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PENNSYLVANIA BULLETIN

Volume 47

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Pages 2305—2414

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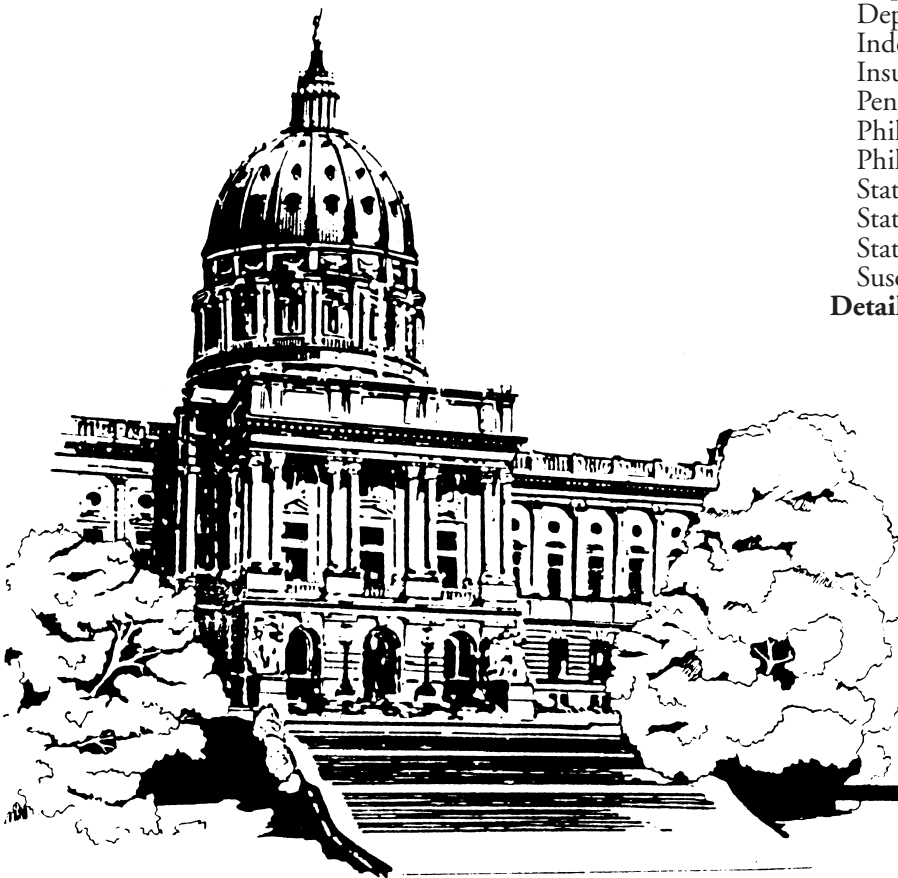
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 509, April 2017

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1, 2, 5, 8, 11,
12, 13, 15, 16 AND 18]

Order Amending Rules 120, 127, 140, 160, 166, 182, 185, 187, 190, 191, 192, 243, 512, 800, 1120, 1127, 1154, 1166, 1182, 1185, 1187, 1190, 1191, 1243, 1342, 1512, 1608, 1610, 1635 and 1800 of the Rules of Juvenile Court Procedure; No. 732 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 6th day of April, 2017, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 42 Pa.B. 5480 (August 25, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 120, 127, 140, 160, 166, 182, 185, 187, 190, 191, 192, 243, 512, 800, 1120, 1127, 1154, 1166, 1182, 1185, 1187, 1190, 1191, 1243, 1342, 1512, 1608, 1610, 1635, and 1800 of the Pennsylvania Rules of Juvenile Court Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on September 1, 2017.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 120. Definitions.

* * * * *

COURT is the Court of Common Pleas, a court of record, which is assigned to hear juvenile delinquency matters. Court shall include [**masters**] **juvenile court hearing officers** when they are permitted to hear cases under these rules and magisterial district judges when issuing an arrest warrant pursuant to Rule 210. Juvenile Court shall have the same meaning as Court.

* * * * *

JUVENILE is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, upon or after the juvenile's tenth birthday, committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.

JUVENILE COURT HEARING OFFICER is an attorney with delegated authority to preside over and make recommendations for delinquency matters. Juvenile court hearing officer has the same meaning as master as used pursuant to 42 Pa.C.S. § 6301 *et seq.*

JUVENILE JUSTICE AGENCY is any court, including the minor judiciary, or any other governmental agency specifically authorized to perform the administration of juvenile justice as its function. Juvenile justice agencies include, but are not limited to, organized State and municipal police departments, probation agencies, district or prosecuting attorneys, the Juvenile Court Judges' Commission, the Administrative Office of Pennsylvania Courts, or any such persons, agencies, or departments as determined by the court to be juvenile justice agencies.

* * * * *

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

[**MASTER** is an attorney with delegated authority to hear and make recommendations for juvenile delinquency matters. Master has the same meaning as hearing officer.]

MEDICAL FACILITY is any hospital, urgent care facility, psychiatric or psychological ward, drug and alcohol detoxification or rehabilitation program, or any other similar facility designed to treat a juvenile medically or psychologically.

* * * * *

Comment

* * * * *

Under the term "court," to determine if [**masters**] **juvenile court hearing officers** are permitted to hear cases, see Rule 187. See Rule 210 for the power of magisterial district judges to issue arrest warrants.

* * * * *

The term "judge" refers to a judge of the Court of Common Pleas, including senior judges when they are properly certified. It does not include [**masters**] **juvenile court hearing officers** or magisterial district judges. Magisterial district judges, however, are included within the definition of "court" when they have the power to issue arrest warrants pursuant to Rule 210. See discussion *supra* under definition of "court." Arrest warrants are distinguished from bench warrants pursuant to Rules 140 and 141. Only judges of the Court of Common Pleas may issue bench warrants if the juvenile: 1) fails to appear at a hearing; or 2) absconds from the court's supervision.

* * * * *

Official Note: Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended September 7, 2011, effective immediately. Amended September 20, 2011, effective November 1, 2011. Amended May 21, 2012, effective August 1, 2012. Amended June 24, 2013, effective January 1, 2014. Amended June 28, 2013, effective immediately. Amended March 10, 2014, effective immediately. Amended July 28, 2014, effective September 29, 2014. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the amendments to Rule 120 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014).

Final Report explaining the amendments to Rule 120 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 127. Recording and Transcribing Juvenile Court Proceedings.

A. *Recording.* There shall be a recording of all juvenile delinquency proceedings, including proceedings conducted by [**masters**] **juvenile court hearing officers**, except as provided in Rule 242(B)(2).

* * * * *

Comment

* * * * *

The rule is intended to apply to all juvenile delinquency proceedings and to ensure all proceedings are recorded, including proceedings before [**masters**] **juvenile court hearing officers**, with the exception of detention hearings.

* * * * *

Official Note: Rule 127 adopted April 1, 2005, effective October 1, 2005. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 127 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 127 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 140. Bench Warrants for Failure to Appear at Hearings.

* * * * *

C. *Juvenile.*

1) *Where to take the juvenile.*

a) When a juvenile is taken into custody pursuant to a bench warrant, the juvenile shall be taken without unnecessary delay to the judge who issued the warrant or a judge or [**master**] **juvenile court hearing officer** designated by the President Judge to hear bench warrants.

b) If the juvenile is not brought before a judge or [**master**] **juvenile court hearing officer**, the juvenile shall be released unless:

* * * * *

2) *Prompt hearing.*

a) If a juvenile is detained, the juvenile shall be brought before the judge who issued the warrant, a judge or [**master**] **juvenile court hearing officer** designated by the President Judge to hear bench warrants, or an out-of-county judge or [**master**] **juvenile court hearing officer** pursuant to paragraph (C)(4) within seventy-two hours.

b) If the juvenile is not brought before a judge or [**master**] **juvenile court hearing officer** within this time, the juvenile shall be released.

* * * * *

4) *Out-of-county custody.*

* * * * *

c) If transportation cannot be arranged immediately, then the juvenile shall be taken without unnecessary delay to a judge or [**master**] **juvenile court hearing officer** of the county where the juvenile is found.

d) The judge or [**master**] **juvenile court hearing officer** will identify the juvenile as the subject of the warrant, decide whether detention is warranted, and order or recommend that arrangements be made to transport the juvenile to the county of issuance.

* * * * *

D. *Witnesses.*

1) *Where to take the witness.*

a) When a witness is taken into custody pursuant to a bench warrant, the witness shall be taken without unnecessary delay to the judge who issued the warrant or a judge or [**master**] **juvenile court hearing officer** designated by the President Judge to hear bench warrants.

b) If the witness is not brought before a judge or [**master**] **juvenile court hearing officer**, the witness shall be released unless the warrant specifically orders detention of the witness.

c) A motion for detention as a witness may be filed anytime before or after the issuance of a bench warrant. The judge may order or the [**master**] **juvenile court hearing officer** may recommend detention of the witness pending a hearing.

* * * * *

2) *Prompt hearing.*

a) If a witness is detained pursuant to paragraph (D)(1)(c) or brought back to the county of issuance pursuant to paragraph (D)(4)(f), the witness shall be brought before the judge or [**master**] **juvenile court hearing officer** by the next business day.

b) If the witness is not brought before a judge or [**master**] **juvenile court hearing officer** within this time, the witness shall be released.

* * * * *

4) *Out-of-county custody.*

* * * * *

b) The witness shall be taken without unnecessary delay and within the next business day to a judge or [**master**] **juvenile court hearing officer** of the county where the witness is found.

c) The judge or [**master**] **juvenile court hearing officer** will identify the witness as the subject of the warrant, decide whether detention as a witness is warranted, and order or recommend that arrangements be made to transport the witness to the county of issuance.

* * * * *

F. Return and execution of the warrant for juveniles and witnesses.

* * * * *

2) The bench warrant shall be returned to the judge who issued the warrant or to the judge or **[master] juvenile court hearing officer** designated by the President Judge to hear bench warrants.

* * * * *

Comment

* * * * *

Pursuant to paragraph (C)(1)(a), the juvenile is to be taken immediately to the judge who issued the bench warrant or a judge or **[master] juvenile court hearing officer** designated by the President Judge of that county to hear bench warrants. This provision allows the judge or **[master] juvenile court hearing officer** the discretion to postpone a hearing, for example, the adjudicatory hearing, until later in the same day while the police officer, sheriff, or juvenile probation officer retrieves the juvenile. If taken into custody on the same day, the juvenile is to be brought immediately before the court for the hearing. However, pursuant to paragraph (C)(1)(b), if a bench warrant specifically provides that the juvenile may be detained in a detention facility, or there are circumstances apparent at the time of the surrender or apprehension that merit detention of the juvenile, the juvenile may be detained without having to be brought before the judge or **[master] juvenile court hearing officer** until a hearing within seventy-two hours under paragraph (C)(2)(a). The juvenile is not to languish in a detention facility. Pursuant to this paragraph, if a hearing is not held promptly, the juvenile is to be released. See paragraph (C)(2)(b).

At the seventy-two hour hearing, the judge or **[master] juvenile court hearing officer** may determine that the juvenile willfully failed to appear and may continue the detention of the juvenile until the rescheduled hearing. If the juvenile is detained, the rescheduled hearing is governed by the time requirements provided elsewhere in these rules. See Rules 240, 391, 404, 510 and 605.

* * * * *

Pursuant to paragraph (D)(1)(a), the witness is to be taken immediately to the judge who issued the bench warrant or a judge or **[master] juvenile court hearing officer** designated by the President Judge of that county to hear bench warrants. This provision allows the judge or **[master] juvenile court hearing officer** the discretion to postpone a hearing, for example, an adjudicatory hearing, until later in the same day while the police officer, sheriff, or juvenile probation officer retrieves the witness. The witness is to be brought immediately before the court for the hearing. However, pursuant to paragraph (D)(1)(b), if the judge or **[master] juvenile court hearing officer** is not available, the witness is to be released immediately unless the warrant specifically orders detention. Pursuant to paragraph (D)(1)(c), a motion for detention as a witness may be filed. If the witness is detained, a prompt hearing pursuant to paragraph (D)(2) is to be held by the next business day or the witness is to be released. See paragraph (D)(2)(b).

At the hearing pursuant to paragraph (D)(2)(a), the judge or **[master] juvenile court hearing officer** may

determine that the witness willfully failed to appear and find or recommend that the witness is in contempt of court, or that the witness is in need of protective custody. If the judge or **[master] juvenile court hearing officer** has made one of these findings, the judge may continue the detention of the witness until the rescheduled hearing. The judge or **[master] juvenile court hearing officer** should schedule the hearing as soon as possible. In any event, if the witness is detained, the rescheduled hearing must be conducted by the specific time requirements provided elsewhere in these rules. See Rules 240, 391, 404, 510 and 605.

Pursuant to paragraph (D)(4)(b), a witness is to be brought before an out-of-county judge or **[master] juvenile court hearing officer** by the next business day unless the witness can be brought before the judge who issued the bench warrant within this time. When the witness is transported back to the county of issuance within seventy-two hours of the execution of the bench warrant, the witness is to be brought before the court by the next business day. See paragraph (D)(4)(f).

Pursuant to paragraph (F)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge or **[master] juvenile court hearing officer** designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. See paragraph (F)(3).

* * * * *

If there is a bench warrant issued, **[masters] juvenile court hearing officers** may hear cases in which the petition alleges only misdemeanors. See Rule 187(A)(2) and (3). The purpose of the hearing for juveniles pursuant to paragraph (C)(2)(a) or the hearing for witnesses pursuant to paragraph (D)(2)(a) is to determine if the juvenile or witness willfully failed to appear and if continued detention is necessary.

Pursuant to Rule 191, the **[master] juvenile court hearing officer** is to submit his or her findings and recommendation to the court. In bench warrant cases, the **[master] juvenile court hearing officer** should immediately take his or her recommendation to the judge so the judge can make the final determination of whether the juvenile or witness should be released. See Rule 191(C).

If the findings and recommendation are not taken immediately to the judge, the **[master] juvenile court hearing officer** is to submit the recommendation within one business day. See Rule 191(B).

Official Note: Rule 140 adopted February 26, 2008, effective June 1, 2008. Amended September 30, 2009, effective January 1, 2010. Amended April 21, 2011, effective July 1, 2011. Amended September 20, 2011, effective November 1, 2011. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 140 with the Court's Order at 41 Pa.B. 5355 (October 8, 2011).

Final Report explaining the amendments to Rule 140 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART C. RECORDS

PART C(1). ACCESS TO JUVENILE RECORDS

Rule 160. Inspecting, Copying, and Disseminating the Official Court Record.

A. *Inspecting.* The official court record is only open to inspection by:

1) the judges, [**masters**] **juvenile court hearing officers**, juvenile probation officers, and staff of the court;

* * * * *

Official Note: Rule 160 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 160 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART C(2). MAINTAINING RECORDS

Rule 166. Maintaining Records in the Clerk of Courts.

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Comment

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The list of docket entries is a running record of all information related to any action in a juvenile case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings, including hearings conducted by [**masters**] **juvenile court hearing officers**. Nothing in this rule is intended to preclude the use of automated or other electronic means for timestamping or making docket entries.

This rule applies to all proceedings in the court of common pleas, including hearings conducted by [**masters**] **juvenile court hearing officers**, at any stage of the delinquency case.

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Official Note: Rule 166 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 166 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Final Report explaining the amendments to Rule 166 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART D. [**MASTERS**] **JUVENILE COURT HEARING OFFICERS****Rule 182. Qualifications of [**Master**] **Juvenile Court Hearing Officer.****

A. *Education, Experience, and Training.* To preside as a [**master**] **juvenile court hearing officer** over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, an individual shall:

* * * * *

B. *Continuing Education.* Upon meeting the requirements of paragraph (A)(3), a [**master**] **juvenile court hearing officer** shall thereafter complete six hours of instruction from a course(s) designed by the Juvenile Court Judges' Commission, in juvenile delinquency law, policy, or related social science research every two years.

C. *Compliance.*

1) A [**master**] **juvenile court hearing officer** shall sign an affidavit attesting that he or she has met the requirements of this rule.

2) Prior to presiding as a [**master**] **juvenile court hearing officer**, the attorney shall send the affidavit to the President Judge or his or her designee of each judicial district where the attorney is seeking to preside as a [**master**] **juvenile court hearing officer**.

3) After submission of the initial affidavit pursuant to paragraph (C)(2), [**masters**] **juvenile court hearing officers** shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.

Comment

Pursuant to paragraphs (A)(1) & (2), [**masters**] **juvenile court hearing officers** are to be in good standing and have at least five consecutive years of experience as an attorney. It is best practice to have at least two years of experience in juvenile law.

* * * * *

For continuing education under paragraph (B), [**masters**] **juvenile court hearing officers** are to attend six hours of instruction from a course or multiple courses designed by the Juvenile Court Judges' Commission. This is to ensure uniform training among [**masters**] **juvenile court hearing officers**.

* * * * *

Pursuant to paragraph (C), a [**master**] **juvenile court hearing officer** is to certify to the court that the requirements of this rule have been met prior to presiding as a [**master**] **juvenile court hearing officer**, and submit new affidavits every two years thereafter.

Official Note: Rule 182 adopted September 11, 2014, amended July 13, 2015, effective August 1, 2017. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 182 published with the Court's Order at 45 Pa.B. 3986 (July 25, 2015).

Final Report explaining the amendments to Rule 182 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 185. Appointment to Cases.

A. *Appointment.* If necessary to assist the juvenile court judge, the president judge or his or her designee may appoint [**masters**] **juvenile court hearing officers** to hear designated juvenile delinquency matters.

B. *Prohibited practice.* [**Masters**] **Juvenile court hearing officers** shall not engage in practice before the juvenile court in the same judicial district where they preside over juvenile matters.

Official Note: Rule 185 adopted April 1, 2005, effective April 1, 2006. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 185 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 185 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 187. Authority of [**Master**] **Juvenile Court Hearing Officer.**

A. *Cases to be heard by [Master] Juvenile Court Hearing Officer.* A [**master**] **juvenile court hearing officer** shall have the authority to preside over only the following:

* * * * *

B. *No authority.* A [**master**] **juvenile court hearing officer** shall not have the authority to:

* * * * *

C. *Right to hearing before judge.* Prior to the commencement of any proceeding, the [**master**] **juvenile court hearing officer** shall inform the juvenile, the juvenile's guardian(s), if present, the juvenile's attorney, and the attorney for the Commonwealth that the juvenile and the Commonwealth have a right to have the matter heard by a judge. If the juvenile or the Commonwealth objects to having the matter heard by the [**master**] **juvenile court hearing officer**, the case shall proceed before the judge.

Comment

A [**master's**] **juvenile court hearing officer's** authority is limited under paragraph (A) to specifically those types of cases provided. To implement this rule, Rule 800 suspends 42 Pa.C.S. § 6305(b) only to the extent that [**masters**] **juvenile court hearing officers** may not hear all classes of cases.

Under paragraph (B)(2), nothing is intended to limit the [**master's**] **juvenile court hearing officer's** ability, in a proper case before the [**master**] **juvenile court hearing officer**, to recommend to the court that a warrant be issued. This includes arrest, bench, and search warrants.

Concerning the provisions of paragraph (C), see 42 Pa.C.S. § 6305(b).

See Rule 127 for recording of proceedings before a [**master**] **juvenile court hearing officer**.

Official Note: Rule 187 adopted April 1, 2005, effective April 1, 2006. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 187 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 187 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 190. Admissions Before [**Master**] **Juvenile Court Hearing Officer.**

A. *Types of cases.* A [**master**] **juvenile court hearing officer** may accept an admission to any misdemeanor.

B. *Requirements.* The admission requirements of Rule 407 shall be followed.

Official Note: Rule 190 adopted April 1, 2005, effective April 1, 2006. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 190 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 191. [**Master's**] **Juvenile Court Hearing Officer's** Findings and Recommendation to the Judge.

A. *Announcement of Findings and Recommendation.* At the conclusion of the hearing, the [**master**] **juvenile court hearing officer** shall announce in open court on the record, the [**master's**] **juvenile court hearing officer's** findings and recommendation to the judge.

B. *Submission of Papers and Contents of Recommendation.* Within one business day, the [**master**] **juvenile court hearing officer** shall submit a summary of the recommendation to the juvenile court judge. If requested, a copy of the summary shall be given to the juvenile's attorney, the juvenile, if unrepresented, the attorney for the Commonwealth, and the juvenile probation officer. The summary shall specifically state a recommendation to the judge.

C. *Judicial Action.* The judge shall by order:

* * * * *

3) send the recommendation back to the [**master**] **juvenile court hearing officer** for more specific findings; or

* * * * *

Comment

The juvenile court may promulgate a form for [**masters**] **juvenile court hearing officers** to use. The summary of the recommendation may take the form of a court order to be adopted by the court.

If a party contests the [**master's**] **juvenile court hearing officer's** decision, the copy of the summary may be used as an attachment in a motion for a rehearing in front of the judge.

The [**master's**] **juvenile court hearing officer's** decision is subject to approval of the judge. When the judge, in rejecting the [**master's**] **juvenile court hearing officer's** recommendation, modifies a factual determination, a rehearing is to be conducted. The judge may reject the [**master's**] **juvenile court hearing officer's** findings and enter a new finding or disposition without a

rehearing if there is no modification of factual determinations. *See In re Perry*, 459 A.2d 789 (Pa. Super. [Ct.] 1983). The juvenile waives the right to complain of double jeopardy if the Commonwealth requests a rehearing before the judge. *See In re Stephens*, 419 A.2d 1244 (Pa. Super. [Ct.] 1980).

Nothing in this rule prohibits the court from modifying conclusions of law made by the [master] juvenile court hearing officer.

Official Note: Rule 191 adopted April 1, 2005, effective April 1, 2006. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 191 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 191 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 192. Challenge to [Master's] Juvenile Court Hearing Officer's Recommendation.

A. *Time limitation.* A party may challenge the [master's] juvenile court hearing officer's recommendation by filing a motion with the clerk of courts within three days of receipt of the recommendation. The motion shall request a rehearing by the judge and aver reasons for the challenge.

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Official Note: Rule 192 adopted April 1, 2005, effective April 1, 2006. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 192 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 192 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART D. PRE-ADJUDICATORY DETENTION

Rule 243. Detention Rehearings.

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C. *Forum.* The judge, who heard the original detention hearing or adopted the findings of the [master] juvenile court hearing officer, shall hold the rehearing, unless the judge assigns the case to a [master] juvenile court hearing officer.

Comment

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Under paragraph (C), only a judge may hold a rehearing, unless the judge orders a [master] juvenile court hearing officer to hear the case.

Official Note: Rule 243 adopted April 1, 2005, effective October 1, 2005. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 243 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 243 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 5. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 512. Dispositional Hearing.

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Comment

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To the extent practicable, the judge or [master] juvenile court hearing officer that presided over the adjudicatory hearing for a juvenile should preside over the dispositional hearing for the same juvenile.

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Official Note: Rule 512 adopted April 1, 2005, effective October 1, 2005. Amended May 17, 2007, effective August 20, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 16, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 512 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 8. SUSPENSIONS

Rule 800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

* * * * *

6) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6305(b), which provides that the court may direct hearings in any case or class or cases be conducted by the [master,] juvenile court hearing officer, formerly known as a "master," is suspended only insofar as the Act is inconsistent with Rule 187, which allows [masters] juvenile court hearing officers to hear only specific classes of cases.

* * * * *

Official Note: Rule 800 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended March 19, 2009, effective June 1, 2009. Amended February 12, 2010, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 800 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

**Subpart B. DEPENDENCY MATTERS
CHAPTER 11. GENERAL PROVISIONS**

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

* * * * *

COURT is the Court of Common Pleas, a court of record, which is assigned to hear dependency matters. Court shall include [**masters**] **juvenile court hearing officers** when they are permitted to hear cases under these rules. Juvenile court shall have the same meaning as court.

* * * * *

JUDGE is a judge of the Court of Common Pleas.

JUVENILE COURT HEARING OFFICER is an attorney with delegated authority to preside over and make recommendations for dependency matters. Juvenile court hearing officer has the same meaning as master as used pursuant to 42 Pa.C.S. § 6301 et seq.

JUVENILE PROBATION OFFICER is a person who has been appointed by the court or employed by a county's juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195, the Juvenile Act, and the Child Protective Services Law.

* * * * *

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

[MASTER is an attorney with delegated authority to hear and make recommendations for dependency matters. Master has the same meaning as hearing officer.]

MEDICAL FACILITY is any hospital, urgent care facility, psychiatric or psychological ward, drug and alcohol detoxification or rehabilitation program, or any other similar facility designed to treat a child medically or psychologically.

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Comment

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Under the term "court," to determine if [**masters**] **juvenile court hearing officers** are permitted to hear cases, see Rule 1187.

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Official Note: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1,

2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. Amended July 28, 2014, effective September 29, 2014. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1120 published with the Court's Order at 45 Pa.B. 7289 (December 26, 2015).

Final Report explaining the amendments to Rule 1120 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 1127. Recording and Transcribing Juvenile Court Proceedings.

A. *Recording.* There shall be a recording of all dependency proceedings, including proceedings conducted by [**masters**] **juvenile court hearing officers**, except as provided in Rule 1242(B)(2).

* * * * *

Comment

Some form of record or transcript is necessary to permit meaningful consideration of claims of error and effective appellate review. *In re J.H.*, 788 A.2d 1006 (Pa. Super. [Ct.] 2001). See, e.g., Pa.R.A.P. [**Rules**] 1922, 1923, 1924; *Commonwealth v. Fields*, [**478 Pa. 479,**] 387 A.2d 83 (Pa. 1978); *Commonwealth v. Shields*, [**477 Pa. 105,**] 383 A.2d 844 (Pa. 1978). This rule is intended to provide a mechanism to ensure appropriate recording and transcribing of court proceedings. Pursuant to Rule 1800, 42 Pa.C.S. § 6336(c) was suspended only to the extent that all proceedings are to be recorded, except as provided in Rule 1242 (B)(2). Full minutes are not recordings. This change was to effectuate effective appellate review.

The rule is intended to apply to all dependency proceedings and to ensure all proceedings are recorded, including proceedings before [**masters**] **juvenile court hearing officers**, except for shelter care hearings.

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Official Note: Rule 1127 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1127 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1127 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART B(2). COUNSEL

Rule 1154. Duties of Guardian Ad Litem.

A guardian *ad litem* shall:

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3) Participate in all proceedings, including hearings before [**masters**] **juvenile court hearing officers**, and administrative hearings and reviews to the degree necessary to adequately represent the child;

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Official Note: Rule 1154 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 1154 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1154 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART C(2). MAINTAINING RECORDS

Rule 1166. Maintaining Records in the Clerk of Courts.

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Comment

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The list of docket entries is a running record of all information related to any action in a dependency case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings, including hearings conducted by **[masters] juvenile court hearing officers**. Nothing in this rule is intended to preclude the use of automated or other electronic means for time-stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas, including hearings conducted by **[masters] juvenile court hearing officers**, at any stage of the dependency case.

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Official Note: Rule 1166 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1166 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 1166 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART D. [MASTERS] JUVENILE COURT HEARING OFFICERS

Rule 1182. Qualifications of [Master] Juvenile Court Hearing Officer.

A. *Education, Experience, and Training.* To preside as a **[master] juvenile court hearing officer** over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, an individual shall:

* * * * *

B. *Continuing Education.* Upon meeting the requirements of paragraph (A)(3), a **[master] juvenile court hearing officer** shall thereafter complete six hours of instruction from a course(s) designed by the Office of Children and Families in the Courts, in juvenile dependency law, policy, or related social science research every two years.

C. *Compliance.*

1) A **[master] juvenile court hearing officer** shall sign an affidavit attesting that he or she has met the requirements of this rule.

2) Prior to presiding as a **[master] juvenile court hearing officer**, the attorney shall send the affidavit to the President Judge or his or her designee of each judicial district where the attorney is seeking to preside as a **[master] juvenile court hearing officer**.

3) After submission of the initial affidavit pursuant to paragraph (C)(2), **[masters] juvenile court hearing officers** shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.

Comment

Pursuant to paragraphs (A)(1) & (2), **[masters] juvenile court hearing officers** are to be in good standing and have at least five consecutive years of experience as an attorney. It is best practice to have at least two years of experience in juvenile law.

* * * * *

For continuing education under paragraph (B), **[masters] juvenile court hearing officers** are to attend six hours of instruction from a course or multiple courses designed by the Office of Children and Families in the Courts. This is to ensure uniform training among **[masters] juvenile court hearing officers**.

* * * * *

Pursuant to paragraph (C), a **[master] juvenile court hearing officer** is to certify to the court that the requirements of this rule have been met prior to presiding as a **[master] juvenile court hearing officer**, and submit new affidavits every two years thereafter.

Official Note: Rule 1182 adopted September 11, 2014, amended July 13, 2015, effective August 1, 2017. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1182 published with the Court's Order at 45 Pa.B. 3986 (July 25, 2015).

Final Report explaining the amendments to Rule 1182 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 1185. Appointment to Cases.

A. *Appointment.* If necessary to assist the juvenile court judge, the president judge or his or her designee may appoint **[masters] juvenile court hearing officers** to hear designated dependency matters.

B. *Prohibited practice.* **[Masters] Juvenile court hearing officers** shall not engage in practice before the juvenile court in the same judicial district where they preside over dependency matters.

Comment

Under paragraph (A), the president judge of each judicial district may restrict the classes of cases to be heard by the **[master] juvenile court hearing officer**, in addition to the restrictions of Rule 1187. *See* 42 Pa.C.S. § 6305(b) and Rule 1187.

Official Note: Rule 1185 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1185 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1185 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 1187. Authority of [Master] Juvenile Court Hearing Officer.

A. *No authority.* A [master] juvenile court hearing officer shall not have the authority to:

* * * * *

B. *Right to hearing before judge.*

1) Prior to the commencement of any proceeding, the [master] juvenile court hearing officer shall inform all parties of the right to have the matter heard by a judge. If a party objects to having the matter heard by the [master] juvenile court hearing officer, the case shall proceed before the judge.

2) If a party objects to having the matter heard by the [master] juvenile court hearing officer pursuant to paragraph (B)(1), the [master] juvenile court hearing officer or the court's designee for scheduling cases shall immediately schedule a hearing before the judge. The time requirements of these rules shall apply.

Comment

A [master's] juvenile court hearing officer's authority is limited under this rule. To implement this rule, Rule 1800 suspends 42 Pa.C.S. § 6305(b) only to the extent that [masters] juvenile court hearing officers may not hear all classes of cases.

Under paragraph (A)(1)(c), once the permanency goal has been approved for adoption by a judge, all subsequent reviews or hearings may be heard by the [master] juvenile court hearing officer unless a party objects pursuant to paragraph (B).

Under paragraph (A)(3), nothing is intended to limit the [master's] juvenile court hearing officer's ability, in a proper case before the [master] juvenile court hearing officer, to recommend to the court that a warrant be issued. This includes arrest, bench, and search warrants.

Concerning the provisions of paragraph (B), see 42 Pa.C.S. § 6305(b).

Under paragraph (B)(2), it should be determined whenever possible before the date of the hearing whether there will be an objection to having the matter heard before a [master] juvenile court hearing officer. If it is anticipated that there will be an objection, the case is to be scheduled in front of the judge, rather than the [master] juvenile court hearing officer to prevent continuances and delays in the case.

See Rule 1127 for recording of proceedings before a [master] juvenile court hearing officer.

Official Note: Rule 1187 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1187 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1187 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 1190. Stipulations Before [Master] Juvenile Court Hearing Officer.

A. *Types of cases.* [Masters] Juvenile court hearing officers may accept stipulations in any classes of cases that they are permitted to hear pursuant to Rule 1187.

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Comment

Under paragraph (A), a [master] juvenile court hearing officer may accept stipulations in those permissible classes of cases pursuant to Rule 1187. In addition, the president judge of each judicial district may further restrict the classes of cases. See Rule 1185.

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Official Note: Rule 1190 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1190 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1190 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 1191. [Master's] Juvenile Court Hearing Officer's Findings and Recommendation to the Judge.

A. *Announcement of Findings and Recommendation.* At the conclusion of the hearing, the [master] juvenile court hearing officer shall announce in open court on the record, the [master's] juvenile court hearing officer's findings and recommendation to the judge.

B. *Submission of Papers and Contents of Recommendation.* Within two business days of the hearing, the [master] juvenile court hearing officer shall submit specific findings and a recommendation to the juvenile court judge. If requested, a copy of the findings and recommendation shall be given to any party.

C. *Challenge to Recommendation.* A party may challenge the [master's] juvenile court hearing officer's recommendation by filing a motion with the clerk of courts within three days of receipt of the recommendation. The motion shall request a rehearing by the judge and aver reasons for the challenge.

D. *Judicial Action.* Within seven days of receipt of the [master's] juvenile court hearing officer's findings and recommendation, the judge shall review the findings and recommendation of the [master] juvenile court hearing officer and:

* * * * *

3) send the recommendation back to the [**master**] **juvenile court hearing officer** for more specific findings; or

* * * * *

Comment

The juvenile court may promulgate a form for [**masters**] **juvenile court hearing officers** to use. The findings and recommendation may take the form of a court order to be adopted by the court.

If a party contests the [**master's**] **juvenile court hearing officer's** decision, the copy of the findings and recommendation may be used as an attachment in a motion for a rehearing in front of the judge.

The [**master's**] **juvenile court hearing officer's** decision is subject to approval of the judge. When the judge, in rejecting the [**master's**] **juvenile court hearing officer's** recommendation, modifies a factual determination, a rehearing is to be conducted. The judge may reject the [**master's**] **juvenile court hearing officer's** findings and enter a new finding or disposition without a rehearing if there is no modification of factual determinations. *See In re Perry*, [**313 Pa. Super. 162**,] 459 A.2d 789 (Pa. Super. 1983).

Nothing in this rule prohibits the court from modifying conclusions of law made by the [**master**] **juvenile court hearing officer**.

Official Note: Rule 1191 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1191 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1191 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART C. SHELTER CARE

Rule 1243. Shelter Care Rehearings.

* * * * *

C. *Forum*. The judge, who heard the original shelter care hearing or adopted the findings of the [**master**] **juvenile court hearing officer**, shall hold the rehearing, unless the judge assigns the case to a [**master**] **juvenile court hearing officer**.

Comment

* * * * *

Under paragraph (C), only a judge may hold a rehearing, unless the judge orders a [**master**] **juvenile court hearing officer** to hear the case.

Official Note: Rule 1243 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1243 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1243 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART D. PROCEDURES FOLLOWING FILING OF PETITION

Rule 1342. Pre-Adjudicatory Conference.

* * * * *

Comment

* * * * *

Under paragraph (A), the court may consider: 1) the terms and procedures for pre-adjudicatory discovery and inspection; 2) the simplification or stipulation of factual issues, including admissibility of evidence; 3) the qualification of exhibits as evidence to avoid unnecessary delay; 4) the number of witnesses who are to give testimony of a cumulative nature; 5) whether expert witnesses will be called; 6) whether the hearing will be scheduled in front of the [**master**] **juvenile court hearing officer** or judge; and 7) such other matters as may aid in the disposition of the proceeding.

Official Note: Rule 1342 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1342 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1342 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

* * * * *

Comment

To the extent practicable, the judge or [**master**] **juvenile court hearing officer** that presided over the adjudicatory hearing for a child should preside over the dispositional hearing for the same child.

* * * * *

Official Note: Rule 1512 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1512 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

* * * *

Comment

* * * *

To the extent practicable, the judge or [**master**] **juvenile court hearing officer** who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearing for the same child.

* * * *

Official Note: Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended June 14, 2016, effective August 1, 2016. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1608 published with the Court's Order at 46 Pa.B. 3416 (July 2, 2016).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 1610. Permanency Hearing for Children over Eighteen.

* * * *

Comment

* * * *

To the extent practicable, the judge or [**master**] **juvenile court hearing officer** who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearings for the same child. In resumption of jurisdiction cases, to the extent practicable, the judge or [**master**] **juvenile court hearing officer** who presided over the original case should preside over the re-opened case.

* * * *

Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1610 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1610 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART D. CESSATION OR RESUMPTION OF COURT SUPERVISION OR JURISDICTION

Rule 1635. Hearing on Motion for Resumption of Jurisdiction.

* * * *

Comment

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A [**master**] **juvenile court hearing officer** may conduct these hearings. *See* Rule 1187.

* * * *

Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1635 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1635 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 18. SUSPENSIONS

Rule 1800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to dependency proceedings only:

* * * *

5) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6305(b), which provides that the court may direct hearings in any case or classes of cases be conducted by the [**master**] **juvenile court hearing officer**, is suspended only insofar as the Act is inconsistent with Rule 1187, which allows [**masters**] **juvenile court hearing officers** to hear only specific classes of cases.

* * * *

Official Note: Rule 1800 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended September 16, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1800 published with the Court's Order at 41 Pa.B. 2839 (June 4, 2011).

Final Report explaining the amendments to Rule 1800 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

FINAL REPORT¹

Amendment of Pa.R.J.C.P. 120, 127, 140, 160, 166, 182, 185, 187, 190, 191, 192, 243, 512, 800, 1120, 1127, 1154, 1166, 1182, 1185, 1187, 1190, 1191, 1243, 1342, 1512, 1608, 1610, 1635, and 1800

On April 6, 2017, the Court amended the Rules of Juvenile Court Procedure to change the term “master” to “juvenile court hearing officer.”

The term “master” was incorporated into the Rules from the Juvenile Act. *See* 42 Pa.C.S. § 6301 *et seq.* The continued use of the term “master” had been rejected by several judicial districts because it was considered archaic, subject to misperception, and inconsistent with the use of “hearing officer” in other proceedings. Accordingly, in some judicial districts the title of “master” had been updated to “hearing officer,” which more accurately reflects the authority to preside over delinquency and dependency matters. The Committee deliberated on the merits of this local practice and agreed that “master” should be updated to the more modern phrase of “hearing officer” within the Rules of Juvenile Court Procedure.

A proposal was published for public comment in the *Pennsylvania Bulletin* at 42 Pa.B 5480 (August 25, 2012) to replace “master” with “hearing officer.” In response to a comment and to differentiate among the different types of hearing officers in other proceedings, a post-publication modification to the proposal expanded the title from “hearing officer” to “juvenile court hearing officer.”

[Pa.B. Doc. No. 17-666. Filed for public inspection April 21, 2017, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 500 AND 1000]

Proposed Adoption of Pa.R.C.P.M.D.J. No. 514.1 and Amendment of Pa.R.C.P.M.D.J. Nos. 501, 514, 515, 1001, 1002 and 1005

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the adoption of Pa.R.C.P.M.D.J. No. 514.1, as well as the amendment of Pa.R.C.P.M.D.J. Nos. 501, 514-515, 1001-1002 and 1005, providing for a 30-day appeal period for tenants who are victims of domestic violence in actions involving residential leases, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

¹ The Committee's Final Report 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 Committee's explanatory Final Reports.

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

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
minorrules@pacourts.us

All communications in reference to the proposal should be received by June 6, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee

ANTHONY W. SAVEIKIS,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 501. Definition.

[A.] As used in this chapter [, “action”]:

(1) “**Action**” means an action by a landlord against a tenant for the recovery of possession of real property brought before a magisterial district judge.

[B. As used in this chapter, “complaint”] (2) “**Complaint**” shall include, where applicable, the attached and completed Recovery of Real Property Hearing Notice form.

(3) “**Victim of domestic violence**” means a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse.

Official Note: Distress for rent will not be covered in rules of civil procedure for magisterial district judges, for it is not an action or proceeding before a magisterial district judge and any constable carrying out the “landlord’s warrant” is acting as an agent of the landlord and not as an officer serving process of a magisterial district judge. *See* § 302 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.302. Actions for rent (§ 301 of the Act, 68 P.S. § 250.301) and to defalcate (§ 307 of the Act, 68 P.S. § 250.307) are not included in this chapter, for these are actions of assumpsit. *See also* § 572 of the Act, added by Act of May 3, 1968, P.L. 107, No. 56, § 1, 68 P.S. § 250.512. A number of trespass actions are also detailed in the Landlord and Tenant Act of 1951 (*see* §§ 311–313, 68 P.S. §§ 250.311–250.313), and these would be brought under the rules pertaining to trespass actions. Consequently, this chapter will be concerned only with the action for the recovery of possession of real property. *But see* Rules 503C(8) and 508 as to joinder of actions and cross-complaints.

The definition of a victim of domestic violence is derived from 68 P.S. § 250.513. For additional definitions related to victims of domestic violence and abuse, *see* Pa.R.C.P.M.D.J. No. 1202.

Rule 514. Judgment; Notice of Judgment or Dismissal and the Right to Appeal.

A. If it appears at the hearing that the complaint has been proven, the magisterial district judge shall enter judgment against the defendant that the real property be delivered up to the plaintiff and shall enter judgment by separate entries:

- (1) for the amount of rent, if any, which remains due,
- (2) for the amount of damages, if any, for unjust detention,
- (3) for the physical damages, if any, to the leasehold premises, and
- (4) for the costs of the proceeding;

less any amount found due the defendant on any cross-complaint filed by the defendant.

In addition, the magisterial district judge shall make an entry identifying the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises.

B. A money judgment may be rendered for the defendant on a cross-complaint filed by the defendant if the amount found due thereon exceeds any amount found due the plaintiff on the plaintiff's complaint.

C. (1) Judgment shall be given at the conclusion of the hearing or within three days thereafter.

(2) Upon the entry of the judgment, the magisterial district court shall promptly give or mail to the parties written notice of judgment or dismissal.

D. The written notice of judgment or dismissal shall contain:

(1) notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas,

(2) notice that a defendant in a residential lease action who is a victim of domestic violence may appeal the judgment within 30 days of the date of entry of judgment, as well as filing instructions for asserting such an appeal,

[(2)] (3) notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge, and

[(3)] (4) notice that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the debtor pays in full, settles, or otherwise complies with the judgment.

Official Note: Paragraph A of this rule requires that the plaintiff appear and give testimony to prove the complaint before the magisterial district judge can enter judgment against the defendant, even when the defendant fails to appear for the hearing. The magisterial district judge may not enter a default judgment in a possessory action, including a judgment for money only. See Rule 512A and Note. The various issues that the magisterial district judge must determine at the hearing include: whether notice to quit was given to the defendant in accordance with law or that no notice was required under the terms of the lease; the amount or rent due, if any; damages to the leasehold premises, if any; the

amount found to constitute the monthly rental, and; the amount of the security deposit held by the landlord, if any.

As to the notice to quit requirement, see Section 501 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.501. See also *Patrycia Bros., Inc. v. McKeefrey*, 38 Pa. D. & C.2d 149 (Delaware County C.P. 1966).

The separate entries provided in paragraph A are made necessary as a result of the rental deposit provisions for appeal or certiorari contained in Rules 1008B and 1013B, as well as the wage attachment provisions contained in Section 8127 of the Judicial Code, 42 Pa.C.S. § 8127.

[Subdivision] Paragraph B of this rule makes provision for a money judgment for the defendant if the defendant prevails in a greater amount on the defendant's cross-complaint.

For procedure for entry of satisfaction of money judgments, see Rule 341.

Paragraph D of this rule provides for certain notices the magisterial district court shall include in the written notice of judgment or dismissal.

Subparagraph D(2) is intended to facilitate the provisions of 68 P.S. § 250.513, which extends the appeal period for a victim of domestic violence in a case arising out of a residential lease from 10 days to 30 days. A defendant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court within 10 days of the date of entry of judgment in order to stay the issuance of an order of possession until after the 30th day following the date of entry of the judgment. See Rule 514.1.

As to paragraph **[D(2)] D(3)**, see Rule 402D and Note. As to paragraph **[D(3)] D(4)**, see Rule 341.

(Editor's Note: Rule 514.1 is proposed to be added and printed in regular type to enhance readability.)

Rule 514.1. Domestic Violence Affidavit.

A. A defendant in a residential lease action who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court within 10 days of the date of entry of the judgment in order to prohibit the issuance of an order of possession until after the 30th day following the date of entry of judgment.

B. The domestic violence affidavit shall be on a form prescribed by the State Court Administrator, and affirm that the defendant is a victim of domestic violence.

C. The filing of the domestic violence affidavit with the magisterial district court shall operate as a supersedeas, and will terminate as of the filing of an appeal with the prothonotary pursuant to Rule 1002 or 30 days after the date of entry of the judgment, whichever is earlier.

D. The magisterial district court shall enter the domestic violence affidavit on the docket of the magisterial district court proceedings of the residential lease action.

E. The defendant shall serve a copy of the domestic violence affidavit on the plaintiff by mailing it to the plaintiff at the address as listed on the complaint form filed in the magisterial district court or as otherwise appearing in the records of that office, or the attorney of record, if any, of the plaintiff.

F. The defendant shall attach a copy of the domestic violence affidavit to an appeal filing made pursuant to Rule 1002.

Official Note: The appeal period for a victim of domestic violence in a case arising out of a residential lease is 30 days, rather than 10 days. *See* 68 P.S. § 250.513(b). A defendant who is a victim of domestic violence must file a domestic violence affidavit with the magisterial district court in order to prevent the issuance of an order for possession, and avail himself or herself of the additional time within which to file an appeal pursuant to Rule 1002. The filing of the affidavit will prohibit the issuance of an order of possession until after the 30th day following the date of entry of judgment, giving the defendant time to make the necessary appeal filing with the prothonotary pursuant to Rule 1002. If the defendant does not file a domestic violence affidavit with the magisterial district court within 10 days following the date of entry of judgment, any further filings to assert the 30-day appeal period due to domestic violence status must occur with the prothonotary, and may require additional filings, such as a request for *nunc pro tunc* relief.

The domestic violence affidavit set forth in Paragraph B shall contain the name of the victim, the name of the perpetrator, the perpetrator's relationship to the victim, the dates, locations and descriptions of incidents of domestic violence, and any protection from abuse orders sought or obtained against the perpetrator. The affidavit shall contain the defendant's verification that the statements made in the affidavit are true and correct to the best of the defendant's knowledge, information and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities. Any subsequent action by a plaintiff to strike an affidavit of domestic violence shall be conducted in accordance with the relevant Rules of Civil Procedure.

Rule 515. Request for Order for Possession.

A. If the magisterial district judge has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the plaintiff, the plaintiff may, after the 15th day following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

B. (1) Except as otherwise provided in subparagraph (2), if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the plaintiff, the plaintiff may after the 10th day but within 120 days following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the plaintiff requests an order for possession,

(a) an appeal, **domestic violence affidavit** or writ of certiorari operates as a supersedeas; or

(b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding; and

(c) the supersedeas or bankruptcy stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the plaintiff to proceed to request an order for possession,

the plaintiff may request an order for possession only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

Official Note: The [**fifteen days in subdivision**] **15 days in paragraph A** of this rule, when added to the [**16 day**] **16-day** period provided for in Rule 519A, will give the defendant time to obtain a supersedeas within the appeal period. *See* Rules 1002, 1008, 1009, and 1013.

The 1995 amendment to section 513 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.513, established a [**ten-day**] **10-day** appeal period from a judgment for possession of real estate arising out of a residential lease, **and a 30-day appeal period for defendants found to be victims of domestic violence**; therefore, the filing of the request for order for possession in subparagraph B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for order for possession generally must be filed within 120 days of the date of the entry of the judgment.

Subparagraph B(2) provides that in a case arising out of a residential lease, if a supersedeas (resulting from an appeal, **domestic violence affidavit**, or writ of certiorari) or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the plaintiff to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

A supersedeas resulting from the filing of a domestic violence affidavit will terminate as of the filing of an appeal with the prothonotary pursuant to Rule 1002 or 30 days after the date of entry of the judgment, whichever is earlier.

The time limits in which the plaintiff must request an order for possession imposed in [**subdivision**] **paragraph B** apply only in cases arising out of residential leases and in no way affect the plaintiff's ability to execute on the money judgment. *See* Rule 516, Note, and Rule 521A.

At the time the plaintiff files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. *See* Rules 516 through 520 and [**Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d)**] **44 Pa.C.S. § 7161(d)**.

CHAPTER 1000. APPEALS

APPELLATE PROCEEDINGS WITH RESPECT TO JUDGMENTS AND OTHER DECISIONS OF MAGISTERIAL DISTRICT JUDGES IN CIVIL MATTERS

Rule 1001. Definitions.

As used in this chapter:

[(1) **Judgment**—A judgment rendered by a magisterial district judge under Rule 319, 322 or 514.

(2) **Appeal**—An appeal from a judgment to the court of common pleas.

(3) **Certiorari**—An examination by the court of common pleas of the record of proceedings before a magisterial district judge to determine questions raised under Rule 1009A.

(4) **Supersedeas**—A prohibition against any further execution processes on the judgment affected thereby.

(5) **Court of common pleas**—The court of common pleas of the judicial district in which is located the magisterial district wherein the questioned action of the magisterial district judge took place.

(6) **Claimant**—Includes a defendant with respect to a defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(7) **Defendant**—Includes a plaintiff with respect to the defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(8) **Service by certified or registered mail**—The mailing of properly addressed certified or registered mail.

(9) **Proof of service**—A verified written statement that service was made by personal service or by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto if service was made by mail.]

(1) "Appeal" means an appeal from a judgment to the court of common pleas.

(2) "Certiorari" means an examination by the court of common pleas of the record of proceedings before a magisterial district judge to determine questions raised under Rule 1009A.

(3) "Claimant" includes a defendant with respect to a defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(4) "Court of common pleas" means the court of common pleas of the judicial district in which is located the magisterial district wherein the questioned action of the magisterial district judge took place.

(5) "Defendant" includes a plaintiff with respect to the defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(6) "Judgment" means a judgment rendered by a magisterial district judge under Rules 319, 322 or 514.

(7) "Proof of service" means a verified written statement that service was made by personal service or by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto if service was made by mail.

(8) Service "by certified or registered mail" means the mailing of properly addressed certified or registered mail.

(9) "Supersedeas" means a prohibition against any further execution processes on the judgment affected thereby.

(10) "Victim of domestic violence" means a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse.

Official Note: Although one of the purposes of the definitions in this rule is to avoid needless repetition

throughout these appellate rules, some of the definitions are intended to state or clarify the law as well.

In connection with the definition of "appeal" in [**subdivision (2)**] **paragraph (1)**, see also Rule 1007 and the note thereto.

Under [**subdivision (3)**] **paragraph (2)**, certiorari is restricted to an examination of the record of the proceedings before the magisterial district judge, which will appear on the complaint forms prescribed by the State Court Administrator. See *Flaherty v. Atkins*, [**189 Pa. Super. 550**,] 152 A.2d 280 (**Pa. Super.** 1959). This is a narrow form of certiorari, both with respect to procedure and the matters which can be considered under Rule 1009A. Since an aggrieved party will be entitled to a broad form of appeal de novo under these rules, there seems to be no justification for providing also for a broad form of certiorari. These restrictions on the writ of certiorari are authorized by § 26 of the Schedule to Article V of the 1968 Constitution. The writ of error, which at common law was probably available only to review the proceedings of a court of record (see *Beale v. Dougherty*, 3 Binn. 432 (1811)), is not a form of appellate process permitted by these rules. See also *County of Carbon v. Leibensperger*, [**439 Pa. 138**,] 266 A.2d 632 (**Pa.** 1970) (court of common pleas cannot issue writ of prohibition).

[**The definition of "supersedeas" in subdivision (4) points out the proper office and limited nature of a supersedeas. See also Rules 1008 and 1013 and the notes thereto.**]

Under [**subdivision (9)**] **paragraph (7)**, there is no requirement that the sender's receipt for certified mail be postmarked. There is no return receipt requirement for certified or registered mail. It is no longer necessary that the proof of service be under oath or affirmation; however, the statement is now made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

The definition of "supersedeas" in paragraph (9) points out the limited nature of a supersedeas. See also Rules 1008 and 1013 and the notes thereto.

Under paragraph (10), the definition of a victim of domestic violence is derived from 68 P.S. § 250.513. For additional definitions related to victims of domestic violence and abuse, see Pa.R.C.P.M.D.J. No. 1202.

APPEAL

Rule 1002. Time and Method of Appeal.

A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal therefrom within [**thirty (30)**] **30** days after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form [**which**] **that** shall be prescribed by the State Court Administrator together with a copy of the Notice of Judgment issued by the magisterial district judge. The Prothonotary shall not accept an appeal from an aggrieved party [**which**] **that** is presented for filing more than [**thirty (30)**] **30** days after the date of entry of the judgment without leave of Court and upon good cause shown.

[**B. A**] **B. (1) Except as otherwise provided in subparagraph (2), a party aggrieved by a judgment for**

the delivery of possession of real property arising out of a residential lease may appeal therefrom within **[ten (10)] 10 days** after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form **[which] that** shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an appeal from an aggrieved party **[which] that** is presented for filing more than **[ten (10)] 10 days** after the date of entry of judgment without leave of court and upon good cause shown.

(2) A defendant who is aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease, and who is a victim of domestic violence, may appeal the judgment within 30 days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form that shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge, and the domestic violence affidavit. The prothonotary shall not accept an appeal from an aggrieved party that is presented for filing more than 30 days after the date of entry of judgment without leave of court and upon good cause shown.

Official Note: The **[thirty day limitation in subdivision] 30-day limitation in paragraph A** of this rule is the same as that found in the Judicial Code § 5571(b), 42 Pa.C.S. § 5571(b), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L. 202, No. 53. The **[ten day limitation in subdivision B of this rule] 10-day limitation in subparagraph B(1) of this rule, as well as the 30-day limitation in subparagraph B(2)**, is designed to implement the time for appeal set forth in § 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1995) (Act No. 1995-33 was suspended by the Pa. Supreme Court on March 28, 1996 by Order of Court insofar as the Act is inconsistent with Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges, as adopted by that Order.) **[The two subdivisions of this rule are] This rule** is intended to clarify that where the right of possession of residential real estate is at issue, **and the tenant is not a victim of domestic violence**, the shorter, **[ten day] 10-day** period for appeal applies; where the appeal is taken from any judgment for money, **[or] a judgment affecting a nonresidential lease, or a judgment affecting the delivery of possession of real property arising out of a residential lease where the defendant is a victim of domestic violence** under these rules, the **[thirty day] 30-day** period of time for appeal applies. A party may appeal the money portion of a judgment only within the **[thirty day] 30-day** appeal period specified in **[subsection] paragraph A** of this rule. It is the intent of this rule that no supersedeas under Pa.R.C.P.M.D.J. No. 1008 shall be issued by the Prothonotary after the **[ten (10) day] 10-day** period for filing an appeal, unless a tenant who is a victim of domestic violence files an appeal within 30 days of the date of entry of judgement or by order of court.

The method of appeal is by filing with the prothonotary a "notice of appeal" on a form to be prescribed by the

State Court Administrator. Copies of this same form will be used for service under Pa.R.C.P.M.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an "appeal" for filing and another called a "notice of appeal" for service.

The domestic violence affidavit set forth in Paragraph B(2) shall be on a form to be prescribed by the State Court Administrator. The domestic violence affidavit shall contain the name of the victim, the name of the perpetrator, the perpetrator's relationship to the victim, the dates, locations and descriptions of incidents of domestic violence, and any protection from abuse orders sought or obtained against the perpetrator. The affidavit shall contain the defendant's verification that the statements made in the affidavit are true and correct to the best of the defendant's knowledge, information and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities. Any subsequent action by a plaintiff to strike an affidavit of domestic violence shall be conducted in accordance with the relevant Rules of Civil Procedure.

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the magisterial district judge.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.C.P.M.D.J. No. **[514.A] 514A** and will be needed by the Prothonotary.

Rule 1005. Service of Notice of Appeal and Other Papers.

A. The appellant shall by personal service or by certified or registered mail serve a copy of **[his] the** notice of appeal upon the appellee and upon the magisterial district judge in whose office the judgment was rendered. If required by Rule 1004B to request a rule upon the appellee to file a complaint, **[he] the appellant** shall also serve the rule by personal service or by certified or registered mail upon the appellee. The address of the appellee for the purpose of service shall be **[his] the** address as listed on the complaint form filed in the office of the magisterial district judge or as otherwise appearing in the records of that office. If the appellee has an attorney of record named in the complaint form filed in the office of the magisterial district judge, the service upon the appellee may be made upon the attorney of record instead of upon the appellee personally.

B. The appellant shall file with the prothonotary proof of service of copies of **[his] the** notice of appeal, and proof of service of a rule upon the appellee to file a complaint if required to request such a rule by Rule 1004B, within **[ten (10)] 10 days** after filing the notice of appeal.

C. In lieu of service and proof of service pursuant to **[subparagraphs A. and B. of this Rule] paragraphs A and B of this rule**, the court of common pleas may, by local rule, permit or require that the appellant file with the notice of appeal a stamped envelope pre-addressed to the appellee at **[his] the** address as listed on the complaint form filed in the office of the magisterial district judge or as otherwise appearing in the records of that office, or the attorney of record, if any, of the

appellee, and a stamped envelope pre-addressed to the magisterial district judge in whose office the judgment was rendered. Copies of the notice of appeal, and Rule pursuant to 1004B, if applicable, shall thereupon be mailed by the prothonotary or court by first class mail, with such service and any return being noted on the court's docket.

D. The party filing a complaint under Rule 1004 shall forthwith serve it upon the opposite party in the appeal by leaving a copy for or mailing a copy to [**him at his**] the address as shown in the magisterial district court records mentioned in [**subdivision**] paragraph A of this rule. If the opposite party has an attorney of record either in the magisterial district court or court of common pleas proceeding, service upon the opposite party may be made upon the attorney of record instead of upon the opposite party personally.

E. Service and proof of service may be made by attorney or other agent.

Official Note: [**Subdivision**] Paragraph A requires service of a copy of the notice of appeal upon the magisterial district judge as well as upon the appellee, or [**his**] the appellee's attorney of record. The notice of appeal includes all documents filed with the prothonotary, including a domestic violence affidavit, if applicable. This copy, when received by the magisterial district judge, may operate as a supersedeas under Rule 1008. As to [**subdivision**] paragraph B, there is no return receipt requirement for service by certified or registered mail and consequently no such receipt need be filed with the prothonotary, although if service is by certified or registered mail the sender's receipt must be attached to the proof of service. See Rule [**1001(9)**] 1001(7) and the last paragraph of the note to Rule 1001. The notice of appeal and the proof of service may be filed simultaneously. See also Rule 1006 and its note. [**Subdivision**] Paragraph C prescribes a pleading type service of the complaint, which may be made by ordinary mail, upon the opposite party in the appeal or [**his**] the party's attorney of record.

REPORT

Proposed Adoption of Pa.R.C.P.M.D.J. No. 514.1 and Amendment of Pa.R.C.P.M.D.J. Nos. 501, 514-515, 1001-1002 and 1005

Appeals by Victims of Domestic Violence in Residential Lease Actions

I. Introduction

The Minor Court Rules Committee ("Committee") is planning to propose to the Supreme Court of Pennsylvania the adoption of Pa.R.C.P.M.D.J. No. 514.1, as well as the amendment of Pa.R.C.P.M.D.J. Nos. 501, 514-515, 1001-1002 and 1005. These rules will provide a 30-day appeal period in residential lease actions for tenants who are victims of domestic violence.

II. Discussion

In recent years, the Committee has been examining the procedural rules governing appeals from judgments of magisterial district courts in an effort (1) to clarify the appeal periods for all civil and landlord-tenant judgments, and (2) to provide additional time for appeal to victims of domestic violence when a judgment arises out of a residential lease and contains an award of possession. With regard to the second point, the Committee sought to incorporate certain provisions of the Landlord and Tenant

Act of 1951 ("Act"), Act of April 6, 1951, P.L. 69, as amended, 68 P.S. § 250.513(b), into the rules. This section specifically provides that "within thirty days after a judgment by a lower court arising out of a nonresidential lease or a residential lease involving a victim of domestic violence, either party may appeal to the court of common pleas. . . ." 68 P.S. § 250.513(b) (emphasis added). Provisions to incorporate a 30-day appeal period for victims of domestic violence in residential lease actions were included in prior proposed rules that were published in the *Pennsylvania Bulletin* in 2012 and 2014. See 42 Pa.B. 7525 (December 15, 2012); 44 Pa.B. 4342 (July 12, 2014). While most provisions of the 2012 and 2014 proposals have been discontinued and are no longer under review, the Committee has continued developing a proposal on a 30-day appeal period for victims of domestic violence in residential lease actions.

After much discussion and review, the Committee proposes the following approach: a defendant who is a victim of domestic violence, defined as "a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse," may file a newly-created domestic violence affidavit with the magisterial district court within 10 days after the date of the entry of judgment so as to prohibit the issuance of an order for possession. By prohibiting the issuance of the order for possession will permit the defendant who has filed the domestic violence affidavit to appeal the magisterial district court judgment within the allowed 30-day period without the risk of eviction. If the defendant does not file the affidavit with the magisterial district court within the 10-day period after the date of the entry of judgment, any further filings by the defendant to assert the 30-day appeal period due to domestic violence status must occur with the prothonotary, and may require additional filings, such as a request for *nunc pro tunc* relief. Additionally, any challenges by the plaintiff to the domestic violence affidavit would have to be made to the court of common pleas.

When the defendant files the domestic violence affidavit with the magisterial district court within 10 days after the date of the entry of judgment, both the magisterial district court and the plaintiff are put on notice that the defendant has asserted the 30-day appeal period due to domestic violence status. The Committee proposes that the affidavit contain the name of the victim and perpetrator, the perpetrator's relationship to the victim, the dates, locations and descriptions of domestic violence, and any protection from abuse orders sought or obtained against the perpetrator. The proposed affidavit will also contain the defendant's verification that the statements made in the affidavit are true and correct to the best of the defendant's knowledge, information and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

III. Proposed Changes

Rule 501: The definition of "victim of domestic violence" has been added to Rule 501, as well as a reference in the note to 68 P.S. § 250.513 and Rule 1202. The Committee also proposes stylistic changes to Rule 501.

Rule 514: A provision is added to Rule 514D to require the magisterial district judge to provide notice of the 30-day appeal period for domestic violence victims on the written notice of judgment, as well as instructions for properly making such an appeal. The Committee also proposes stylistic changes to Rule 514.

Rule 514.1: New Rule 514.1 provides (1) specific instructions for the filing of the domestic violence affidavit with the magisterial district court to prohibit the issuance of an order for possession, (2) that the affidavit shall be on an AOPC form, (3) that the defendant shall serve the affidavit on the plaintiff, and (4) that the defendant will attach a copy of the affidavit to the notice of appeal. The note to Rule 514.1 advises that failure to file the domestic violence affidavit within 10 days following the entry of judgment means that the defendant will have to make the filing with the prothonotary, which could require additional filings such as a request for *nunc pro tunc* relief. The note also sets forth the content of the domestic violence affidavit, and explains that any filings by the plaintiff to strike the affidavit must be made pursuant to the Rules of Civil Procedure.

Rule 515: A reference to the new domestic violence affidavit is added to Rule 515B(2)(a) regarding the types of filings that will operate as a supersedeas. A provision has been added to the note to indicate that a supersedeas resulting from the filing of a domestic violence affidavit will terminate as of the filing of an appeal with the prothonotary or 30 days after the date of entry of the judgment, whichever is earlier. The statutory citation regarding constable fees has been updated. The Committee also proposes stylistic changes to Rule 515.

Rule 1001: The definitions have been alphabetized, with corresponding changes to references in the note. A definition of "victim of domestic violence" has been added. The Committee also proposes stylistic changes to Rule 1001.

Rule 1002: Rule 1002B(2)(a) has been amended to provide for a 30-day appeal period for victims of domestic violence. Rule 1002B(2)(a) provides that a defendant who is a victim of domestic violence shall appeal the judgment within 30 days after the date of entry of the judgment by filing the notice of appeal along with the domestic violence affidavit. The note sets forth the content for the domestic violence affidavit. The Committee also proposes stylistic changes to Rule 1002.

Rule 1005: An updated citation to a definition is made in the note, as well as stylistic changes. The note provides that the notice of appeal includes all documents filed with the prothonotary, including the domestic violence affidavit if applicable.

[Pa.B. Doc. No. 17-667. Filed for public inspection April 21, 2017, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

IFA Insurance Company; Administrative Doc. No. 02 of 2017

Order

And Now, this 31st day of March, 2017, upon consideration of the attached Show Cause Order regarding Liquidation of IFA Insurance Company issued by the Superior Court of New Jersey, Chancery Division—Mercer County, Docket No. MER-C-20-17, it is hereby *Ordered* and *Decreed* that all cases in which IFA Insurance Company is a named party shall be placed in deferred status until further notice.

It is further *Ordered* and *Decreed* that all actions currently pending against any insured of IFA Insurance Company shall be placed in deferred status until further notice.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania and shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District's website at <http://courts.phila.gov>. One certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts; two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Copies shall be submitted to American Lawyer Media, the Jenkins Memorial Law Library, and the Law Library for the First judicial District of Pennsylvania.

By the Court

JACQUELINE F. ALLEN,
*Administrative Judge
Trial Division*

[Pa.B. Doc. No. 17-668. Filed for public inspection April 21, 2017, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

**Adoption of New Rule of Judicial Administration
Uniform Rules Regarding Broadcasting, Taking
of Photographs, Audio, Video or Motion Pictures
of Judicial Proceedings in the Hearing Room or
Courtroom or its Environs; Local Rule of Judi-
cial Administration; No. 3634 of 2017**

Order

And Now, this 22nd day of March, 2017, *It Is Hereby Ordered* and *Decreed* that the Luzerne County Court of Common Pleas adopts the following local rule governing uniform rules regarding broadcasting, taking of photographs, audio, video, or motion pictures of judicial proceedings in the hearing room or courtroom or its environs for the 11th Judicial District of the Commonwealth of Pennsylvania:

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

1) File one (1) copy of these Rules with the Administrative Office of Pennsylvania Courts via email to adminrulespa@courts.us.

2) File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish these Rules on the Luzerne County Court website at www.luzernecountycourts.com.

4) File one (1) copy shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County and the Wilkes-Barre Law and Library Association.

5) File one (1) electronic copy of these Rules in Microsoft Word format only to law.library@luzernecounty.org for publication in the *Luzerne Legal Register*.

Said Local Rule of Judicial Administration shall be effective in the 11th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Luzerne County website.

By the Court

RICHARD M. HUGHES, III,
President Judge

Luz.Co.R.Jud.A. 1910; Uniform Rules regarding Broadcasting, Taking of Photographs, Audio, Video, or Motion Pictures of Judicial Proceedings in the Hearing Room or Courtroom or its Environs

Rule 1910. Broadcasting, Taking of Photographs, Video or Motion Pictures.

1. No sound recording, photograph, video recording, cellular phone recording, motion picture of any type may be made or taken of any judicial proceeding which includes during, immediately before or immediately after said proceeding or in any hearing room or courtroom or in the area immediately surrounding the entrances or exits of such rooms, without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer.

2. All electronic devices, including, but not limited to, cellular phones, tablets, laptops and cameras, shall be powered off (not simply muted) in all hearing rooms, courtrooms and in the area immediately surrounding the entrances and exits of such rooms unless permission to activate such device has been first obtained in advance from the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer. This directive specifically includes parties, witnesses, support staff of participants and attorneys. This provision does not apply to any Deputy Sheriff.

3. No photograph, video recording or motion picture of any witness, juror, police officer, judge or judicial officer connected to a pending judicial proceeding may be taken or made in the courthouse or in any building housing a courtroom or hearing room, whether or the court is actually in session, without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or presiding hearing officer.

4. The transmission in any form by any means of any conversation or testimony taken by any electronic means during or anytime thereafter any judicial proceeding without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or presiding hearing officer is strictly prohibited.

5. Violation of this Order may constitute contempt of court and result in the confiscation of such device and the deletion of any offending data or material on such device, the imposition of a fine of up to \$1,000.00 and/or imprisonment of up to six (6) months upon a finding of contempt of this rule.

6. The presiding judge, the presiding hearing officer the District Court Administrator, the designee of the presiding judge, the presiding hearing officer or the District Court Administrator, including the courtroom staff of the presiding judge or presiding hearing officer and the Sheriff of Luzerne County or his deputy, are authorized to enforce this Order, including taking immediate possession of any offending device.

7. Any device confiscated pursuant to this Order that is not claimed by its lawful owner within seven (7) business days of such confiscation shall be deemed forfeited to the County of Luzerne.

[Pa.B. Doc. No. 17-669. Filed for public inspection April 21, 2017, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that on April 6, 2017, pursuant to Rule 214(d)(5), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that David Leonard Quatrella (# 33822) be placed on Temporary Suspension from the practice of law, effective May 5, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 17-670. Filed for public inspection April 21, 2017, 9:00 a.m.]

PROPOSED RULEMAKING

STATE CIVIL SERVICE COMMISSION

[4 PA. CODE CHS. 91, 95, 97, 98, 99, 103, 105 AND 110]

Implementation of Acts 69 and 167 of 2016

The State Civil Service Commission (Commission), under the authority of 208 of the Civil Service Act (act) (71 P.S. § 741.208), proposes to add Chapter 98 (relating to appointment and promotion of employees in the classified service by recruiting applicants to apply for a specific vacancy-based examination announcement) and amend Chapters 91, 95, 97, 99, 103, 105 and 110 to read as set forth in Annex A

A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

B. Contact Person

For further information on this proposed rulemaking, contact Karen Denise Wood, Esq., whose contact information appears in the Public Comments section of this preamble.

C. Statutory Authority

The statutory authority for this proposed rulemaking is section 203(1) of the act (71 P.S. § 741.203(1)).

D. Purpose and Background

The act was amended by the act of July 7, 2016 (P.L. 465, No. 69) (Act 69) and the act of November 21, 2016 (P.L. 1314, No. 167) (Act 167). This proposed rulemaking brings the Commission's regulations into conformity with Acts 69 and 167. Other proposed amendments update older hearing regulations to reflect current practices and procedures.

E. Summary of Proposal

This proposed rulemaking brings the Commission's regulations into conformity with Acts 69 and 167. Specifically, §§ 91.3, 95.47, 97.3, 97.11 and 97.12 are proposed to be amended and Chapter 98 is proposed to be added to comply with Act 69. In addition, §§ 95.1 and 95.20 (relating to application requirements; and authority) are proposed to be amended to comply with Act 167.

Sections 95.71, 97.31, 97.38, 97.63, 99.24, 103.11, 103.23, 105.11 and 110.2 are proposed to be amended to clarify or bring them into conformity with intervening Commonwealth Court decisions and current Commission practices, or both. These proposed amendments are intended to bring Commission regulations governing civil service hearing procedures into conformity with current hearing practices. Some proposed amendments are further intended simply to clarify existing regulations without making substantive amendments.

F. Paperwork Requirements

The proposed rulemaking does not add to existing paperwork requirements. Many of the proposed amendments could reduce current paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its appointing authorities and employees.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 21, 2017, the Commission 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 Labor and Industry Committee and the Senate State Government Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Commission, the General Assembly and the Governor.

I. Public Comments and Public Hearings

The Commission invites written comments, suggestions or objections to this proposed rulemaking from interested persons, agencies and organizations or in-person comments or questions at the public hearings to be held as follows:

April 25, 2017, at 1 p.m.	Western Regional Office 1503 State Office Building 300 Liberty Avenue Pittsburgh, PA 15222-1210
May 12, 2017 at 10 a.m.	Eastern Regional Office 10 South 11th Street 2nd Floor Philadelphia, PA 19107-3618
May 17, 2017, at 1 p.m.	Commission's Main Office Strawberry Square Complex 4th Floor, Bowman Worth Building 320 Market Street Harrisburg, PA 17108-0569

Individuals desiring to present their views on the proposed rulemaking or receive a copy shall notify Karen Denise Wood, Esq., Assistant Counsel, State Civil Service Commission, 4th Floor, Bowman Worth Building, P.O. Box 569, Harrisburg, PA 17108-0569, (717) 783-1444, fax (717) 772-5120, ra-cs-legalsvcsQandA@pa.gov. Notification of intent to speak at a public hearing shall be made not later than 4:30 p.m. at least 2 working days prior to the scheduled hearing date. Speakers will be required to identify themselves and the organizations they represent, if any. Persons with a disability who wish to attend a public hearing and who may require an auxiliary aid or other service to participate should also contact Karen Denise Wood, Esq. to discuss possible accommodation of needs.

JEFFREY T. WALLACE,
Executive Director

Fiscal Note: 61-6. No fiscal impact. However: The proposed regulations do not implement section 212(D) in the Act 167 of 2016. This results in a cost of \$2 million to \$3 million for modernization of the Commission's Information Technology System to the Commonwealth. The proposed regulations do not implement section 502 in the Act of 167 of 2016, which would result in an estimated cost savings to the Commonwealth of \$55,800—\$105,800, if implemented.

Annex A

TITLE 4. ADMINISTRATION

PART IV. CIVIL SERVICE COMMISSION

Subpart A. RULES OF THE CIVIL SERVICE COMMISSION

CHAPTER 91. GENERAL PROVISIONS

§ 91.3. Definitions.

Words, terms and phrases, when used in this part, have the meaning in section 3 of the act (71 P.S. § 741.3), unless the context clearly indicates otherwise. In addition, the following terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Act—The Civil Service Act (71 P.S. §§ 741.1—741.1005).

Alternative rule—A selection rule designated by the Director for the classification which allows the appointing authority to select from either all eligibles on a certification list or a specific alternative number of eligibles, other than three, but not less than three.

Appointing authority—The officers, board, commission, person or group of persons having power by law to make appointments in the classified service.

* * *

Resignation—The voluntary termination of employment by an employee, [**usually**] evidenced by the employee's written notice.

* * *

Unskilled labor—A person occupying or assigned to a position for which the principal job requirement is good physical condition as related to the duties of the particular position.

Vacancy based eligible list—A certification of eligibles consisting only of the names of those candidates who applied for a specific vacancy after notice of the vacancy is announced by the Commission.

CHAPTER 95. SELECTION OF EMPLOYEES FOR ENTRANCE TO, OR PROMOTION IN, THE CLASSIFIED SERVICE

EXAMINATIONS REQUISITE FOR APPOINTMENT AND PROMOTION

§ 95.1. Application requirements.

(a) *Submission of applications.* Applications required of a candidate for entrance to, or promotion in, the classified service [**, shall**] **must** be made in a format prescribed by the Director [**and shall**], **utilize a form and method of application that is standard across departments and agencies that are under the Governor's jurisdiction, and** contain a statement made subject to the

penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) [**,**] verifying the truthfulness of all responses contained thereon.

* * *

CONDUCTING EXAMINATIONS AND RATING COMPETITORS

§ 95.20. Authority.

Examinations for all classified service positions will be prepared and approved by the Director. **If the Director determines that more than one method of examination will fairly test the relative capacity and fitness of persons examined to perform the duties of the class of positions to which they seek to be appointed or promoted, the appointing authority shall select the method of examination that will be used for the individual position or the class of positions for which the employment or promotion list is being established. When the same classification is used by more than one appointing authority, the affected appointing authorities shall reach a consensus on the method of examination that will be used for that classification as only one examination method will be used by the Commission to examine all candidates for positions in the same classification.** Except as otherwise authorized in this part, or as authorized in writing by the Director, appointing authorities [**shall**] **may** not develop and administer their own examinations for employment or promotion in the classified service.

RATINGS OF COMPETITORS

§ 95.43. Inspection of examination records.

* * *

(c) *By private individuals other than the candidate.* The Director will authorize the exhibiting of applications and examination records to a private individual only when the individual seeking access to the records can demonstrate a clear necessity for the records [**in order**] to pursue a legal right. The Director will take necessary precautions to avoid disclosure of the identities of the persons whose applications and test records are being examined. When it is evident that the release of the information would [**operate to prejudice or impair a person's reputation or personal security, access to the information shall be denied under section 1(2) of the act of June 21, 1957 (P.L. 390, No. 212) (65 P.S. § 66.1(2))**] **be reasonably likely to result in a substantial and demonstrable risk of physical harm to or personal security of an individual, access to the information will be denied.**

§ 95.47. Determination of rank in event of tie.

Final earned ratings shall be calculated to whole numbers or categories represented by whole numbers. Ties in final earned ratings [**shall**] **may** not be broken. All available eligibles with the same final earned rating shall be certified in accordance with the rule of three **or any alternative rule properly designated by the Director.** This section provides for issuance of a complete certification of eligibles, as determined by the number of vacancies, which includes all eligibles with the same final earned rating, as well as to group for consideration those eligibles determined by the examination process to be approximately equally qualified.

RATINGS OF COMPETITORS

§ 95.71. Review of eligibility or examination results.

An applicant who wishes to challenge a finding of ineligibility or an examination score shall contact the Director, in writing, within [30 calendar days of receipt of notice of the] 20 calendar days of the date of notice of the examination result being challenged. The Director will review the applicant's qualifications or examination results and provide the applicant with an explanation or revised result. An applicant still dissatisfied may appeal this decision under section 905.1 of the act (71 P.S. § 741.905a). An appeal shall be filed within 20 calendar days as provided for in § 105.12 (relating to requests).

CHAPTER 97. APPOINTMENT AND PROMOTION OF EMPLOYEES IN THE CLASSIFIED SERVICE

CERTIFICATION

§ 97.3. Certification of eligible lists.

* * * * *

(b) *Duration of certification.* A certification of names for appointment or for canvass and appointment shall be valid for [60] 90 work days after the date of certification, unless extended by the Director, and appointive action may be initiated at any time within that period.

SELECTION AND APPOINTMENT OF ELIGIBLES

§ 97.11. Appointment process.

(a) *Right of choice in making appointments and promotions when using the rule of three.* [The rule-of-three] Unless permission has been obtained from the Director to use an alternative rule, the rule of three applies when making selections from employment and promotion lists. If the appropriate list contains fewer than three eligibles, the Director may, upon request of the appointing authority, certify candidates from other appropriate lists to ensure the appointing authority has at least three available eligibles from which to choose.

(b) *Right of choice to make appointments and promotions using an alternative rule.* If an appointing authority wants to use an alternative rule to the rule of three for its appointments to a specific classification or classification series, it shall obtain permission from the Director by submitting a request in writing to the Director which satisfies all of the following conditions:

(1) The request must specify the classification or classification series to which the alternative rule will apply.

(2) The request shall be submitted to the Director in writing prior to the date on which the Commission begins testing after announcing that a new examination will be offered for the classification or classification series which is subject to the request. If a request is not made for an alternative rule, the rule of three applies and shall be used for at least 12 months before a request for an alternative rule can be initiated.

(3) Once approved by the Director, the alternative rule shall be used by the appointing authority for all selections it makes in the specified classification or classification series for at least 12 months before a new alternative rule request for the same classification can be initiated.

(4) The appointing authority shall receive written permission from the Director to use the alternative rule prior to making any selections using the alternative rule.

(5) In cases in which an examination program is open on a continuous basis, the request for a change to an alternative rule can be initiated at any time. Appointments using the new rule cannot be made before written permission is obtained from the Director. An appointing authority shall continue to use the same alternative rule to make all appointments and promotions in the specified classification or classification series for at least 12 months before a new alternative rule request for the same classification can be initiated.

[(b)] (c) *Right of choice in making multiple appointments.* In making multiple appointments from a certification, the appointing authority shall follow the same procedure, and shall make only appointments, as is permissible when a series of certifications is used in making single appointments. The appointing authority may, however, in its discretion, appoint a certified eligible whose name was rejected three times previously during the process of making the multiple appointments.

§ 97.12. Rejection of eligibles—passovers.

* * * * *

(b) *Exceptions.* Exceptions include the following:

(1) An eligible whose name is disregarded in the making of a preferential appointment of a veteran whose name appears on the same certification[,] may not be considered as having been passed over.

(2) An eligible whose name is disregarded in the making of an appointment of another eligible when there are four or more appointable eligibles on the same certification[,] may not be considered as having been passed over.

(3) An eligible whose name is disregarded in the making of an appointment of another eligible when an alternative rule is being used to make the appointment on the same certification may not be considered as having been passed over.

PROBATIONARY PERIOD

§ 97.31. Duration and extension of probationary periods.

* * * * *

(c) An employee who exceeds the maximum 18-month probationary period[, shall have regular status on the day after the probationary period ends] for a position, or the maximum 24-month probationary period if in a trainee class position, without being awarded regular status can request a hearing by filing an appeal with the Commission under section 951(b) of the act (71 P.S. § 741.951(b)).

[(d) An employee who exceeds the maximum 24-month probationary period in a trainee class, shall have regular status in the approved end of training class, the day after the probationary period ends.]

§ 97.38. Probation following promotion.

A [promoted employee] regular status employee who is promoted shall serve the probationary period of the duration specified for the class to which promoted, subject to all of the following conditions:

(1) During the probationary period, the position vacated by the employee will not be filled except on a substitute basis.

(2) During the first 3 months of the probationary period, the employee has the option to return to the **regular status** position previously held.

(3) At any time after the first 3 months of the probationary period, the employee may return to the previous **regular status** position or classification with written consent of the appointing authorities.

(4) If the services of the employee are found unsatisfactory by the appointing authority, the employee shall be restored to the previous **regular status** position or classification.

(5) **A promoted employee who has never held regular status in the classified service does not have a right to return to a probationary status position previously held.**

CLASSIFICATION STANDARDS

§ 97.63. Working out-of-class.

An appointing authority may temporarily assign an employee to perform duties and responsibilities of another class. Except in the case of emergency, which shall be limited to [30] **no more than 60** work days, the employee so assigned shall meet all of the established requirements for the class to which assigned. Employees assigned to work out-of-class shall either have probationary or regular status in their current class. An out-of-class assignment does not entitle the incumbent to preferences for the position on a permanent basis.

(*Editor's Note:* The following chapter is new and printed in regular type to enhance readability.)

CHAPTER 98. APPOINTMENT AND PROMOTION OF EMPLOYEES IN THE CLASSIFIED SERVICE BY RECRUITING APPLICANTS TO APPLY FOR A SPECIFIC VACANCY-BASED EXAMINATION ANNOUNCEMENT

Sec.

98.1. Vacancy-based eligible lists.

98.2. Requesting a vacancy-based examination announcement.

§ 98.1. Vacancy-based eligible lists.

When an appointing authority receives permission from the Director to fill a vacant position under section 602(a)(2) of the act (71 P.S. § 741.602(a)(2)), the eligible list for that vacancy shall be created using only the names of those qualified candidates who applied for the vacant position after notice of the vacancy is announced by the Commission.

§ 98.2. Requesting a vacancy-based examination announcement.

(a) *Permission of the Director.* An appointing authority electing to fill a vacant position under section 602(a)(2) of the act (71 P.S. § 741.602(a)(2)) shall prepare a request for the vacant position and submit it to the Director for approval. If the Director approves the request, the Director will provide notice of the vacancy to prospective applicants by using technology approved by the Commission.

(b) *Creation of an eligible list.*

(1) After the expiration of the time period when qualified applicants shall have completed the applicable civil service examination to be eligible for selection, the Director will certify the names of as many eligibles as necessary to satisfy the employment requirements of the

appointing authority. Each certification will indicate the relative ranks of the applicants and the last known contact information for each eligible on the list, and, if applicable, veteran's preference status, age preference status or similar status with regard to any other preference provided by law.

(2) The process for selecting a candidate to fill the vacancy will then follow the procedures in §§ 97.11—97.16 (relating to selection and appointment of eligibles).

CHAPTER 99. EMPLOYEES IN THE CLASSIFIED SERVICE

Subchapter C. REASSIGNMENTS AND TRANSFERS

§ 99.24. Effect of transfer on probationary period.

The **unexpired portion of the** probationary period of a transferee shall continue to be served in the position to which transferred, unless the **prospective transferee accepted the position after being notified in writing that the appointing authority having jurisdiction over the position[, with the consent of the prospective transferee, requires] would require** service of a full probationary period in the position as a condition of the transfer.

CHAPTER 103. PROHIBITIONS, PENALTIES AND ENFORCEMENT

POLITICAL ACTIVITY, ASSESSMENTS AND DISCRIMINATION

§ 103.11. Exception to prohibited political activities.

(a) Notwithstanding the political activities expressly prohibited by the act, classified service [**employees**] **employees** are permitted to seek and accept appointment, nomination and election to the office of school board director. This exception applies only to the [**employee**] **employee** who is the candidate. For other civil service [**employees**] **employees**, the restrictions on political activity remain in effect for school director elections.

(b) The provisions of the act which expressly prohibit certain political activities do not apply to the classified service [**employee**] **employee** who has been furloughed or who is on a regular **unpaid** leave of absence, [**or**] **a** leave of absence to take a noncivil service position **or a leave of absence subject to 71 Pa.C.S. § 5302(b) (relating to credited State service) to serve as an elected full-time officer for a Statewide employee collective bargaining organization.** An [**employee**] **employee** on another type of **paid** leave of absence shall continue to comply with the political activity restrictions while on leave. Upon return to the classified service the [**employee**] **employee** shall immediately cease the political activities prohibited by the act. An [**employee**] **employee** elected to public office while on leave, who returns to the classified service, may serve out the remaining portion of the present term of office if the duties of the office are not among those prohibited by the act. The [**employee**] **employee** may not run for or be nominated for a new term of office.

REMOVAL AND DISQUALIFICATION OF OFFICERS AND [**EMPLOYEES**] **EMPLOYEES**

§ 103.23. Penalty for violation.

If after due inquiry, an [**employee**] **employee** has been found to have violated the act or this [**subsection**]

section and has been penalized by removal **[for 1 year]** from the classified service **for a period of time determined by the Commission** as set forth in section 906 of the act (71 P.S. § 741.906), the **[employe] employee** may not **[reenter] re-enter** the classified service except through appointment from an employment list.

CHAPTER 105. NOTICE AND HEARINGS HEARINGS

§ 105.11. General.

[Hearings granted to employees demoted under section 706 of the act (71 P.S. § 741.706), furloughed under section 802 of the act (71 P.S. § 741.802), resigned under section 806 of the act (71 P.S. § 741.806), removed under section 807 of the act (71 P.S. § 741.807), suspended under section 803 or persons alleging discrimination under section 905.1 of the act (71 P.S. § 741.905a) shall be public hearings.] Hearings scheduled by the Commission under its authority to conduct hearings as provided in section 951 of the act (71 P.S. § 741.951) are public hearings. At least 10 working days notice in advance of the date of the hearing **[shall] will** be tendered in

writing to the employee affected and to the appointing authority and others interested in the case, informing them of the date, time and place of hearing. Notice of the hearings **[shall] will** be posted on the bulletin board located in or near the principal office of the Commission. The Civil Service Commissioners may grant requests for continuances. The Commission, on its own motion, may grant a continuance if the scheduled hearing lasts longer than 2 hours.

Subpart B. EXECUTIVE DIRECTOR OF CIVIL SERVICE

CHAPTER 110. DOCUMENTARY FILINGS AND REPRODUCTION OF RECORDS

Subchapter A. DOCUMENTARY FILINGS

§ 110.2. Exhibits.

(a) Parties presenting exhibits shall bring **[six] two** copies to the hearing.

(b) Subsection (a) supersedes 1 Pa. Code § 33.15 (relating to number of copies).

[Pa.B. Doc. No. 17-671. Filed for public inspection April 21, 2017, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 11, 2017.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-7-2017	Standard Financial Corp. Murrysville Westmoreland County Application for approval to acquire 100% of Allegheny Valley Bancorp, Inc., Pittsburgh, and thereby indirectly acquire 100% of Allegheny Valley Bank of Pittsburgh, Pittsburgh.	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-7-2017	Standard Bank, PaSB Murrysville Westmoreland County Merger of Allegheny Valley Bank of Pittsburgh, Pittsburgh, with and into Standard Bank, PaSB, Murrysville. All branch offices of Allegheny Valley Bank of Pittsburgh will become branch offices of Standard Bank, PaSB including the former main office of Allegheny Valley Bank of Pittsburgh located at: <div style="text-align: right;">5137 Butler Street Pittsburgh Allegheny County</div>	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-3-2017	Univest Bank and Trust Co. Souderton Montgomery County	216 Hartman Bridge Road Strasburg (Ronks) Lancaster County	Effective

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-10-2017	CNB Bank Clearfield Clearfield County	<i>To:</i> 301 Main Street Ridgway Elk County <i>From:</i> 2070 Court Street Ridgway Elk County	Approved

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-10-2017	Marquette Savings Bank Honesdale Wayne County	<i>To:</i> 16272 Conneaut Lake Road Meadville Crawford County <i>From:</i> 16086 Conneaut Lake Road Meadville Crawford County	Filed
4-10-2017	Wayne Bank Honesdale Wayne County	<i>To:</i> 814 Northern Boulevard Clarks Summit Lackawanna County <i>From:</i> 651 Northern Boulevard Clarks Summit Lackawanna County	Filed

Branch Applications**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-31-2017	Somerset Trust Company Somerset Somerset County	807 Goucher Street Johnstown Cambria County	Closed

CREDIT UNIONS**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-10-2017	Members Choice Financial Credit Union Danville Montour County	11218 State Route 61 Mt. Carmel Northumberland County	Disapproved

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 17-672. Filed for public inspection April 21, 2017, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Meeting Schedule for 2017

The Snowmobile and ATV Advisory Committee to the Department of Conservation and Natural Resources (Department) will hold the following public meetings:

April 26, 2017, 10 a.m.	Room 105, Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101
October 5, 2017, 10 a.m.	Promised Land State Park 100 Lower Lake Road Greentown, PA 18426

Questions concerning the meetings or agenda items can be directed to Jennie Shade at (717) 772-9084. Those wishing to participate during the public comment section are encouraged to submit comments in writing to Jennie Shade, Advisor, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Terry Handschew directly at (717) 772-9084 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 17-673. Filed for public inspection April 21, 2017, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0253472 (Sewage)	Bavington STP 533 Bavington Road Burgettstown, PA 15021	Washington County Hanover Township	Raccoon Creek (20-D)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0205419 (Industrial)	Carpenter Powder Products Inc. 682 Mayer Street Bridgeville, PA 15017	Allegheny County Collier Township	Chartiers Creek (20-F)	Yes
PA0096474 A-1 (Storm Water and Hydrostatic Test Water)	Buckeye Terminals, LLC Coraopolis/Pittsburgh Terminal 3200 University Boulevard Coraopolis, PA 15108	Allegheny County Coraopolis Borough	Ohio River (20-G)	Yes
This Amendment is proposed as a result of the Department of Environmental Protection's settlement of Environmental Hearing Board appeal Docket # 2016-143-B. The settlement is contained in a March 30th, 2017 Consent Order and Agreement entered into by the Department of Environmental Protection and Buckeye Terminals, LLC. The settlement was for changes to a Part C Condition of the NPDES permit related to treatment of storm water collected in dike areas. Copies of the full agreement may be reviewed by an interested person on request during normal business hours of the Department of Environmental Protection, and are in the possession of Matthew A. Kessler, Assistant Counsel, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4262.				
PA0029971 (Sewage)	Avella Elementary & High School 1000 Avella Road Avella, PA 15312-9699	Washington County Cross Creek Township	Unnamed Tributary to South Fork Cross Creek (20-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0070301 (Sewage)	Whispering Hollow North Mobile Home Park 139 Country Club Road Northampton, PA 18067-3028	Northampton County Moore Township	Hokendauqua Creek (2-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0080209 (Sew)	Hoffman Homes, Inc. 815 Orphanage Road Littlestown, PA 17340	Adams County/ Mount Joy Township	Lousy Run/13-D	Y
PA0030171 (Sew)	Llewellyn's Manufactured Home Community, Inc. 4550 Bull Road Dover, PA 17315	York County/ Conewago Township	UNT Little Conewago Creek/7-F	Y
PA0083160 (Sew)	Anchor Mobile Estates, Peifer & Gross, Inc. PO Box 506 Elizabethtown, PA 17022	Adams County/ Butler Township	Willoughby Run/13-D	Y
PA0082651 (Sew)	Landisburg Muni Authority 202 E. Main Street, PO Box 213 Landisburg, PA 17040	Perry County/ Tyrone Township	Montour Creek/7-A	Y

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

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

PA0244937, Storm Water, SIC Code 3273, **A Marinelli & Sons Inc.**, 405 North Walnut Street, West Chester, PA 19380. Facility Name: A Marinelli & Sons. This proposed facility is located in Upper Darby Township, **Delaware County**.

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

The receiving stream(s), Naylor's Run, is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on overland stormwater flows.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50	100	100
Oil and Grease	XXX	XXX	XXX	Report	XXX	Report

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

- Stormwater Monitoring
- Property Rights

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.

PA0058408, Sewage, SIC Code 6552, **Rivercrest Homeowners Association**, 100 Rivercrest Drive, Phoenixville, PA 19460. Facility Name: Rivercrest STP. This existing facility is located in Upper Providence Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Schuylkill River, is located in State Water Plan watershed 3-D and 3-E and is classified for Migratory Fishes, Warm Water Fishes, and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 101 are based on a design flow of 0.112 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	9.3	14	XXX	10	15	20
Total Suspended Solids	9.3	14	XXX	10	15	20
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	3.0	XXX	XXX	3.0	XXX	6
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

- Notification of Responsible Operator
- Abandon STP if Public Sewers Become Available
- No Stormwater
- Acquire Necessary Property Rights
- Proper Sludge Disposal
- Right of Entry

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.

PA0057479, Industrial, SIC Code 3731, **Rhoads Ind Inc.**, 1117 Admiral Peary Way, Philadelphia, PA 19112. Facility Name: Philadelphia Navy Ship Yard—Dry Dock 2. This existing facility is located in Philadelphia City, **Philadelphia 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), Delaware River, is located in State Water Plan watershed 3-J and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 010.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	200	250
Oil and Grease	XXX	XXX	XXX	15	30	30
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

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

- Public Nuisance
- Sludge Removal
- BAT/BCT Requirements
- PCBs Requirements
- Stormwater Requirements

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.

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

PA0026263, Sewage, SIC Code 4952, **York City Sewer Authority**, 345 East Market Street, York, PA 17403. Facility Name: York City STP. This existing facility is located in York City, **York 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), 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 (emergency overflow) are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.13	XXX	0.44
CBOD ₅ May 1 - Oct 31	Report	Report	XXX	13.0	19.0	26
CBOD ₅ Nov 1 - Apr 30	Report	Report	XXX	20.0	30.0	40
Total Suspended Solids	Report	Report	XXX	30.0	45.0	60
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	Report	XXX	XXX	1.7	XXX	3.4
Nov 1 - Apr 30	Report	XXX	XXX	2.1	XXX	4.2
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 002 are based on a design flow of 26 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
UV transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	2,819	4,120	XXX	13.0	19.0	26
Nov 1 - Apr 30	4,337	6,505	XXX	20.0	30.0	40
BOD						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	6,505	9,758	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	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	369	XXX	XXX	1.7	XXX	3.4
Nov 1 - Apr 30	455	XXX	XXX	2.1	XXX	4.2
Total Phosphorus	434	XXX	XXX	2.0	XXX	4.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001 (emergency overflow).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	Report	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	Report	XXX	XXX	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 002.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	474,880	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	63,317	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Chesapeake Bay Nutrient Monitoring Requirements
- Whole Effluent Toxicity (WET) Testing Requirements
- Stormwater Requirements
- Pretreatment Program Implementation Requirements
- Outfall 001 discharge prohibition

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 not in effect.

PA0082481, Industrial, SIC Code 4941, **Municipal Authority of the Borough of Lewistown**, 70 Chestnut Street, Lewistown, PA 17044-2216. Facility Name: Laurel Creek Water Filtration Plant. This existing facility is located in Armagh Township, **Mifflin 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), Laurel Creek, is located in State Water Plan watershed 12-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.234 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.6
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Aluminum, Total	XXX	XXX	XXX	2.8	5.6	7
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 002 are based on a design flow of 0.042 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75

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

- Notification and sampling requirement during sedimentation basin cleaning

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.

PA0008281, Industrial, SIC Code 4911, **Brunner Island LLC**, 835 Hamilton Street, Allentown, PA 18101. Facility Name: Brunner Island. This existing facility is located in East Manchester 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), Hartman Run, Susquehanna River, Conewago Creek, is located in State Water Plan watershed 7-G, 7-H, and 7-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 795 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Oxidants	XXX	XXX	XXX	0.2	XXX	0.5
Temperature (°F)	XXX	XXX	Report Avg Mo	Report Daily Max	XXX	110
Temperature (°F) Intake	XXX	XXX	XXX	Report	Report	XXX
Hourly Temperature Change (°F) Instream Monitoring	XXX	XXX	XXX	XXX	XXX	2.0
Heat Rejection Rate (MBTUs/day) Dec 1 - Feb 28	XXX	167,040	XXX	XXX	XXX	XXX
Mar 1 - Apr 30, Nov 1 - 30	XXX	91,870	XXX	XXX	XXX	XXX
May 1 - 31, Oct 1 - 31	XXX	83,520	XXX	XXX	XXX	XXX
Jun 1 - Sep 30	XXX	75,170	XXX	XXX	XXX	XXX
Trihalomethanes, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 2 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	30.0	50.0	XXX	50.0
Oil and Grease	XXX	XXX	15.0	20.0	XXX	30.0
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.032 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.63
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 5.0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	30.0	50.0	XXX	50.0
Oil and Grease	XXX	XXX	15.0	20.0	XXX	30.0
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0.52 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	130	434	XXX	30	100	100
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	65	86.7	15	20	XXX	30
Total Phosphorus (Total Load, lbs)	Report	XXX	Avg Mo	Daily Max	XXX	XXX
	Total Mo		XXX	XXX		
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Intake	Total Mo					
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Boron, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Fluoride, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Mercury, Total	XXX	XXX	XXX	Report	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 007.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Nitrogen (Intake)	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Total Phosphorus (Intake)	Report	XXX	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	0	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	0	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

The proposed effluent limits for Outfall 008 are based on a design flow of 5.5 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	1,376	2,294	XXX	30	50	50
Oil and Grease	688	917	15	20	XXX	30
			Avg Mo	Daily Max		
Aluminum, Total	XXX	Report	XXX	XXX	Report	XXX
Arsenic, Total	XXX	Report	XXX	XXX	Report	XXX
Boron, Total	XXX	Report	XXX	XXX	Report	XXX
Cadmium, Total	XXX	Report	XXX	XXX	Report	XXX
Copper, Total	XXX	Report	XXX	XXX	Report	XXX
Iron, Total	XXX	Report	XXX	XXX	Report	XXX
Lead, Total	XXX	Report	XXX	XXX	Report	XXX
Manganese, Total	XXX	Report	XXX	XXX	Report	XXX
Mercury, Total	XXX	Report	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	Report	XXX	XXX	Report	XXX
Nickel, Total	XXX	Report	XXX	XXX	Report	XXX
Selenium, Total	XXX	Report	XXX	XXX	Report	XXX
Zinc, Total	XXX	Report	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 801 are based on a design flow of ____ MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	15	20	XXX	30
			Avg Mo	Daily Max		
Copper, Total	XXX	XXX	XXX	1.0	1.0	XXX
Iron, Total	XXX	XXX	XXX	1.0	1.0	XXX

The proposed effluent limits for Stormwater Outfalls 006, 013, 014, 015 and 026 are based on a design flow of 0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX

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

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

- Clean Water Act Section 316(a) Thermal Effluent Limits requirement
- Chemical Additive Usage condition
- Chlorine minimization
- Requirements applicable to Stormwater Outfalls
- Cooling Water Intake Structure requirements
- Effective January 1, 2022, there shall be no discharge of pollutants in bottom ash transport water.
- Effective December 31, 2023, there shall be either zero liquid discharge of flue gas desulfurization wastewater or flue gas desulfurization wastewater discharge shall meet the following limitations:

<i>Pollutants</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>
Arsenic, Total (ug/L)	-	4
Mercury, Total (ng/L)	24	39
Selenium, Total (ug/L)	-	5
Total Dissolved Solids (mg/L)	24	50

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 not in effect.

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

PA0264920, Storm Water, SIC Code 2951, **Commercial Asphalt Supply Inc.**, 161 Plain Grove Road, P.O. Box 672, Valencia, PA 16059-1523. Facility Name: Commercial Asphalt Supply Fennelton. This proposed facility is located in Clearfield Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of stormwater associated with industrial activities.

The receiving stream(s), Unnamed Tributary to Buffalo Creek, is located in State Water Plan watershed 18-F and is classified for High Quality Waters—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 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XX	XXX	Report	XXX

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

- Stormwater Monitoring Requirements

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

The EPA Waiver is in effect.

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

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

WQM Permit No. 0471407 A-4, Sewage, **Municipal Water Authority of Aliquippa**, 160 Hopewell Avenue, Aliquippa, PA 15001.

This existing facility is located in Aliquippa City, **Beaver County**.

Description of Proposed Action/Activity: addition of de-chlorination facilities to the sewage plant.

WQM Permit No. 6570401 A-6, Industrial, **Arconic Inc.**, 100 Technical Drive, New Kensington, PA 15069.

This existing facility is located in Upper Burrell Township, **Westmoreland County**.

Description of Proposed Action/Activity: Installation of a UV disinfection unit and changes to hydraulic controls to improve treatment performance.

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

WQM Permit No. 3517403, Sewage, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: Improvements to four existing combined sewer overflow (CSO) facilities located at CSO # 12 (Grove Street), CSO # 33 (East Parker Street), CSO # 40 (East Market Street) and CSO # 73 (Front Street). At each site, this project will involve raising the existing weir in the CSO regulator and installing a flow meter to measure the flow over the weir in wet weather events.

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

WQM Permit No. 6717404, Sewerage, **Lorin L. Stough**, PO Box 429, Dillsburg, PA 17019.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment to serve their property at 211 Capitol Hill Road, Dillsburg, PA 17019.

WQM Permit No. 6717405, Sewerage, **Lorin L. Stough**, PO Box 429, Dillsburg, PA 17019.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow treatment facility to serve the property on lots 3 & 5 Meadowview Road, Dillsburg, PA 17019.

WQM Permit No. 2817201, CAFO, **Herbruck Poultry Ranch, Inc.**, 6425 West Grand River Avenue, Saranac, MI 48881.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of two 12,000 gallon fiberglass tanks to store egg wash water.

WQM Permit No. 3617202, CAFO, **Walnut Run Farms**, 292 Elm Road, Lititz, PA 17543.

This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of two new underhouse manure storage structures as part of an improvement/expansion project.

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

WQM Permit No. 1097409 A-2, Sewage, **Brady Hills MHC LLC**, 316 W 2nd Street, Suite 1104, Los Angeles, CA 90012-3536.

This existing facility is located in Brady Township, **Butler County**.

Description of Proposed Action/Activity: Modifications to wastewater treatment plant.

WQM Permit No. 6217406, Sewage, **Aridith Knopf**, 1701 Jackson Avenue, Warren, PA 16365.

This proposed facility is located in Glade Township, **Warren County**.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510009	Sugar Mill Development Associates, LP 817 North 3rd Street Philadelphia, PA 19123	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAD510010	City of Philadelphia, Division of Aviation Department of Planning and Environmental Stewardship Philadelphia International Airport Terminal D, Third Floor Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Poquessing Creek WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAD390010	Water Polo VII, LP 1030 Reed Avenue, Suite 100 Wyomissing, PA 19610	Lehigh	Upper Macungie Township	UNT to Cedar Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAD480020	Andrew Wright Vinart Realty Associates 675 State Ave. Emmaus, PA 18049	Northampton	Lower Nazareth Township	UNT to Bushkill Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAD050001	Northern Bedford County School District 152 NBC Drive Loysburg, PA 16659	Bedford County	South Woodbury Township	Three Springs Run (HQ-CWF)
PAD210006	Carlisle Auto Industries 1000 Bryn Mawr Road Carlisle, PA 17013	Cumberland County	Carlisle Borough	Letort Spring Run (HQ-CWF, MF)
PAD360010	Robert Sensenig 276 Scott Road Quarryville, PA 17566	Lancaster County	Little Britain Township	UNT McCreary Run (HQ-TSF)
PAD440001	Glenn O. Hawbaker, Inc. 1952 Waddle Road State College, PA 16803	Mifflin County	Armagh Township	Honey Creek (HQ-CWF)

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAD140017	Glenn O. Hawbaker, Inc. 1952 Waddle Road State College, PA 16803	Centre	Potter Twp	Potter Run CWF
PAD140016	Collegiate Development Group, LLC 7711 Bonhomme Avenue Suite 625 St. Louis, MO 63105-1916	Centre	State College Boro	UNT Thompson Run HQ-CWF

Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, X 102.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAD190002	Benton (SR 118) DG, LLC 361 Summit Blvd Birmingham, AL 35243	Columbia	Sugarloaf Twp	UNT Coles Creek

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

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD030001	Rayburn Township Joint Municipal Authority 105 McGregor Road Kittanning, PA 16201	Armstrong County	Rayburn Township	Pine Creek (HQ) Hays Run (WWF)

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

McKean County Conservation District, 17137 Route 6, Smethport, PA 16749.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD420001	Jake Lybrook National Fuel Gas Distribution 1100 State Street Erie, PA 16501	McKean	Lafayette Twp	13 UNT East Branch Tunungwant Creek— HQ-CWF Orange Creek HQ-CWF Bear Run—HQ-CWF

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

PAG-12	CAFOs
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CAFO Notices of Intent Received

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

NPDES Permit No. PAG123849, CAFO, Herbruck Poultry Ranch Inc., 6425 West Grand River Avenue, Saranac, MI 48881.

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

Description of size and scope of proposed operation/activity: Poultry (Layer): 7,560 AEUs.

The receiving stream, Unnamed Tributary to Licking Creek, is in watershed 13-C and classified for: Migratory Fishes and Trout Stocking.

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

STATE CONSERVATION COMMISSION

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

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

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

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

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

CAFO NMP

PUBLIC NOTICE SPREADSHEET—APPLICATIONS (Submission)

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Howard S. Reyburn 1021 Limestone Rd Oxford, PA 19363	Chester	150	672.66	Swine	NA	New
JT Poultry, LLC 664 Mountain Road Elizabethville, PA 17023	Dauphin	0	630	Poultry	N/A	New
Gretna View Farms David Rosenberry 3709 Colebrook Road Manheim, PA 17545	Lancaster	147	523.56	Layers	NA	R
Marshal Snyder 1085 Rothermel Road Dornsife, PA 17823	Northumberland	517.7	276.29	Layers and Beef Steers	N/A	Renewal
Just-A-Mere Farm— Josh Daniels 3746 Mahantango Creek Road Dalmatia, PA 17017	Northumberland	304	116.64	Ducks and Beef Cattle	N/A	Renewal
R&F Family Farms— Jonathan Francis and Andrew Reitz	Northumberland	19.7	1,752.35	Swine	N/A	New

PUBLIC WATER SUPPLY (PWS)
PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe
Drinking Water Act

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

Permit No. [9996489], Public Water Supply.

Applicant	[Spring Hill Farm Dairy, Inc.]
[Township or Borough]	[Ward Hill, Massachusetts]
Responsible Official	[Marcia Rogers, Quality Assurance Manager]
Type of Facility	[Out of State Bottled Water System]
Application Received Date	[April 3, 2017]
Description of Action	[Applicant requesting Department approval to use the Haverhill Municipal source for their distilled water product. Bottled water to be sold in Pennsylvania under the brand names: Spring Hill Spring Water, Spring Hill Distilled Water, Shur Fine Spring Water, Shur Fine Distilled Water, 365 Spring Water, 365 Distilled Water, Gloverfield Spring Water, Market Basket Distilled Water, IGA Distilled Water and Hanna Natural Spring Water.]

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

Application No. 4517507, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**
410 Mill Creek Road
East Stroudsburg, PA 18301

Municipality Stroud Township

County **Monroe**

Responsible Official Kenneth R. Brown, Manager
Brodhead Creek Regional Authority

Type of Facility PWS

Consulting Engineer Steven M. Siegfried, P.E.
RETTEW Associates, Inc.
130 Court Street, Suite 200
Williamsport, PA 17701

Application Received Date March 29, 2017

Description of Action Proposed construction of the Well # 3 Water Filtration Facility, with a membrane filtration system using a GE design basis.

Application No. 4517506, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**
410 Mill Creek Rd.
East Stroudsburg, PA 18301

[Township or Borough] Stroud Township
Monroe County

Responsible Official Mr. Ken Brown, Manager
Brodhead Creek Regional Authority
410 Mill Creek Rd.
East Stroudsburg, PA 18301

Type of Facility PWS

Consulting Engineer Steven Siegfried, PE
RETTEW
130 Court St.
Williamsport, PA 17701

Application Received Date 3/29/2017

Description of Action Application proposes the construction of a water filtration facility to provide membrane filtration treatment for existing Well No. 3.

Application No. 4517508, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
800 West Hershey Park Drive
Hershey, PA 17033

Municipality Lower Mount Bethel Township

County **Northampton**

Responsible Official David R. Kaufman, P.E.
Vice President—Engineering
Pennsylvania-American Water Company

Type of Facility PWS

Consulting Engineer Jeremy A. Nelson, P.E.
Pennsylvania-American Water Company
2699 Stafford Avenue
Scranton, PA 18505

Application Received Date April 10, 2017

Description of Action Proposed improvements to the Berry Hollow Water System, including converting two existing hydropneumatic tanks to atmospheric storage tanks and installing two new booster pumps after the tanks.

Application No. 3517503MA, Public Water Supply.

Applicant **PA American Water Company**
800 W. Hershey Park Drive
Hershey, PA 17033

[Township or Borough] City of Scranton
Lackawanna County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Paul J. Mourt, PE
Mott MacDonald
The Public Ledger Building
Suite 1040
150 S. Independence Mall West
Philadelphia, PA 19106

Application Received 03/30/2017

Description of Action Installation of second transmissions main (6,681 feet)

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

Permit No. 3017503, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
PO Box 187
1440 Jefferson Road
Jefferson, PA 15344

[Township or Borough] Franklin Township

Responsible Official John Golding, Manager
Southwestern Pennsylvania Water Authority
PO Box 187
1440 Jefferson Road
Jefferson, PA 15344

Type of Facility Water system

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

Application Received Date April 10, 2017

Description of Action Installation of approximately 33,060 feet of 8-inch diameter waterline, a water storage tank and a pump station (Bluff Ridge Water System Extension).

Permit No. 1117507, Public Water Supply.
 Applicant **Glendale Valley Municipal Authority**
 1800 Beaver Valley Road
 Flinton, PA 16640
 [Township or Borough] White Township
 Responsible Official Rick Gates, Chairman
 Glendale Valley Municipal Authority
 1800 Beaver Valley Road
 Flinton, PA 16640
 Type of Facility Water system
 Consulting Engineer Keller Engineers, Inc.
 420 Allegheny Street
 Hollidaysburg, PA 16648
 Application Received Date April 6, 2017
 Description of Action Installation of approximately 1,200 feet of waterline and a new booster pump system in the Glendale Yearound area.

Permit No. 6517512, Public Water Supply.
 Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672
 [Township or Borough] Bell Township
 Responsible Official Michael Kukura, Resident Manager
 Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672
 Type of Facility Water system
 Consulting Engineer Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672
 Application Received Date April 3, 2017
 Description of Action Addition of a polymer at the George R. Sweeney water treatment plant.

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

Permit No. 1017503, Public Water Supply.
 Applicant **Pennsylvania American Water Company**
 Township or Borough Butler City, Butler Township, Summit Township, East Butler Borough
 County **Butler**
 Responsible Official David R. Kaufman
 Vice President Engineering
 Pennsylvania American Water Company
 800 West Hershey Park Drive
 Hershey, PA 17033
 Type of Facility Community Water Supply

Consulting Engineer Rachael Beam, P.E.
 Pennsylvania American Water Company
 300 Galley Road
 McMurray, PA 15317
 Application Received Date April 3, 2017
 Description of Action Permitting of existing pump stations and storage tanks.

Permit No. 2503502-T1, Public Water Supply.
 Applicant **Mainlines Manholes & Wastewater Treatment, Inc.**
 Township or Borough Waterford Township
 County **Erie**
 Responsible Official Kyle Luciano
 Mainlines Manholes & Wastewater Treatment, Inc.
 Type of Facility Community Water Supply
 Consulting Engineer N/A
 Application Received Date April 4, 2017
 Description of Action Transfer of permit.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 0217518MA, Minor Amendment.
 Applicant **Hampton Shaler Water Authority**
 PO Box 66
 Allison Park, PA 15101
 [Township or Borough] O'Hara Township
 Responsible Official Kevin Creagh, Operations Manager
 Hampton Shaler Water Authority
 PO Box 66
 Allison Park, PA 15101
 Type of Facility Water system
 Consulting Engineer Hampton Shaler Water Authority
 PO Box 66
 Allison Park, PA 15101
 Application Received Date April 3, 2017
 Description of Action Installation of waterline and a pressure reducing valve and vault.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

WA 61-923A, Water Allocations. **City of Oil City**, 21 Seneca Street, Oil City, PA 16301, City of Oil City,

Venango County. Water Allocation Permit application requesting the right to withdraw 5.0 MGD as an average daily flow rate from a series of river wells located along the Allegheny River in Cranberry Township, **Venango County.**

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

WA-46-1004, Water Allocations. Schwenksville Borough Authority, 298 Main Street, P.O. Box 458, Schwenksville, PA 19473, Borough of Schwenksville, **Montgomery County.** The applicant is requesting the right to purchase 36,366 gallons per day of water, based on a 30 day average, from the North Penn Water Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

PennDOT Right-of-Way, Interstate I-78 East Bound Near Mile Marker 61, Upper Saucon Township, **Lehigh County.** Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482, on behalf of K.E.B. Delivery Service, 12 Commerce Street, Chatham, NJ 07928, submitted a Notice of Intent to Remediate. The site contamination occurred as a result of a diesel fuel spill from a tractor-trailer truck fuel tank that ruptured during a vehicle accident. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Morning Call* on January 25, 2017.

Wolf Property, 303 South Arch Street, Allentown City, **Lehigh County.** CB&I, 200 Horizon Center, Trenton, NJ 08691, on behalf of Petro Oil Company, 6330 Farm Bureau Road, Allentown, PA 18106, submitted a Notice of Intent to Remediate. An estimated 60 gallons for No. 2 Fuel Oil leaked from an AST after maintenance was performed. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published *The Morning Call* on February 11, 2017.

Former Mineral Fiber Specialties (MFS), 1125 Easton Road, Bethlehem City, **Northampton County.** HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of JVI LLC, 1265 Miller Road, Wind Gap, PA 18091, submitted a Notice of Intent to Remediate. Contamination is due to historical operations at the site. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Morning Call* on February 3, 2017.

Circle of Seasons Charter School, 8380 Mohr Lane and 8415 Redhaven Street, Weisenberg Township, **Lehigh County.** Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Circle of Seasons Charter School, 8380 Mohr Lane, Fogelsville, PA 18051, submitted a Notice of Intent to Remediate. Impact to soil of arsenic was identified because of historical use of pesticide. The Notice of Intent to Remediate was published in *The Morning Call* on March 17, 2017.

Cousin's Convenient Store, 202 Betty Street, Archbald Borough, **Lackawanna County.** Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Cousin's Convenient Store, 202 Betty Street, Archbald, PA 18403, submitted a Notice of Intent to Remediate. A release of No. 2 fuel oil was discovered during the closure of an unregulated heating oil UST and impacted soils at this site. The proposed future use of the

property will be residential. The Notice of Intent to Remediate was published in *The Scranton Times* on April 4, 2017.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass.

844 North Keim Street, 844 North Keim Street, Lower Pottsgrove Township, **Montgomery County**. David B. Farrington, P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, David Magee, Archdiocese of Philadelphia Office of Catholic Education, 222 North 17th Street, Suite 500, Philadelphia, PA 19103-1299 on behalf of Keith Montone, FCE, SPX, LLC, 1373 Enterprise Drive, West Chester, PA 19380 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 heating oil. The proposed future use of the property will be for use as a school. A Notice of Intent was published in the *Pottstown Mercury* on March 22, 2017. PF817345.

US Steel Corporation KIPC 73-Acre Parcel, Falls Township, **Bucks County**. John A. Garges, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of vocs, svocs, metals and pcbs. The current and anticipated future use of the site is commercial/industrial. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on March 22, 2017. PF817311.

Skippack Cleaners Site, 902 Dekalb Pike, Whitpain Township, **Montgomery County**. Ed Durborow, P.G., Skelly and Loy, Inc., 49 Eisenhower Boulevard, Suite 300, Harrisburg, PA 17111 on behalf of Madeleine Fausto, PennDOT Engineering District, 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvents and lead. The proposed future use of the property will be non-residential for use as a lined retention pond on the PennDOT S.R. 0202 right-of-way. A Notice of Intent to Remediate was published in the *Times Herald* on March 24, 2017. PF817300.

Gryphon Coatings Inc., 3501 Richmond Street, City of Philadelphia, **Philadelphia County**. George Guzek, PG, Bison Environmental, LLC, 89 Jennifer Lane, Burlington, NJ 08016 on behalf of George Minosi, 5627-41 Hegerman Street, LLC, 2209 North American Street, Philadelphia, PA 19133 has submitted a Notice of Intent to Remediate. Soil and groundwater at site has been impacted with the release of volatile paint related waste such as non-halogenated solvents. The proposed future use of the property will be non-residential retail use. A Notice of Intent to Remediate was published in the *Broad Street* classifieds on March 31, 2017. PF817323.

21 North 3rd Street, 21 North 3rd Street, Souderton Borough, **Montgomery County**. Daniel P. Claycomb, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482, Thomas P. Shultz, Coventry Environmental, Inc., 141 Main Street, Spring City, PA 19475 on behalf of Gianna Olivia Skiffington, RE/MAX 440 Realty Inc., 701 West Market Street, Perkasie, PA 18944 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the property is expected to

remain residential. The Notice of Intent to Remediate was published in the *Souderton Independent* on March 21, 2017. PF817318.

Phelps School, 583 Sugartown Road, Willistown Township, **Montgomery County**. Alyssa C. Hannigan, Reliance Environmental, Inc, 235 North Duke Street, Lancaster, PA 17602, Michael P. Raffoni, PG, Reliance Environmental, Inc, 235 North Duke Street, Lancaster, PA 17602 on behalf of Stephany P. Fahey, the Phelps School, 583 Sugartown Road, Malvern, PA 19355 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 proposed future use of the property will be continued to be residential for the foreseeable future. A Notice of Intent to Remediate was published in the *Daily Local* news on March 20, 2017. PF617280w.

Rohm and Haas Company, 200 Route 413, Bristol Township, **Montgomery County**. David J. Kistner, PG, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Robert Casselberry, Rohm and Haas Company, 310 George Patterson Boulevard, Suite 100, Bristol, PA 19428 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of vocs, svocs. The FBA property is currently undeveloped and future use of the FBA is as open space and a riparian buffer adjacent to the Delaware River. A Notice of Intent to Remediate was published in the *Advance of Bucks County* on February 12, 2017. PF817334.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

PLAN APPROVALS

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

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

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

58-00001A: Tennessee Gas Pipeline Company (1001 Louisiana St, Suite 1000, Houston, TX 77002) for the modification permit conditions in their operating permit for the sources operated at their facility located in Clifford Twp., **Susquehanna County**.

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

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

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

67-03166B: C & S Wholesale Grocers, Inc. (4875 N. Susquehanna Trail, York, PA 17406) to install Diesel Oxidation Catalysts (DOC) to two 2,000 kW (2,885 HP) generators (Source IDs 101 & 102) and one 1,500 kW (2,168 HP) generator (Source ID 103) to meet the carbon monoxide (CO) emissions limit in the non-emergency requirements of the U.S. EPA's Reciprocating Internal Combustion Engine (RICE) National Emission Standards for Hazardous Air Pollutants (NESHAP) via 40 CFR Part 63 Subpart ZZZZ in Conewago Township, York County. As a result of the proposed change, the expected CO emissions decrease at the facility are 2.3 tons per year. The Plan Approval 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 engines are subject to 40 CFR Part 63, Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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 Elmerston Avenue, Harrisburg, PA 17110.

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

28-05011: Waste Management Disposal Services of PA Inc. (9446 Letzburg Road, Greencastle, PA 17225-9317) for the operation of Mountain View Reclamation Landfill which is controlled by a gas collection and control system (GCCS). The landfill also emits fugitive VOCs and PM₁₀ working face and roads at the facility in the Antrim and Montgomery Townships, **Franklin County**. The facility has the potential air emissions of: 242.5 tpy of CO, 99.2 tpy of NO_x, 4.9 tpy of PM₁₀, 30.1 tpy PM₁₀ (landfill fugitive), 21.2 tpy PM₁₀ (roadway fugitive), 41.4 tpy of SO_x, 39.5 tpy of VOCs and 13.8 Total HAPs. The Title V 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 landfill is subject to the 40 CFR Part 60, Subpart WWW (NSPS) and 40 CFR Part 63, Subpart AAAA (MACT) requirements. The facility also has an emergency generator that is subject to the 40 CFR Part 63, Subpart ZZZZ (RICE MACT).

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

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

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

01-03025 New Enterprise Stone & Lime Co., Inc. (3805 Bullfrog Road, Fairfield, PA 17320) for the operation of a limestone quarry controlled wet suppression and a baghouse at the Fairfield Quarry in the Hamiltonban Township, **Adams County**. The facility has the estimated air emissions of 1.76 tpy of PM₁₀. The State Only Operating Permit will include visible emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Some sources at the quarry are subject to NSPS 40 CFR 60, Subpart OOO.

21-05040 New Enterprise Stone & Lime Co., Inc. (470 Newville Rd, Shippensburg, PA 17257) for the operation of a limestone quarry and blacktop plant controlled by wet suppression and baghouses at the Shippensburg Quarry and Blacktop Plant in the Southampton Township, **Cumberland County**. The facility has the estimated air emissions of 5.5 tpy of SO_x, 5.2 tpy of NO_x, 12.3 tpy of CO, 0.7 tpy of HAPs, 5.0 of PM₁₀, 0.3 tpy of PM_{2.5}, 3.0 tpy of VOC, and 3,496 tpy of CO_{3e}. The Synthetic Minor Operating Permit will include visible emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Some sources at the quarry are subject to NSPS 40 CFR 60, Subpart OOO. The blacktop plant is subject to NSPS Subpart I.

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

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

41-00063: Ralph S. Alberts Co., Inc. (60 Choate Circle, Montoursville, PA 17754) to issue a renewal State Only Operating Permit for the Montoursville Plant located in Fairfield Township, **Lycoming County**. The facility is currently operating under State Only Operating Permit 41-00063. The facility's main sources include a polyurethane foam production process, six paint spray booths, one cold cleaning sink, thirty-three natural gas-fired heaters and various woodworking equipment. The facility has potential emissions of 1.40 TPY of CO; 1.66 TPY of NO_x; 0.01 TPY of SO_x; 0.63 TPY of PM/PM₁₀; 21.79 TPY of VOCs; 12.03 TPY HAPs; 2,000 TPY GHGs. The polyurethane foam production process is subject to 40 CFR Part 63, Subpart OOOOOO—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources. The facility is subject to 25 Pa. Code § 129.77—Control of emissions from the use of application of adhesives, sealants, primers and solvents. The emission limits 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.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104.

Contact: Edward Wiener, Chief—Telephone: 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) intends to issue a Minor State Only Operating Permit for the following facility:

OP16-000028: vXchnge PA, LLC (1500 Spring Garden Street, Philadelphia, PA 19130) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) diesel-fired 2,500 kW diesel emergency generators.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

PLAN APPROVALS

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

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

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

35-00071A: Millerbean Funeral Home Inc. (436 Cedar Ave, Scranton, PA 18505) for their facility located in City of Scranton, **Lackawanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Millerbean Funeral Home Inc. (436 Cedar Ave, Scranton, PA 18505) for their facility located in City of Scranton, Lackawanna County. This Plan Approval No. 35-00071A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 35-00071A is for construction and operation of a crematory. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 35-00071A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

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

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

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

Coal Applications Received

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

11040701 and NPDES No. PA0235717. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Refuse Area No. 1 in Portage Township, **Cambria County** and related NPDES Permit for additional disposal area to ensure future processing and disposal capacity and add NPDES Point 007. Coal Refuse Disposal Support Acres Proposed 178.6, Coal Refuse Disposal Acres Proposed 178.6. Receiving Stream: Unnamed Tributary of Spring Run, classified for the following use: CWF. The application was considered administratively complete on April 4, 2017. Application received August 31, 2016.

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

Permit No. 54111301R and NPDES Permit No. PA0225011. Little Buck Coal Company, (57 Lincoln Road, Pine Grove, PA 17963), renewal of an existing anthracite underground mine operation and NPDES Permit for discharge of treated mine drainage in Tremont Township, **Schuylkill County** affecting 1.5 acres, receiving stream: Stumps Run, classified for the following use: cold water fishes. Application received: February 6, 2017.

Permit No. 22851304R6. S & M Coal Company, (1744 East Grand Avenue, Tower City, PA 17980), renewal for reclamation activities only of an existing anthracite underground mine operation in Wiconisco Township, **Dauphin County** affecting 4.2 acres, receiving stream: Wiconisco Creek, classified for the following use: cold water fishes. Application received: February 13, 2017.

Permit No. 49091301R. Robert Shingara, (311 Shingara Lane, Sunbury, PA 17801), renewal of an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 50.0 acres, receiving stream: Zerbe Run, classified for the following use: cold water fishes. Application received: March 16, 2017.

Permit No. 54011301R3. Alfred Brown Coal, (71 Hills Road, Hegins, PA 17938), renewal of an existing anthracite underground mine operation in Blythe Township, **Schuylkill County** affecting 36.5 acres, receiving stream: Silver Creek, classified for the following uses: cold water and migratory fishes. Application received: March 16, 2017.

Noncoal Applications Received

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

Table 2

Parameter	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. 11110301 and NPDES No. PA0263222, Military Resource Enhancement Specialist, 3179 Lincoln Highway, Stoystown, PA 15563, renewal of NPDES permit, located in Conemaugh Township, Cambria County. Receiving streams: Little Conemaugh River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 29, 2017.

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

08100307 and NPDES PA0257478. Insinger Excavating, Inc. (3046 DuShore-Overton Road, Dushore, PA 18614). Renewal for an existing NPDES on a large noncoal surface mining site located in Springfield Township, **Bradford County** affecting 62.9 acres. Receiving stream(s): Unnamed Tributary 1 to Bentley Creek classified for the following use(s): WWF, MF. Application received: March 28, 2017.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

Alkalinity greater than acidity*

*The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0236390 (formerly PA0001775) (Mining Permit No. 32841303), Helvetia Coal Company, (400 Overview Drive, PO Box 219, Shelocta, PA 15774). A renewal to the NPDES and mining activity permit for the Lucerne Mine # 6 in Center and Blacklick Townships, **Indiana County**. Receiving stream: UNT 44081 to Cherry Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on June 3, 2010. Application received April 7, 2010.

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

Outfall 001 discharges to: UNT 44081 to Cherry Run

The proposed effluent limits for Outfall 001 (Lat: 40° 31' 40.27" Long: -79° 11' 56.38") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	2.2	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Thallium, total	(ug/L)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Osmotic Pressure	(mos/kg)	-	50.0	100.0	-
Chloride	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

EPA Waiver not in effect.

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

NPDES No. PA0124770 (Mining Permit No. 32803053), A&T Coal Company, Inc., 730 Route 22 Highway, Blairsville, PA 15717, renewal of an NPDES permit for passive treatment of a postmining discharge in Banks Township, **Indiana County**, affecting 160.0 acres. Receiving stream: Unnamed tributary to South Branch Bear Run, classified for the following use: cold water fishes. This receiving stream is included in the Bear Run TMDL. Application received: February 10, 2017.

The outfall listed below discharges to an unnamed tributary to South Branch Bear Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (S2)—Passive Treatment Pond Discharge	N

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

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

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

NPDES PA0238244 (Mining permit no. 17990103), River Hill Coal Company, Inc., P.O. Box 141, Kylertown, PA 16847, renewal of an NPDES permit for auger and surface coal mining activities in Bigler Township, **Clearfield County**, affecting 228.8 acres. Receiving stream(s): Unnamed Tributaries to and Upper Morgan Run and Alexander Run, classified for the following use(s): CWF, MF. Clearfield Creek Watershed TMDL. Application received: February 7, 2017.

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

The outfall(s) listed below discharge to: Tributary to Upper Morgan Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF4	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.2	2.4	3.0
Aluminum (mg/l)		1.3	2.6	3.3
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)		Monitor and Report Only		

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to: Unnamed Tributary to and Upper Morgan Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF1	N
TF2	N
TF3	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)		1.7	3.4	4.3
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)		Monitor and Report Only		

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to: Alexander Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF5	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.3	2.6	3.3
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)		Monitor and Report Only		

¹ The parameter is applicable at all times.

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

NPDES Permit No. PA0123617 on Surface Mining Permit No. 54743007. Schuylkill Reclamation Corp., (10 Gilberton Road, Gilberton, PA 17934), renewal of an NPDES Permit for an anthracite surface mine operation in Branch and Cass Townships, **Schuylkill County**, affecting 326.0 acres. Receiving stream: West Creek, classified for the following use: cold water fishes. Application received: March 9, 2015.

The proposed average daily discharge rate for Outfall 001 is 4.32 MGD.

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

The outfall listed below discharge to West Creek:

<i>Outfall</i>	<i>New Outfall (Y/N)</i>
001	No

Non-discharge BMP's will apply to this site.

Noncoal NPDES Draft Permits

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

NPDES No. PA0263222 (Mining Permit No. 11110301), Military Resource Enhancement Specialists, Inc., 3179 Lincoln Highway, Stoystown, PA 15563, renewal of an NPDES permit for slag material removal in Conemaugh Township, **Cambria County**, affecting 41.3 acres. Receiving stream: Little Conemaugh River, classified for the following use: cold water fishes. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: March 29, 2017.

No treatment or sediment ponds exist on site because all water is contained within the permit and infiltrates through the slag material.

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

NPDES No. PA0241792 (Permit No. 10000305). Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141) Renewal of an NPDES permit for a large industrial minerals surface mine in Worth Township, **Butler County**, affecting 125.0 acres. Receiving streams: Unnamed tributaries to Black Run and Black Run, classified for the following uses: CWF. TMDL: None. Application received: February 9, 2017.

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 Black Run and Black Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002	N
003	N
004	N
005	N
006	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)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

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

NPDES Permit No. PA0225655 on Surface Mining Permit No. 39880302. Coplay Aggregates, Inc., (21 East 10th Street, Northampton, PA 18067), new NPDES Permit (replacing GP104 No. 39880302GP104) for a limestone quarry operation in Whitehall Township, **Lehigh County**, affecting 21.49 acres. Receiving stream: Coplay Creek, classified for the following use: cold water and migratory fishes. Application received: January 26, 2017.

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

The outfall listed below discharge to Coplay Creek

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	No	Groundwater/Pit Sump

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Iron (mg/l)		3.5	7.0	
Manganese (mg/l)		2.0	4.0	

¹The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E14-578. Elam Stoltzfus, 1184 Mount Vernon Road, Gap, PA 17527. Elam Stoltzfus proposed driveway crossing, in Marion Township, **Centre County**, ACOE Baltimore District (Madisonburg, PA Quadrangle N: 40.997331; W: 77.622991).

To construct and maintain a 36-inch diameter 24-foot long culvert in an unnamed tributary to Lick Run for the

creation of a private driveway. This project proposes to: 1) temporarily impact 50 linear feet of unnamed tributary to Lick Run and 0 acre of wetland, 2) permanently impact 50 linear feet of unnamed tributary to Lick Run and 0 acre of wetland, which are classified as High Quality—Cold Water Fishery.

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

E63-699, Peters Township, 610 East McMurray Road, McMurray, PA 15317-3496, Peters Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

Modify and maintain an existing, approximately 8'-6" high × 7'-6" wide × 136' long concrete arch culvert, by slip-lining the existing arch culvert with an approximately 150' long, 7' diameter, steel-reinforced, HDPE pipe, for the purpose of rehabilitating the existing, aging and deteriorating concrete arch culvert, which conveys an unnamed tributary to Brush Run (WWF), underneath the Arrowhead (Montour) Trail (formerly B&O Railroad). The project is located near the intersection of Quail Run Road and Sugar Camp Road (S.R. 1004) (Bridgeville, PA USGS topographic quadrangle; Latitude: 40° 17' 3"; Longitude: -80° 3' 38"; Sub-basin: 20F; ACOE: Pittsburgh District), in Peters Township, Washington County. A new headwall and endwall will also be installed at the upstream and downstream ends, respectively, of the modified structure, along with some backfill material.

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

E42-376, Bradford Township Supervisors, 136 Hemlock Street, Bradford, PA 16701. Sleepy Hollow Road Bridge Replacement Project across Marilla Brook in Bradford Township, **McKean County**, ACOE Pittsburgh District (Saxonburg, PA Quadrangle N: 41°, 56', 49.4"; W: -78°, 42', 24.4").

To remove the existing structure and to construct and maintain a single-span, premanufactured steel I-beam bridge with a timber deck and supported by a geosynthetic reinforced soil abutments having a span of 40.0 feet and an underclearance of 5.38 feet on a 90° skew across Marilla Brook on Sleepy Hollow Road (T-594) at its intersection with SR 0346 in Bradford Township, McKean County. The proposed structure will be constructed 37.5 feet downstream of the existing structure. The project will permanently impact 0.01 acre of PEM wetland.

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

E0829-113: Appalachia Midstream, LLC, 400 IST Center, Suite 404, Horseheads, NY 14845, Smithfield Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 1,238 square feet of a Palustrine Scrub-Shrub Wetland (Ulster, PA Quadrangle, Latitude: 41°49'27", Longitude: -76°34'29");
2. a temporary timber mat bridge impacting 143 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°49'25", Longitude: -76°34'27");
3. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 152 linear feet of an unnamed tributary to Browns Creek (WWF, MF) and impacting 335 square feet of an adjacent Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°49'24", Longitude: -76°33'55");
4. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 5,874 square feet of a Palustrine Scrub-Shrub Wetland (Ulster, PA Quadrangle, Latitude: 41°49'32", Longitude: -76°33'44");
5. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 201 linear feet of an unnamed tributary to Browns Creek (WWF, MF) (Ulster, PA Quadrangle, Latitude: 41°49'32", Longitude: -76°33'44");
6. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 201 linear feet of an unnamed tributary to Browns Creek (WWF, MF) (Ulster, PA Quadrangle, Latitude: 41°49'32", Longitude: -76°33'44");
7. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 276 linear feet of an un-

named tributary to Browns Creek (WWF, MF) (Ulster, PA Quadrangle, Latitude: 41°49'32", Longitude: -76°33'44");

The project will result in 629 linear feet or 10,136 square feet of temporary stream impacts and 478 square feet (0.01 acre) of temporary PEM and 7,112 square feet (0.16 acre) of PSS wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Smithfield Township, Bradford County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D15-031EA. Robert Bonney, Downing Ridge Homeowners Association, P.O. Box 175, Downingtown, PA 19335, and **Janet L. Bowers, P.G., Chester County Water Resources Authority**, Government Services Center, Suite 260, 601 Westtown Road, P.O. Box 2747, West Chester, PA 19380-0990, East Caln and East Brandywine Townships, **Chester County**, USACOE Philadelphia District.

Project proposes to remove the Downing Ridge Dam for the purpose of eliminating a threat to public safety and restoring approximately 1,400 feet of stream channel to a free-flowing condition. The project is located across East Branch Brandywine Creek (WWF, MF) (Downingtown, PA Quadrangle, Latitude: 40.0213; Longitude: -75.7062).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions

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

<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>
PA0253367 (Sewage)	Teen Quest Ranch STP 293 Rich Road Somerset, PA 15501-9668	Somerset County Milford Township	Unnamed Tributary to Middle Creek (19-F)	Yes
PA0218561 (Sewage)	Duman Lake Park STP 200 South Center Street Ebensburg, PA 15931-1941	Cambria County Barr Township	Crooked Run (18-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0084778	Granville Township Strodes Mills STP 100 Helen Street Lewistown, PA 17044	Granville Township, Mifflin County	Strodes Run in Watershed(s) 12-A	Y

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

<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>
PA0228443 (CAFO)	Paul Dotterer & Sons, Inc. 410 Kryder Road Mill Hall, PA 17751-8938	Clinton County Porter Township	Unnamed Tributary to Cedar Run (9-C)	No

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0104213 (Sewage)	Pleasantview Mennonite Hall 3488 County Line Road Cochranon, PA 16314	Mercer County French Creek Township	Foulk Run (16-D)	Yes

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

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

NPDES Permit No. PA0255220, Sewage, SIC Code 8800, **Albert and Brittany Daisley**, 3945 Sardis Road, Pittsburgh, PA 15239.

This proposed facility is located in Plum Borough, **Allegheny County**.

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

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

NPDES Permit No. PA0264822, Sewage, SIC Code 8800, **Frederick Nuhfer**, 1240 E 5th Avenue, Warren, PA 16365-8406.

This proposed facility is located in Glade Township, **Warren County**.

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

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

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

WQM Permit No. 0216409, Sewage, SIC Code 8800, **Daisley Albert**, 3945 Sardis Road, Pittsburgh, PA 15239.

This proposed facility is located in Plum Borough, **Allegheny County**.

Description of Proposed Action/Activity: The applicant proposes to construct a small flow treatment facility consisting of Norweco Singulair Bio-Kinetic Wastewater Treatment System followed by a Hydro-Kinetic Bio-Film Reactor Unit and UV Disinfection Unit for a single residence. This wastewater treatment facility is proposed to replace existing malfunctioning on-lot system.

WQM Permit No. 0386201 A-1, Industrial, SIC Code 4911, **GenOn Northeast Management Co.**, 121 Champion Way, Suite 300, Canonsburg, PA 15317-5817.

This existing facility is located in Plumcreek Township, **Armstrong County**.

Description of Proposed Action/Activity: Replacement of three residual waste impoundments referred to as the Ash Filter Ponds.

WQM Permit No. 0317400, Sewage, **Freeport Borough Armstrong County**, 414 Market Street, Freeport, PA 16229-1122.

This proposed facility is located in Freeport Borough, **Armstrong County**.

Description of Proposed Action/Activity: Sewer system improvements to divert overflows away from sensitive stream areas.

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

WQM Permit No. 3195402 A-3, Sewerage, **Orbisonia & Rockhill Borough Joint Municipal Authority**, PO Box 346, Orbisonia, PA 17243.

This proposed facility is located in Orbisonia, Borough, **Huntingdon County**.

Description of Proposed Action/Activity:

This amendment approves the construction/modification/operation of sewage facilities consisting of:

- Dual train 94.67' baffled length *2.3' wide *4' water depth chlorine contact tank.
- Dual chamber Calcium Thiosulfite dichlorination tank with aeration line in second chamber.

WQM Permit No. 2117401, Sewerage, **Colonel Denning State Park**, 435 State Park Road, Schellsburg, PA 15559.

This proposed facility is located in Lower Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity:

Demolish existing campground comfort station and dressing stockade; replace with new campground bath house and comfort station. Modify existing sanitary dump station. Connect new campground sanitary facilities to existing Doubling Gap Center Corporation Wastewater Treatment Plant via a new force main.

WQM Permit No. 0197405 A-1, Sewerage, **Timeless Towns of the Americas, Inc.**, 2634 Emmitsburg Road Gettysburg, PA 17325.

This proposed facility is located in Cumberland, Township, **Adams County**.

Description of Proposed Action/Activity: This (permit/amendment) approves the (construction/operation) of sewage facilities consisting of: Influent conveyance system including 4 ft. diameter influent manhole, 10-inch PVC SDR-35 gravity line, pump station (6-ft. diameter precast concrete wet well) and 4-inch PVC SDR-21 force main; Mechanical Screening Device; 59,500-gallon Sequencing Batch Reactors (2); Ultraviolet Disinfection System; Existing effluent conveyance system and outfall structures; 25,000-gallon Aerobic Digester; and Other appurtenance.

WQM Permit No. 0516404 Sewerage, **Bedford Township Municipal Authority**, 1007 Shed Road, PO Box 371, Bedford, PA 15522.

This proposed facility is located in Bedford, Township, **Bedford County**.

Description of Proposed Action/Activity: This (permit/amendment) approves the (construction/operation) of sewage facilities consisting of: Rehabilitation of Old Bedford Village PS, two downstream manhole replacement, and a magnetic flow meter to be installed in the Leach PS.

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

WQM Permit No. 1400408 A-2, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8401.

This existing facility is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: Construction of a biological odor treatment system to treat air ventilated from the dewatering and composting facilities at the Spring Creek Pollution Control Facility.

WQM Permit No. 1416404, Sewage, SIC Code 4952, **Potter Township Centre County**, 124 Short Road, Spring Mills, PA 16875-9326.

This proposed facility is located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: Construction and operation of an ORENCO STEP system with textile media filter and UV disinfection serving 53 EDUs.

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

WQM Permit No. 6216409, Sewage, **Frederick Nuhfer**, 1240 East 5th Avenue, Warren, PA 16365-8406.

This proposed facility is located in Glade Township, **Warren County**.

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

WQM Permit No. 3316402, Sewage, **Brockway Area Sewer Authority**, 501 Main Street, Brockway, PA 15824.

This proposed facility is located in Brockway Borough, **Jefferson County**.

Description of Proposed Action/Activity: Collection system improvements and sewer service extension.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD230007	Toll PA XI, LP 516 North Newtown Street Road Newtown Square, PA 19073	Delaware	Edgmont Township	Rocky Run HQ-CWF
PAI010916007	Ann's Choice Inc. 701 Maiden Choice Lane Baltimore, MD 21128	Bucks County	Warminster Township	Little Neshaminy Creek WWF-MF
PAI012306009R	Toll PA XI, LP 516 North Newtown Street Road Newtown Square, PA 19073	Delaware	Middletown Township	Rocky Run HQ-CWF
PAI014615005	Matrix/Ashbourne Associates, LP 3 Centre Drive Monroe, NJ 08831	Montgomery	Cheltenham Township	Tookany Creek WWF Mill Creek WWF

Northeast Region: Waterways and Wetlands 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>
PAD390003	The Fields at Indian Creek, LLC 5930 Hamilton Boulevard Wescosville, PA 18106	Lehigh	Upper Milford Township Lower Macungie Township Emmaus Borough	Leibert 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>
PAI030516001	Carol Ritchey 902 Ott Town Road Everett, PA 15537	Bedford County	Colerain Township	UNT Cove Creek (EV, MF)
PAI030616003	David W. Bitler Vista Grande Farms, LLC 290 Ruth Road Fleetwood, PA 19522	Berks County	Richmond Township	UNT Moselem Creek (HQ-CWF, MF)
PAD210001	Carlisle Evangelical Free Church Daniel Worrall 290 Petersburg Road Carlisle, PA 17013	Cumberland County	South Middleton Township	Letort Spring Run (EV, MF)
PAD380001	Daniel P. Chirco Keystone Protein Company 154 W. Main Street Fredericksburg, PA 17026	Lebanon County	Bethel Township	UNT Elizabeth Run (WWF, MF) Earlkill Run (WWF, MF) UNT Little Swatara Creek (WWF, MF) Little Swatara Creek (WWF, MF)

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140007	Columbia Gas of Pennsylvania, Inc. 4000 Energy Drive Bridgeville, PA	Centre	Patton Twp Benner Twp	UNT to Big Hollow CWF UNT to Buffalo Run HQ, CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bridgeton Township Bucks County	PAC090026	River Valley Waldorf School 1395 Bridgeton Hill Road Upper Black Eddy, PA 18972	Unnamed Tributary to Delaware River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township Bucks County	PAC090021	Stonehaven Langhorne, LLC 354 West Lancaster Avenue Suite 201 Wayne, PA 19087	Unnamed Tributary to Core Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

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>
Hanover Township Lehigh County	PAC390013	Lehigh-Northampton Airport Authority 3311 Airport Road Allentown, PA 18109	UNT to Catasauqua Creek (CWF, MF) UNT to Lehigh River (CWF, MF)	Lehigh County Conservation District 610-391-9583
East Stroudsburg Borough Monroe County	PAC450003	Walter R. Pula 55 N. Courtland St. East Stroudsburg, PA 18301	UNT to Little Sambo Creek (TSF, MF)	Monroe County Conservation District 570-629-3060
Frackville Borough Schuylkill County	PAC540006	Frack & Broad, LP 608 West Oak St. Frackville, PA 17931	Mahanoy Creek (WWF, MF)	Schuylkill County Conservation District 570-622-3742

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>
Gettysburg Borough Adams County Issued	PAC010014	James Biesecker, Director—Facilities and Planning/Management Gettysburg College 300 N. Washington Street Gettysburg, PA 17325	Rock Creek (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
Bedford Township Bedford County Issued	PAC050008	Bedford Township Municipal Authority P.O. Box 371 Bedford, PA 15522	UNT Dunning Creek (WWF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900 x4
Exeter Township Berks County Issued	PAC060029	Brent Brubaker, Sheetz, Inc. 351 Sheetz Way Claysburg, PA 16625	Trout Run (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
Ontelaunee Township Berks County Issued	PAC060023	Brent Brubaker, Sheetz, Inc. 129 Dearing Drive Boalsburg, PA 16827	Schuylkill River (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
Freedom Township Blair County Issued	PAC070009	Trustees of the Leamersville Brethren Church 14 Brethren Lane Duncansville, PA 16635	McDonald Run (WWF, MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877 x5
Hampden Township Cumberland County Issued	PAC210028	Douglas Gellatly 193 Cedar Street Middletown, PA 17057	Sears Run to Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Lower Swatara Township Dauphin County Issued	PAC220013	Susquehanna Area Regional Airport Authority 1 Terminal Drive Middletown, PA 17057	Susquehanna River (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Mifflin Township
Dauphin County
Issued

PAC220026

JE Moore & Sons
664 Mountain Road
Elizabethville, PA 17023

UNT Little
Wiconsisco Creek
(WWF)

Dauphin County
Conservation District
1451 Peters Mountain
Road
Dauphin, PA 17018
717.921.8100

Franklintown
Borough
York County
Issued

PAC670029

South Heights Manor, LP
Jeff Stough
160 Ram Drive
Hanover, PA 17331

North Branch of
Bermudian Creek
(WWF)

York County
Conservation District
118 Pleasant Acres Road
York, PA 17402
(717) 840-7430

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

*Facility Location &
Municipality*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Wysox Twp,
Bradford Cnty

PAC080002

Duane Phillips, Dandy
Mini Mart, Inc.
101 North Main Street
Suite 101
Athens, PA 18810

Susquehanna River
(WWF)

Bradford County
Conservation District
Stoll Natural Resource Ctr
200 Lake Rd
Ste E
Towanda, PA 18848
(570) 265-5539 x6

Madison Twp,
Columbia Cnty

PAC190002

Millville Monnonite
Church
288 Taylor Rd
Millville, PA 17846

UNT to Spruce Run

Columbia County
Conservation District
702 Sawmill Rd
Ste 204
Bloomsburg, PA 17815
(570) 784-1310 x102

Union Twp,
Tioga Cnty

PAC590007

UGI Central Penn Gas,
Inc
2525 N. 12th St
Reading, PA 19612-2677

Bear Run CWF/MF

Tioga County
Conservation District
50 Plaza Ln
Wellsboro, PA 16901
(570) 724-1801 x5

Gregg Twp,
Union Cnty

PAC600010

Thomas Callahan
6100 Tower Circle
Suite 1000
Franklin, TN 37067

White Deer Hole
Creek TSF/MF

Union County
Conservation District
Union County Government
Center
155 N 15th St
Lewisburg, PA 17837
(570) 524-3860

Mifflinburg Boro,
Union Cnty

PAC600011

Phillis Shaffer
914 Chestnut Street
Mifflinburg, PA 17844

Buffalo Creek CWF

Union County
Conservation District
Union County Government
Center
155 N 15th St
Lewisburg, PA 17837
(570) 524-3860

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

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Penn Twp
Butler Cnty

PAC100031

Hunter Reality
Partners, LP
480 Pittsburgh Road
Butler, PA 16002

UNT to Thorn Creek
CWF

Butler County CD
122 McCune Drive
Butler, PA
724-284-5270

Hickory, Slippery
Rock and Shenango
Townships

PAC370006

American Transmission
Systems Inc.
800 Cabin Hill Drive
Greensburg, PA 15601

UNT to and Big Run
WWF

Lawrence County CD
430 Court Street
New Castle, PA
724-652-4512

*General Permit Type—PAG-05**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Kane Borough
McKean County

PAG058398

United Refining Co. of PA
15 Bradley Street
PO Box 688
Warren, PA 16365-3224Unnamed Tributary
to Hubert Run—16-BDEP Northwest
Regional Office
Clean Water Program
230 Chestnut Street
Meadville, PA 16335-3481
814.332.6942Buffalo Township
Butler County

PAG058396

Superior Petro Co. Inc.
8199 McKnight Road
Pittsburgh, PA
15237-5749Unnamed Tributary
to Buffalo Creek—
18-FDEP Northwest
Regional Office
Clean Water Program
230 Chestnut Street
Meadville, PA 16335-3481
814.332.6942*General Permit Type—PAG-10**Facility Location
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*

Statewide

PAG109623

Transcontinental Gas
Pipe Line Co. LLC
2800 Post Oak Boulevard
Level 6
Houston, TX 77056

Statewide

Division of NPDES
Permitting
Bureau of Clean Water
400 Market Street
RCSOB
Harrisburg, PA
17101-8774
717.787.8184*General Permit Type—PAG-15**Facility Location
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Dallas and Lehman
Townships
Luzerne County

PAG152202

Pennsylvania American
Water
1799 Jumper Road
Wilkes-Barre, PA 18702Huntsville
Reservoir/05BDEP Northeast
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Eggs Newburg, LLC 310 Three Square Hollow Road Newburg, PA 17240	Cumberland	172.3	537.7	Layers	NA	Approved
Peach Glen Farm, LLC 267 Georgetown Road Gardners, PA 17324	Cumberland	42	648.5	Turkeys/ Swine	HQ	Approved
Shady Rill Farm LLC 252 Tharp Road Mt. Pleasant Mills, PA 17853	Snyder	620	916	Swine	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit # 0917508 issued to: **Pediatric Specialty Care**, 90 Cafferty Road, Point Pleasant, PA 18950 [(PWSID)] Tinicum Township, **Bucks County** on April 11, 2017 for the operation of Pediatric Specialty Care—Additional 4-Log Contact Tank at Entry Point 101.

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

Permit No. 1317501MA, Minor Amendment, Public Water Supply.

Applicant	Palmerton Municipal Authority 443 Delaware Avenue Palmerton, PA 18071
Municipality	Palmerton Borough
County	Carbon
Type of Facility	PWS
Consulting Engineer	Timothy A. Miller, P.E. Keystone Consulting Engineers, Inc. 6235 Hamilton Boulevard Wescosville, PA 18106
Permit to Construct Issued	April 11, 2017

Application No. 3917501, Public Water Supply.

Applicant	South Whitehall Township Authority 444 Walbert Avenue Allentown, PA 18104
[Township or Borough]	South Whitehall Township, Lehigh County
Responsible Official	Pineda Peter, Authority Manager 444 Walbert Avenue Allentown, PA 18104
Type of Facility	PWS
Consulting Engineer	Frederick E. Ebert, PE P.O. Box 540 492 Skippack Pike Suite 202 Skippack, PA 19474
Issued Date	04/03/2017

Application No. 3516501MA, Public Water Supply.

Applicant	PA American Water Company (Sugar Notch Tank) 800 W. Hershey Park Drive Hershey, PA 17033
[Township or Borough]	Sugar Notch Township Luzerne County
Responsible Official	Mr. David Kaufman Vice President-Engineering
Type of Facility	Public Water Supply

Consulting Engineer Bruce Brubaker, PE
PA American Water Company

Permit Issued March 30, 2017

Application No. 5416503MA, Public Water Supply.

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

[Township or Borough] East Union Township,
Schuylkill County

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

Type of Facility PWS

Consulting Engineer Steven C. Roselle, PE
GHD
1240 North Mountain Road
Harrisburg, PA 17112
(814) 643-8260

Permit Issued Date 04/06/2017

Permit 2409011, Public Water Supply.

Applicant **PA American Water**
800 W. Hershey Park Drive
Hershey, PA 17033

[Township or Borough] Plain Township
Luzerne County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Jeremy Nelson, PE
PA American Water Company
2699 Stafford Avenue
Scranton, PA 18505

Operation Permit Issued 03/22/2017

Permit 2359006, Public Water Supply.

Applicant **PA American Water**
(Fallbrook WTP)
800 W. Hershey Park Drive
Hershey, PA 17033

[Township or Borough] Carbondale Township
Lackawanna County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Daniel G. Rickard, PE
PA American Water Company
2699 Stafford Avenue
Scranton, PA 18505

Operation Permit Issued 03/27/2017

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

Permit No. 0817501-MA—Construction—Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Township/Borough Athens Township

County **Bradford**

Responsible Official Patrick Burke
Director of Operations
204 E. Sunbury St.
Shamokin, PA 17872

Type of Facility Public Water Supply

Consulting Engineer Stephen J. Draus, P.E.
Aqua Pennsylvania, Inc.
204 E. Sunbury St.
Shamokin, PA 17872

Permit Issued April 5, 2017

Description of Action Authorizes Aqua Pennsylvania Susquehanna Division to remove the gas chlorine system at Tank 2, remove the sodium hypochlorite system at Veda booster pumping station and discontinue the cathodic protection system at Tank 2.

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

Permit No. 3217511, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**
602 Kolter Drive
Indiana, PA 15701

[Borough or Township] Young Township

County **Indiana**

Type of Facility Iselin tank mixing system

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

Permit to Construct Issued April 6, 2017

Permit No. 3217508, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**
602 Kolter Drive
Indiana, PA 15701

[Borough or Township] Center Township

County **Indiana**

Type of Facility Aultman tank mixing system

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

Permit to Construct Issued April 6, 2017

Permit No. 6516508, Public Water Supply.

Applicant **Meadows MHP, LLC**
6557 Alakoko Drive
Diamond Head, MS 39525

[Borough or Township] Washington Township

County **Westmoreland**

Type of Facility Meadows MHP

Consulting Engineer Buchart Horn, Inc.
Liberty Technology Center
2200 Liberty Avenue
Suite 300
Pittsburgh, PA 15222-4502

Permit to Construct April 6, 2017
Issued

Operations Permit issued to: **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108, (PWSID # 5020011) Moon Township, **Allegheny County** on April 6, 2017 for the operation of facilities approved under Construction Permit # 0216532.

Operations Permit issued to: **Green Township Municipal Authority-Barr Slope**, PO Box 129, 77 Musser Street, Commodore, PA 15729, (PWSID # 5320010) Green Township, **Indiana County** on April 6, 2017 for the operation of facilities approved under Construction Permit # 3216504GWR.

Operations Permit issued to: **Patton Borough**, 800 Fourth Avenue, PO Box 175, Patton, PA 16668, (PWSID # 4110024) Patton Borough, **Cambria County** on April 6, 2017 for the operation of facilities approved under Construction Permit # 1116501GWR.

Operations Permit issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID # 5320042) Cherry Hill Township, **Indiana County** on April 6, 2017 for the operation of facilities approved under Construction Permit # 3215512.

Permit No. 6516504WMP, Minor Amendment. Public Water Supply.

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

[Borough or Township] Burrell Township

County **Indiana**

Type of Facility Bulk water loading station

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

Permit to Operate April 6, 2017
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

Southwest Regional Office, Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

Plan Location: City of Latrobe, Latrobe Wastewater Treatment Facility.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Latrobe	901 Jefferson Street Latrobe, PA 15650-0829	Westmoreland
Unity Township	154 Beatty-County Road Latrobe, PA 15650	Westmoreland

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Derry Township	5321 Route 982 Derry, PA 15627	Westmoreland
Youngstown Borough	P.O. Box 56 Youngstown, PA 15696	Westmoreland

Plan Description: The approved plan provides for the implementation of Two phases. Phase 1 consist of the construction of a 4.0 MG Equalization Tank, Saxman Run Interceptor realignment, and increasing the carrying capacity of the Nine Mile Run and Monastery Run interceptors. Phase 2 consist of reconfiguration of the East Branch Interceptor, constructing a 6.7 mgd pump station in the nine mile run area with a 24" forcemain to convey flows to a proposed 3.3 MG Equalization Tank.

The Department's review of the sewage facilities Plan Update has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Authority.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Straban Township	1745 Granite Station Road Gettysburg, PA 17325	Adams

Plan Description: Approval of a revision to the official plan of Straban Township, Adams County. The project is known as the Rhouse 516 LLC (Rodney Frey) property. The plan provides for the proposal to replace a malfunctioning on-lot disposal system serving an existing single-family residential dwelling on 14.18 acres. Total estimated sewage flows are 400 gpd, and they will be tributary to a small flow treatment facility (SFTF) with a stream discharge to an un-named tributary of Rock Creek. The proposed development is located at 660 Shriver's Corner Road in Straban Township, York 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 A3-01929-330-3s and the APS ID is 935800. Permits for on lot sewage disposal systems must be obtained in the name of the property owner.

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

Plan Description: Approval of a revision to the official plan of Newberry Township, York County. The project is known as the Goodman Logistics Center development. The plan provides for the proposal of a one lot commercial development on 130.6 acres with total proposed sewage flows of 10,000 gpd tributary to an onsite pump station, and ultimately, the Newberry Township Wastewater Treatment Plant. The proposed development is located at 1660 Bamberger Road in Newberry Township, York County. The DEP Code Number for this planning module

is A3-67945-403-3s and the APS Id is 936104. Permits for the proposed pump station must be obtained in the name of the municipality or authority as appropriate.

HAZARDOUS SITES CLEAN-UP

UNDER THE ACT OF
OCTOBER 18, 1988

Settlement Under the Comprehensive Environmental Response Compensation and Liability Act and the Hazardous Sites Cleanup Act The Tank Car Corporation of America; Township of Springfield, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. §§ 6020.101—6020.1305, and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C.A. §§ 9601—9675, has entered into a Prospective Purchaser Agreement (PPA) with the Township of Springfield regarding the Tank Car Corporation of America site (Site).

The Site, which currently consists of land totaling approximately 7.9 acres, formerly hosted a railroad tank car rehabilitation business. The U.S. Environmental Protection Agency (EPA) selected the Site for a removal response in 2007. EPA's actions involved the removal of hazardous substances from tanks and pipings and the excavation of contaminated soils. In addition, the EPA excavated a lagoon system, backfilled it with sandblasting grit, and placed a clay and modified stone cap on top to limit potential exposure. The sandblasting grit contains some inorganic and organic contamination. EPA concluded its response action in 2010, and continues to coordinate with DEP regarding the remaining contamination and any future redevelopment.

The Township of Springfield acquired the Site in order to restore it into a public park. Under the terms of the Agreement with the Department, the Township of Springfield will evaluate any remaining contamination at the Site and will remediate the Site, as may be necessary, through the Department's Land Recycling Program ("Act 2").

This notice is provided under section 1113 of HSCA, 35 P.S. § 6020.1113. The agreements may be examined at the Department's offices at 2 East Main Street, Norristown, PA 19401 by contacting Lena Harper at lharp@pa.gov or 484-250-5721 and Robert Schena at roschena@pa.gov or 484-250-5865. The Department will accept public comments for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding this PPA and its amendments by submitting them to Lena Harper at the Department's address as listed above.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to

publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Arnold R. Cook Estate, 340 Bierys Bridge Road, City of Bethlehem, **Northampton County**. Coventry Environmental Assoc., PO Box 224, St. Peters, PA 19470, on behalf of Kolb, Vasiliadis & Florenz, LLC, 60 West Broad Street, Suite 303, Bethlehem, PA 18018, submitted a Final Report concerning remediation of site soils contaminated with benzene, ethylbenzene, isopropylbenzene, methyl-t-butyl-ether, naphthalene, toluene, 1,2,4 trimethylbenzene, and 1,3,5 trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Myrle Aument Property, 1197 Pennsy Road, Pequea, PA 17565, Martic Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Myrle Aument, 1197 Pennsy Road, Pequea, PA 17565, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Buddies Nursery, 7001 Ben Franklin Highway, Birdsboro, PA 19508, Exeter Township, **Berks County**. BAI Group, Inc., 341 10th Avenue, Suite 103, Royersford, PA 19468, on behalf of Aulenbach & Son, Inc., 395 Old River Road, Birdsboro, PA 19508 and Buddies Nursery,

7001 Ben Franklin Highway, Birdsboro, PA 19468 submitted a Final Report concerning site soils contaminated with # 2 fuel oil from an aboveground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

Zimmer Development Company/CVS Pharmacy Site, City of Sunbury, Northumberland County. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Zimmer Development Company, 111 Princess Street, Wilmington, NC 28401, has submitted a Combined Remedial Investigation/Risk Assessment/Final Report concerning remediation of site groundwater contaminated with fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Mitroka Property, 2727 West Pennsylvania Street, South Whitehall Township, Lehigh County. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Mildred Mitroka, 932 North 32nd Street, Allentown, PA 18104, submitted a Final Report concerning the remediation of site soils contaminated with tert-Butyl-Methyl-Ether, Benzene, Toluene, Ethylbenzene, Cumene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 6, 2017.

Sunoco Fullerton Terminal # 0358-1501, 2480 Main Street, Whitehall Township, Lehigh County. Aquaterra Technologies, Inc., 122 S. Church Street, West Chester, PA 19382, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 200, Wilmington, DE 19803, submitted a Final Report concerning the remediation of site soils contaminated with petroleum hydrocarbons. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on April 11, 2017.

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

Family First Health Corporation & 2 Trone Rental Properties, 1230 & 1250 High Street, Hanover, PA 17331, Conewago Township, Adams County. Ramboll Environ US Corporation, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17332; Family First Health Corporation, 116 South George Street, York, PA 17401; and Trone Rental Properties, 350 3rd Street, Hanover, PA, submitted a Final Report concerning remediation of site soils contaminated with fertilizers and inorganics. The Final Report demonstrated attainment of the Background and Residential Statewide Health Standard, and was approved by the Department on April 3, 2017.

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

Benjamin Truck Service Accident, Williamsport City, Lycoming County. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Benjamin Truck Service, 725 Main Street, Limestone, NY 14753, has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 6, 2017.

Mountaire Farms of Delaware, Old Lycoming Township, **Lycoming County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Mountaire Farms of Delaware, 701 West Sunset Avenue, Greensboro, MD 21639, has submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 22, 2017.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Hazardous Waste Transporter License Issued

IPC Services, LLC, 232 E. Lancaster Rd., Harmony, PA 16037. License No. PA-AH 0859. Effective Apr 06, 2017.

Hazardous Waste Transporter License Reissued

Republic Environmental Systems (Transportation Group), LLC, 21 Church Rd., Hatfield, PA 19440. License No. PA-AH 0317. Effective Apr 05, 2017.

Renewal Applications Received

Republic Environmental Systems (Transportation Group), LLC, 21 Church Road, Hatfield, PA 19440. License No. PA-AH 0317. Effective Apr 05, 2017.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

BioYork, LLC, 1444 East Lackawanna Ave., Olyphant, PA 18447. License No. PA-HC 0265. Effective Apr 05, 2017.

Image First Medical Waste Services, 900 E Eighth Ave, King of Prussia, PA 19406. License No. PA-HC 0255. Effective Apr 05, 2017.

Renewal Applications Received

BioYork, LLC, 1444 East Lackawanna Ave., Olyphant, PA 18447. License No. PA-HC 0265. Effective Apr 05, 2017.

Image First Medical Waste Services, 900 E Eighth Ave, King of Prussia, PA 19406. License No. PA-HC 0255. Effective Apr 04, 2017.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP1-09-0104: The Flynn Company (1621 Wood Street, Philadelphia, PA 19103) On April 5, 2017 for two 14.645 MMBtu/hr Natural Gas-fired boilers in Bensalem Township, **Bucks County**.

GP3-15-0076: Mellott Company (100 Mellot Drive, Warfoldsburg, PA 17267) On March 30, 2017 for use of a nonmetallic mineral plant in Charlestown, **Chester Township**.

GP1-15-0010: Mellott Company (100 Mellot Drive, Warfoldsburg, PA 17267) On March 30, 2017 for use two (2) diesel fuel-fired stationary engines in Charlestown, **Chester Township**.

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

Contact: Norman Frederick, P.E., Environmental Engineer—Telephone: 570-826-2409.

GP3-48-018: Chrin Brothers, Inc. (1225 Industrial Drive, Easton, PA 18042) on April 1, 2017, for the construction and operation of a crushing operations at their facility in Williams Township, **Northampton County**.

GP9-48-018: Chrin Brothers, Inc. (1225 Industrial Drive, Easton, PA 18042) on April 1, 2017, for the construction and operation of a CAT diesel fired engine at their facility in Williams Township, **Northampton County**.

GP4-40-003A: Pulverman (1170 Lower Demunds Road, Dallas, PA 18612) on January 26, 2017, for the construction and operation of a burnoff oven at their facility in Dallas Township, **Luzerne County**.

GP9-40-019: New Cingular Wireless PCS, LLC dba AT&T Mobility. (PO Box 5059, RM 4W200M, San Ramon, CA 94583) on April 1, 2017, for the construction and operation of a Detroit diesel fired engine at their facility in Hanover Township, **Luzerne County**.

GP4-40-003B: Pulverman (1170 Lower Demunds Road, Dallas, PA 18612) on 1 April 2017, for the construction and operation of a burnoff oven Identified as burn off oven # 3 at their facility in Dallas Township, **Luzerne County**.

GP3-52-004: Holbert Bros Bluestone Co (237 Masthope Plank Rd., Lackawaxen, PA 18435) on April 6, 2017, for the construction and operation of a crushing operations at their facility in Lackawaxen Township, **Pike County**.

GP9-52-004: Holbert Bros Bluestone Co (237 Masthope Plank Rd., Lackawaxen, PA 18435) on April 6, 2017, for the construction and operation of four (4) diesel fired engines at their facility in Lackawaxen Township, **Pike County**.

GP3-48-016: Chrin Brothers, Inc. (1225 Industrial Drive, Easton, PA 18042) on March 29, 2017, for the operation of a portable crushing plant at the facility located in Tatamy Borough, Palmer & Upper Nazareth Twps., **Northampton County**.

GP9-48-016: Chrin Brothers, Inc. (1225 Industrial Drive, Easton, PA 18042) on March 29, 2017, for the operation of I C Engines at the facility located in Tatamy Borough, Palmer & Upper Nazareth Twps., **Northampton County**.

GP13-40-002: Popple Construction, Inc. (215 East Saylor Avenue, Laffin, PA 18702) on March 29, 2017, for the operation of an asphalt plant at the facility located in Plains Township, **Luzerne County**.

GP3-40-005A: Mericle Construction Inc. (East Mountain Corporate Center, 100 Baltimore Drive, Wilkes-Barre, PA 18702) on March 31, 2017 for the construction and operation of a Portable Crushing Operation with watersprays at the Grimes Industrial Park Site located in Pittston Twp., **Luzerne County**.

GP9-40-005A: Mericle Construction Inc. (East Mountain Corporate Center, 100 Baltimore Drive, Wilkes-Barre, PA 18702) on March 31, 2017 for the installation and operation of Diesel I/C engines at the Grimes Industrial Park Site located in Pittston Twp., **Luzerne County**.

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

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

GP3-06-03173: Commonwealth Equipment Corp. (36 Hazelton Street, Ashley, PA 18706) on April 3, 2017, for portable nonmetallic mineral processing equipment under GP3, at Armorcast Drive, in Birdsboro Borough, **Berks County**.

GP11-06-03173: Commonwealth Equipment Corp. (36 Hazelton Street, Ashley, PA 18706) on April 3, 2017, for a nonroad engine under GP11, to power portable nonmetallic mineral processing equipment, at Armorcast Drive, in Birdsboro Borough, **Berks County**.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

GP5-30-00183A: EQM Gathering Opco, LLC (625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222) on April 7, 2017, for the construction and operation of a 2,370 bhp Caterpillar G3608 natural gas-fired compressor engine to replace an existing like kind engine at the Jupiter Compressor Station located in Morgan Township, **Greene County**.

GP5-63-01010: EQM Gathering Opco, LLC (625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222) on April 10, 2017, for construction and operation of sources and controls associated with its Steelhead Compressor Station, a proposed natural gas compression facility to be located in Marianna Borough, **Washington County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

46-0035I: GlaxoSmithKline, LLC. (GSK) (709 Swedeland Road, King of Prussia, PA 19406) On April 5, 2017 for the installation of; four boilers, two emergency generator engines, one combined heat and power unit and one above ground storage tank for No. 2 oil at their existing facility in Upper Merion Township, **Montgomery County**.

46-0013E: Clemens Food Group (2700 Clemens Rd., Hatfield, PA 19440-0902) On April 7, 2017, for the replacement of existing control devices on the sludge dryer at the wastewater treatment plant (WWTP) with new venturi and packed tower scrubber to control particulate matter and odor emissions at their meat processing at their facility in Hatfield Township, **Montgomery County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

09-0007C: Waste Management Disposal Services (1000 New Ford Mill Rd, Morrisville, PA 19067-3704) On April 6, 2017 for landfill gas collection and a treatment system and pipeline for the sale of landfill gas; and two backup flares in Falls Township, **Bucks County**.

09-0231: New Age Industries Inc. (145 James Way, Southampton, PA 18966-3817) On April 5, 2017 for the use of isopropyl alcohol in New Age's production process in Upper Southampton Township, **Bucks County**.

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

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

28-05002C: Letterkenny Army Depot (One Overcash Ave., Chambersburg, PA 17201), on April 5, 2017, for the construction of two coating booths controlled by dry filters at the military facility in Letterkenny Township, **Franklin County**. The plan approval was extended.

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

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

47-00001D: Montour LLC (PO Box 128, Washingtonville, PA 17884) on April 5, 2017, to extend the authoriza-

tion to operate the sources pursuant to the plan approval an additional 180 days from April 11, 2017 to October 8, 2017, at their Montour SES facility located in Derry Township, **Montour County**. The plan approval has been extended.

47-00001E: Montour LLC (PO Box 128, Washingtonville, PA 17884) on April 5, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from April 22, 2017 to October 19, 2017, at their Montour SES facility located in Derry Township, **Montour County**. The plan approval has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

15-00142: Mars Drinks North America, LLC (1301 Wilson Drive, West Chester, PA) On April 5, 2017 for its initial State Only Operating Permit, using the conditions from Plan Approval 15-0142 as its basis, for its facility in East Goshen Township, **Chester County**.

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

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

06-03167: Walbert Funeral Home & Cremation Services, PC (14390 Kutztown Road, Fleetwood, PA 19522-8761) on April 3, 2017 for the human crematory unit at the facility located in Richmond Township, **Berks County**.

07-05041: Fort Dearborn Co. (13985 S. Eagle Valley Road, Tyrone, PA 16686-7905) on April 5, 2017 for the flexographic printing facility located in Snyder Township, **Blair County**. The State-only permit was renewed.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

46-00161: H&K Group, Inc., Sanatoga Asphalt. (394 South Sanatoga Road, Pottstown, PA 19464-3148) On April 11, 2017 for a minor modification of a State Only Synthetic Operating Permit in Lower Pottsgrove Township, **Montgomery County**. This facility is classified as a synthetic minor for NO_x emissions. The permit was modified to remove a condition that required H&K Group, Inc., Sanatoga Asphalt (SA) to burn only Waste Derived Liquid Fuel (WDLF) during source testing. The permit was also modified to remove a condition for testing opacity on the RAP crusher baghouse because the condition for testing from 40 CFR Part 60, Subpart OOO was determined by the Department to not be applicable to the

RAP crusher. No other conditions in the operating permit have been modified and there is no change in actual NO_x emissions from this site with this modification. The modified permit includes testing, monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable local, state, and federal air quality requirements.

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

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

11-00423: Johnstown Wire Technologies, Inc. (124 Laurel Avenue, Johnstown, Cambria County, PA 15906-2246) State Only Operating Permit amendment issuance to incorporate name change of responsible official and contact person in their permit for Johnstown Wire Plant located in Johnstown Township, **Cambria County**.

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.

30743711 and NPDES No. PA0033511 A-1. Cumberland Contura, LLC, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Cumberland Mine Coal Refuse Disposal Facility in Whiteley, Greene and Monongahela Townships, **Greene County** and related NPDES Permit from Cumberland Coal Resources, LP. No additional discharges. The application was considered administratively complete on November 17, 2016. Application received September 9, 2016. Permit issued April 3, 2017.

30831303 and NPDES No. PA0013511 A-1. Cumberland Contura, LLC, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Cumberland Mine in Center, Franklin, Greene, Perry, Wayne and Whiteley Townships, **Greene County** and related NPDES from Cumberland Coal Resources, L.P. No additional discharges. The application was considered administratively complete on November 16, 2016. Application received September 8, 2016. Permit issued April 3, 2017.

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

Permit No. 32110106. Amerikohl Mining Inc., 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only of a bituminous surface mine in Brush Valley Township, **Indiana County**, affection 67.1 acres. Receiving stream: unnamed tributaries to Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 6, 2017. Permit issued: April 3, 2017.

Permit No. 56960107 and NPDES No. PA0234231, PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 135 acres. Receiving streams: unnamed tributaries to and Quemahoning Creek classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: September 6, 2016. Permit issued: April 5, 2017.

Permit No. 56010101 and NPDES No. PA0248924. Heritage Coal & Natural Resources, LLC, 550 Beagle Road, Rockwood, PA 15557, transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Elk Lick Township, **Somerset County**, affecting 81.0 acres. Receiving streams: unnamed tributary to Casselman River and unnamed tributaries to Elk Lick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016. Permit issued: April 5, 2017.

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

33990109 and NPDES Permit No. PA0241539. McKay Coal Company, Inc. (P.O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface and auger mine and associated NPDES permit in Perry Township, **Jefferson County**, affecting 72.5 acres. Receiving streams: Unnamed tributaries to Perryville Run. Application received: September 6, 2016. Permit Issued: April 3, 2017.

16110102. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in Monroe Township, **Clarion County**, affecting 189.2 acres. Receiving streams: Unnamed tributaries to Brush Run and unnamed tributaries to Piney Creek. This renewal is for reclamation only. Application received: February 9, 2017. Permit Issued: April 3, 2017.

33060104. MSM Coal Company, Inc. (P.O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous surface mine in Knox Township, **Jefferson County**, affecting 38.9 acres. Receiving streams: Unnamed tributary to Fivemile Run. This renewal is issued for reclamation only. Application received: January 12, 2017. Permit Issued: April 5, 2017.

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

03090105 and NPDES Permit No. PA0251755. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Bethel Township, **Armstrong County**, affecting 42 acres. Receiving streams: unnamed tributaries to Crooked Creek and Crooked Creek. Application received: February 6, 2017. Renewal permit issued: April 4, 2017.

Noncoal Permits Issued

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

Permit No. 6476SM12 and NPDES No. PA0612464, N.L. Minich & Sons, Inc., 211 North Middleton Road, Carlisle, PA 17013, renewal of NPDES permit, North Middleton Township, **Cumberland County**. Receiving stream: Meetinghouse Run classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 20, 2016. Permit issued: April 4, 2017.

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

PAM611013. Raducz Stone Corporation (313 Pittsburgh Road, Butler, PA 16002) Renewal of General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 10110306 in Penn Township, **Butler County**. Receiving streams: Unnamed tributaries to Thorn Creek. Application received: March 13, 2017. Permit Issued: April 3, 2017.

10060302. Waste Management Disposal Services of Pennsylvania, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) Revision to an existing large industrial minerals mine to add 3.5 acres in Clay Township, **Butler County**, affecting a total of 45.5 acres. Receiving streams: Three unnamed tributaries to South Branch Slippery Rock Creek. This revision also contains a post-mining land use from forestland to unmanaged natural habitat on a portion of the Waste Management Disposal Services of Pennsylvania, Inc. property. Application received: January 31, 2017. Permit Issued: April 6, 2017.

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

Permit No. 09120301 and NPDES Permit No. PA0612243. Naceville Materials, (350 S. Main Street, Suite 207, Doylestown, PA 18901), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Hilltown Township, **Bucks County** affecting 155.8 acres, receiving stream: unnamed tributary to North Branch Neshaminy Creek. Application received: October 12, 2012. Permit issued: March 28, 2017.

Permit No. 58152804. Timothy Mark Smith, (859 John C. McNamara Drive, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Snake Creek. Application received: July 23, 2015. Permit issued: March 28, 2017.

Permit No. PAM115018, Timothy Mark Smith, (859 John C. McNamara Drive, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58152804 in Liberty Township, **Susquehanna County**, receiving stream: unnamed tributary to Snake Creek. Application received: July 23, 2015. Permit issued: March 28, 2017.

Permit No. 7475SM10A1C10 and NPDES Permit No. PA0123242. Essroc Cement Corp., (3938 Easton Nazareth Highway, Nazareth, PA 18064), renewal of an NPDES permit for discharge of treated mine drainage from a quarry operation in Upper Nazareth Township and Nazareth Borough, **Northampton County**, receiving stream: East Branch Monocacy Creek. Application received: August 25, 2016. Renewal issued: April 7, 2017.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

59174101. Midstream Explosives LLC (289 Southside Drive, Newville, PA 17241). Blasting for Talisman DCONR 587 pipeline in Bloss Township, **Tioga County** with an expiration date of April 30, 2018. Permit issued: April 6, 2017.

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

Permit No. 48174002. Chrin Brothers, Inc., (1225 Industrial Drive, Easton, PA 18042), construction blasting for Chrin Landfill in Williams Township, **Northampton County** with an expiration date of December 31, 2020. Permit issued: March 28, 2017.

Permit No. 09174103. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241), construction blasting for Northeast Extension Turnpike NB 205 Concrete Demo & Rock Removal in Milford Township, **Bucks County** with an expiration date of November 1, 2017. Permit issued: April 4, 2017.

Permit No. 15174101. Brubacher Excavating, Inc., (P.O. Box 528, Bowmansville, PA 17507), construction blasting for Weatherstone Development in West Vincent Township, **Chester County** with an expiration date of March 9, 2018. Permit issued: April 4, 2017.

Permit No. 09174104. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241), construction blasting for Northeast Extension Turnpike NB 205 Concrete Demo & Rock Removal in Milford Township, **Bucks County** with an expiration date of November 1, 2017. Permit issued: April 5, 2017.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501–508 and 701–704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street,

PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E42-372. Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. JV059 Havens Run Bridge Replacement State Route 00046 Segment 0060 Offset 0000 Section A03 over Havens Run in Norwich Township, **McKean County**, ACOE Pittsburgh District (Norwich, PA Quadrangle N: 41°, 38', 4"; W: -78°, 21', 26").

To remove the existing structure and to construct and maintain a 24' × 10' precast concrete box culvert on Havens Run in Norwich Township, McKean County with associated impact to 0.042 acre of wetland and 80 feet of permanent linear impact to Havens Run.

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

E15-875. Franklin Phoenixville, LP by Odessa Real Estate Investments, Inc., 1890 Rose Cottage Lane, Malvern, PA 19355, Phoenixville Borough, **Chester County**, ACOE Philadelphia District.

To construct and maintain the Odessa Residential Development Complex (3 buildings, 260 units of assisted living facility, and 240 apartment units) and the associated Northern Relief Road project (connecting Ashburn Road to Township Road).

The proposed project will impact 0.35 acre of wetland and 0.015 acre of unnamed tributary to French Creek (TSF, MF) for the installation of outfall structure.

The site is located south of the intersection of Fillmore Street and Township Line Road (Phoenixville, PA, USGS Map; Latitude: 40.1423; Longitude: -75.5304).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-880. Jonathan R. Shavley, 31 Chartwell Drive, West Grove, PA 19396, Pocopson Township, **Chester County**, ACOE Philadelphia District.

To remove the existing dwelling structure and to construct and maintain a new house at the same location in and along the 100-year floodway of the Brandywine Creek AKA Cabin 14.

The site is located at 14 Cabin Club Lane, Unionville, PA USGS map Lat. 39.916; Long. -75.639.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-874. Planebrook Partners, LLC, 2298 Horse-shoe Pike, Honey Brook, PA 19344, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the following activities in the 100-year floodway of a UNT to Valley Creek (EV) associated with the proposed development known as The Towns at Malvern-Section 2:

1. To place fill over 0.030 Ac. as a permanent impact associated with the construction of porous pavement modifications to the existing roadway access road.

2. To stabilize approximately 50 LF of the bank of UNT Valley Creek.

3. To extend and existing 4-inch underdrain pipe to the edge of UNT to Valley Creek to accommodate the embankment regrading.

The site is located north of the intersection of U.S. Route 30 and Frame Avenue; (Malvern, PA USGS map; Latitude: 40.03472; Longitude: 75.57745).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E58-320. Springville Township, P.O. Box 32, Springville, PA 18844. Springville Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a roadway crossing of Pond Brook (CWF, MF) consisting of 90-foot long, 96-inch diameter CMP pipe depressed 12-inches below the existing streambed elevation with headwalls and rip rap slope protection. A de minimus area of wetland impacts equal to 0.02 acre will

occur from the construction activity. The project is located approximately 0.90 mile northeast of the Button Road and Garrison Road intersection (Hop Bottom, PA Quadrangle Latitude: 41°40'9.8"; Longitude: -75°52'28.6").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E22-630. Upper Paxton Township, 506 Berrysburg Road, Millersburg, PA 17061 in Upper Paxton Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To remove an existing structure and to install and maintain 190 feet of 60-inch HDPE pipe conveying an unnamed tributary to Wiconisco Creek (CWF, MF). The project is located southeast from the intersection of Chelton Ave. and Plum St. (Millersburg Quadrangle 40° 32' 22" N, 76° 57' 2" W). No wetlands will be impacted by this project.

E22-629. Millersburg Borough, 101 West Street, Millersburg, PA 17061 in Millersburg Borough and Upper Paxton Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain 1) approximately 242 feet of R-8 Riprap stream bank stabilization between Center St. and Union St.; 2) 70 linear feet of R-8 Riprap apron between Center St. and Union St.; 3) 69 feet of 51-inch by 48-inch concrete box culvert; 4) 42 feet of 60-inch HDPE; 5) 33 feet of 60-inch HDPE; 6) 89 feet of 60-inch HDPE; 7) 101 feet of 60-inch HDPE; 8) 15 feet of 60-inch HDPE; 9) 122 feet of 66-inch SRPE; 10) 18 feet of 60-inch HDPE; 11) 83 feet of 60-inch HDPE; 12) 35 feet of 60-inch HDPE; 13) 36 feet of 60-inch RCP; 14) 179 feet of 66-inch SRPE and associated 36 linear feet of R-7 riprap apron; 15) a retaining wall and stilling basin just south of Center St.; and 16) 8 stormwater outfalls in an unnamed tributary to Wiconisco Creek (CWF, MF) (Millersburg Quadrangle 40° 32' 23" N, 76° 57' 2" W), for the purpose of reducing flooding in Millersburg Borough and Upper Paxton Township. No wetlands will be impacted by the project.

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

E14-576. Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Pittsburgh, PA 15275. Bridge replacement in Unionville Borough, **Centre County**, ACOE Baltimore District (Bear Knob, PA Quadrangle Lat: 40° 54' 23"; Long: -77° 52' 37").

Plenary Walsh Keystone Partners have applied for a Small Projects—Joint Permit Application to remove a structurally deficient reinforced concrete T-beam bridge that spans 31.5 feet and is 36.1 feet wide and construct, operate and maintain a prestressed, concrete spread box beam bridge that spans 35.0 feet and is 38.4 feet wide over Dewitt Run in Unionville Borough, Centre County.

The project proposes to have the following impacts:

ID	Stream Name	Chapter 93 Classification	Temporary Impact area Length (LF)	Permanent Impact area Length (Sq Ft)	Latitude	Longitude
Bridge	Dewitt Run	CWF, MF	68	57	40.9065	-77.8772

Proposed waterway impacts total 828 square feet.

The proposed construction will not permanently impact cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Dewitt Run is classified with a designated use of Cold Water Fishery (CWF).

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D11-074EA. Norbert J. and John C. Eckenrode, 49770 Township Road 514, Sarahsville, OH 43779, Clearfield, Allegheny, and East Carroll Townships, **Cambria County**, USACOE Baltimore District.

Project proposes to remove the Eckenrode Mill Dam for the purpose of eliminating a threat to public safety and restoring approximately 800 feet of stream channel to a free-flowing condition. The project is located across Chest Creek (HQ-CWF, MF) (Carrolltown, PA Quadrangle, Latitude: 40.5984; Longitude: -78.6524).

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCP 2 # ESG00 35 16 0004
Applicant Name Renovo Energy Center
Contact Person

Address 12011 Sunset Hills Road, Suite 110
City, State, Zip Reston, VA 20190
County Clinton

Township(s) Chapman Twp, Noyes Twp, Leidy Twp,
Renovo Borough

Receiving Stream(s) and Classification(s) Two Mile Run (CWF), Mackintosh Hollow (CWF), Dry Run (HQ-CWF), Shintown Run (HQ-CWF), Swamp Draft (CWF), Drury Run (CWF), Stony Run (CWF), Brewery Run (HQ-CWF), and Sixth Street Hollow (WWF)

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-2 # ESX14-125-0001 (Major Modification)

Applicant Name Rice Midstream Holdings, LLC

Contact Person Kyle Shirey

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Washington County

Township(s) Somerset Township

Receiving Stream(s) and Classification(s) UNTs to South Branch Pigeon Creek (WWF), South Branch Pigeon Creek (WWF)

ESCGP-2 # ESX16-059-0041

Applicant Name Rice Poseidon Midstream, LLC

Contact Person Kyle Shirey

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Greene County

Township(s) Richhill Township

Receiving Stream(s) and Classification(s) North Fork

Dunkard Fork (TSF)

Southwest Region: Oil and Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA, 15222.

E63-07-007A: Rice Midstream Holdings, LLC, 2200 Rice Drive, Canonsburg, PA 15317, Somerset Township, **Washington County**, ACOE Pittsburgh District.

Rice Midstream Holdings, LLC is proposing to install the Jaybird Phase III Pipeline that will begin at the Back Nine Pond/Swagler Loop (40° 6' 39.1", -80° 3' 5.98") and will terminate at the Zorro to EQT pipeline (40° 5' 42.87", -80° 2' 25.73"). The project is located within the Ellsworth USGS 7 1/2 Minute Quadrangle Map. The project will include installation of a 1.37-mi long 24-inch diameter steel natural gas pipeline. The project is a Joint Permit Application due to the crossing of a wetland which is greater than 10 acres on National Wetland Inventory maps. This wetland was field verified to be 7.925 acres in size. The project will result in one (1) wetland crossing and two (2) watercourse crossing, resulting in a total of 524 ft² of permanent wetland impact and 20 linear feet of permanent stream impact.

A Temporary Access road will be constructed to support the installation of the pipeline. The Temporary Road will cross UNT S-05 to # 24054 South Branch of Pigeon Creek. This activity will be covered under a General Permit-08.

Each of the following crossings will be crossed by horizontal directional drilling by the pipe mentioned above:

<i>Wetland Crossing</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Wetland 01 Palustrine Emergent (PEM), Palustrine Scrub-Shrub (PSS), Palustrine Forested (PFO)	40° 6' 12.01", -80° 2' 48.03"	Temporary:	0 acre
		Permanent:	524 ft ² (0.012 ac)

<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Perennial Stream 03 (# 24054 South Branch Pigeon Creek) (WWF)	40° 6' 11.04", -80° 2' 45.3"	Temporary:	20 ln. ft.
		Permanent:	40 ft ²

The following stream will be crossed by the Temporary Access Road mentioned above:

<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
UNT S-05 to # 24054 South Branch of Pigeon Creek (Temporary Access Road)	40° 6' 12.79", -80° 02' 54.77"	Temporary:	100 ft ² (0.002 ac)
		Permanent:	0 ft ²

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESX11-073-0003—Twentier unit 2070 ESX—Renewal

Applicant R E Gas Development LLC

Contact Michael Endler

Address 600 Cranberry Woods Drive, Suite 250

City Cranberry Township State PA Zip Code 16066

County Lawrence Township Perry

Receiving Stream(s) and Classification(s) Grindstone Run and Slippery Rock Creek

ESCGP-2 # ESG16-019-0026—PER W34 Well Pad

Applicant PennEnergy Resources, LLC

Contact Mr. Gregg Stewart

Address 1000 Comemrce Drive; Park Place One, Suite 100

City Pittsburgh State PA Zip Code 15275

County Butler Township(s) Winfield

Receiving Stream(s) and Classification(s) UNT to Rough Run/Rough Run

ESCGP-2 # ESG16-019-0029—Per W60 Well Pad

Applicant Penn Energy Resources, LLC

Contact Mr. Gregg Stewart

Address 1000 Commerce Drive, Park Place One, Suite 100

City Pittsburgh State PA Zip Code 15275

County Butler Township(s) Winfield

Receiving Stream(s) and Classification(s) UNT to Cornplanter Run/Buffalo Creek-Allegheny River

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX11-117-0127(01)

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 150 N Dairy Ashford, E1296-E

City, State, Zip Houston, TX 77079

County Tioga

Township(s) Charleston

Receiving Stream(s) and Classification(s) Catlin Hollow (TSF)

ESCGP-2 # ESG29-081-16-0016(01)

Applicant Name NFG Midstream Trout Run LLC

Contact Person Duane Wassum

Address 6363 Main St

City, State, Zip Williamsville, NY 14221

County Lycoming

Township(s) Lewis & Gamble

Receiving Stream(s) and Classification(s) UNTs to Lycoming Ck (HQ-CWF)

Secondary—Lycoming Ck (EV)

ESCGP-2 # ESX11-015-0226(03)

Applicant Name Chief Oil & Gas LLC

Contact Person Jeffrey Deegan

Address 1720 Sycamore Rd

City, State, Zip Montoursville, PA 17754

County Bradford

Township(s) Wilmot

Receiving Stream(s) and Classification(s) UNT to Sugar Run Ck (CWF, MF)

Secondary—Sugar Run Ck

ESCGP-2 # ESX29-117-16-0028

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 150 N Dairy Ashford, E1296-E

City, State, Zip Houston, TX 77079

County Tioga

Township(s) Charleston

Receiving Stream(s) and Classification(s) Hills Ck (WWF)

ESCGP-2 # ESG29-113-17-0001

Applicant Name EXCO Resources PA, LLC

Contact Person Brian Rushe

Address 260 Executive Dr, Suite 100

City, State, Zip Cranberry Twp, PA 16066

County Sullivan

Township(s) Shrewsbury

Receiving Stream(s) and Classification(s) Rock Run (HQ-CWF)

ESCGP-2 # ESX10-117-0065(02)

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 150 N Dairy Ashford, E1296-E

City, State, Zip Houston, TX 77079

County Tioga

Township(s) Delmar

Receiving Stream(s) and Classification(s) East Branch Stony Fork (CWF)

SPECIAL NOTICES

Final State Water Quality Certification Required by Section 401 of the Clean Water Act for the Line 138 Service Abandonment and Lateral Construction Project

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Rita A. Coleman, 412-442-4000.

WQ05-011, Columbia Gas Transmission, LLC (Applicant), 1700 MacCorkle Avenue, S.E. Charleston, WV 25314. Line 138 Service Abandonment and Lateral Construction Project (Project), in Springhill, Henry Clay and Wharton Townships, **Fayette County** and Addison and Elk Lick Townships, **Somerset County**, ACOE Pittsburgh District. The proposed project starts approximately 2.25 miles southeast of the intersection of State Route 857 and Gans Road in Springhill Township, Fayette County (Lake Lynn, PA, WV Quadrangle N: 39°, 43', 16"; W: -79°, 45', 49") and ends approximately 0.7 mile southwest of the intersection of State Route 669 and Ash Hill Road in Elk Lick Township, Somerset County (Grantsville, MD, PA Quadrangle N: 39°, 43', 22"; W: -79°, 10', 18").

On May 20, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-495-000). The FERC Environmental Assessment for the Project, which was issued on 9/17/15, may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP15-495-000).

On August 14, 2015, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project includes the operation and maintenance of some segments of the existing, approximately 33-mile, Line 138 natural gas pipeline, consisting of 4-inch, 6-inch, 8-inch and 16-inch pipeline, within an existing 50-foot right-of-way, where service is being abandoned. Columbia proposes to remove approximately 0.18 mile of exposed pipeline, two (2) residential tap consumers, two (2) meter stations, one (1) odorizer, one (1) siphon, five (5) ground valves and eight (8) mainline valves. Columbia plans to grout 28 road crossings to abandon in place.

Columbia also proposes to construct an approximate 0.65-mile, 2-inch lateral extension within the existing 50-foot wide Line 138 right-of-way (ROW) in order to maintain service to the Firm Transportation customer and their operations. The Firm Transportation customer is served from Line 138 through which service will be abandoned, Columbia proposes to maintain gas service to this customer by installing a lateral extension within the Line 138 ROW to connect with Lines 1804 and 10240. The lateral extension project will involve construction activities within the existing 50-foot wide ROW, acquisition of 50 feet of new ROW to connect the lateral to the Line 1804 and 10240 ROW, two (2) new isolation valves on Lines 1804 and 10240, and a contractor/staging yard all located in Somerset County, Pennsylvania. The pro-

posed lateral extension activities are herein referred to as the "Lateral Construction Project".

In Pennsylvania, the Project, as proposed, will require impacts to 0.3416 acre of:

Laurel Run (HQ-CWF), Reason Run (WWF), Collier Run (WWF) and Zehner Run (HQ-CWF), and unnamed tributaries of Patterson Run (HQ-CWF), Big Sandy Creek (HQ-CWF), Youghiogeny River (WWF), Chub Run (WWF), Mill Run (WWF), Zehner Run (HQ-CWF), Big Shade Run (CWF), 5.05 acres of floodway, 0.8664 acre of temporary PEM wetland impacts, and 0.0292 acre of PEM and PSS permanent impacts.

PADEP published notice of its proposed state water quality certification in the *Pennsylvania Bulletin* on (April 2, 2016) (46 Pa. B. 1656) and received no comments from the public.

PADEP certifies to Applicant that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided Applicant complies with the permitting programs, criteria and conditions established pursuant to State law:

1. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to

determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Rita A. Coleman, Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Important legal rights are at stake, so you should show this document to a lawyer at once.

[Pa.B. Doc. No. 17-674. Filed for public inspection April 21, 2017, 9:00 a.m.]

Revised Designation Recommendations for the 2015 Ozone Standards

On October 1, 2015, the United States Environmental Protection Agency (EPA) promulgated revised primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone, which were published at 80 FR 65292 (October 26, 2015). The revised primary ozone NAAQS of 70 parts per billion (ppb) will provide increased protection of public health when compared to the 2008 primary

NAAQS of 75 ppb. In accordance with section 107(d)(1) of the Federal Clean Air Act (42 U.S.C.A. § 7407(d)(1)), the governor of each state was required to submit designation recommendations to the EPA within 1 year of the promulgation of the revised NAAQS.

The Commonwealth, through the Department of Environmental Protection (Department), submitted its designation recommendations to the EPA on October 3, 2016. The Commonwealth's designation recommendations for the 2015 8-hour ozone NAAQS were based on air quality monitoring data for the ozone season of 2013 through 2015, demographic information and other criteria, as recommended by the EPA in its February 25, 2016, memorandum pertaining to "Area Designations for the 2015 Revised Ozone National Ambient Air Quality Standards."

The Department submitted newly certified air quality monitoring data for 2016 to the EPA on February 28, 2017. Based on the newer air quality monitoring data, the Department recommended to the EPA that Indiana County and the seven-county Pittsburgh-Beaver Valley area, which includes Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties, be designated as attainment areas, rather than nonattainment areas, because they are now measuring attainment of the 2015 ozone NAAQS.

The other two areas recommended in 2016 to be designated as nonattainment areas still monitor nonattainment of the 2015 ozone NAAQS. For this reason, the Department did not request a change for them. Those areas are:

- Lebanon County
- The Philadelphia area, which consist of Bucks, Chester, Delaware, Montgomery and Philadelphia Counties and is part of a multistate nonattainment area.

In addition, while the Department did not recommend a change for Berks County, air quality monitoring data indicates a violation of the 2015 ozone standard. However, due to a forest fire event, the Department is preparing "exceptional events" analyses for Berks and Lebanon Counties, both of which will be submitted to the EPA shortly. If the EPA approves the exceptional events analyses, certain monitoring data will be invalidated and then Berks and Lebanon Counties will meet the 2015 ozone NAAQS and may be designated as attainment.

The Department made no additional changes to its recommendations. The Department's original and revised recommendations and supporting documentation can be viewed at <http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx>.

The Department is not requesting comment on this submittal to the EPA, but if any person has a question they may contact the Department at (717) 787-9495 or by e-mail to Kirit Dalal at kdalal@pa.gov.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 17-675. Filed for public inspection April 21, 2017, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospital has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

Facility Name

Regulation

UPMC Jameson

28 Pa. Code § 107.61 (relating to written orders)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

Facility Name	Guidelines Section	Relating to	Publication Year
Allegheny General Hospital	2.2-3.4.1.4(2)(b)	Ceilings (special design elements)	2014
Somerset Hospital	2.1-2.5	Support areas for patient care—general	2014
	2.1-2.6.10	Soiled workroom or soiled holding rooms	2014
	2.1-2.6.12	Equipment and supply storage rooms or alcoves	2014
	2.2-3.5.3.1(2)	Location (preprocedure and recovery patient care areas)	2014

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 17-676. Filed for public inspection April 21, 2017, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Belle Reve Health Care Center
404 East Harford Street
Milford, PA 18337
FAC ID # 60010200

The Summit at Blue Mountain Nursing and Rehabilitation Center
211 North 12th Street
Lehigh, PA 18235
FAC ID # 070502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 17-677. Filed for public inspection April 21, 2017, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Incentive Payments Posted for Cost Reports Ending June 30, 2016

This notice announces that the Department of Human Services (Department) made Disproportionate Share incentive payments to each qualified nursing facility with an acceptance letter mailed by the Department on or before February 8, 2017, for 12-month MA-11 Cost Reports ending June 30, 2016. Payment information was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/disproportionateshareincentivepaymentsdisproportionateshare%20Incentive%20Payments/index.htm>.

Appeals

Individuals who wish to appeal must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should also be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 8th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by regulations set forth in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time. Individuals can review these regulations online at <http://www.pacode.com/secure/data/055/chapter41/chap41toc.html>.

Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1130. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-678. Filed for public inspection April 21, 2017, 9:00 a.m.]

Payments to County Nursing Facilities; Medical Assistance Day One Incentive Payments for the First Two Quarters of Fiscal Year 2016-2017

This notice announces that the Department of Human Services (Department) made Medical Assistance Day One Incentive (MDOI) payments to each qualified county nursing facility for the first and second quarters of Fiscal Year (FY) 2016-2017.

Payment Information

The Department made county nursing facility MDOI payments for July 1, 2016, through September 30, 2016, and October 1, 2016, through December 31, 2016, quarters of FY 2016-2017.

Payment information for the county nursing facility MDOI payments was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/countymdoi/index.htm>.

Appeals

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by regulations set forth in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time. Individuals can review these regulations online at <http://www.pacode.com/secure/data/055/chapter41/chap41toc.html>.

Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1129. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-679. Filed for public inspection April 21, 2017, 9:00 a.m.]

Payments to Nonpublic Nursing Facilities; Medical Assistance Day One Incentive Payments for the Second Quarter of Fiscal Year 2016-2017

This notice announces that the Department of Human Services (Department) made Medical Assistance Day One Incentive (MDOI) payments to each qualified nonpublic nursing facility for the second quarter of Fiscal Year (FY) 2016-2017.

Payment Information

The Department made a nonpublic nursing facility MDOI payment for the October 1, 2016, through December 31, 2016, quarter of FY 2016-2017 to qualifying nonpublic nursing facilities.

Payment information for the nonpublic nursing facility MDOI payments was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/nonpublicmdoi/index.htm>.

Appeals

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by regulations set forth in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal proce-

dures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time. Individuals can review these regulations online at <http://www.pacode.com/secure/data/055/chapter41/chap41toc.html>.

Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1128. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-680. Filed for public inspection April 21, 2017, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on April 6, 2017, the following access route for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' feet maximum length—each).
5. (X) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>County</i>	<i>Length Miles</i>
PA 1024	from SR 222 to Delaware Drive	Berks	0.34

The County of Berks approved the access route within its respective jurisdiction.

Questions should be directed to George Harpster at (717) 783-6473.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 17-681. Filed for public inspection April 21, 2017, 9:00 a.m.]

State Transportation Commission Meeting

The State Transportation Commission will hold a meeting on Monday, April 24, 2017, from 10 a.m. to 11 a.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Ellen E. Sweeney, (717) 787-2913, ellsweeney@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 17-682. Filed for public inspection April 21, 2017, 9:00 a.m.]

State Transportation Innovation Council Meeting

The State Transportation Innovation Council will hold its quarterly business meeting on Wednesday, May 10, 2017, from 10 a.m. to 1 p.m. in Conference Room 112, PEMA Headquarters Building, 1310 Elmerton Avenue, Harrisburg, PA. For more information, contact Danielle Klinger-Grumbine, (717) 787-9880, dklingerg@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 17-683. Filed for public inspection April 21, 2017, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is 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 it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Reg. No.</i>	<i>Agency/Title</i>
16A-4324	State Board of Chiropractic Radiological Procedures Examination

<i>Received</i>
4/11/17

<i>Public Meeting</i>
5/18/17

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 17-684. Filed for public inspection April 21, 2017, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for Plan Approval of a Mutual-to-Stock Conversion and Subsequent Acquisition of Control of Saucon Mutual Insurance Company; Reopening of Public Comment Period to Review Amended Filing

The Insurance Department (Department) published notice of receipt of the application of Saucon Mutual Insurance Company (Saucon) at 44 Pa.B. 5948 (September 13, 2014) requesting approval of a Plan of Conversion which provided for conversion from a mutual property insurance company to a stock property insurance company. The notice also advised of the receipt of a request from Saucon Holding Company, a Pennsylvania domiciled stock corporation, for approval to acquire control of all of the capital stock of Saucon upon consummation of the previously-referenced conversion. Included within the request of Saucon Holding Company was the identity of three individuals anticipated to hold a controlling interest in Saucon Holding Company upon completion of the conversion and acquisition.

The notice published at 44 Pa.B. 5948 afforded persons the opportunity to provide written comments on the filing to the Department for a period that expired on October 28, 2014. At the conclusion of a public informational hearing held by the Department on September 1, 2015, the Department announced that once the transcript is made available and after all questions and responses are compiled, the Department would reopen the matter for public comment for an additional 15-day period of time. On September 11, 2015, the Department posted on its web site the hearing transcript and Saucon's letter responding to the hearing commentary. Because of technical difficulties relating to the Department's web site migration, the Department extended the comment period until November 2, 2015.

On April 3, 2017, the Department received amended documents to the proposed conversion and corresponding change of control of Saucon (Amended Filing). The Amended Filing is currently available on the Department's web site at www.insurance.pa.gov. After first scheduling an appointment, consumers may also view the amended documents at the Department's Harrisburg office, (717) 787-0877.

The purpose of this notice is to reopen the public comment period to afford the public the opportunity to comment on the Amended Filing. Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement on the Amended Filing to the Department. The public comment period will remain open for an indefinite period of time to afford persons ample opportunity to provide written comments on the Amended Filing to the Department. A subsequent notice will appear in the *Pennsylvania Bulletin* to announce the closing of the public comment period. Written statements must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

Comments received will be part of the public record regarding the filing and will be made available on the Department's web site. Additionally, copies of the comments received will be forwarded to the applicant for appropriate response. The applicant's responses will also be made available on the Department's web site.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-685. Filed for public inspection April 21, 2017, 9:00 a.m.]

Extension of Comment Period for Review of Matters Regarding Highmark, Inc., Highmark Health and Allegheny Health Network in Connection with the Insurance Department's Approving Determination and Order Issued on April 29, 2013; Notice 2017-05

The Insurance Department (Department) published Notice 2017-04 at 47 Pa.B. 2161 (April 8, 2017) requesting public comment on a filing made by Highmark Health (Highmark) on March 27, 2017. In Notice 2017-04, the Department indicated that written comments would be accepted until April 24, 2017. The comment period is extended until May 8, 2017.

Persons wishing to comment on the filing, on the grounds of public or private interest, are invited to submit a written statement to the Department on or before May 8, 2017. Each written statement must include the name, address and telephone number of the interested party; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Joseph DiMemmo, Deputy Insurance Commissioner, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, ra-in-comment@pa.gov.

Comments received will be part of the public record regarding this filing, which will be made available on the Department's web site at www.insurance.pa.gov. Additionally, copies of the comments received will be forwarded to Highmark for appropriate response. Highmark's responses will also be made available on the Department's web site.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-686. Filed for public inspection April 21, 2017, 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; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Hearing Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Bernice M. Baker; File No. 17-198-208789; Farmers Mutual Fire Insurance Company of Marble, PA; Doc. No. P17-04-001; May 17, 2017, 11 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-687. Filed for public inspection April 21, 2017, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Service Plan; Prehearing Conference

P-2017-2596815 and P-2017-2596838. Citizens' Electric Company of Lewisburg, PA and Wellsboro Electric Company. Joint petition of Citizens' Electric Company of Lewisburg, PA and Wellsboro Electric Company for approval of a default service plan for the period June 1, 2018 through May 31, 2021.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 30, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the petitioner and a copy provided to the Administrative Law Judge. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

Applicants: Citizens' Electric Company of Lewisburg, PA; Wellsboro Electric Company

Through and By Counsel: Pamela C. Polacek, Esquire, McNees, Wallace & Nurick, LLC, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108-1166

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Monday, May 15, 2017

Time: 2 p.m.

Location: Hearing Room 2
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge Joel Cheskis
Administrative Law Judge Benjamin Myers
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-1399
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearing, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

Scheduling Office: (717) 787-1399

Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-688. Filed for public inspection April 21, 2017, 9:00 a.m.]

Energy Efficiency and Conservation Program

Public Meeting held
April 6, 2017

Commissioners Present: Gladys M. Brown, Chairperson, statement follows; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

*Energy Efficiency and Conservation Program;
M-2012-2289411*

Compliance Order

By the Commission:

The Commission has been charged by the Pennsylvania General Assembly (General Assembly) with establishing an energy efficiency and conservation program (EE&C Program). The EE&C Program requires each electric distribution company (EDC) with at least 100,000 customers to adopt a plan to reduce energy demand and

consumption within its service territory.¹ 66 Pa.C.S. § 2806.1. On August 2, 2012, the Commission adopted an Implementation Order at Docket No. M-2012-2289411 establishing the standards each plan must meet and providing guidance on the procedures to be followed for submittal, review and approval of all aspects of the EDCs' Energy Efficiency and Conservation plans (EE&C plans). See Energy Efficiency and Conservation Program, Implementation Order at Docket No. M-2012-2289411, entered August 3, 2012 (Phase II Implementation Order).

The Commission was also charged with the responsibility to evaluate the costs and benefits of the Energy Efficiency and Conservation (EE&C) Program by November 30, 2013, and every five years thereafter. 66 Pa.C.S. § 2806.1(c)(3). The Commission must adopt additional incremental reductions in consumption if the benefits of the EE&C Program exceed its costs. Id. With the Phase II Implementation Order, the Commission adopted additional incremental reductions in consumption that each EDC was required to meet by May 31, 2016.

Beginning five years following the effective date of the Act, and annually thereafter, the Commission is required to submit a report to the Consumer Protection and Professional Licensure Committee of the Senate and the Consumer Affairs Committee of the House of Representatives. 66 Pa.C.S. § 2806.1(i)(2). The Commission believes the intent of this report is to provide information regarding the programs offered by the EDCs, an overview of the Commission's Statewide Evaluator's (SWE) activities,² and information regarding EDCs' compliance with the mandates. To meet this requirement, the Commission directed the SWE to provide a comprehensive Phase II Final Annual Report, to be filed in lieu of a program year 7 (PY7) annual report. In addition to outlining its audit activities and findings for PY7, the SWE was to review the EDCs' PY7 Final Annual Reports³ and its own auditing information to determine whether or not the consumption reductions reported by the EDCs were accurate. With this Order, the Commission releases the SWE's Phase II Final Annual Report.

The Commission must also determine whether the EDCs are in compliance with the targets adopted by the Commission in the Phase II Implementation Order in accordance with 66 Pa.C.S. §§ 2806.1(b), (c) and (d).⁴ With this Order, the Commission assesses the EDCs' compliance with these targets. Specifically, the Commission initially determines that Duquesne Light Company (Duquesne), Metropolitan Edison Company (Met-Ed), PECO Energy Company (PECO), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), PPL Electric Utilities (PPL), and West Penn Power Company (West Penn) are in compliance with the May 31, 2016 electric consumption reduction requirements as outlined in the table below:⁵

¹ The EDCs subject to the EE&C Program provisions are Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, PPL Electric Utilities Corporation and West Penn Power Company.

² GDS Associates, et al.

³ The EDCs' PY7 Final Annual Reports are available at http://www.puc.pa.gov/filing_resources/issues_laws_regulations/act_129_information/electric_distribution_company_act_129_reporting_requirements.aspx.

⁴ Because the Commission did not have information on the cost-effectiveness of the EDC's Phase I demand response programs at the time of the Phase II Implementation Order, the Commission do not have the information needed to definitively determine if the Phase I or another peak demand reduction program design was cost-effective, at that time. Accordingly, the Commission did not set peak demand reduction targets for the Phase II EE&C program period. See Phase II Implementation Order at 32-45.

⁵ See Phase II Implementation Order at 24-26.

<i>EDC</i>	<i>Three-Year Program Acquisition Cost (\$/MWh)</i>	<i>Three-Year % of 2009/10 Forecast Reductions</i>	<i>Three-Year MWh Value of 2009/10 Forecast Reductions</i>
Duquesne	\$211.90	2.0	276,722
Met-Ed	\$220.87	2.3	337,753
Penelec	\$216.19	2.2	318,813
Penn Power	\$209.20	2.0	95,502
PPL	\$224.71	2.1	821,072
PECO	\$227.55	2.9	1,125,851
West Penn	\$209.42	1.6	337,533

Furthermore, the Commission initially determines that Duquesne, Met-Ed, PECO, Penelec, Penn Power, PPL and West Penn were in compliance with the May 31, 2016 requirement to obtain a minimum of ten percent (10%) of all consumption reduction requirements from government/educational/nonprofit institutions.⁶ Finally, the Commission initially determines that Duquesne, Met-Ed, PECO, Penelec, Penn Power, PPL and West Penn were in compliance with the May 31, 2016 requirement to obtain a minimum of four-and-one-half percent (4.5%) of their total consumption reduction requirements from the low-income sector, as well as, the requirement to include specific energy efficiency measures for households at or below 150% of the Federal poverty income guidelines in proportion to those households' share of the total energy usage in the EDCs' service territories.⁷

Background and History of this Proceeding

Act 129 of 2008 (the Act or Act 129) was signed into law on October 15, 2008, and became effective on November 14, 2008. Among other things, the Act created an EE&C Program, codified in the Pennsylvania Public Utility Code at Sections 2806.1 and 2806.2, 66 Pa.C.S. §§ 2806.1 and 2806.2. This initial program required an EDC with at least 100,000 customers to adopt an EE&C plan, approved by the Commission, to reduce electric consumption by May 31, 2011 and May 31, 2013. See, 66 Pa.C.S. § 2806.1(c). Also, by May 31, 2013, peak demand was to be reduced by a minimum of 4.5% of the EDCs' annual system peak demand in the 100 hours of highest demand. See, 66 Pa.C.S. § 2806.1(d).

The Act requires the Commission to evaluate the costs and benefits of the EE&C Program and of the approved EE&C plans by November 30, 2013, and at least every five years thereafter. This evaluation is to be consistent with the total resource cost (TRC) test or a cost-benefit analysis determined by the Commission. As stated in the Act, "[i]f the Commission determines that the benefits of the Program exceed the costs, the Commission shall adopt additional required incremental reductions in consumption" to be met by the large EDCs. See 66 Pa.C.S. § 2806.1(c)(3). Also, the Commission interpreted subsection 2806.1(d)(2) of Act 129, 66 Pa.C.S. § 2806.1(d)(2), as requiring the Commission to prescribe specific peak demand reduction targets for subsequent phases of Act 129, if the demand response program is proven to be cost-effective.

The Statewide Evaluator (SWE) conducted Pennsylvania specific residential, commercial and industrial baseline saturation studies and prepared a Market Potential

Study for the Commission that recommended EDC-specific energy efficiency reduction targets. For Phase II, the Commission established a three-year length of program. The primary reason was to give the Commission time to evaluate the current and potential future peak demand reduction program design and assess the potential for demand response savings in a potential Phase III EE&C program. The Commission adopted the SWE recommended EDC-specific consumption reduction requirements for Phase II. Because the Commission did not receive information on the cost-effectiveness of the EDC's Phase I demand response programs until the end of 2012, the Commission could not definitively determine if the Phase I or another peak demand reduction program design was cost-effective. As such, the Commission did not set any peak demand reduction targets for the Phase II EE&C program period.⁸

If an EDC fails to achieve these reductions in electric consumption or in peak demand, that EDC shall be subject to a civil penalty of not less than \$1,000,000 and not greater than \$20,000,000. Such penalties may not be recovered from ratepayers. See, 66 Pa.C.S. § 2806.1(f)(2).

Act 129 also required the EDCs to file with the Commission annual reports relating to the results of their EE&C Plans for that program year. 66 Pa.C.S. § 2806.1(i)(1). These reports were to document the effectiveness of the EDCs' EE&C plans, the measurement and verification of energy savings, the evaluation of the cost-effectiveness of expenditures and any other information required by the Commission. For Phase II, EDCs were to submit two Act 129 annual reports per program year. The first annual report, due July 15, was to be a preliminary report providing each EDC's reported savings for its EE&C portfolio for that program year. The second annual report, due November 15, was to be a final annual report providing verified savings for the EDC's EE&C portfolio for that program year, the cost-effectiveness evaluation (TRC test), the process evaluation, as well as items required by Act 129 and Commission Orders. In addition to the annual reports, the EDCs are to file quarterly reports for the first three quarters of each reporting year, due 45 calendar days from the end of the respective quarter; fourth quarter reporting information is to be included in the preliminary annual report.⁹

Additionally, the SWE is required to provide annual reports which provide the results of its independent evaluations of the EDCs' programs. The SWE's PY7 annual report provides an overview of the entirety of Phase II. This Phase II Final Annual Report provides the SWE's analysis of whether or not it agrees with the

⁶ See Phase II Implementation Order at 45-51.

⁷ See Phase II Implementation Order at 53-58.

⁸ See Phase II Implementation Order at 11-43.

⁹ See Phase II Implementation Order at 78.

EDCs' reported compliance consumption reduction and peak demand reduction information. This report will also provide the Commission with a report to submit to the Consumer Protection and Professional Licensure Committee of the Senate and the Consumer Affairs Committee of the House of Representatives in accordance with Section 2806.1(i)(2) of the Act, 66 Pa.C.S. § 2806.1(i)(2).

Discussion

A. Compliance

The Commission has reviewed the results provided by all of the EDCs' in their Final Annual Reports and the SWE's Phase II Final Annual Report. Based on this review, we have outlined below our initial determinations of EDC compliance with the energy consumption reduction targets. We have also outlined the EDCs' performance with regard to their government/educational/non-profit and low-income EE&C Plan requirements. The compliance determinations outlined below are initial determinations that will become final unless a Petition is filed in accordance with 52 Pa. Code § 5.41 challenging the initial determination for a particular EDC within 20 days of the entry of this Order.

1. May 31, 2016—Electric Consumption Reduction Requirement

As outlined in the previous table, the three-year electric consumption reduction requirements varied by EDC and were based on a specific mix of program potential, acquisition costs and funding availability under the 2% of revenue annual spending cap. In addition, the Commission allowed EDCs that achieved their Phase I three percent target before the end of Phase I to continue their programs and credit all of those savings above the three percent reduction target towards Phase II reduction targets. In other words, the Commission allowed the EDCs to "carry over" into Phase II the Phase I verified energy savings that exceeded the Phase I compliance target. The Commission's determination of compliance with the May 31, 2016, portfolio-level electric consumption reduction requirement for each EDC follows.

a. Duquesne

Duquesne was required to reduce, by May 31, 2016, electric consumption in its service territory by 276,722 megawatt-hours (MWh).¹⁰ Duquesne reports, in its PY7 Final Annual Report, that when using the savings methodologies outlined in the Technical Reference Manual (TRM),¹¹ it attained a reduction of 510,965 MWh in electric consumption as of May 31, 2016, including carryover savings from Phase I.¹² In its Phase II Final Annual Report, the SWE validates Duquesne's reported TRM-verified savings of 510,965 MWh and notes that this amounts to 185% of Duquesne's electric consumption reduction requirement.¹³ The Commission agrees with the TRM-verified savings reported by Duquesne and confirmed by the SWE and initially deems Duquesne to be in compliance with the May 31, 2016, electric consumption reduction requirement.

b. Met-Ed

Met-Ed was required to reduce, by May 31, 2016, electric consumption in its service territory by 337,753

MWh.¹⁴ Met-Ed reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 415,422 MWh in electric consumption as of May 31, 2016, including carryover savings from Phase I.¹⁵ In its Phase II Final Annual Report, the SWE validates Met-Ed's reported TRM-verified savings of 415,422 MWh and notes that this amounts to 123% of Met-Ed's electric consumption reduction requirement.¹⁶ The Commission agrees with the TRM-verified savings reported by Met-Ed and confirmed by the SWE and initially deems Met-Ed to be in compliance with the May 31, 2016, electric consumption reduction requirement.

c. PECO

PECO was required to reduce, by May 31, 2016, electric consumption in its service territory by 1,125,851 MWh.¹⁷ PECO reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 1,333,298 MWh in electric consumption as of May 31, 2016, including carryover savings from Phase I.¹⁸ In its Phase II Final Annual Report, the SWE validates PECO's reported TRM-verified savings of 1,333,298 MWh and notes that this amounts to 118% of PECO's electric consumption reduction requirement.¹⁹ The Commission agrees with the TRM-verified savings reported by PECO and confirmed by the SWE and initially deems PECO to be in compliance with the May 31, 2016, electric consumption reduction requirement.

d. Penelec

Penelec was required to reduce, by May 31, 2016, electric consumption in its service territory by 318,813 MWh.²⁰ Penelec reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 395,313 MWh in electric consumption as of May 31, 2016, including carryover savings from Phase I.²¹ In its Phase II Final Annual Report, the SWE validates Penelec's reported TRM-verified savings of 395,313 MWh and notes that this amounts to 124% of Penelec's electric consumption reduction requirement.²² The Commission agrees with the TRM-verified savings reported by Penelec and confirmed by the SWE and initially deems Penelec to be in compliance with the May 31, 2016, electric consumption reduction requirement.

e. Penn Power

Penn Power was required to reduce, by May 31, 2016, electric consumption in its service territory by 95,502 MWh.²³ Penn Power reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 131,948 MWh, in electric consumption as of May 31, 2016, including carryover savings from Phase I.²⁴ In its Phase II Final Annual Report, the SWE validates with Penn Power's reported TRM-verified savings of 131,948 MWh

¹⁴ See Phase II Targets Order at 24.

¹⁵ See Final Annual Report to the Pennsylvania Public Utility Commission: For the period June 1, 2015 to May 31, 2016, at Docket No. M-2012-2334387, (Met-Ed PY7 Annual Report), at 1, prepared by ADM Associates, TeraTech MA, and Met-Ed, filed November 15, 2016.

¹⁶ See Table 2-3: Phase II Compliance Summary by EDC of the SWE Final Report.

¹⁷ See Phase II Targets Order at 24.

¹⁸ See Final Annual Report to the Pennsylvania Public Utility Commission: For the period June 1, 2015 to May 31, 2016, at Docket No. M-2012-2333992, (PECO PY7 Annual Report), at 1, prepared by Navigant Consulting, Inc. for PECO Energy Company, filed November 15, 2016.

¹⁹ See Table 2-3: Phase II Compliance Summary by EDC of the SWE Final Report.

²⁰ See Phase II Targets Order at 24.

²¹ See Annual Report to the Pennsylvania Public Utility Commission: For the period June 1, 2015 to May 31, 2016, at Docket No. M-2012-2334392, (Penelec PY7 Final Annual Report), at 1, prepared by ADM Associates, TeraTech MA, and Penelec, filed November 15, 2016.

²² See Table 2-3: Phase II Compliance Summary by EDC of the SWE Final Report.

²³ See Phase II Targets Order at 24.

²⁴ See Annual Report to the Pennsylvania Public Utility Commission: For the period June 1, 2015 to May 31, 2016, at Docket No. M-2012-2334395, (Penn Power PY7 Final Annual Report), at 1, prepared by ADM Associates, TeraTech MA, and Penn Power, filed November 15, 2016.

¹⁰ See Energy Consumption Reduction Targets Order, at Docket No. M-2012-2289411, (Phase II Targets Order), at 24, entered August 2, 2012.

¹¹ Hereafter referred to as "TRM-verified savings."

¹² See Final Annual Report to the Pennsylvania Public Utility Commission: For the period June 1, 2015 to May 31, 2016, at Docket No. M-2012-2334399, (Duquesne PY7 Annual Report), at 1, prepared by Navigant Consulting, Inc. for Duquesne Light Company, filed November 16, 2016.

¹³ See Table 2-3: Phase II Compliance Summary by EDC of the SWE Final Report.

and notes that this amounts to 138% of Penn Power's electric consumption reduction requirement.²⁵ The Commission agrees with the TRM-verified savings reported by Penn Power and confirmed by the SWE and initially deems Penn Power to be in compliance with the May 31, 2016, electric consumption reduction requirement.

f. PPL

PPL was required to reduce, by May 31, 2016, electric consumption in its service territory by 821,072 MWh.²⁶ PPL reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 1,194,372 MWh in electric consumption as of May 31, 2016, including carryover savings from Phase I.²⁷ In its Phase II Final Annual Report, the SWE validates PPL's reported TRM-verified savings of 1,194,372 MWh and notes that this amounts to 146% of PPL's electric consumption reduction requirement.²⁸ The Commission agrees with the TRM-verified savings reported by PPL and confirmed by the SWE and initially deems PPL to be in compliance with the May 31, 2016, electric consumption reduction requirement.

g. West Penn

West Penn was required to reduce, by May 31, 2016, electric consumption in its service territory by 337,533 MWh.²⁹ West Penn reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 418,002 MWh in electric consumption as of May 31, 2016, including carryover savings from Phase I.³⁰ In its Phase II Final Annual Report, the SWE validates West Penn's reported TRM-verified savings of 418,002 MWh and notes that this amounts to 124% of West Penn's electric consumption reduction requirement.³¹ The Commission agrees with the TRM-verified savings reported by West Penn and confirmed by the SWE and initially deems West Penn to be in compliance with the May 31, 2016, electric consumption reduction requirement.

2. Government/Educational/Non-Profit Carve-Out

For Phase I, Act 129 required the EDCs submit EE&C Plans that provide a minimum of 10% of the required reductions in consumption and peak demand be obtained from units of Federal, State and local government, including municipalities, school districts, institutions of higher education and nonprofit entities (G/E/NP). 66 Pa.C.S. § 2806.1(b)(1)(i)(B). For Phase II, the Commission again required the EDCs to obtain a minimum of 10% of all consumption reduction requirements from the federal, state and local governments, including municipalities, school districts, institutions of higher education and nonprofit entities.³² The Commission's initial determination of compliance with the G/E/NP consumption reduction carve-out for each EDC follows.

a. Duquesne

Duquesne was required to obtain 27,672 MWh of its total electric consumption reduction from the G/E/NP sector in its service territory.³³ Duquesne reports, in its PY7 Final Annual Report, it attained a TRM-verified

reduction of 29,857 MWh from the G/E/NP sector, including carryover savings from Phase I.³⁴ In its Phase II Final Annual Report, the SWE validates Duquesne's reported TRM-verified savings of 29,857 MWh and notes that this amounts to 108% of Duquesne's G/E/NP consumption reduction requirement.³⁵ The Commission agrees with the TRM-verified savings from the G/E/NP sector reported by Duquesne and confirmed by the SWE and initially deems Duquesne to be in compliance with the G/E/NP consumption reduction requirement.

b. Met-Ed

Met-Ed was required to obtain 33,775 MWh of its total electric consumption reduction from the G/E/NP sector in its service territory.³⁶ Met-Ed reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 40,087 MWh from the G/E/NP sector, including carryover savings from Phase I.³⁷ In its Phase II Final Annual Report, the SWE validates Met-Ed's reported TRM-verified savings of 40,087 MWh and notes that this amounts to 119% of Met-Ed's G/E/NP consumption reduction requirement.³⁸ The Commission agrees with the TRM-verified savings from the G/E/NP sector reported by Met-Ed and confirmed by the SWE and initially deems Met-Ed to be in compliance with the G/E/NP consumption reduction requirement.

c. PECO

PECO was required to obtain 112,585 MWh of its total electric consumption reduction from the G/E/NP sector in its service territory.³⁹ PECO reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 305,946 MWh from the G/E/NP sector, including carryover savings from Phase I.⁴⁰ In its Phase II Final Annual Report, the SWE validates PECO's reported TRM-verified savings of 305,946 MWh and notes that this amounts to 272% of PECO's G/E/NP consumption reduction requirement.⁴¹ The Commission agrees with the TRM-verified savings from the G/E/NP sector reported by PECO and confirmed by the SWE and initially deems PECO to be in compliance with the G/E/NP consumption reduction requirement.

d. Penelec

Penelec was required to obtain 31,881 MWh of its total electric consumption reduction from the G/E/NP sector in its service territory.⁴² Penelec reports, in its PY7 Final Annual Report, it attained a TRM-verified savings value of 42,685 MWh from the G/E/NP sector, including carryover savings from Phase I.⁴³ In its Phase II Final Annual Report, the SWE validates Penelec's reported TRM-verified savings of 42,685 MWh and notes that this amounts to 134% of Penelec's G/E/NP consumption reduction requirement.⁴⁴ The Commission agrees with the TRM-verified savings from the G/E/NP sector reported by Penelec and confirmed by the SWE and initially deems Penelec to be in compliance with the G/E/NP consumption reduction requirement.

³⁴ See Duquesne PY7 Final Annual Report at 5.

³⁵ See Table 2-5: GNI Carve-Out Goal Performance, Summary by EDC, of the SWE Final Report.

³⁶ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

³⁷ See Met-Ed PY7 Final Annual Report at 4.

³⁸ See Table 2-5: GNI Carve-Out Goal Performance, Summary by EDC, of the SWE Final Report.

³⁹ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁴⁰ See PECO PY7 Final Annual Report at 4.

⁴¹ See Table 2-5: GNI Carve-Out Goal Performance, Summary by EDC, of the SWE Final Report.

⁴² See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁴³ See Penelec PY7 Final Annual Report at 4.

⁴⁴ See Table 2-5: GNI Carve-Out Goal Performance, Summary by EDC, of the SWE Final Report.

²⁵ See Table 2-3: Phase II Compliance Summary by EDC of the SWE Final Report.

²⁶ See Phase II Targets Order at 24.

²⁷ See Annual Report to the Pennsylvania Public Utility Commission: For the period June 1, 2015 to May 31, 2016, at Docket No. M-2012-2334388, (PPL PY7 Final Annual Report), at 5, prepared by Cadmus Group, Inc., filed November 15, 2016.

²⁸ See Table 2-3: Phase II Compliance Summary by EDC of the SWE Final Report.

²⁹ See Phase II Targets Order at 24.

³⁰ See Annual Report to the Pennsylvania Public Utility Commission: For the period June 1, 2015 to May 31, 2016, at Docket No. M-2012-2334388, (West Penn PY7 Final Annual Report), at 1, prepared by ADM Associates, TeraTech MA, and West Penn, filed November 15, 2016.

³¹ See Table 2-3: Phase II Compliance Summary by EDC of the SWE Final Report.

³² See Phase II Implementation Order at 45.

³³ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

e. *Penn Power*

Penn Power was required to obtain 9,550 MWh of its total electric consumption reduction from the G/E/NP sector in its service territory.⁴⁵ Penn Power reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 17,124 MWh from the G/E/NP sector, including carryover savings from Phase I.⁴⁶ In its Phase II Final Annual Report, the SWE validates Penn Power's reported TRM-verified savings of 17,124 MWh and notes that this amounts to 179% of Penn Power's G/E/NP consumption reduction requirement.⁴⁷ The Commission agrees with the TRM-verified savings from the G/E/NP sector reported by Penn Power and confirmed by the SWE and initially deems Penn Power to be in compliance with the G/E/NP consumption reduction requirement.

f. *PPL*

PPL was required to obtain 82,107 MWh of its total electric consumption reduction from the G/E/NP sector in its service territory.⁴⁸ PPL reports, in its PY7 Final Annual Report, it attained a TRM-verified savings value of 185,391 MWh from the G/E/NP sector, including carryover savings from Phase I.⁴⁹ In its Phase II Final Annual Report, the SWE validates PPL's reported TRM-verified savings of 185,391 MWh and notes that this amounts to 226% of PPL's G/E/NP consumption reduction requirement.⁵⁰ The Commission agrees with the TRM-verified savings from the G/E/NP sector reported by PPL and confirmed by the SWE and initially deems PPL to be in compliance with the G/E/NP consumption reduction requirement.

g. *West Penn*

West Penn was required to obtain 33,753 MWh of its total electric consumption reduction from the G/E/NP sector in its service territory.⁵¹ West Penn reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 93,655 MWh from the G/E/NP sector.⁵² In its Phase II Final Annual Report, the SWE validates West Penn's reported TRM-verified savings of 93,655 MWh and notes that this amounts to 277% of West Penn's G/E/NP consumption reduction requirement.⁵³ The Commission agrees with the TRM-verified savings from the G/E/NP sector reported by West Penn and confirmed by the SWE and initially deems West Penn to be in compliance with the G/E/NP consumption reduction requirement.

4. *Low-Income Carve-Out—Number of Measures*

Act 129 proscribed that, in Phase I, each EDC EE&C Plan must include specific energy efficiency measures for households at or below 150% of the federal poverty income guidelines (FPIG), in proportion to that sector's share of the total energy usage in the EDC's service territory. See 66 Pa.C.S. § 2806.1(b)(1)(i)(G). For Phase II, the Commission continues this prescription.⁵⁴ The Commission's tentative determination of compliance with the low-income measure proportion requirement for each EDC follows.

⁴⁵ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁴⁶ See Penn Power PY7 Final Annual Report at 4.

⁴⁷ See Table 2-5: GNI Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

⁴⁸ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁴⁹ See PPL PY7 Final Annual Report at 10.

⁵⁰ See Table 2-5: GNI Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

⁵¹ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁵² See West Penn PY7 Final Annual Report at 4.

⁵³ See Table 2-5: GNI Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

⁵⁴ See Phase II Implementation Order at 53-58.

a. *Duquesne*

Duquesne was required to offer 8.402% of its measures to the low-income sector.⁵⁵ Duquesne reports, in its PY7 Final Annual Report, that out of 97 measures offered across all sectors, 14 were offered to low-income customers. Duquesne states that this represented 14% of its measures.⁵⁶ In its Phase II Final Annual Report, the SWE validates Duquesne's reported proportion of measures offered to low-income customers.⁵⁷ The Commission agrees with the proportion of low-income offerings reported by Duquesne and confirmed by the SWE and initially deems Duquesne to be in compliance with the low-income measure proportion requirement.

b. *Met-Ed*

Met-Ed was required to offer 8.787% of its measures to the low-income sector.⁵⁸ Met-Ed reports, in its PY7 Final Annual Report, that out of 40 measures offered across all sectors, six were offered to low-income customers. Met-Ed states that this represented 15% of its measures.⁵⁹ In its Phase II Final Annual Report, the SWE validates Met-Ed's reported proportion of measures offered to low-income customers.⁶⁰ The Commission agrees with the proportion of low-income offerings reported by Met-Ed and confirmed by the SWE and initially deems Met-Ed to be in compliance with the low-income measure proportion requirement.

c. *PECO*

PECO was required to offer 8.799% of its measures to the low-income sector.⁶¹ PECO reports, in its PY7 Final Annual Report, that out of 112 measures offered across all sectors, 19 were offered to low-income customers. PECO states that this represented 17% of its measures.⁶² In its Phase II Final Annual Report, the SWE validates PECO's reported proportion of measures offered to low-income customers.⁶³ The Commission agrees with the proportion of low-income offerings reported by PECO and confirmed by the SWE and initially deems PECO to be in compliance with the low-income measure proportion requirement.

d. *Penelec*

Penelec was required to offer 10.231% of its measures to the low-income sector.⁶⁴ Penelec reports, in its PY7 Final Annual Report, that out of 40 measures offered across all sectors, six were offered to low-income customers. Penelec states that this represented 15% of its measures.⁶⁵ In its Phase II Final Annual Report, the SWE validates Penelec's reported proportion of measures offered to low-income customers.⁶⁶ The Commission agrees with the proportion of low-income offerings reported by Penelec and confirmed by the SWE and initially

⁵⁵ See Report of the Act 129 Low-Income Working Group at Docket No. M-2009-2146801, Table 1, at 6, that was adopted by the Commission in an April 27, 2010, Secretarial Letter at the same Docket.

⁵⁶ See Duquesne PY7 Final Annual Report at 4.

⁵⁷ See Table 2-6: EDC Achievement of Act 129 Low-Income Requirements in PY7 of the SWE Final Report.

⁵⁸ See Report of the Act 129 Low-Income Working Group at Docket No. M-2009-2146801, Table 1, at 6, that was adopted by the Commission in an April 27, 2010, Secretarial Letter at the same Docket.

⁵⁹ See Met-Ed PY7 Final Annual Report at 4.

⁶⁰ See Table 2-6: EDC Achievement of Act 129 Low-Income Requirements in PY7 of the SWE Final Report.

⁶¹ See Report of the Act 129 Low-Income Working Group at Docket No. M-2009-2146801, Table 1, at 6, that was adopted by the Commission in an April 27, 2010, Secretarial Letter at the same Docket.

⁶² See PECO PY7 Final Annual Report at 5.

⁶³ See Table 2-6: EDC Achievement of Act 129 Low-Income Requirements in PY7 of the SWE Final Report.

⁶⁴ See Report of the Act 129 Low-Income Working Group at Docket No. M-2009-2146801, Table 1, at 6, that was adopted by the Commission in an April 27, 2010, Secretarial Letter at the same Docket.

⁶⁵ See Penelec PY7 Final Annual Report at 4.

⁶⁶ See Table 2-6: EDC Achievement of Act 129 Low-Income Requirements in PY7 of the SWE Final Report.

deems Penelec to be in compliance with the low-income measure proportion requirement.

e. *Penn Power*

Penn Power was required to offer 10.639% of its measures to the low-income sector.⁶⁷ Penn Power reports, in its PY7 Final Annual Report, that out of 40 measures offered across all sectors, six were offered to low-income customers. Penn Power states that this represented 15% of its measures.⁶⁸ In its Phase II Final Annual Report, the SWE validates Penn Power's reported proportion of measures offered to low-income customers.⁶⁹ The Commission agrees with the proportion of low-income offerings reported by Penn Power and confirmed by the SWE and initially deems Penn Power to be in compliance with the low-income measure proportion requirement.

f. *PPL*

PPL was required to offer 9.950% of its measures to the low-income sector.⁷⁰ PPL reports, in its PY7 Final Annual Report, that out of 134 measures offered across all sectors, 62 were offered to low-income customers. PPL states that this represented 46% of its measures.⁷¹ In its Phase II Final Annual Report, the SWE validates PPL's reported proportion of measures offered to low-income customers.⁷² The Commission agrees with the proportion of low-income offerings reported by PPL and confirmed by the SWE and initially deems PPL to be in compliance with the low-income measure proportion requirement.

g. *West Penn*

West Penn was required to offer 8.794% of its measures to the low-income sector.⁷³ West Penn reports, in its PY7 Final Annual Report, that out of 40 measures offered across all sectors, six were offered to low-income customers. West Penn states that this represented 15% of its measures.⁷⁴ In its Phase II Final Annual Report, the SWE validates West Penn's reported proportion of measures offered to low-income customers.⁷⁵ The Commission agrees with the proportion of low-income offerings reported by West Penn and confirmed by the SWE and initially deems West Penn to be in compliance with the low-income measure proportion requirement.

5. Low-Income Carve-Out—Consumption Reduction Requirement

In addition to the low-income number of measures requirement, the Commission requires that each EDC obtains a minimum of four-and-a-half percent (4.5%) of its consumption reduction requirements from the low-income sector.⁷⁶ The Commission's initial determination of compliance with the low-income consumption reduction carve-out for each EDC follows.

a. *Duquesne*

Duquesne was required to obtain 12,452 MWh of its total electric consumption reduction from the low-income

sector in its service territory.⁷⁷ Duquesne reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 23,173 MWh from the low-income sector.⁷⁸ In its Phase II Final Annual Report, the SWE validates Duquesne's reported TRM-verified savings of 23,173 MWh and notes that this amounts to 186% of Duquesne's low-income consumption reduction requirement.⁷⁹ The Commission agrees with the TRM-verified savings from the low-income sector reported by Duquesne and confirmed by the SWE and initially deems Duquesne to be in compliance with the low-income consumption reduction requirement.

b. *Met-Ed*

Met-Ed was required to obtain 15,199 MWh of its total electric consumption reduction from the low-income sector in its service territory.⁸⁰ Met-Ed reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 45,839 MWh from the low-income sector.⁸¹ In its Phase II Final Annual Report, the SWE validates Met-Ed's reported TRM-verified savings of 45,839 MWh and notes that this amounts to 302% of Met-Ed's low-income consumption reduction requirement.⁸² The Commission agrees with the TRM-verified savings from the low-income sector reported by Met-Ed and confirmed by the SWE and initially deems Met-Ed to be in compliance with the low-income consumption reduction requirement.

c. *PECO*

PECO was required to obtain 50,663 MWh of its total electric consumption reduction from the low-income sector in its service territory.⁸³ PECO reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 91,673 MWh from the low-income sector.⁸⁴ In its Phase II Final Annual Report, the SWE validates PECO's reported TRM-verified savings of 91,673 MWh and notes that this amounts to 181% of PECO's low-income consumption reduction requirement.⁸⁵ The Commission agrees with the TRM-verified savings from the low-income sector reported by PECO and confirmed by the SWE and initially deems PECO to be in compliance with the low-income consumption reduction requirement.

d. *Penelec*

Penelec was required to obtain 14,347 MWh of its total electric consumption reduction from the low-income sector in its service territory.⁸⁶ Penelec reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 55,255 MWh from the low-income sector.⁸⁷ In its Phase II Final Annual Report, the SWE validates Penelec's reported TRM-verified savings of 55,255 MWh and notes that this amounts to 385% of Penelec's low-income consumption reduction requirement.⁸⁸ The Commission agrees with the TRM-verified savings from the low-income sector reported by Penelec and confirmed by the

⁶⁷ See Report of the Act 129 Low-Income Working Group at Docket No. M-2009-2146801, Table 1, at 6, that was adopted by the Commission in an April 27, 2010, Secretarial Letter at the same Docket.

⁶⁸ See Penn Power PY7 Final Annual Report at 4.

⁶⁹ See Table 2-6: EDC Achievement of Act 129 Low-Income Requirements in PY7 of the SWE Final Report.

⁷⁰ See Report of the Act 129 Low-Income Working Group at Docket No. M-2009-2146801, Table 1, at 6, that was adopted by the Commission in an April 27, 2010, Secretarial Letter at the same Docket.

⁷¹ See PPL PY7 Final Annual Report at 9.

⁷² See Table 2-6: EDC Achievement of Act 129 Low-Income Requirements in PY7 of the SWE Final Report.

⁷³ See Report of the Act 129 Low-Income Working Group at Docket No. M-2009-2146801, Table 1, at 6, that was adopted by the Commission in an April 27, 2010, Secretarial Letter at the same Docket.

⁷⁴ See West Penn PY7 Final Annual Report at 4.

⁷⁵ See Table 2-6: EDC Achievement of Act 129 Low-Income Requirements in PY7 of the SWE Final Report.

⁷⁶ See Phase II Implementation Order at 53-58.

⁷⁷ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁷⁸ See Duquesne PY7 Final Annual Report at 4.

⁷⁹ See Table 2-4: Low-Income Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

⁸⁰ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁸¹ See Met-Ed PY7 Final Annual Report at 3.

⁸² See Table 2-4: Low-Income Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

⁸³ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁸⁴ See PECO PY7 Final Annual Report at 5.

⁸⁵ See Table 2-4: Low-Income Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

⁸⁶ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁸⁷ See Penelec PY7 Final Annual Report at 3.

⁸⁸ See Table 2-4: Low-Income Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

SWE and initially deems Penelec to be in compliance with the low-income consumption reduction requirement.

e. Penn Power

Penn Power was required to obtain 4,298 MWh of its total electric consumption reduction from the low-income sector in its service territory.⁸⁹ Penn Power reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 12,713 MWh from the low-income sector.⁹⁰ In its Phase II Final Annual Report, the SWE validates Penn Power's reported TRM-verified savings of 12,713 MWh and notes that this amounts to 296% of Penn Power's low-income consumption reduction requirement.⁹¹ The Commission agrees with the TRM-verified savings from the low-income sector reported by Penn Power and confirmed by the SWE and initially deems Penn Power to be in compliance with the low-income consumption reduction requirement.

f. PPL

PPL was required to obtain 36,948 MWh of its total electric consumption reduction from the low-income sector in its service territory.⁹² PPL reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 58,703 MWh from the low-income sector.⁹³ In its Phase II Final Annual Report, the SWE validates PPL's reported TRM-verified savings of 58,703 MWh and notes that this amounts to 159% of PPL's low-income consumption reduction requirement.⁹⁴ The Commission agrees with the TRM-verified savings from the low-income sector reported by PPL and confirmed by the SWE and initially deems PPL to be in compliance with the low-income consumption reduction requirement.

g. West Penn

West Penn was required to obtain 15,189 MWh of its total electric consumption reduction from the low-income sector in its service territory.⁹⁵ West Penn reports, in its PY7 Final Annual Report, it attained a TRM-verified reduction of 37,513 MWh from the low-income sector.⁹⁶ In its Phase II Final Annual Report, the SWE validates West Penn's reported TRM-verified savings of 37,513 MWh and notes that this amounts to 247% of West Penn's low-income consumption reduction requirement.⁹⁷ The Commission agrees with the TRM-verified savings from the low-income sector reported by West Penn and confirmed by the SWE and initially deems West Penn to be in compliance with the low-income consumption reduction requirement.

5. Challenges To The Phase II Results

If any party desires to contest the facts the Commission relied upon in making its determinations of compliance contained herein, they have 20 days, from the date this order is entered, to file a petition in accordance with Section 5.41 of the Commission's Regulations, 52 Pa. Code § 5.41. Such petitions are to reference Docket Nos. M-2012-2289411 and the applicable EDC EE&C plan Phase II Docket. The party contesting the Commission's

initial compliance determination shall have the burden of proof in accordance with 66 Pa.C.S. §§ 315 and 332(a). If no parties file a petition within 20 days of the date this order is entered, the Commission's initial compliance determinations for each EDC will be considered final.

B. Accumulated Savings In Excess Of Reduction Requirements

In its Phase II Implementation Order, the Commission recognized the importance of the continued implementation of cost-effective Phase I programs until the beginning of Phase II.⁹⁸ However, in its Phase III Implementation Order, the Commission expressed concerns that continued carryover of all excess savings from phase to phase will lead to a scenario in which an EDC meets most, if not all, of its reduction target simply with carryover savings. Therefore, EDCs are allowed to bank only those savings attained in Phase II that are in excess of their Phase II targets for application towards Phase III targets.⁹⁹

1. Carryover And Excess Savings

The EDCs, in their PY7 Final Annual Reports, have provided the amount of carryover and excess savings resulting from the Phase II EE&C Program. The Commission's initial determination regarding the accuracy of these values for each EDC follows.

a. Duquesne

In its PY7 Final Annual Report, Duquesne reports it attained portfolio-level Technical Reference Manual-verified (TRM-verified) electric consumption carryover savings of 100,526 MWh and low-income reduction requirement excess savings of 3,431 MWh; however, it was not able to attain excess savings from the G/E/NP reduction requirement.¹⁰⁰ In its Phase II Final Annual Report, the SWE validates Duquesne's portfolio-level electric consumption carryover savings of 100,526 MWh; and that Duquesne is not able to carry over G/E/NP reduction requirement excess savings.¹⁰¹ The SWE was not able to verify the low-income reduction requirement excess savings of 3,431 MWh. The SWE notes, low-income excess savings for Phase III are based on an allocation factor determined by the ratio of savings from low-income specific programs to non-low-income specific programs; therefore, Duquesne's verified low-income reduction requirement excess savings total decreased from 3,431 MWh to 2,542 MWh.¹⁰² The Commission agrees with the SWE verified and adjusted low-income reduction requirement excess savings and initially accepts an excess savings total of 2,542 MWh to be credited against Duquesne's Phase III low-income reduction requirements. Furthermore, the Commission agrees with the TRM-verified carryover savings reported by Duquesne, confirmed by the SWE, and initially accepts a portfolio-level carryover total of 100,526 MWh to be credited against Duquesne's Phase III portfolio-level electric consumption reduction requirements.

b. Met-Ed

In its PY7 Final Annual Report, Met-Ed reports it attained the portfolio-level TRM-verified electric consumption carryover savings amount of 30,482 MWh and low-income reduction requirement excess savings of 5,025 MWh; however, it was not able to attain excess savings

⁸⁹ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁹⁰ See Penn Power PY7 Final Annual Report at 3.

⁹¹ See Table 2-4: Low-Income Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

⁹² See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁹³ See PPL PY7 Final Annual Report at 9.

⁹⁴ See Table 2-4: Low-Income Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

⁹⁵ See Table 2-2: Act 129 Phase II Three-Year Low-Income and GNI Energy Efficiency Reduction Targets of the SWE Final Report.

⁹⁶ See West Penn PY7 Final Annual Report at 3.

⁹⁷ See Table 2-4: Low-Income Carve-Out Goal Performance, Summary by EDC of the SWE Final Report.

⁹⁸ See Phase II Implementation Order at 58-60.

⁹⁹ See Energy Efficiency and Conservation Program Implementation Order at Docket No. M-2014-2424864, (Phase III Implementation Order), at 83-86, entered June 19, 2015.

¹⁰⁰ See Duquesne PY7 Final Annual Report at 6.

¹⁰¹ See Table 2-3: Phase II Compliance Summary by EDC of the SWE Final Report.

¹⁰² See Table 2-4: Low-Income Carve-out Goal Performance, Summary by EDC of the SWE Final Report.

from the G/E/NP reduction requirement.¹⁰³ In its Phase II Final Annual Report, the SWE validates Met-Ed's portfolio-level carryover of electric consumption in the amount of 30,482 MWh and low-income reduction requirement excess savings of 5,025 MWh; and that Met-Ed is not able to carry over G/E/NP reduction requirement excess savings.¹⁰⁴ The Commission agrees with the TRM-verified carryover and excess savings reported by Met-Ed, confirmed by the SWE, and initially accepts a portfolio-level carryover total of 30,482 MWh to be credited against Met-Ed's Phase III portfolio-level electric consumption reduction requirements and an excess savings total of 5,025 MWh to be credited against Met-Ed's Phase III low-income reduction requirements.

c. PECO

In its PY7 Final Annual Report, PECO reports it is not eligible to carryover portfolio-level TRM-verified electric consumption savings; however, it attained G/E/NP reduction requirement excess savings of 115,400 MWh and low-income reduction requirement excess savings of 3,729 MWh.¹⁰⁵ In its Phase II Final Annual Report, the SWE validates that PECO is not eligible to carryover portfolio-level savings towards its Phase III portfolio-level electric consumption reduction requirement, but is eligible to carryover G/E/NP reduction requirement excess savings of 115,400 MWh.¹⁰⁶ However, the SWE has calculated TRM-verified low-income reduction requirement excess savings that are significantly different than PECO's verified total of 3,729 MWh. The SWE notes, that low-income excess savings for Phase III are based on an allocation factor determined by the ratio of savings from low-income specific programs to non-low-income specific programs; therefore, PECO's low-income reduction requirement excess savings total amount increased from 3,729 MWh to 24,332 MWh.¹⁰⁷

The Commission commends PECO for its efforts to obtain savings in excess of its carve-outs for low-income and G/E/NP customers. However, as PECO did not obtain portfolio-level TRM-verified electric consumption savings in excess of its portfolio-level requirements, PECO cannot carryover the low-income or G/E/NP excess savings. Both the low-income and G/E/NP savings are a carve-out or subset of the whole, accordingly, to allow a carryover for these carve-outs into Phase III, would, in essence, permit a carryover for the total Phase III consumption reduction requirement. As PECO did not obtain Phase II savings in excess of its Phase II consumption reduction requirement, it is not entitled to any carryover savings into Phase III. As such, the Commission initially will deny PECO any carryover savings to be credited against its Phase III consumption reduction requirements.

d. Penelec

In its PY7 Final Annual Report, Penelec reports it attained the portfolio-level TRM-verified electric consumption carryover savings amount of 49,695 MWh, G/E/NP reduction requirement excess savings of 83 MWh, and low-income reduction requirement excess savings of 7,872 MWh.¹⁰⁸ In its Phase II Final Annual Report, the SWE validates Penelec's portfolio-level electric consumption carryover of 49,695 MWh, G/E/NP reduction require-

ment excess savings of 83 MWh, and low-income reduction requirement excess savings of 7,872 MWh.¹⁰⁹ The Commission agrees with the portfolio-level TRM-verified carryover savings reported by Penelec and confirmed by the SWE and initially accepts a portfolio-level carryover total of 49,695 MWh to be credited against Penelec's Phase III portfolio-level electric consumption reduction requirements, an excess savings total of 83 MWh to be credited against Penelec's Phase III G/E/NP reduction requirements, and an excess savings total of 7,872 MWh to be credited against Penelec's Phase III low-income reduction requirements.

e. Penn Power

In its PY7 Final Annual Report, Penn Power reports it attained the portfolio-level TRM-verified electric consumption carryover savings amount of 13,866 MWh, G/E/NP reduction requirement excess savings of 7,316 MWh, and low-income reduction requirement excess savings of 1,805 MWh.¹¹⁰ In its Phase II Final Annual Report, the SWE validates Penn Power's portfolio-level electric consumption carryover of 13,866 MWh, G/E/NP reduction requirement excess savings 7,316 MWh, and low-income reduction requirement excess savings of 1,805 MWh.¹¹¹ The Commission agrees with the TRM-verified carryover savings reported by Penn Power and confirmed by the SWE and initially accepts a portfolio-level carryover total of 13,866 MWh to be credited against Penn Power's Phase III portfolio-level electric consumption reduction requirements, an excess savings total of 7,316 MWh to be credited against Penn Power's Phase III G/E/NP reduction requirements, and an excess savings total of 1,805 MWh to be credited against Penn Power's Phase III low-income reduction requirements.

f. PPL

In its PY7 Final Annual Report, PPL reports it is not eligible to carryover portfolio-level TRM-verified electric consumption savings; however, it reported 11,141 MWh of TRM-verified G/E/NP reduction requirement excess savings and 10,299 MWh of low-income reduction requirement excess savings.¹¹² In its Phase II Final Annual Report, the SWE validates that PPL is not eligible to carryover savings towards its Phase III portfolio-level electric consumption reduction requirement,¹¹³ but is eligible to carryover 11,141 MWh of G/E/NP reduction requirement excess savings.¹¹⁴ However, the SWE has calculated TRM-verified low-income reduction requirement excess savings that differ from PPL's total of 10,299 MWh. The SWE notes, that low-income excess savings for Phase III are based on an allocation factor determined by the ratio of savings from low-income specific programs to non-low-income specific programs; therefore, PPL's low-income reduction requirement excess savings total amount increased from 10,299 MWh to 10,520 MWh.¹¹⁵

The Commission commends PPL for its efforts to obtain savings in excess of its carve-outs for low-income and G/E/NP customers. However, as PPL did not obtain portfolio-level TRM-verified electric consumption savings

¹⁰⁹ See Tables 2-3, 2-4, and 2-5: Phase II Compliance; Low-Income Carve-out Goal Performance, and GNI Carve-out Goal Performance, Summary by EDC of the SWE Final Report.

¹¹⁰ See Penn Power PY7 Final Annual Report at 5.

¹¹¹ See Tables 2-3, 2-4, and 2-5: Phase II Compliance; Low-Income Carve-out Goal Performance, and NI Carve-out Goal Performance, Summary by EDC of the SWE Final Report.

¹¹² See PPL PY7 Final Annual Report at 12.

¹¹³ See Table 2-3: Phase II Compliance Summary by EDC of the SWE Final Report.

¹¹⁴ See Table 2-5: GNI Carve-out Goal Performance, Summary by EDC of the SWE Final Report.

¹¹⁵ See Table 2-4: Low-Income Carve-out Goal Performance, Summary by EDC of the SWE Final Report.

¹⁰³ See Met-Ed PY7 Final Annual Report at 5.

¹⁰⁴ See Tables 2-3 and 2-4: Phase II Compliance and Low-Income Carve-out Goal Performance, Summary by EDC of the SWE Final Report.

¹⁰⁵ See PECO PY7 Final Annual Report at 8.

¹⁰⁶ See Table 2-5: GNI Carve-out Goal Performance, Summary by EDC of the SWE Final Report.

¹⁰⁷ See Table 2-4: Low-Income Carve-out Goal Performance, Summary by EDC of the SWE Final Report.

¹⁰⁸ See Penelec PY7 Final Annual Report at 5.

in excess of its portfolio-level requirements, PPL cannot carryover the low-income or G/E/NP carve-out excess savings. Both the low-income and G/E/NP savings are a carve-out or subset of the whole, accordingly, to allow a carryover for these carve-outs into Phase III, would, in essence, permit a carryover for the total Phase III consumption reduction requirement. As PPL did not obtain Phase II savings in excess of its Phase II consumption reduction requirement, it is not entitled to any carryover savings into Phase III. As such, the Commission initially will deny PPL any carryover savings to be credited against its Phase III consumption reduction requirements.

g. West Penn

In its PY7 Final Annual Report, West Penn reports it attained the portfolio-level TRM-verified electric consumption carryover savings amount of 20,540 MWh, and low-income reduction requirement excess savings of 3,354 MWh; however, it was not able to attain excess savings from the G/E/NP reduction requirement.¹¹⁶ In its Phase II Final Annual Report, the SWE validates West Penn's portfolio-level electric consumption carryover of 20,540 MWh and low-income reduction requirement excess savings of 3,354 MWh; and that West Penn is not able to carry over G/E/NP reduction requirement excess savings.¹¹⁷ The Commission agrees with the TRM-verified carryover savings reported by West Penn, confirmed by the SWE, and initially accepts a portfolio-level carryover total of 20,540 MWh to be credited against West Penn's Phase III portfolio-level electric consumption reduction requirements and an excess savings total of 3,354 MWh to be credited against West Penn's Phase III low-income reduction requirements.

2. Phase III Savings

As indicated above, the Commission initially accepts each EDC's megawatt-hour carryover and excess savings total that was confirmed by the SWE as of the SWE's Phase II Final Annual Report date. The Commission will credit this megawatt-hour amount against each EDC's Phase III electric consumption reduction requirement. At the end of Phase III, an EDC will have an opportunity to present evidence demonstrating that the Phase II carryover should be higher during a compliance proceeding if necessary.

Conclusion

With this Order, the Commission releases the Statewide Evaluator's Phase II Final Annual Report. The Commission also provides its initial determinations regarding EDC compliance with the mandates of Act 129 and regarding the level of accumulated savings from Phase II that may be applied to Phase III consumption reduction requirements; *Therefore*,

It Is Ordered That:

1. The Statewide Evaluator's Phase II Final Annual Report be released to the public.

2. A copy of this Order shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, and the jurisdictional electric distribution companies subject to the Energy Efficiency and Conservation Program requirements.

¹¹⁶ See West Penn PY7 Final Annual Report at 5.

¹¹⁷ See Tables 2-3 and 2-4: Phase II Compliance and Low-Income Carve-out Goal Performance, Summary by EDC of the SWE Final Report.

3. The Commission initially deems Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, PPL Electric Utilities Corporation, and West Penn Power Company are in compliance with the May 31, 2016, electric consumption reduction requirement in Section 2806.1(c)(3) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 2806.1(c)(3). This initial determination will be deemed final unless a Petition is filed contesting this determination within 20 days of the date this Order is entered. Such petitions shall reference Docket Nos. M-2012-2289411 and the applicable electric distribution company Phase II energy efficiency and conservation plan Docket.

4. The Commission initially deems Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, PPL Electric Utilities Corporation and West Penn Power Company are in compliance with the requirement to obtain a minimum of ten percent of the required reductions in electric consumption from units of Federal, State and local government, including municipalities, school districts, institutions of higher education and nonprofit entities in Section 2806.1(b)(1)(i)(B) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 2806.1(b)(1)(i)(B). This initial determination will be deemed final unless a Petition is filed contesting this determination within 20 days of the date this Order is entered. Such petitions shall reference Docket Nos. M-2012-2289411 and the applicable electric distribution company Phase II energy efficiency and conservation plan Docket.

5. The Commission initially deems Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, PPL Electric Utilities Corporation and West Penn Power Company are in compliance with the requirement to include specific energy efficiency measures for households at or below 150% of the Federal poverty income guidelines in proportion to those households' share of the total energy usage in Section 2806.1(b)(1)(i)(G) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 2806.1(b)(1)(i)(G). This initial determination will be deemed final unless a Petition is filed contesting this determination within 20 days of the date this Order is entered. Such petitions shall reference Docket Nos. M-2012-2289411 and the applicable electric distribution company Phase II energy efficiency and conservation plan Docket.

6. The Commission initially deems Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, PPL Electric Utilities Corporation and West Penn Power Company are in compliance with the requirement to obtain a minimum of four-and-a-half percent (4.5%) of its consumption reduction requirements from households at or below 150% of the Federal poverty income guidelines. This initial determination will be deemed final unless a Petition is filed contesting this determination within 20 days of the date this Order is entered. Such petitions shall reference Docket Nos. M-2012-2289411 and the applicable electric distribution company Phase II energy efficiency and conservation plan Docket.

7. The verified Phase II carryover and excess savings validated by the Statewide Evaluator in the Phase II Final Annual Report for Duquesne Light Company, Metropolitan Edison Company, Pennsylvania Electric Com-

pany, Pennsylvania Power Company, and West Penn Power Company as stated in this Order shall be credited against each electric distribution company's Phase III electric consumption, G/E/NP, and low-income reduction requirements.

8. This Order and the Statewide Evaluator's Phase II Final Annual Report be published on the Commission's public website at http://www.puc.pa.gov/filing_resources/issues_laws_regulations/act_129_information/energy_efficiency_and_conservation_ee_c_program.aspx.

9. The contact person for technical issues related to this Order and the Statewide Evaluator's Phase II Final Annual Report is Joseph M. Sherrick, Bureau of Technical Utility Services, 717-787-5369 or josherrick@pa.gov. The contact person for legal and process issues related to this Order is Kriss Brown, Law Bureau, 717-787-4518 or kribrown@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

Statement of Chairperson Gladys M. Brown

Before the Commission is the Act 129 of 2008 Energy Efficiency and Conservation Program Compliance Order (Order). With this Order the Commission progresses toward the conclusion of the second phase, or Phase II, of energy efficiency and conservation (EE&C) programs. These steps include releasing the Phase II Final Report documenting initial results for the entirety of the phase, and, making initial determinations on electric distribution companies' (EDCs) compliance with various Phase II mandates. I would like to highlight some of the initial results and determinations being released by the Commission.

Over the three year Phase II time-period commencing June 1, 2013, EDCs achieved a total of 3,370,673 MWh of electricity reductions. These usage reductions include 459,581 MWh from Governmental/Educational/Non-Profit customers, and 324,869 MWh from Low-Income customers. In aggregate the Phase II portfolio of programs resulted in a total of \$2,194,356,000 in savings. This dollar figure produces a total resource cost test result of 1.7.¹¹⁸ Therefore, in total, these programs achieved \$1.70 in savings for every \$1.00 invested.

Additionally, with this Order the Commission makes an initial determination that all seven EDCs with EE&C programs have met the overall electric consumption reduction requirements, the Governmental/Educational/Non-Profit customer consumption reduction requirements, and the Low-Income customer measure requirements.

These initial results and determinations for Phase II demonstrate the success of EE&C programs. I commend the Commission Staff, the EDCs, and the energy efficiency service providers across the state for their continued work in this arena. I look forward to reviewing any critique(s) of these initial results and determinations.

GLADYS M. BROWN,
Chairperson

[Pa.B. Doc. No. 17-689. Filed for public inspection April 21, 2017, 9:00 a.m.]

¹¹⁸ As defined in § 2806.1(m)—Total Resource Cost Test is a standard test that is met if, over the effective life of each plan, not to exceed 15 years, the net present value of the avoided monetary cost of supplying electricity is greater than the net present value of the monetary cost of energy efficiency conservation measures.

Minor Internal Reorganization

A-2017-2598499 and A-2017-2598591. Peerless Networks of Pennsylvania, LLC and Airus, Inc. Joint application of Peerless Networks of Pennsylvania, LLC and Airus, Inc. for approval of a minor internal reorganization.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 8, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Peerless Networks of Pennsylvania, LLC; Airus, Inc.

Through and By Counsel: Edward A. Yorkgitis, Jr., Esquire, Winifred Brantl, Esquire, Kelley Drye & Warren, LLP, 3050 K Street, NW # 400, Washington, DC 20007; and Julie Oost, Vice President of Regulatory Affairs, Peerless Network, Inc., 222 South Riverside Plaza, Suite 2730, Chicago, IL 60606

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-690. Filed for public inspection April 21, 2017, 9:00 a.m.]

OneLink Communications, Inc.

Public Meeting held
April 6, 2017

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

OneLink Communications, Inc.; A-2017-2587715

Tentative Order

By the Commission:

OneLink Communications, Inc. (OneLink) is an Interexchange Carrier Reseller certificated at A-311174. The Company's certificate was granted on April 11, 2002.

By letter dated January 3, 2017, OneLink advised the Commission that it had ceased all operations and had gone out of business. The letter also stated that OneLink had no assets, funds, staff or other resources and that it had closed its corporate office. OneLink stated that it notified all Pennsylvania long distance customers of the termination and assisted them with finding another long distance carrier prior to termination of business. A Secretarial Letter dated February 7, 2017 was sent to OneLink stating that its letter was processed as an Application to Abandon Services and that OneLink would be advised of any further procedure. The Secretarial Letter was returned to the Commission as undeliverable. Additionally, the telephone number of record for OneLink is disconnected and no new contact information is available.

Where a company no longer provides utility service to the public, there is no reason to maintain a certificate of public convenience for that company. Based on the above

facts, particularly that we can no longer effectuate service on OneLink, we tentatively conclude that grant of OneLink's abandonment of its Certificate of Public Convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of grant of abandonment, if OneLink seeks relief from this Tentative Order; *Therefore, It Is Ordered That:*

1. The application of OneLink Communications, Inc. is hereby tentatively approved as being in the public interest.

2. Waiver of the \$350 filing fee for abandonment of service, as set forth at 52 Pa. Code § 1.43, is appropriate in this instance.

3. The Secretary's Bureau serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation and Enforcement, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

4. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary and shall advise the affected Bureaus within the Commission in writing that the certificate of public convenience held by OneLink Communications, Inc., utility code 311174, is cancelled and the case may be closed.

5. Upon entry of the Final Order described in ordering Paragraph No. 4 above, OneLink Communications Inc.'s name will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, and the docket shall be closed.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-691. Filed for public inspection April 21, 2017, 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 8, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2017-2592033 (Amended). Jacob S. Stoltzfus (4987 Brush Valley Road, Rebersburg, Centre County, PA 16872) for the right to transport as a common carrier, by

motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Centre County, to points in Pennsylvania, and return.

A-2017-2595192. Wisa Enterprises, LLC (2041 Brookes Lane, Harrisburg, PA 17110) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Cumberland, Dauphin, Lancaster, Lebanon and York, to points in Pennsylvania, and return.

A-2017-2597093. Hartman Hauling and Logging, LLC (646 Preserve Road, Danville, Montour County, PA 17821) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Columbia, Lycoming, Montour and Northumberland, to points in Pennsylvania, and return. *Attorney:* Thomas D. Hess, Esquire, Hess and Hess, PC, 30 South Main Street, Hughesville, PA 17737.

A-2017-2597250. Kevin B. Tyson, t/a Uptown Transportation (2001 East Tulpehocken Street, Philadelphia, Philadelphia County, PA 19138) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service from points in the City and County of Philadelphia to correctional facilities in Pennsylvania, and return; and also to transport people whose personal convictions prevent them from owning or operating motor vehicles, from points in the City and County of Philadelphia to points in Pennsylvania, and return.

A-2017-2597483. BHN Financial, LLC (821 Levivk Street, 2nd Floor, Philadelphia, PA 19111) persons in limousine service, between points in Chester County.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2017-2598148. Johnny Albritton, t/a Johnny on the Spot Moving (260 East Green Street, Nanticoke, Luzerne County, PA 18634) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the Counties of Lackawanna, Luzerne and Wyoming to points in Pennsylvania, and vice versa. *Attorney:* John J. Gill, Jr., Esquire, Gallagher, Brennan & Gill, 220 Pierce Street, Kingston, PA 18704-4641.

Application of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

A-2017-2596296. Blakeney Transportation Service, LLC (1353 East Vernon Road, Philadelphia, Philadelphia County, PA 19150) for the discontinuance of service and cancellation of their certificate, as a common carrier, by motor vehicle, at A-6417452, authorizing the transportation of persons, in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-692. Filed for public inspection April 21, 2017, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due May 8, 2017, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. We Serve You as Christ Serves Us Transportation Ministries, LLC; Docket No. C-2017-2480567

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That We Serve You as Christ Serves Us Transportation Ministries, LLC, Respondent, maintains its principal place of business at 50 Utley Drive, Suite 400, Camp Hill, Pennsylvania, 17011.

2. That Respondent was issued a certificate of public convenience by this Commission to transport property from one point to another in the Commonwealth of Pennsylvania on May 1, 2015, at Application Docket No. A-2015-2477970.

3. That PUC District Office Supervisor Alan Taylor attempted to contact the Respondent to schedule a Safety Fitness Review, but was unable to contact Respondent by telephone. A certified letter was mailed on June 8, 2016, instructing the owner to contact Supervisor Taylor to schedule the SFR. No response was received from Respondent and the letter was unclaimed and returned to the PUC.

4. That Respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service.

5. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(5) and 66 Pa.C.S. § 1102(a)(2). The penalty for this violation is revocation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by respondent at Docket No. A-2015-2477970.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/22/17

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. D. Richardson Trucking, Inc.; Docket No. C-2017-2590145

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to D. Richardson Trucking, Inc., (respondent) is under suspension effective February 08, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 124 State Route 435, Elmhurst Township, PA 18444.
3. That respondent was issued a Certificate of Public Convenience by this Commission on November 18, 2014, at A-8916939.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916939 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/7/2017

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. DJ Transportation, Inc.; Docket No. C-2017-2590148

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to DJ Transportation, Inc., (respondent) is under suspension effective February 08, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 30 High Street, Woodland, PA 16881.
3. That respondent was issued a Certificate of Public Convenience by this Commission on August 21, 2012, at A-8914684.
4. That respondent has failed to maintain evidence of both Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and En-

forcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8914684 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/7/2017

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. SEPA 235 Development Group, LLC; Docket No. C-2017-2591355

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to SEPA 235 Development Group, LLC, (respondent) is under suspension effective February 02, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1402 North 9th Street, Reading, PA 19604-1802.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 08, 2016, at A-8918878.

4. That respondent has failed to maintain evidence of Cargo and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8918878 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/7/2017

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Synergy Gas Solutions, LLC; Docket No. C-2017-2594575

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Synergy Gas Solutions, LLC, (respondent) is under suspension effective February 25, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 3102, Williamsport, PA 17701.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 22, 2015, at A-8916891.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916891 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/22/17

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-693. Filed for public inspection April 21, 2017, 9:00 a.m.]

Telecommunications Services

A-2017-2595868. Atlantic Broadband Enterprise, LLC. Application of Atlantic Broadband Enterprise, LLC for approval to offer, render, furnish or supply telecommunications services as a competitive local exchange carrier to the public in this Commonwealth in the service territories of all incumbent local exchange carriers.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 8, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Atlantic Broadband Enterprise, LLC

Through and By Counsel: Leslie Brown, General Counsel, Atlantic Broadband Enterprise, LLC, 2 Batterymarch Park, Suite 205, Quincy, MA 02169

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-694. Filed for public inspection April 21, 2017, 9:00 a.m.]

Transfer of Control

A-2017-2598525. Legacy Long Distance International, Inc., d/b/a Legacy Inmate Communications and Jail Education Solutions, Inc., d/b/a Edovo. Joint application of Legacy Long Distance International, Inc., d/b/a Legacy Inmate Communications and Jail Education Solutions, Inc., d/b/a Edovo for approval of a transfer of control as a general rule transaction under 52 Pa. Code § 63.324 (relating to Commission approval of a general rule transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 8, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Legacy Long Distance International, Inc., d/b/a Legacy Inmate Communications; Jail Education Solutions, Inc., d/b/a Edovo

Through and By Counsel:

For Legacy Long Distance International, Inc.: Sharon R. Warren, Consultant, Technologies Management, Inc., 151 Southhall Lane, Suite 450, Maitland, FL 32751; and Curtis Brown, President and Chief Executive Officer, 10833 Valley View Street, Suite 150, Cypress, CA 90630

For Jail Education Solutions, Inc.: Valerie Hedge, In-House Counsel, 500 West Madison Avenue, Suite 801, Chicago, IL 60661; and Brian Hill, President and CEO, 500 West Madison Avenue, Suite 801, Chicago, IL 60661

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-695. Filed for public inspection April 21, 2017, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Taxicab Rate Review; Request for Public Comment; Doc. No. P-17-02-01

On March 31, 2017, the Philadelphia Parking Authority (Authority) approved, through oral resolution, the recommendation of the Taxicab and Limousine Division (TLD)

to reopen a rate review investigation under a Petition for Rate Change (Petition) that was filed with the TLD on February 22, 2017. The Petition may be found on the Authority's web site at www.philapark.org/tld.

The TLD previously issued notice by e-mail to all industry members on March 8, 2017, seeking public comment concerning the Petition, along with posting the notice to the general public on the Authority's web site and publication at 47 Pa.B. 1718 (March 18, 2017). These notices also contained information regarding the public comment hearing that was held by the TLD on March 30, 2017, at the Independence Visitor's Center.

Now, based upon the Petition and the TLD's recommendation to the Authority, the TLD seeks further information and comment from the public at large and the industry concerning the reopening of a rate review, including:

- 1) Peak-hour surcharges.
- 2) A review of the current method for determining a fuel surcharge.
- 3) The boundaries outlined in the current taxicab tariff for flat-rate trips between the "Center City Zone" and the Philadelphia International Airport (PHL).
- 4) Service fees and surcharges.
- 5) Flat-rate trips.
- 6) Minimum trips in and out of PHL.
- 7) Any other requests as outlined in the Petition.

Interested parties are invited to submit written comments by May 12, 2017, to the attention of Christine A. Kirlin, Esq., TLD Administrative Counsel, at ckirlin@philapark.org or by mail to her attention at Philadelphia Parking Authority, Taxicab and Limousine Division, 2415 South Swanson Street, Philadelphia, PA 19148-4113.

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 17-696. Filed for public inspection April 21, 2017, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 17-041.S, Cleaning Services for the Port Administration Building, until 2 p.m. on Wednesday, May 17, 2017. Information (including mandatory prebid information) can be obtained from www.philaport.com under "Our Port," then "Procurement" or call (215) 426-2600.

JEFF THEOBALD,
Executive Director

[Pa.B. Doc. No. 17-697. Filed for public inspection April 21, 2017, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 17-038.1, Pier 78 Column Repair, until 2 p.m. on Friday, May 19, 2017. Information (including mandatory prebid information) can be obtained from www.philaport.com under "Our Port," then "Procurement" or call (215) 426-2600.

JEFF THEOBALD,
Executive Director

[Pa.B. Doc. No. 17-698. Filed for public inspection April 21, 2017, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Kathleen Conner Bridge, RN; Doc. No. 1928-51- 14; File No. 13-51-08405

On March 27, 2017, Kathleen Conner Bridge, RN, Pennsylvania license No. RN222555L, last known of Boothwyn, Delaware County, and Goldsboro, NC, was indefinitely suspended and assessed a \$500 civil penalty based on disciplinary action taken by two other states and failure to report same to the State Board of Nursing.

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Jodie Brubaker 1681 Hossler Road Manheim, PA 17545	Lancaster County/ Rapho Township	184.93	Broilers	Amended	Approved
S. & A. Kreider & Sons, Inc.— Stoner Farm 128 Black Bear Road Quarryville, PA 17566	Lancaster County/ East Drumore Township	80	Cattle	New	Approved

Individuals may obtain a copy of the automatic suspension by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 17-699. Filed for public inspection April 21, 2017, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Heather M. Pegram, RN, LPN; File No. 16-51- 06575; Doc. No. 0115-51-17

On February 21, 2017, the State Board of Nursing (Board) issued a Memorandum Order indefinitely suspending the licenses of Heather M. Pegram, RN, LPN, license Nos. RN518080L and PN254580L, of Mount Pleasant, Westmoreland County, 30 days from the publication of this notice, unless an answer and request for hearing is filed within that timeframe, based upon her failure to attend a Board ordered evaluation.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 17-700. Filed for public inspection April 21, 2017, 9:00 a.m.]

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
John Cornelius 40.289717—77.993758 State Route 655 Mapleton Depot, PA 17052	Huntingdon County/ Cass Township	672.7	Swine	New	Approved
Matthew Martin— Kenbrook Road Farm 1830 Kenbrook Road Lebanon, PA 17046	Lebanon County/ Swatara and North Lebanon Townships	209.09	Broiler	New	Approved
Jerrel B. Brubaker— Meeting House Lane Farm 269 Meeting House Lane Lewisburg, PA 17837	Union County/ Buffalo Township	89.98	Broilers	New	Approved
Howard Reyburn 1021 Limestone Road Oxford, PA 19363	Chester County/ Upper Oxford Township	672.66	Swine	New	Approved
James Brubaker 508 Brubaker Lane Port Trevorton, PA 17864	Snyder County/ Union Township	186.23	Broilers	New	Approved

PATRICK McDONNELL,
Acting Chairperson

[Pa.B. Doc. No. 17-701. Filed for public inspection April 21, 2017, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on May 11, 2017, 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 Commission will also hear testimony on a request for waiver of 18 CFR 806.3 and 806.4 (relating to definitions; and projects requiring review and approval) by EOG Resources, Inc., as well as proposals to amend its Regulatory Program Fee Schedule and the Comprehensive Plan for the Water Resources of the Susquehanna River Basin. These projects, request and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for June 16, 2017, which will be noticed separately. 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, request and proposals. The deadline for the submission of written comments is May 22, 2017.

For further information contact Jason Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Resource Portal at www.srbc.net/wrp. Additional 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_Access_to_Records_Policy_20140115.pdf.

Supplementary Information

The public hearing will cover a request for waiver of 18 CFR 806.3 and 806.4 by EOG Resources, Inc., as well as proposed amendments to the Commission's Regulatory Program Fee Schedule and the Comprehensive Plan for the Water Resources of the Susquehanna River Basin, as posted on the Commission's Public Participation Center webpage at www.srbc.net/pubinfo/publicparticipation.htm. The public hearing will also cover the following projects:

Projects Scheduled for Action

1. Project Sponsor and Facility: Town of Big Flats, Chemung County, NY. Application for groundwater withdrawal of up to 0.792 mgd (30-day average) from Well 1-1.
2. Project Sponsor and Facility: Michael and Sandra Buhler (Bennett Branch Sinnemahoning Creek), Huston Township, Clearfield County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130603).
3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Mehoopany Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130303).
4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Wysox Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130304).
5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek), Rush Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.715 mgd (peak day).
6. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.028 mgd (30-day average) from existing Well 4.

7. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.042 mgd (30-day average) from existing Well 5.

8. Project Sponsor and Facility: Ephrata Area Joint Authority, Ephrata Borough, Lancaster County, PA. Application for modification to request a combined withdrawal limit for Well 1, Cocalico Creek, and Mountain Home Springs of 2.310 mgd (30-day average) (Docket No. 20110902).

9. Project Sponsor and Facility: Equipment Transport, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20130613).

10. Project Sponsor and Facility: Kraft Heinz Foods Company, Town of Campbell, Steuben County, NY. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 3 (Docket No. 19860203).

11. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, PA. Application for modification to request a reduction of the maximum instantaneous rate for Well 3 from the previously approved rate of 1,403 gpm to 778 gpm and revise the passby to be consistent with current Commission policy (Docket No. 20070607). The previously approved withdrawal rate of 1.020 mgd (30-day average) will remain unchanged.

12. Project Sponsor: P.H. Glatfelter Company. Project Facility: Paper/Pulp Mill and Cogen Operations (Codorus Creek), Spring Grove Borough, York County, PA. Application for renewal of surface water withdrawal of up to 16.000 mgd (peak day) (Docket No. 19860602).

13. Project Sponsor: P.H. Glatfelter Company. Project Facility: Paper/Pulp Mill and Cogen Operations, Spring Grove Borough, York County, PA. Application for renewal of consumptive water use of up to 0.900 mgd (peak day) (Docket No. 19860602).

14. Project Sponsor and Facility: Rausch Creek Land, L.P., Porter Township, Schuylkill County, PA. Application for renewal of groundwater withdrawal of up to 0.100 mgd (30-day average) from Pit # 21 (Docket No. 20120612).

15. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Towanda Creek), Franklin Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20130311).

16. Project Sponsor and Facility: Spring Township Water Authority, Spring Township, Centre County, PA. Application for groundwater withdrawal of up to 0.499 mgd (30-day average) from Cerro Well.

17. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Minor modification to add new sources (Wells PW-1 and PW-6) to existing consumptive use approval (Docket No. 20060604). The previously approved consumptive use quantity of 0.360 mgd (peak day) will remain unchanged.

18. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Application for groundwater withdrawal of up to 0.145 mgd (30-day average) from Well PW-1.

19. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, PA. Application for groundwater withdrawal of up to 0.298 mgd (30-day average) from Well PW-6.

20. Project Sponsor and Facility: Warren Marcellus LLC (Susquehanna River), Washington Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130305).

21. Project Sponsor and Facility: Village of Waverly, Tioga County, NY. Application for groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1.

22. Project Sponsor and Facility: Village of Waverly, Tioga County, NY. Application for groundwater withdrawal of up to 0.480 mgd (30-day average) from Well 2.

23. Project Sponsor and Facility: Village of Waverly, Tioga County, NY. Application for groundwater withdrawal of up to 0.470 mgd (30-day average) from Well 3.

Projects Scheduled for Action Involving a Diversion

1. Project Sponsor and Facility: City of DuBois, Union Township, Clearfield County, PA. Application for modification to the diversion from Anderson Creek Reservoir by expansion of the existing service area as a result of interconnection and bulk water supply to Falls Creek Borough Municipal Authority (Docket No. 20060304).

2. Project Sponsor: Seneca Resources Corporation. Project Facility: Impoundment 1, receiving groundwater from Seneca Resources Corporation Wells 5H and 6H and Clermont Wells 1 and 2, North 2—4, Norwich and Sergeant Townships, McKean County, PA. Application for modification to add four additional sources (Clermont North Well 1, Clermont North Well 3, Clermont South Well 7, and Clermont South Well 10) and increase the into-basin diversion from the Ohio River Basin by an additional 1.044 mgd (peak day), for a total of up to 3.021 mgd (peak day) (Docket No. 20141216).

Opportunity to Appear and Comment

Interested parties may appear at the hearing to offer comments to the Commission on any project, request or proposal 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. Guidelines for the public hearing will be posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any project, request or proposal listed previously may also be mailed to Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through www.srbc.net/pubinfo/publicparticipation.htm. Comments mailed or electronically submitted must be received by the Commission on or before May 22, 2017, to be considered.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: April 6, 2017

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 17-702. Filed for public inspection April 21, 2017, 9:00 a.m.]

