Innovation, LLC (Tioga River), Lawrenceville Borough, Tioga County, PA.

Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20100311).

6. Project Sponsor: Leola Sewer Authority. Project Facility: Upper Leacock Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.075 mgd (30-day average) from Well 13 (Docket No. 19820601).

7. Project Sponsor and Facility: Mountain Energy Services, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 1.498 mgd (peak day) (Docket No. 20100309).

8. Project Sponsor and Facility: Newport Borough Water Authority, Oliver Township, Perry County, PA. Application for groundwater withdrawal of up to 0.162 mgd (30-day average) from Well 1.

9. Project Sponsor: Pennsylvania Department of Environmental Protection—South-central Regional Office, City of Harrisburg, Dauphin County, PA. Facility Location: Leacock Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.576 mgd (30-day average) from Stoltzfus Well.

10. Project Sponsor: Pennsylvania Department of Environmental Protection—South-central Regional Office, City of Harrisburg, Dauphin County, PA. Facility Location: Leacock Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.432 mgd (30-day average) from Township Well.

11. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (Pine Creek), Watson Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 0.918 mgd (peak day) (Docket No. 20100610).

12. Project Sponsor and Facility: Pro-Environmental, LLC (Martins Creek), Lathrop Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.999 mgd (peak day).

13. Project Sponsor and Facility: Southwestern Energy Production Company (Martins Creek), Brooklyn and Harford Townships, Susquehanna County, PA. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20110312).

14. Project Sponsor and Facility: Southwestern Energy Production Company (Susquehanna River), Great Bend Township, Susquehanna County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

15. Project Sponsor and Facility: Sugar Hollow Water Services, LLC (Bowman Creek), Eaton Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.249 mgd (peak day) (Docket No. 20100310).

16. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC, Meshoppen Borough, Wyoming County, PA. Application for renewal of groundwater withdrawal of up to 0.216 mgd (30-day average) from Meshoppen Pizza Well (Docket No. 20100612).

17. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Susquehanna River), Meshoppen Township, Wyoming County, PA. Application for surface water withdrawal of up to 2.000 mgd (peak day).

18. Project Sponsor and Facility: Talisman Energy USA, Inc. (Fall Brook), Troy Township, Bradford County, PA. Application for renewal and modification of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20100304).

19. Project Sponsor and Facility: Talisman Energy USA, Inc. (Unnamed Tributary to the North Branch Sugar Creek), Columbia Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20100305).

Public Hearing—Project Scheduled for Action Involving a Diversion

1. Project Sponsor: EOG Resources, Inc. Project Facility: Blue Valley Abandoned Mine Drainage Treatment Plant, Horton Township, Elk County, PA. Application for renewal of into-basin diversion from the Ohio River Basin of up to 0.322 mgd (peak day) (Docket No. 20100616).

Opportunity to Appear and Comment

Interested parties may appear at the hearing to offer comments to the Commission on any project listed or other items listed previously. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's web site

at www.srbc.net prior to the hearing for review. The presiding officer reserves the right to modify or supplement the rules at the hearing. Written comments on any project or other items listed previously may also be mailed to Richard Cairo, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before May 19, 2014, to be considered.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: April 4, 2014.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 14-868. Filed for public inspection April 18, 2014, 9:00 a.m.]

