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Volume 46 (2016)

Pennsylvania Bulletin  
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5-14-2016

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# PENNSYLVANIA BULLETIN

Volume 46

Number 20

Saturday, May 14, 2016 • Harrisburg, PA

Pages 2397—2508

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Department of Agriculture

Department of Banking and Securities

Department of Environmental Protection

Department of Human Services

Department of Labor and Industry

Department of Revenue

Department of Transportation

Housing Finance Agency

Insurance Department

Pennsylvania Public Utility Commission

State Board of Barber Examiners

State Board of Cosmetology

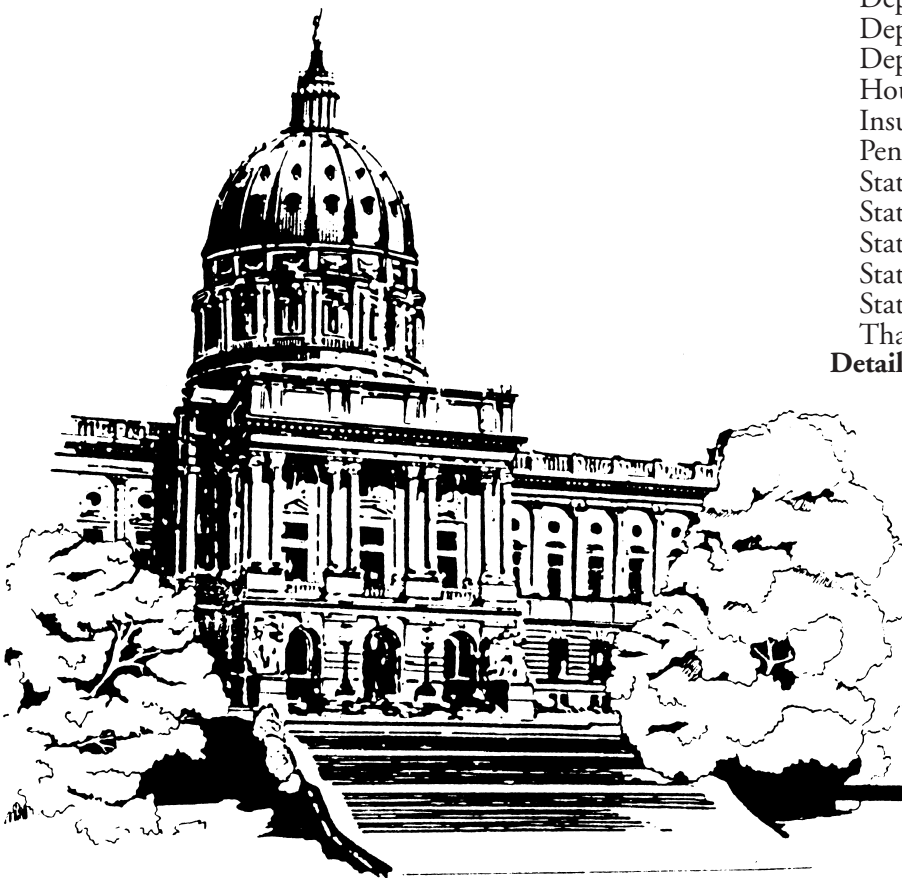
State Board of Nursing

State Board of Physical Therapy

State Employees' Retirement Board

Thaddeus Stevens College of Technology

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

**No. 498, May 2016**

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**BULLETIN**

(ISSN 0162-2137)

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

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# 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](http://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](http://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](http://www.pabulletin.com).

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2016 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2016 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2016 General Acts of Regular Session Enacted—Act 012 through 025</b>					
012	Apr 14	HB1326	PN2396	60 days	Public Utility Code (66 Pa.C.S.)—valuation of acquired water and wastewater systems for ratemaking purposes
013	Apr 14	HB1638	PN3002	60 days	Motor Vehicle Physical Damage Appraiser Act—compliance with act
014	Apr 14	SB0526	PN1628	60 days	Second Class Township Code—completion, filing and publication of annual township report and financial statement
015	Apr 14	SB0644	PN1089	60 days	State Government Code (71 Pa.C.S.)—definitions, duties of office and access to information
016	Apr 17	SB0003	PN1690	30 days	Medical Marijuana Act—enactment
017	Apr 18	SB0879	PN1618	Immediately	Pennsylvania ABLE Act—enactment
018	Apr 20	HB0794	PN3162	Immediately	County Code—omnibus amendments
019	Apr 20	HB1278	PN1836	60 days	Vehicle Code (75 Pa.C.S.)—television equipment
020	Apr 20	HB1329	PN2973	12 months	Caregiver Advise, Record and Enable Act—enactment
021	Apr 20	HB1340	PN1822	60 days	Real and Personal Property Code (68 Pa.C.S.)—creation, alteration, termination and management for condominiums and planned communities
022	Apr 20	SB1022	PN1306	Immediately	Conveyance—Commonwealth property in South Heidelberg Township, Berks County, for permanent sanitary sewer easement and temporary construction easement
023	Apr 20	SB1068	PN1405	Immediately	Project 70 lands—release of restrictions in the City of Lancaster, Lancaster County
024	Apr 21	HB0012	PN2472	60 days	Domestic Relations Code (23 Pa.C.S.)—grounds for divorce, counseling and decree of court
025	Apr 25	HB1589	PN3178	Immediately	Fiscal Code—omnibus amendments

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 16-810. Filed for public inspection May 13, 2016, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Proposed Amendments to the Rules of Professional Conduct Regarding Safekeeping Property

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it adopt amendments to Comment (8) to Pennsylvania Rule of Professional Conduct 1.15 relating to safekeeping property, as set forth in Annex A.

As stated in the Scope of the Rules of Professional Conduct, the Comment accompanying each Rule explains and illustrates the meaning and purpose of the Rule. Comments do not add obligations to the Rules, but provide guidance for practicing in compliance with the Rules. Comment [8] to Rule 1.15 provides guidance in situations where third parties may have lawful claims against specific funds or other property in a lawyer's custody.

The proposed change will provide clarification of the lawyer's duty to protect certain third party claims by specifically stating that in such cases, when a letter of protection has been issued by an attorney or a lien on the funds exists under applicable law, the lawyer must refuse to surrender the property to the client unless the claims are resolved. The proposed amendment removes the phrase "the third party claim is not frivolous" which is subject to interpretation and may cause the lawyer difficulty in determining the scope of his or her responsibilities.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382), Email address Dboard.comments@pacourts.us on or before June 24, 2016.

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

ELAINE M. BIXLER,  
*Secretary*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

##### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

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

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

The following are the Rules of Professional Conduct:

#### CLIENT-LAWYER RELATIONSHIP

#### Rule 1.15. Safekeeping Property.

\* \* \* \* \*

#### Comment:

\* \* \* \* \*

(8) Third parties may have lawful claims against specific funds or other property in a lawyer's custody such as a client's creditor who has a lien on funds recovered in a personal injury action. A lawyer may have a duty under applicable law to protect such third-party claims against wrongful interference by the client. In such cases, when [ the third party claim is not frivolous ] a letter of protection has been issued by an attorney or a lien on the funds exists under applicable law, the lawyer must refuse to surrender the property to the client unless the claims are resolved. A lawyer should not unilaterally assume to arbitrate a dispute between the client and the third party. When there are substantial grounds for dispute as to the person entitled to the funds, the lawyer may file an action to have a court resolve the dispute.

\* \* \* \* \*

[Pa.B. Doc. No. 16-811. Filed for public inspection May 13, 2016, 9:00 a.m.]

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

#### Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Regarding Access to Disciplinary Information and Confidentiality

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it adopt the amendments to Pennsylvania Rule of Disciplinary Enforcement 402 to facilitate cooperation with other disciplinary agencies, as set forth in Annex A.

Enforcement Rule 402 establishes access to disciplinary information and confidentiality. Proposed changes will allow requests for nonpublic information by disciplinary enforcement agencies in other jurisdictions investigating misconduct by a respondent-attorney to be processed more quickly than the current rule allows. In the twenty-first century practice of law, it is an increasing occurrence that lawyers are admitted in more than one jurisdiction or rely on Rule of Professional Conduct 5.5(c) for the multijurisdictional practice of law. Permitting the free flow of information allows disciplinary enforcement agencies to make informed decisions and better use of often limited resources when regulating attorney conduct. The proposed changes will ensure the prompt and efficient flow of information between Pennsylvania's Office of Disciplinary Counsel and out-of-state disciplinary enforcement agencies. In so doing, cooperation between disciplinary agencies is increased and the public interest is served.

The Board has evaluated the approaches of other jurisdictions and our inquiry has revealed that at least six other jurisdictions permit the disclosure of otherwise confidential information to out-of-state attorney disciplinary agencies.<sup>1</sup>

Current subdivision (c) provides that until proceedings are open under subdivisions (a) or (b), all proceedings involving allegations of misconduct by or disability of an attorney shall be confidential, with some enumerated exceptions. One of these exceptions is found under subsection (c)(2), which states that proceedings are confidential unless the investigation is predicated upon a conviction of the respondent-attorney for a crime or reciprocal discipline. The proposed change to subsection (c)(2) adds the language “or disability under Enforcement Rule 216.” This comports with the language of Rule 216 pertaining to reciprocal discipline and disability.

Current subsection (c)(4) exempts from confidentiality the Supreme Court order transferring a respondent-attorney to disability inactive status pursuant to Rule 301. New subparagraph (c)(4)(i) emphasizes that only the Supreme Court order transferring the attorney to disability inactive status shall be a matter of public record, while new subparagraph (c)(4)(ii) provides that any other document involved in such disability matter is not to be publicly disclosed and is subject to the provisions of Enforcement Rules 301(e)(4) and 402(g). This language is added specifically to underscore the heightened privacy interests that attend a respondent-attorney’s health information and which are protected by the specific prohibition in Rule 301 against the release of those documents, except for very limited circumstances.

Current subdivisions (g) and (h) require out-of-state disciplinary enforcement agencies to adhere to waiver and notice requirements in order to obtain information. Proposed changes to subdivisions (g) and (h) will remove that burden from such agencies so as to give expedited access to requested information.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382), Email address [Dboard.comments@pacourts.us](mailto:Dboard.comments@pacourts.us) on or before June 24, 2016.

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

ELAINE M. BIXLER,  
*Secretary*

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART V. PROFESSIONAL ETHICS AND CONDUCT**

**Subpart B. DISCIPLINARY ENFORCEMENT**

**CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

**Subchapter D. MISCELLANEOUS PROVISIONS**

<sup>1</sup> <http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/Documents/subchapters/Subchapter%209.100%20Attorney%20Grievance%20Commission;%20Attorney%20Discipline%20Board.pdf>;  
<http://lprb.mncourts.gov/rules/PublishingImages/2014%20Rules%20on%20Lawyers%20Professional%20Responsibility.pdf>;  
<http://www.mass.gov/obcbbbo/Rule401.pdf>;  
<http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=156>;  
<http://txboda.org/sites/default/files/TRDPEffective1-15-2014.pdf>;  
<http://www.ncbar.gov/rules/regulations.asp?page=72>

**Rule 402. Access to Disciplinary Information and Confidentiality.**

\* \* \* \* \*

(c) Until the proceedings are open under subdivision (a) or (b), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential unless:

(1) the respondent-attorney requests that the matter be public, or waives confidentiality for a particular purpose specified in writing;

(2) the investigation is predicated upon a conviction of the respondent-attorney for a crime, or reciprocal discipline **or disability under Enforcement Rule 216**;

(3) the proceeding is based on an order of temporary suspension from the practice of law entered by the Court pursuant to Enforcement Rule 208(f)(1) (relating to emergency temporary suspension orders and related relief);

(4) in matters involving alleged disability, the Supreme Court enters its order transferring the respondent-attorney to inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated) [ ; **or ] , but**

**i. in such cases the order transferring the attorney to disability inactive status shall be a matter of public record, and**

**ii. any other document is subject to the provisions of Enforcement Rules 301(e)(4) and 402(g); or**

(5) there is a need to notify another person or organization, including the Lawyers’ Fund for Client Security, in order to protect the public, the administration of justice, or the legal profession.

\* \* \* \* \*

(g) Except as provided in [ **subsection** ] subdivision (h), if nonpublic information is requested pursuant to subdivision (d)(1)(i), (iii), **or** (iv) [ **or** (v) ] and the respondent-attorney has not signed an applicable waiver of confidentiality, the respondent-attorney shall be notified in writing at the last known address of the respondent-attorney of what information has been requested and by whom, together with a copy of the information proposed to be released to the requesting agency or board. The notice shall advise the respondent-attorney that the information will be released 20 days after mailing of the notice unless the lawyer objects to the disclosure. If the lawyer timely objects to the disclosure, the information shall remain confidential unless the requesting agency or board obtains an order of the Supreme Court requiring its release or the respondent-attorney withdraws the objection.

(h) If an agency or board requesting the release of information under subdivision (d)(1) other than the Judicial Conduct Board [ **and the** ], Pennsylvania Lawyers Fund for Client Security Board **and lawyer disciplinary enforcement agencies in other jurisdictions** has not obtained an applicable waiver of confidentiality from the respondent-attorney, and the agency or board requests that the information be released without giving notice to the respondent-attorney, the requesting agency or board shall certify that:

\* \* \* \* \*

# Title 225—RULES OF EVIDENCE

[ 225 PA. CODE ART. VI ]

## Order Approving the Revision of the Comment to Rule of Evidence 605; No. 696 Supreme Court Rules Doc.

### Order

#### *Per Curiam*

*And Now*, this 29th day of April, 2016, upon the recommendation of the Committee on Rules of Evidence; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comment to Pennsylvania Rule of Evidence 605 is revised in the following form.

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

### Annex A

#### TITLE 225. RULES OF EVIDENCE ARTICLE VI. WITNESSES

#### Rule 605. Judge's Competency as a Witness.

The presiding judge may not testify as a witness at the trial or other proceeding.

#### Comment

This rule differs from the first sentence of F.R.E. 605 with the inclusion of "or other proceeding." Pa.R.E. 605 makes a judge absolutely incompetent to be a witness on any matter in any proceeding at which the judge presides. *Cf. Municipal Publications, Inc. v. Court of Common Pleas*, [ 507 Pa. 194, ] 489 A.2d 1286 (Pa. 1985) (applying former Canon 3C of the Pennsylvania Code of Judicial Conduct, and holding that at a hearing on a motion to recuse a judge, the judge himself could not testify on the issues raised in the motion and continue to preside at the hearing); *see also Rule 2.11 of the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges*.

The second sentence of F.R.E. 605 which provides, "A party need not object to preserve the issue," is not adopted. This is consistent with Pa.R.E. 103(a), which provides that error may not be predicated on a ruling admitting evidence in the absence of a timely objection, motion to strike, or motion in limine. Of course, the court should permit the making of the objection out of the presence of the jury. *See* Pa.R.E. 103(d).

**Official Note:** Adopted May 8, 1998, effective October 1, 1998; rescinded and replaced January 17, 2013, effective March 18, 2013; amended April 29, 2016, effective immediately.

#### *Committee Explanatory Reports:*

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the April 29, 2016 amendment published with the Court's Order at 46 Pa.B. 2409 (May 14, 2016).

## FINAL REPORT<sup>1</sup>

### Revision of the Comment to Rule of Evidence 605

On January 8, 2014, the Court rescinded the then-existing provisions of the Code of Judicial Conduct effective July 1, 2014, and adopted new Canons 1 through 4 of the Code of Judicial Conduct of 2014, also effective July 1, 2014. *See* 44 Pa.B. 455 (January 25, 2014). At the direction of the Court, the Committee on Rules of Evidence identified and updated references to the Code of Judicial Conduct and Rules Governing Standards of Conduct of Magisterial District Judges in the Comment to Rule 605.

[Pa.B. Doc. No. 16-813. Filed for public inspection May 13, 2016, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

[ 231 PA. CODE CHS. 200 AND 1000 ]

## Order Amending Rules 223 and 1006 and Approving Revision of the Note to Rule 225 of the Rules of Civil Procedure; No. 639 Civil Procedural Rules Doc.

### Order

#### *Per Curiam*

*And Now*, this 29th day of April, 2016, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(b):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 223 and 1006 of the Pennsylvania Rules of Civil Procedure are amended, and the revision of the Note to Rule 225 of the Pennsylvania Rules of Civil Procedure is approved, as set forth in the following form.

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

### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 223. Conduct of the Trial. Generally.

Subject to the requirements of due process of law and of the constitutional rights of the parties, the court may make and enforce rules and orders covering any of the following matters, *inter alia*:

(1) Limiting the number of witnesses whose testimony is similar or cumulative;

(2) Limiting the number of attorneys representing the same party or the same group of parties, who may actively participate in the trial of the case or may examine or cross-examine a witness or witnesses;

(3) Regulating the number and length of addresses to the jury or to the court;

<sup>1</sup> 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.

(4) Regulating or excluding the public or persons not interested in the proceedings whenever the court deems such regulation or exclusion to be in the interest of the public good, order or morals.

**Official Note:** Trial courts in Pennsylvania customarily exercise discretion as to the exclusion of persons from the courtroom in the interest of good order and morals.

The exclusion of the taking of photographs or radio or television broadcasting is governed by [ **Canon 3A(7) of the Code of Judicial Conduct** ] Pa.R.J.A. No. 1910.

Rule 225. Summing [ **up** ] **Up**.

Attorneys for each party or group of parties may make an opening address to the jury and may also make an address to the jury after the close of the testimony.

**Official Note:** Rule 225 merely confers the right to make addresses to the jury as stated therein. The trial court by local rule or otherwise may regulate the number, length, and order of addresses. See Rule [ **223(a)(3)** ] **223(3)**.

## CHAPTER 1000. ACTIONS

### Subchapter A. CIVIL ACTION

#### VENUE AND PROCESS

##### Rule 1006. Venue. Change of Venue.

(a) Except as otherwise provided by subdivisions (a.1), (b), and (c) of this rule, an action against an individual may be brought in and only in a county in which

(1) the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law, or

**Official Note:** For a definition of transaction or occurrence, see *Craig v. W. J. Thiele & Sons, Inc.*, [ **395 Pa. 129**, ] 149 A.2d 35 (Pa. 1959).

(2) the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.

(a.1) Except as otherwise provided by subdivision (c), a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county in which the cause of action arose. This provision does not apply to a cause of action that arises outside the Commonwealth.

**Official Note:** See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c), for the definitions of “health care provider,” “medical professional liability action,” and “medical professional liability claim.”

(b) Actions against the following defendants, except as otherwise provided in subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

**Official Note:** Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. See Rules 2130, 2156 and 2179.

Subdivision (a.1) is a venue rule and does not create jurisdiction in Pennsylvania over a foreign cause of action where jurisdiction does not otherwise exist.

(c)(1) Except as otherwise provided by [ **paragraph (2)** ] **subdivision (c)(2)**, an action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the venue may be laid against any one of the defendants under the general rules of subdivisions (a) or (b).

(2) If the action to enforce a joint or joint and several liability against two or more defendants includes one or more medical professional liability claims, the action shall be brought in any county in which the venue may be laid against any defendant under subdivision (a.1). This provision does not apply to a cause of action that arises outside the Commonwealth.

(d)(1) For the convenience of parties and witnesses the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought.

(2) Where, upon petition and hearing thereon, the court finds that a fair and impartial trial cannot be held in the county for reasons stated of record, the court may order that the action be transferred. The order changing venue shall be certified forthwith to the Supreme Court, which shall designate the county to which the case is to be transferred.

**Official Note:** For the recusal of the judge for interest or prejudice, see [ **Canon 3C** ] **Rule 2.11** of the Code of Judicial Conduct.

(3) It shall be the duty of the prothonotary of the court in which the action is pending to forward to the prothonotary of the county to which the action is transferred, certified copies of the docket entries, process, pleadings, depositions and other papers filed in the action. The costs and fees of the petition for transfer and the removal of the record shall be paid by the petitioner in the first instance to be taxable as costs in the case.

(e) Improper venue shall be raised by preliminary objection and if not so raised shall be waived. If a preliminary objection to venue is sustained and there is a county of proper venue within the State the action shall not be dismissed but shall be transferred to the appropriate court of that county. The costs and fees for transfer and removal of the record shall be paid by the plaintiff.

(f)(1) Except as provided by [ **paragraph (2)** ] **subdivision (f)(2)**, if the plaintiff states more than one cause of action against the same defendant in the complaint pursuant to Rule 1020(a), the action may be brought in any county in which any one of the individual causes of action might have been brought.

(2) Except as otherwise provided by subdivision (c), if one or more of the causes of action stated against the same defendant is a medical professional liability claim, the action shall be brought in a county required by subdivision (a.1).

#### EXPLANATORY COMMENT

On January 8, 2014, the Supreme Court rescinded the then-existing provisions of the Code of Judicial Conduct effective July 1, 2014, and adopted new Canons 1 through 4 of the Code of Judicial Conduct of 2014, also effective July 1, 2014. See 44 Pa.B. 455 (January 25, 2014). At the direction of the Court, the Civil Procedural Rules Committee has identified and updated references to the Code of Judicial Conduct in the Rules of Civil Procedure to

reflect these changes. Technical amendments to the Note to Rule 225 have also been made which do not affect practice and procedure.

[Pa.B. Doc. No. 16-814. Filed for public inspection May 13, 2016, 9:00 a.m.]

# Title 237—JUVENILE RULES

## PART I. RULES

[ 237 PA. CODE CHS. 1 AND 11 ]

### Order Approving the Revision of Comments to Rule 136 and Rule 1136 of the Rules of Juvenile Court Procedure; No. 695 Supreme Court Rules Doc.

#### Order

*Per Curiam*

And Now, this 29th day of April, 2016, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comments to Rule 136 and Rule 1136 of the Pennsylvania Rules of Juvenile Court Procedure are revised in the following form.

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

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

#### Rule 136. *Ex Parte* Communication.

\* \* \* \* \*

#### Comment

No *ex parte* communications with the court are to occur. Communications should include all parties, such as the filing of a motion, or conducting a conference or a hearing.

Attorneys are bound by the Rules of Professional Conduct. *See* Rules of Professional Conduct Rule 3.5(b). Judges are bound by the Code of Judicial Conduct. *See* Code of Judicial Conduct [ **Canon 3(A)(4)** ] **Rule 2.9**.

Attorneys and judges understand the impropriety of *ex parte* communications regarding matters pending before the court but many participants, such as probation officers and service providers, are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented.

Administrative matters are not considered *ex parte* communications.

**Official Note:** Rule 136 adopted April 29, 2011, effective July 1, 2011. **Amended April 29, 2016, effective immediately.**

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 136 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

**Final Report explaining the amendment of Rule 136 published with the Court's Order at 46 Pa.B. 2411 (May 14, 2016).**

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 11. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

#### Rule 1136. *Ex Parte* Communication.

\* \* \* \* \*

#### Comment

No *ex parte* communications with the court are to occur. Communications should include all parties, such as the filing of a motion, or conducting a conference or a hearing.

Attorneys are bound by the Rules of Professional Conduct. *See* Rules of Professional Conduct Rule 3.5(b). Judges are bound by the Code of Judicial Conduct. *See* Code of Judicial Conduct [ **Canon 3(A)(4)** ] **Rule 2.9**.

Attorneys and judges understand the impropriety of *ex parte* communications regarding matters pending before the court but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented.

Administrative matters are not considered *ex parte* communications.

**Official Note:** Rule 1136 adopted April 29, 2011, effective July 1, 2011. **Amended April 29, 2016, effective immediately.**

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1136 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

**Final Report explaining the amendment of Rule 1136 published with the Court's Order at 46 Pa.B. 2411 (May 14, 2016).**

#### FINAL REPORT<sup>1</sup>

#### Revision of the Comments to Juvenile Court Procedural Rules 136 & 1136

On January 8, 2014, the Court rescinded the then-existing provisions of the Code of Judicial Conduct effective July 1, 2014, and adopted new Canons 1 through 4 of the Code of Judicial Conduct of 2014, also effective July 1, 2014. *See* 44 Pa.B. 455 (January 25, 2014). At the direction of the Court, the Juvenile Court Procedural Rules Committee identified and updated references to the Code of Judicial Conduct in the Comments to Rule 136 and 1136.

[Pa.B. Doc. No. 16-815. Filed for public inspection May 13, 2016, 9:00 a.m.]

<sup>1</sup> 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.



# Title 246—MINOR COURT CIVIL RULES

## PART I. GENERAL

### [ 246 PA. CODE CHS. 100 AND 300 ]

#### Order Amending Rules 112 and 323 of the Rules of Civil Procedure before Magisterial District Judges; No. 397 Magisterial Doc.

##### Order

##### *Per Curiam*

And Now, this 29th day of April, 2016, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 112 and 323 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges 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 immediately.

##### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

#### CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF MAGISTERIAL DISTRICT JUDGES

##### Rule 112. Availability and Temporary Assignments of Magisterial District Judges.

[ (A) ] A. The president judge of each judicial district shall be responsible for ensuring the availability during regular business hours within the judicial district of at least one magisterial district judge to handle matters requiring attention in civil and possessory actions.

[ (B)(1) ] B.(1) The president judge or his or her designee may assign temporarily the magisterial district judge of any magisterial district to serve another magisterial district whenever such assignment is needed:

- (a) To satisfy the requirements of paragraph [ (A) ] A.
- (b) When a magisterial district judge has disqualified himself or herself either at the request of a party or sua sponte.
- (c) To otherwise provide for the efficient administration of justice.
- (2) Whenever a temporary assignment is made under this rule, notice of such assignment shall be conspicuously posted in all magisterial district courts affected by the temporary assignment.

(3) A magisterial district judge temporarily assigned under this rule shall have the jurisdiction and authority of the office the duties of which he or she is temporarily performing and may continue to exercise jurisdiction and authority in his or her own magisterial district.

**Official Note:** This rule was amended in 2007 to further provide for availability and temporary assignment of magisterial district judges in civil and possessory actions similar to that provided for in criminal matters. See Pa.R.Crim.P. 117. Nothing in this rule is intended to affect or conflict with the temporary assignment or

coverage requirements for criminal matters as specified in the Rules of Criminal Procedure. Unlike the criminal coverage rules, paragraph [ (A) ] A of this rule is intended to provide for availability only during regular business hours. None of the matters contemplated under paragraph [ (A) ] A would require after-hours coverage.

This rule is not intended to affect the availability requirements for emergency relief under the Protection From Abuse Act or 42 Pa.C.S. §§ 62A01—62A20. See Pa.R.C.P.M.D.J. Nos. 1201—1211. In addition, the court of common pleas of each judicial district is responsible to ensure that a judge or magisterial district judge “is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under” the Older Adult Protective Services Act, 35 P.S. § [ 10225.307 ] 10225.307(a). Actions commenced under the Older Adult Protective Services Act are governed by statute and local procedures, not by these rules.

Examples of matters contemplated under paragraph [ (A) ] A that may require the attention of a magisterial district judge include the issuance of orders of execution under [ Pa. R.C.P.M.D.J. ] Pa.R.C.P.M.D.J. No. 403, stays of execution under [ Pa. R.C.P.M.D.J. ] Pa.R.C.P.M.D.J. Nos. 410 and 413, and orders for possession under [ Pa. R.C.P.M.D.J. ] Pa.R.C.P.M.D.J. No. 516, so that such matters are handled in a timely manner even in the absence of the magisterial district judge to whom the case would ordinarily be assigned. Litigants may be required to wait a reasonable period of time for a magisterial district judge to complete an arraignment, hearing, or trial. It is expected that the president judge will continue the established procedures in the judicial district or establish new procedures to ensure sufficient availability of magisterial district judges consistent with paragraph [ (A) ] A.

Under paragraph [ (B) ] B, one or more magisterial district judges may be temporarily assigned to serve one or more magisterial districts.

[ Paragraph (B)(1)(b) ] Clause B(1)(b) makes explicit the authority of the president judge to temporarily assign a magisterial district judge when another magisterial district judge has disqualified himself or herself from hearing a matter. Disqualification may occur upon the request of a party or sua sponte. See Rule [ 8 ] 2.11 of the **Rules Governing Standards of Conduct of Magisterial District Judges**, [ 207 Pa. Code Ch. 51, R. 8 ]. As with all judicial officers, a request for disqualification must be made directly to the magisterial district judge.

See Pa. Const. art. V, § 10(a). This rule does not provide for temporary assignments of senior magisterial district judges by president judges. See also [ Rule 17 of the Standards of Conduct of Magisterial District Judges, 207 Pa. Code Ch. 51, R. 17 ] Rule 605 of the **Pennsylvania Rules of Judicial Administration**. Nothing in this rule is intended to conflict with [ Rule 17 ] Pa.R.J.A. No. 605.

#### CHAPTER 300. CIVIL ACTION

##### Rule 323. Judgment—Payment in Installments.

The magisterial district judge may in [ his ] the entry of judgment order the payment of the same in periodic installments [ which ] that shall not extend beyond [ twelve (12) ] 12 months from the date of judgment.

**Official Note:** Since many of the defendants coming before magisterial district judges are apt to be in financial difficulties, it was thought advisable to provide for payment in installments. The payments are to be made to the plaintiff and not to the magisterial district judge. See Rule [ 13 ] 3.9 of the Rules Governing Standards of Conduct of Magisterial District Judges.

### FINAL REPORT<sup>1</sup>

#### Recommendation 1-2016, Minor Court Rules Committee

#### *Amendment of Rules 112 and 323 of the Rules of Civil Procedure Before Magisterial District Judges*

#### Updating References to the Rules Governing Standards of Conduct of Magisterial District Judges

##### I. Introduction

The Minor Court Rules Committee (“Committee”) recommended the amendment of Rules 112 and 323 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges (“Rules”). These amendments will update references to the Rules Governing Standards of Conduct of Magisterial District Judges.

##### II. Background and Discussion

On September 18, 2014, the Court rescinded the then-existing provisions of the Rules Governing Standards of Conduct of Magisterial District Judges effective December 1, 2014, and adopted new Rules Governing Standards of Conduct of Magisterial District Judges. See 44 Pa.B. 6205 (October 4, 2014). Subsequently, on March 26, 2015, the Court rescinded Rules 16–22 and 81 of the Rules Governing Standards of Conduct of Magisterial District Judges, and moved the content of those rules to the Rules of Judicial Administration. See 45 Pa.B. 1838 (April 11, 2015); Pa.R.J.A. Nos. 601–607. In light of these changes, the Committee reviewed the Rules of Civil Procedure before Magisterial District Judges to identify references to the rescinded rules.

The Committee identified references to rescinded Rules 8 and 17 in the Official Note to Rule 112, which addresses the availability and temporary assignments of magisterial district judges. The Committee also identified references to rescinded Rule 13 in the Official Note to Rule 323.

##### III. Rule Changes

The Committee recommended amending the Official Note to Rule 112 to change references to rescinded Rules 8 and 17 to new Rule 2.11 and Rule 605 of the Pennsylvania Rules of Judicial Administration, respectively. The Committee also recommended making stylistic and corrective changes to Rule 112.

The Committee also recommended amending the Official Note to Rule 323 to change the reference to rescinded Rule 13 to new Rule 3.9. The Committee also recommended making stylistic and corrective changes to Rule 323.

[Pa.B. Doc. No. 16-816. Filed for public inspection May 13, 2016, 9:00 a.m.]

<sup>1</sup> The Committee’s Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee’s Official Notes or the contents of the explanatory Final Reports.

## Title 25—LOCAL COURT RULES

### DELAWARE COUNTY

#### Amendment to Register of Wills and Clerk of Orphans’ Court Division Fee Schedules; File No. 224-2016

#### Order

And Now, to wit, this 13th day of April, 2016, upon consideration of request of the Register of Wills and Clerk of Orphans’ Court to impose a three percent (3%) Convenience Fee for the use of Credit and Debit Cards as an acceptable form of payment by the public for the fees associated with this office, it is hereby *Ordered* and *Decreed* that said Convenience Fee shall be adopted, and the Fees of the Register of Wills and Clerk of Orphans’ Court Division, which were adopted through Orders signed by the Honorable Edward J. Zetusky, Jr., past President Judge, on January 31, 2007, shall be amended to reflect a three percent (3%) Convenience Fee to go into effect on June 1, 2016.

By the Court

CHAD F. KENNEY,  
*President Judge*

#### In the Office of the Register of Wills and Clerk of Orphans’ Court Division of Delaware County, PA

#### Notice

Notice is hereby given that effective June 1, 2016, the office of the Register of Wills and Clerk of Orphans’ Court Division will begin accepting credit cards and debit cards as a form of payment for the following:

- Applications for Marriage Licenses
- Plain, Certified and Exemplified copies of Marriage Licenses

*Please note:* Credit and debit cards will not be accepted as a form of payment for any other fees of the Register of Wills and Orphans’ Court at this time.

As per the Order of the Honorable Chad F. Kenney, President Judge, dated April 13, 2016, a three percent (3%) Convenience Fee will be imposed for use of credit and debit cards as a form of payment for the fees of this office.

JENNIFER HOLSTEN MADDALONI, Esq.,  
*Register of Wills and Clerk of Orphans’ Court Division*

[Pa.B. Doc. No. 16-817. Filed for public inspection May 13, 2016, 9:00 a.m.]

### ERIE COUNTY

#### Possession and Use of Electronic Devices; Doc. No. 55 of 2016

#### Administrative Order

And Now, to wit, this 27th day of April, 2016, in accordance with Pa.R.J.A. 1910 and Pa.R.Crim.P. 112, it is hereby *Ordered*, *Adjudged* and *Decreed* as follows:

1. Broadcasting, televising, recording, taking photographs, otherwise electronically duplicating proceedings, or in any way transmitting communications regarding the

proceedings is, without specific prior authorization of a Judge of the Erie County Court of Common Pleas, prohibited within the courtrooms and hearing rooms of the Erie County Court of Common Pleas and the areas surrounding the entrances and exits to any hearing room or courtroom. This prohibition includes live blogging, tweeting and/or posting quotations via social media.

2. Guests and media present within the courtrooms or other hearing rooms of the Erie County Court of Common Pleas may possess cell phones, smart phones, tablets, and other communicative electronic devices. All such devices must be silenced and non-vibrating and remain silent and nondisruptive in the aforementioned areas. Unless specifically authorized by the presiding judge, guests and media may not utilize such devices within the courtroom or in the area immediately surrounding the entrances and exits to the courtroom.

3. This Order does not preclude:

a. the use of electronic devices by counsel and/or their agents and employees in the presentation of their case as otherwise authorized by law;

b. the use of electronic devices in non-legal proceedings such as ceremonial proceedings, mock trials or other similar proceedings;

c. the use of cameras or other equipment utilized by court personnel or the Erie County Sheriff's Department for the purpose of insuring courtroom security;

4. This Order shall not in any way be construed to restrict the authority of any judge of the Erie County Court of Common Pleas from authorizing broadcasting and electronic recording in accordance with Pa.R.J.A. 1910 and/or Pa.R.Crim.P. 112.

5. Any person found in violation of the provisions of this order regarding the use of electronic devices will be subject to removal from the courtroom/hearing room, potential confiscation of such device and/or applicable penalties for contempt of court (including fines or summary incarceration).

*By the Court*

JOHN J. TRUCILLA,  
*President Judge*

[Pa.B. Doc. No. 16-818. Filed for public inspection May 13, 2016, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

#### [ 31 PA. CODE CH. 161 ]

#### Requirements for Qualified and Certified Reinsurers

The Insurance Department (Department) amends Chapter 161 (relating to requirements for qualified and certified reinsurers). This final-form rulemaking is made under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, and section 319.1 of The Insurance Company Law of 1921 (act) (40 P.S. § 442.1), regarding credits for reinsurance.

#### *Purpose*

The purpose of this final-form rulemaking is to update Chapter 161 to delete the requirement that a reinsurer be listed on the successor list to the Non-Admitted Insurance Listing (now known as the “Quarterly Listing of Alien Insurers”) published by the National Association of Insurance Commissioners (NAIC) to be considered for qualification under section 319.1 of the act. This final-form rulemaking deletes the administrative requirement and conforms the Commonwealth’s regulation to the model law and regulation developed by the NAIC entitled “Credit for Reinsurance Model Law” (# 785) and “Credit for Reinsurance Model Regulation” (# 786), respectively.

#### *Comments and Responses*

Notice of the proposed rulemaking was published at 45 Pa.B. 4763 (August 15, 2015) with a 30-day public comment period. Comments were received from the Insurance Federation of Pennsylvania and Lloyds America, Inc. expressing support for the amendments. Additionally, a comment was received from the Pennsylvania Association of Mutual Insurance Companies indicating no objection to the amendments.

The Independent Regulatory Review Commission (IRRC) did not have objections, comments or recommendations regarding the proposed rulemaking.

#### *Affected Parties*

Although Chapter 161 applies to insurance companies domesticated in this Commonwealth and the reinsurers with whom they do business, this final-form rulemaking applies only to any alien insurer seeking to be deemed a “qualified” reinsurer by the Insurance Commissioner (Commissioner).

#### *Fiscal Impact*

##### *State government*

There will be no material increase in cost to the Department as a result of this final-form rulemaking.

##### *General public*

While Chapter 161 does not have immediate fiscal impact on the general public, the general public will benefit to the extent that removing an unnecessary administrative requirement for reinsurers that are financially solvent and licensed in well-regulated jurisdiction

will reduce the cost of reinsurance to ceding insurers in this Commonwealth and reduce trade barriers allowing for more competition in the reinsurance marketplace.

#### *Political subdivisions*

This final-form rulemaking will not impose additional costs on political subdivisions.

#### *Private sector*

This final-form rulemaking will not impose significant costs on the transaction of business in this Commonwealth.

#### *Paperwork*

This final-form rulemaking will not impose additional paperwork on the Department.

#### *Effectiveness/Sunset Date*

The final-form rulemaking will become effective on June 13, 2016. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

#### *Contact Person*

Questions or comments concerning this final-form rulemaking may be addressed in writing to Bridget E. Burke, Regulatory Coordinator, 1341 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, [briburke@pa.gov](mailto:briburke@pa.gov).

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 5, 2015, the Department submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 4763, to IRRC and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on January 20, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective January 20, 2016.

#### *Findings*

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

*Order*

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 161, are amended by amending § 161.3 to read as set forth at 45 Pa.B. 4763.

(b) The Commissioner shall submit this order and 45 Pa.B. 4763 to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Commissioner shall certify this order and 45 Pa.B. 4763 and deposit them with the Legislative Reference Bureau, as required by law.

(d) The final-form regulation adopted by this order shall take effect on June 13, 2016.

TERESA D. MILLER,  
*Insurance Commissioner*

*(Editor's Note: See 46 Pa.B. 729 (February 6, 2016) for IRRC's approval order.)*

**Fiscal Note:** 11-253. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-819. Filed for public inspection May 13, 2016, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF PHYSICAL THERAPY

[ 49 PA. CODE CH. 40 ]

### Post-Act 38 Revisions

The State Board of Physical Therapy (Board) proposes to amend §§ 40.16, 40.17, 40.20, 40.63, 40.67, 40.69, 40.152, 40.161, 40.163, 40.164, 40.165, 40.181 and 40.192 to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

This proposed rulemaking is authorized under sections 3(a), 4(a), 6, 7.2, 9.1 and 11(a) of the Physical Therapy Practice Act (act) (63 P.S. §§ 1303(a), 1304(a), 1306, 1307.2, 1309.1 and 1311(a)).

#### *Background and Need for the Amendments*

The act of July 4, 2008 (P.L. 293, No. 38) (Act 38) substantially amended the act, including qualifications for licensure as a physical therapist, continuing education for all physical therapists and physical therapist assistants, professional liability insurance for all physical therapists, physician referral, and supervision of physical therapist assistants by physical therapists on a basis that may be less than direct on-premises supervision. Due to the extensive nature and breadth of these amendments, the Board amended its regulations to implement Act 38 at 42 Pa.B. 7652 (December 22, 2012). After final promulgation, the Board discovered various typographical errors, necessary clarity edits and other items that were not, but could have been, addressed in the prior final-form rulemaking. This rulemaking proposes to address these items.

#### *Description of the Proposed Amendments*

In its Act 38 amendments, the Board added § 40.20 (relating to inactive status of physical therapist license). Subsection (b) provided that a physical therapist whose license had expired or been placed on inactive status may not practice until the license has been reactivated. While reviewing comments on the proposed provisions concerning renewal of certification of physical therapist assistants, the Board concluded that it should clearly prohibit a physical therapist from practicing on a lapsed license and provide that one who does so is subject to disciplinary action under sections 4(a) and 11(a)(6) of the act. Without recognizing the existence of subsection (b), the Board added subsection (f) to the final-form rulemaking to do so. To remove this redundancy, the Board now proposes to delete subsection (f) and move the provisions into subsection (b).

Act 38 added section 9(b)(4)(iii.1) of the act (63 P.S. § 1309(b)(4)(iii.1)) to require a licensee practicing in this Commonwealth to maintain a level of professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made with coverage provided through self-insurance, personally purchased liability insurance, or professional liability insurance provided through the physical therapist's employer or similar group. The Board added § 40.69 (relating to professional liability insurance) repeating those requirements in sub-

section (a). However, this provision incorrectly cites section 9.1(b)(4) of the act, rather than section 9(b)(4) of the act. The Board proposes to amend this subsection to correct the citation.

The Board also amended § 40.1 (relating to definitions) to add definitions for "APTA," "CAPTE" and "FSBPT," which are the commonly used acronyms of the American Physical Therapy Association (APTA), the Commission on Accreditation in Physical Therapy Education (CAPTE) and the Federation of State Boards of Physical Therapy (FSBPT). These defined terms are used throughout Chapter 40. However, § 40.1 limits those definitions to use in Subchapter A (relating to physical therapists). The Board did not amend § 40.152 (relating to definitions) to define these terms for use in Subchapter C (relating to physical therapist assistants). The Board proposes to amend § 40.152 to define these acronyms and to amend §§ 40.161(c), 40.163(a)(1) and 40.192(d)(1)(i) (relating to certification as physical therapist assistants; practice; exceptions; requirements for certification; and continuing education for certified physical therapist assistant) to use the acronyms.

Section 6(c) of the act previously permitted an applicant who had failed the physical therapist licensure examination the privilege of a second examination after the expiration of 6 months and within 2 years from the first failure. Section 40.14(a) (relating to examination; failure; reexamination) repeated this provision. Section 9.1(c) of the act contained an identical provision for a physical therapist assistant, which is repeated in § 40.164(b)(1) (relating to physical therapist assistant certification examination). Act 38 amended sections 6(c) and 9.1(c) of the act to allow for re-examination after 60 days and within 1 year of the failure. The Board amended § 40.14(a) accordingly, but did not amend § 40.164(b)(1). The Board proposes to amend § 40.164(b)(1) to permit re-examination upon a first failure of the physical therapist assistant certification examination after the expiration of 60 days and within 1 year of the date of the first failure.

Section 6(f) of the act previously authorized the Board to license foreign-educated physical therapists of appropriate age, good moral character, without addiction, who have completed educational requirements substantially equal to those of the act, and passed the licensure examination and, in the Board's discretion, have completed a supervised clinical program of up to 1 year. Act 38 amended this section to delete all the provisions except the discretionary clinical experience. In place of those deleted provisions, Act 38 added section 6(i) of the act to require that a foreign-educated applicant applies, pays the appropriate fee and provides proof of holding an unrestricted license in the country where the applicant was educated; that the applicant's education is substantially equivalent to the education generally required for licensure; and the applicant passes the licensure examination. To implement these changes, the Board amended § 40.17 (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience) by amending paragraph (1) to require the applicant to apply and pay the fee, amending paragraph (2) to require the applicant to provide documentation that the applicant has graduated from a physical therapist education program that prepares the applicant to engage without restriction in the practice of physical therapy (in addition to the existing requirement that the

school is recognized by the authorizing agency of that jurisdiction) and amending paragraph (5) to require satisfactory evidence by means of credentials evaluation that the applicant's education is substantially equivalent to the education of physical therapists in accredited programs in this country or that the program is accredited by CAPTE or other National organization recognized by the Board that accredits physical therapy programs. The Board did not amend paragraph (3), which requires the applicant to provide written documentation of authorization to practice as a physical therapist without limitations in the country where the professional education took place. A physical therapist applying for licensure in this Commonwealth generally no longer has a need to retain current authorization to practice in the foreign country in which the physical therapist was educated. Moreover, it is not unreasonable to foresee that some foreign jurisdictions might rescind the professional authorization to practice of one who has immigrated to the United States. Accordingly, the Board construes the requirement of "holding an unrestricted license in the country where the applicant was educated" to be not limited to the present time but instead having previously held the license. The Board proposes to amend § 40.17(3) to require a foreign-educated applicant to provide documentation of "having held authorization" to practice in the country of professional education. The Board believes that this construction is consistent with section 6(i)(2) of the act.

The Board further considered § 40.16 (relating to licensure by endorsement), which addresses applicants for licensure who are currently licensed in another state or territory of the United States. This section was not amended as a result of Act 38. The Board proposes to amend § 40.16(b) to provide that an applicant for licensure by endorsement who was educated in a foreign country shall also comply with § 40.16(a) for an applicant for licensure by endorsement. Current § 40.16(b) requires applicants for licensure by endorsement who were educated in a foreign country to comply with the educational requirements of § 40.17. Existing § 40.16(b) also requires an applicant for licensure by endorsement who was educated in a foreign country to submit documentary evidence that the applicant is authorized to practice as a physical therapist without limitation in the foreign country of education and hold a valid license by examination in the other state or territory of the United States. However, an applicant for licensure by endorsement, whether educated in a foreign country or in another state or territory of the United States, is required under section 6(d.1) of the act to hold a valid license in the other state or territory to become licensed without further examination. In addition, current § 40.16(a)(1) (now incorporated by reference for a foreign-educated applicant) already requires an applicant for licensure by examination to hold a valid license in another state or territory of the United States. Therefore, the requirement of § 40.16(b)(2) that an applicant hold a valid license by examination is redundant. Additionally, for an applicant who has become licensed in another state or territory of the United States, whether that applicant was authorized to practice in the country of education as required under § 40.16(b)(1) is essentially irrelevant. Accordingly, the Board proposes to amend § 40.16(b) to delete these two requirements.

Act 38 added section 7.2 of the act to require physical therapists to complete at least 30 hours of continuing physical therapy education during each 2-year renewal period. Act 38 also added section 9.1(j) of the act to require physical therapist assistants to complete at least 30 hours of continuing physical therapy education for

each certificate renewal. The Board added § 40.67 (relating to continuing education for licensed physical therapist) and § 40.192 to implement this new continuing education requirement. As part of these additions, §§ 40.67(d)(1)(i) and 40.192(d)(1)(i) recognize as preapproved providers APTA and its components, FSBPT and its jurisdictions, physical therapist and physical therapist assistant programs accredited by CAPTE, and the American Heart Association and the American Red Cross and their component organizations for continuing education in identifying and responding to emergency health conditions. Section 40.67(d)(1)(i) also recognizes as preapproved organizations credentialed by APTA to confer a fellowship or offer a residency program, but only for those purposes. The Board also provides in §§ 40.67(d)(1)(ii) and 40.192(d)(1)(ii) that any other provider could apply for preapproved provider status. Under §§ 40.67(d)(1) and 40.192(d)(1), a course or program of continuing education credit of a preapproved provider is approved for credit if it otherwise meets the content requirements of subsection (c)(2). Although not considered by the Board at the time, ProCert is an affiliate of FSBPT that reviews and certifies continuing education courses for FSBPT standards. Accordingly, the Board proposes to amend §§ 40.67(d)(1)(i) and 40.192(d)(1)(i) to add to the list of preapproved providers any provider whose course or program is certified by FSBPT's ProCert for those courses or programs so certified. Additionally, §§ 40.67(b)(2) and 40.192(b)(2) require licensed physical therapists and certified physical therapist assistants, respectively, to maintain records of continuing education for 5 years. Under § 40.63(c) (relating to continuing education for direct access certificateholder), the Board requires those physical therapists who are certified to provide services for a limited period of time without referral from a physician or other authorized referrer to maintain records of continuing education for 4 years. To make the requirements consistent, the Board proposes amending § 40.63(c) to require direct access certificateholders to maintain records of continuing education for 5 years, using the same language as in §§ 40.67(b)(2) and 40.192(b)(2).

Act 38 amended the act to permit a physical therapist assistant, in certain situations, to provide services under supervision by a physical therapist that is less than direct on-premises supervision. However, section 9.1(c)(4) of the act provides that a physical therapist assistant shall remain under the direct on-premises supervision of a physical therapist until being approved by the Board, based upon having either: at least 2,000 hours of experience providing patient-related acts and services verified by a supervising licensed physical therapist; or employment as a physical therapist assistant for at least 3 of the 5 years immediately preceding the effective date of section 9.1(c)(4) of the act. In response, the Board added § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision). Section 40.165(b)(2)(i) requires that the applicant have at least 2,000 hours of experience providing patient-related services under the supervision of a licensed physical therapist, as verified by the prior supervising physical therapists. Section 40.165(b)(2)(ii) alternatively permits the applicant to provide documentation verifying that the applicant worked as a physical therapist assistant for at least 3 years between October 2, 2003, and October 2, 2008, the 5-year period immediately preceding the effective date of Act 38. Act 38 also added section 9.1(a.1) of the act to allow for temporary certification as a physical therapist assistant, limited to providing services only under the direct on-premises supervision of a licensed physical therapist, by one who meets all requirements for

certification except the examination. The temporary certificate is good for up to 6 months, but expires upon failure of the examination. The Board adopted § 40.166 (relating to temporary certificate to provide services as a physical therapist assistant) to implement this new provision. However, consideration was not given to whether experience providing services under a temporary certificate could be used to demonstrate qualification to provide services under less than direct on-premises supervision. Although the supervisory requirements for providing services under a temporary certificate are the same as those for providing services as a certified physical therapist assistant, the Board concluded that experience under a temporary certificate should not be considered. A temporary certificateholder, though having completed the educational component, has not passed the examination and fully demonstrated competence to provide services. Accordingly, the Board proposes to amend § 40.165(b)(2)(i) to require that the 2,000 hours of experience providing patient-related acts and services be while certified to do so under §§ 40.161—40.165 or predecessor registration or equivalent authorization in another jurisdiction.

The Board amended § 40.181 (relating to refusal, suspension or revocation of certification) to include as disciplinary grounds providing services under less than direct on-premises without authorization from the Board or other than as authorized by the act or this chapter. The Board did not consider other grounds for disciplinary action that could be implicated by providing services under less than direct on-premises supervision. The Board currently provides in § 40.52 (relating to unprofessional conduct; physical therapists) various grounds for disciplinary action. The Board may take disciplinary action against a physical therapist for: harassing, abusing or intimidating a patient; revealing information obtained as a result of the therapist-patient relationship to a third party who is not involved in the patient's care, without the prior written consent of the patient, except as authorized or required by statute; or violating a provision of the act or Board regulations that establish a standard of conduct. The disciplinary grounds in § 40.181 do not include similar provisions. With lesser supervision, there may be greater need to protect patients from these actions. The Board therefore proposes to amend § 40.181(a) to include these grounds for disciplinary action of a physical therapist assistant.

*Fiscal Impact and Paperwork Requirements*

This proposed rulemaking would not have adverse fiscal impact on the Commonwealth or its political subdivisions. This proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 15, 2016, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to the Regulatory Unit Counsel, Department of State, P.O. Box 2649, Harrisburg, PA 17105-2649 or RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6517 (Post-Act 38 Revisions) when submitting comments.

SUSAN L. WHITNEY, PhD, PT,  
*Chairperson*

**Fiscal Note:** 16A-6517. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY**

**Subchapter A. PHYSICAL THERAPISTS LICENSURE**

**§ 40.16. Licensure by endorsement.**

\* \* \* \* \*

(b) [ An ] In addition to the requirements of subsection (a), an applicant for licensure by endorsement who received education in a country outside of the United States is required to meet the educational requirements as set forth in § 40.17(5) and (6) (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience) [ and comply with the following: ].

[ (1) The applicant shall submit documentary evidence that the applicant is authorized to practice as a physical therapist without limitation in the country where the professional education occurred.

(2) The applicant shall hold a valid license by examination in another state or territory of the United States providing the requirements were, at the time of receiving the license, substantially equivalent to the requirements as set forth in the act. ]

**§ 40.17. Foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience.**

To be eligible to take the examination for licensure, foreign-educated applicants for licensure shall comply with the following conditions:

\* \* \* \* \*



(3) The applicant shall provide written documentation of **having held legal** authorization to practice as a physical therapist without limitations in the country where the professional education took place.

\* \* \* \* \*

§ 40.20. Inactive status of physical therapist license.

\* \* \* \* \*

(b) A [ **physical therapist** ] licensee whose license has expired or been placed on inactive status may not practice as a physical therapist in this Commonwealth until the license has been reactivated. A licensee who practices the profession in this Commonwealth after the license has expired and before it has been renewed or reactivated is subject to disciplinary action under sections 4(a) and 11(a)(6) of the act (63 P.S. §§ 1304(a) and 1311(a)(6)), as set forth in § 40.52(11) (relating to unprofessional conduct; physical therapists). A licensee who has engaged in practice during a period in which the license was not active may be subject to criminal prosecution under section 12 of the act (63 P.S. § 1312).

\* \* \* \* \*

(e) In addition to the other requirements of this section, a licensee whose license has been inactive for 5 years or more shall demonstrate current competence to practice as a physical therapist by at least one of the following:

(1) Successful completion of the licensure examination required under § 40.13 (relating to areas of examination) and section 6(b) of the act (63 P.S. § 1306(b)).

(2) Satisfaction of the requirements of § 40.16 (relating to licensure by endorsement) and proof of licensed practice of physical therapy in one or more other jurisdictions of the United States or Canada for at least 36 months of the 5 years immediately preceding application for reactivation.

[ (f) A licensee who has not renewed the license may not practice the profession in this Commonwealth until the license has been renewed or reactivated. A licensee who practices the profession in this Commonwealth after the license has expired and before it has been renewed or reactivated is subject to disciplinary action under sections 4(a) and 11(6) of the act (63 P.S. §§ 1304(a) and 1311(6)), as set forth in § 40.52(11) (relating to unprofessional conduct; physical therapists). A licensee who has engaged in practice during a period in which the license was not active may be subject to criminal prosecution under section 12 of the act (63 P.S. § 1312). ]

PRACTICE WITHOUT REFERRAL

§ 40.63. Continuing education for direct access certificateholder.

\* \* \* \* \*

(c) *Reports to the Board.* A certificateholder shall certify compliance with the continuing education hours requirement at the time of biennial renewal of the certificate. A certificateholder shall retain [ for at least 4 years certificates, transcripts or other documentation showing completion of the prescribed number of hours ] proof of completion of continuing education

for 5 years after completion of the continuing education or after the completion of the renewal period during which the continuing education was required or applied, whichever is later. These records are subject to audit by the Board.

\* \* \* \* \*

CONTINUING EDUCATION

§ 40.67. Continuing education for licensed physical therapist.

\* \* \* \* \*

(d) *Approval of continuing education courses and programs.* Continuing education courses and programs may be approved in accordance with this subsection.

(1) Provided that the course or program otherwise meets the requirements of subsection (c)(2) and the provider issues to each attending licensee a certificate of completion record in accordance with subsection (b)(1), a course or program of continuing education from a provider preapproved under this paragraph is approved by the Board.

(i) The following providers are preapproved:

\* \* \* \* \*

(G) The American Board of Physical Therapy Specialization or its successor organization, only for specialty certification.

(H) Any provider whose course or program is certified by FSBPT's ProCert for those courses or programs so certified.

(ii) Any other provider seeking preapproved provider status shall:

\* \* \* \* \*

PROFESSIONAL LIABILITY INSURANCE

§ 40.69. Professional liability insurance.

(a) *Professional liability insurance requirements.* As required under section [ 9.1(b)(4) ] 9(b)(4) of the act (63 P.S. § [ 1309.1(b)(4) ] 1309(b)(4)), a licensed physical therapist shall maintain professional liability insurance in the minimum amount of \$1 million per occurrence or claims made as a condition of practicing as a physical therapist in this Commonwealth. Coverage may be provided through:

\* \* \* \* \*

Subchapter C. PHYSICAL THERAPIST ASSISTANTS

GENERAL PROVISIONS

§ 40.152. Definitions.

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

**APTA**—The American Physical Therapy Association.

**Act**—The Physical Therapy Practice Act (63 P.S. §§ 1301—1313).

**CAPTE**—The Commission on Accreditation in Physical Therapy Education.

**FSBPT**—The Federation of State Boards of Physical Therapy.

*Indirect supervision*—Supervision of a physical therapist assistant by a licensed physical therapist that is not direct on-premises supervision, as authorized under section 9.1(c) of the act (63 P.S. § 1309.1(c)) and this subchapter, including § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist).

\* \* \* \* \*

**CERTIFICATION**

**§ 40.161. Certification as physical therapist assistants; practice; exceptions.**

\* \* \* \* \*

(c) This subchapter does not prohibit physical therapist assistant students from assisting a physical therapist licensed to practice without restriction in this Commonwealth under the direct on-premises supervision of the physical therapist as is incidental to their course of study in a program which has been approved for the education and training for physical therapist assistants by [ **the Commission on Accreditation in Physical Therapy Education (CAPTE)** ] CAPTE.

\* \* \* \* \*

**§ 40.163. Requirements for certification.**

(a) Under section 9.1(a) of the act (63 P.S. § 1309.1(a)), an applicant for certification by examination shall submit evidence of the following:

(1) Graduation from a physical therapist assistant program which has been approved for the education and training [ **for** ] of physical therapist assistants by [ **the Commission on Accreditation in Physical Therapy Education (CAPTE)** ] CAPTE.

\* \* \* \* \*

**§ 40.164. Physical therapist assistant certification examination.**

\* \* \* \* \*

(b) *Failure and reexamination.* In the case of failure of examination, the following apply:

(1) After failing the first examination, the applicant has, after the expiration of [ **6 months** ] **60 days** and within [ **2 years** ] **1 year** of the date of the first failure, the privilege of a second examination upon the filing of a new application under subsection (a) and upon payment of the appropriate fee.

\* \* \* \* \*

**§ 40.165. Authorization to provide services as a physical therapist assistant under indirect supervision.**

\* \* \* \* \*

(b) Unless there are grounds to deny the application under § 40.181 (relating to refusal, suspension or revocation of certification), the Board will grant a certificate of authority as described in this section to an applicant who:

(1) Demonstrates that the applicant satisfies the requirements of §§ 40.161—40.164.

(2) Demonstrates that the applicant satisfies the requirements of section 9.1(c)(4) of the act (63 P.S. § 1309.1(c)(4)) for certification to provide services as a

physical therapist assistant under indirect supervision of a licensed physical therapist by either verifying that the applicant:

(i) Has at least 2,000 hours of experience providing patient-related acts and services **while certified to do so under §§ 40.161—40.165 or predecessor registration or equivalent authorization in another jurisdiction** under the supervision of one or more licensed physical therapists, as verified by those physical therapists.

\* \* \* \* \*

**DISCIPLINE**

**§ 40.181. Refusal, suspension or revocation of certification.**

(a) Under section 9.1(f) of the act (63 P.S. § 1309.1(f)), the Board may refuse, suspend or revoke the certification of a person who has:

\* \* \* \* \*

(11) Provided services as a physical therapist assistant under indirect supervision other than as authorized by section 9.1(c) of the act and § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist).

(12) **Harassed, abused or intimidated a patient.**

(13) **Revealed information obtained as a result of the therapist-patient relationship to a third party who is not involved in the patient's care, without the prior written consent of the patient, except as authorized or required by statute.**

(14) **Violated a provision of the act or this chapter that establishes a standard of conduct.**

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a registration are taken subject to the right of notice, hearing and adjudication, and the right of appeal therefrom under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to [ **the** ] Administrative Agency Law).

**MAINTENANCE OF CERTIFICATION**

**§ 40.192. Continuing education for certified physical therapist assistant.**

\* \* \* \* \*

(d) *Approval of continuing education courses.* Continuing education courses or programs may be approved in accordance with this subsection.

(1) Provided that the course or program otherwise meets the requirements in subsection (c)(2) and the course or program provider issues to each attending certified physical therapist assistant a certificate of completion record in accordance with subsection (b)(1), a course or program of continuing education from a provider preapproved under this paragraph is approved by the Board.

(i) The following providers are preapproved:

(A) [ **The American Physical Therapy Association** ] APTA or its components.

(B) [ **The Federation of State Boards of Physical Therapy** ] FSBPT and its jurisdictions.

(C) A physical therapist or physical therapist assistant educational program accredited by [ **the Commission on Accreditation in Physical Therapy Education** ] **CAPTE**.

(D) The American Heart Association and the American Red Cross and their component organizations, only for purposes of providing continuing education in identifying and responding to emergency health conditions as required under subsection (a)(1).

**(E) Any provider whose course or program is certified by FSBPT's ProCert for those courses or programs so certified.**

(ii) Any other provider seeking preapproved provider status shall:

\* \* \* \* \*

[Pa.B. Doc. No. 16-820. Filed for public inspection May 13, 2016, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

### HOUSING FINANCE AGENCY

#### [ 12 PA. CODE CH. 31 ]

#### Homeowner’s Emergency Mortgage Assistance Program; Amendments; Correction

Two errors occurred in the statement of policy published at 46 Pa.B. 2171 (April 30, 2016). The Editor’s Note did not reference the amendment of Appendix A. Ellipses were inadvertently omitted in § 31.204 (relating to Agency review). These errors are corrected as follows. The remainder of the statement of policy is accurate as published.

*(Editor’s Note:* Title 12 of the *Pennsylvania Code* is amended by amending statements of policy in §§ 31.201—31.207, 31.209 and 31.211 and Appendix A to read as set

forth in Annex A, with ellipses referring to the existing text.)

#### § 31.204. Agency review.

\* \* \* \* \*

(b) Agency responsibilities include the following:

\* \* \* \* \*

(3) The Agency will determine whether the homeowner has a reasonable prospect of being able to resume full mortgage payments within 24 months after the beginning of the period for which assistance payments are provided by the Agency and of being able to pay the mortgage in full by the maturity date or by a later date agreed to by the mortgagee for completing mortgage payments. If the term of the mortgage matures prior to or during the period of assistance, the mortgagor may still be eligible for assistance under this subchapter, except as provided in § 31.206(d) (relating to reasonable prospect of resuming mortgage payments and paying mortgage by maturity).

\* \* \* \* \*

[Pa.B. Doc. No. 16-821. Filed for public inspection May 13, 2016, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGING

### Draft 2016—2020 State Plan on Aging; Public Comment; Public Hearings

The Department of Aging (Department) is making the draft 2016—2020 State Plan on Aging (Plan) available for public review and comment. Comments on the draft Plan will be used to formulate the Department's final Plan, which will be submitted to the Federal Administration on Aging for the Commonwealth to receive Federal funds under the Older Americans Act of 1965 (act) (42 U.S.C.A. §§ 3001—3058ff).

Under the act, the Department is required to develop and implement a strategic plan that outlines how the Department will protect this Commonwealth's most vulnerable, and empower individuals to age in place with the respect and dignity they deserve. The implementation of the upcoming Plan will begin on October 1, 2016, and be carried out until September 30, 2020.

Residents, local government officials and interested organizations in this Commonwealth are invited to submit comments on the Plan. The date, location and time of each hearing is listed as follows. Persons who wish to provide comment will be required to also submit a copy of their written testimony.

- May 18—Allegheny County, Allegheny County AAA, 2100 Wharton Street, 2nd Floor Conference Room, Pittsburgh, PA 15203, 10 a.m. to 12 p.m.
- May 19—Dauphin County, Hamilton Health Center, Community Room, 110 South 17th Street, Harrisburg, PA 17104, 2 p.m. to 4 p.m.
- May 24—Philadelphia County, Drexel University, Bossone Engineering Building, 3126 Market Street, Philadelphia, PA 19104, 10 a.m. to 12 p.m.

For those unable to attend in person, written comments can be submitted to the Department of Aging, Kelly O'Donnell, Director, Operations and Management Office, 555 Market Street, 5th Floor, Harrisburg, PA 17101.

Additional questions or concerns may be submitted to [StatePlanonAging@pa.gov](mailto:StatePlanonAging@pa.gov).

Persons who wish to give oral testimony at the public hearings must call in advance to schedule a time. Oral testimony is limited to 5 minutes per person and a written copy of the testimony will be requested the day of the public hearing. To schedule oral testimony at any of the hearings, contact Abby Fox, Community Liaison, (717) 783-6128, [StatePlanonAging@pa.gov](mailto:StatePlanonAging@pa.gov). The previously listed facilities are accessible by persons with disabilities.

Persons with a disability who require an accommodation to attend one of the public hearings are asked to contact Abby Fox, Community Liaison, (717) 783-6128, [StatePlanonAging@pa.gov](mailto:StatePlanonAging@pa.gov) in advance so the appropriate accommodations can be made.

Copies of the draft Plan can be obtained from the Department's web site at [www.aging.pa.gov](http://www.aging.pa.gov). Copies of the Plan are also available at local Area Agencies on Aging.

TERESA OSBORNE,  
Secretary

[Pa.B. Doc. No. 16-822. Filed for public inspection May 13, 2016, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Potato Research Program 2016 Order, As Amended

#### Article I—Declaration.

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

#### Article II—Definitions.

As used in this research program, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

1. "Act" means the Act of March 24, 1998 (P.L. 217, No. 39) (3 Pa.C.S.A. §§ 4501—4513), as amended, known as the Agricultural Commodities Marketing Act.
2. "Affected Producer" means a person who produces, grows, or causes to be produced or grown five or more acres of potatoes for sale or marketing.
3. "Commodity Research Board" or "Board" consists of the Secretary plus those persons who are appointed by Secretary from among producers whose commodities are subject to this program.
4. "Department" means the Department Of Agriculture of the Commonwealth of Pennsylvania.
5. "Marketing Contract" means any contract or agreement between the Board and a person for the performance of services relating to research, or other objectives in furtherance of this research program.
6. "Person" means an individual, partnership, firm, corporation, association, or any other business unit.
7. "Potatoes" means any potatoes produced in Pennsylvania.
8. "Producer" means a person who produces or grows or causes to be produced or grown potatoes as herein defined.
9. "Secretary" means the Secretary of Agriculture, of the Commonwealth of Pennsylvania, or his designee.

#### Article III—Scope of Program.

The area affected by this program shall be the Commonwealth of Pennsylvania. The program shall apply to all producers who grow (5) or more acres of potatoes for sale.

#### Article IV—Commodity Research Board.

##### Section A. Establishment and Members.

The Commodity Research Board shall consist of eleven (11), members, one of whom shall be the Secretary or his designee. The Board shall have the primary decision making authority in the administration of this research program as provided in the Act.

##### Section B. Term of Office.

1. The term of office of each appointed member shall be for three (3) years, beginning July 1 and ending June 30.
2. The Secretary, or his designee, will be a member of the Board, and the other ten (10) members shall be

appointed by the Secretary from among the affected producers. In making these appointments, the Secretary shall consider nominations submitted by the affected producers. Any person appointed as a member of the Board.

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

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

5. To fill any vacancy occasioned by the failure or inability of any appointee to perform the duties of a member on the Board, a successor for the unexpired term of such member shall be appointed by the Secretary from among the affected producers.

6. The regular meetings of the Board will be held at least three (3) times per year.

#### *Section C. Powers and Duties of the Board.*

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

1. To determine all matters pertaining to this research program.

2. To hire and employ personnel which the Board deems necessary for the proper administration of this research program and to fix the compensation and terms of employment of such personnel.

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

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

5. To receive, account for and disburse all monies collected pursuant to this research program.

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

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

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

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

10. To charge fees and to assist the Secretary in the imposition of fees and the collection of fees and revenues pursuant to the Act.

11. To issue an annual report on the operation of the research program.

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

#### *Section D. Expenses and Compensation.*

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

#### **Article V—Powers and Duties of the Secretary.**

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

#### **Article VI—Purpose.**

This research program is to provide funds to be used for potato marketing contracts of benefit to the Pennsylvania potato producer. The Secretary and the board may cooperate with any other state or federal agency or other organization to prepare, issue, administer and enforce plans deemed beneficial to the purpose of this program.

#### **Article VII—Budget, Rate of Assessment, Collection of Assessment, and Disbursement of Funds.**

##### *Section A. Budget and Assessment.*

A budget shall be prepared and established no later than July 31, for the administration and enforcement of this program and for carrying out duly authorized programs and research, as herein provided. The rate of assessment shall be \$5.00 per acre on all acres planted.

##### *Section B. Collection of Assessment.*

1. Each affected producer shall be responsible for payment of the proper assessment on all potatoes planted.

2. All affected producers (and/or sales agents, should regulations subsequently prescribe) shall make remittance and accounting of the proper assessment to the Secretary or his designated fiscal agent no later than July 31 of the calendar year in which the potatoes were planted.

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

##### *Section C. Disbursement of Funds.*

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

#### **Article VIII—Effecting Research Program.**

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

less than a majority by number and a majority by volume (acreage) assent to the proposed program.

**Article IX—Amending Research Program.**

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

**Article X—Terminating Research Program.**

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

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

**Article XI—Research Program Reviewed.**

Every five (5) years the Secretary shall call a referendum of the affected producers of potatoes to determine whether or not a majority of those voting still desire the program.

**Article XII—Interpretation.**

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

**Article XIII—Effective Date.**

This research program shall be effective on the twenty-first day following publication of the notice of issuance as required in Section 9 of the Act.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 16-823. Filed for public inspection May 13, 2016, 9:00 a.m.]

**Referendum on Continuation of the Pennsylvania Potato Research Program**

Under the applicable provisions of 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act), a review referendum was held from April 4, to April 18, 2016, to determine if the producers affected by the Pennsylvania Potato Research Program (Program) desired to continue the Program for an additional 5 years. To pass, a majority of eligible producers voting had to vote in favor of the Program's continuation. An impartial Teller Committee met on April 27, 2016, to count the ballots. The following results were submitted by the Teller Committee: a total of 34 eligible votes were cast with 31 producers voting in favor of and 3 voting against the continuation of the Program. One additional ballot was invalid because the eligibility requirements were not met. Votes favoring continuation of the Program by number of producers represented 91% of eligible votes and votes against continuation of the Program represented 9% of eligible votes. Because a majority of the votes were cast in favor of the Program, the Program shall continue for 5 years, effective immediately.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 16-824. Filed for public inspection May 13, 2016, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 3, 2016.

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

**BANKING INSTITUTIONS****Section 112 Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-2-2016	Stonebridge Bank West Chester Chester County  Application by Gordon Ray Denlinger, Anthony H. Hahn and Norman G. Hahn to acquire 100% of the common stock of Stonebridge Bank, West Chester, PA.	Filed

**Holding Company Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-30-2016	Emclair Financial Corporation Emlenton Venango County  Application for approval to acquire 100% of United-American Savings Bank, Pittsburgh. As a result of the acquisition, United-American Savings Bank was merged into The Farmers National Bank of Emlenton, Emlenton, and has ceased regulation by the Department.	Effective

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-30-2016	United-American Savings Bank Pittsburgh Allegheny County  Merger of U-A Interim National Association, Emlenton, with and into United-American Savings Bank, Pittsburgh.	Effective

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-28-2016	Compass Savings Bank Wilmerding Allegheny County	87 Rocky Road Irwin Westmoreland County	Withdrawn

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-2-2016	Hidden River Credit Union Pottsville Schuylkill County  Merger of Schuylkill Federal Credit Union, Pottsville, with and into Hidden River Credit Union, Pottsville.  As a result of the merger, the sole office of Schuylkill Federal Credit Union, located at the following address, became a branch office of Hidden River Credit Union:  101 East Union Street Pottsville Schuylkill County	Effective

**Change of Principal Place of Business**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
5-2-2016	TruMark Financial Credit Union Trevose Bucks County	<i>To:</i> 335 Commerce Drive Fort Washington Montgomery County  <i>From:</i> 1000 Northbrook Drive Trevose Bucks County	Effective

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*



**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2016**

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of June 2016 is 4 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further preemption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which

such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.21 to which was added 2.50 percentage points for a total of 4.71 that by law is rounded off to the nearest quarter at 4 3/4%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-826. Filed for public inspection May 13, 2016, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0021199 (Sewage)	Beaver Meadows Sewer Authority P O Box 215 Beaver Meadows, PA 18216-0215	Carbon County Beaver Meadows Borough	Beaver Creek (2-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0223107 (Sewage)	Big Run Area WWTP PO Box 477 Big Run, PA 15715	Jefferson County Big Run Borough	Mahoning Creek (17-D)	Yes

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

*Southeast Regional Office: Regional Water Management Program Manager, 2 E Main Street, Norristown, PA 19401, Telephone: 484.250.5970.*

**PA0058467**, Industrial, SIC Code 4952, **Brandywine Realty Trust**, 555 E Lancaster Avenue, Suite 100, Radnor, PA 19087-5166. Facility Name: Brandywine Realty Trust. This existing facility is located in Upper Merion Township, **Montgomery County**.

Description of Existing Activity: Renewal of an NPDES permit for the discharge of non-contact cooling water from a building HVAC unit. Building is located at 630 Allendale Road.

The receiving stream(s), Unnamed Tributary to Trout Creek, is located in State Water Plan watershed 3-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 0.0018 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	Report

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

1. Obtain necessary Property Rights
2. Proper Disposal of Solids
3. BAT/ELG Standards
4. Small Stream Discharge
5. Chemical Additives

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.*

**PA0024708**, Sewage, SIC Code 4952, **Union Township Municipal Authority**, P.O. Box 5625, Belleville, PA 17004-5625. Facility Name: Union Township STP. This existing facility is located in Union Township, **Mifflin 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), Kishacoquillas Creek, is located in State Water Plan watershed 12-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.65 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.28	0.93	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	135.0	215.0 Wkly Avg	XXX	25.0	40.0 Wkly Avg	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	160.0	240.0 Wkly Avg	XXX	30.0	45.0 Wkly Avg	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	76.0	XXX	XXX	14.1	XXX	28.2
May 1 - Oct 31	29.0	XXX	XXX	5.4	XXX	10.8
Total Phosphorus	10.8	XXX	XXX	Report	XXX	XXX

*Effluent Limitations*

Parameter	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Monthly	Total Annual	Monthly	Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report Total	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report Total	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report Total	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	12,297.0	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	1,583.0	XXX	XXX	XXX	XXX

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

1. eDMR system use requirement
2. Solids management
3. Solids and sludges handling and disposal
4. Chlorine minimization
5. Hauled-in waste restriction

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.

**PA0080314**, Sewage, SIC Code 4952, **Hampden Township**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050-3097. Facility Name: Hampden Township Roth Lane STP. This existing facility is located in Hampden Township, **Cumberland County**.

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

The receiving stream(s), Sears Run, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 5.69 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
CBOD <sub>5</sub>	711	1,044	XXX	15	22	40
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,423	2,135	XXX	30	45	81
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	76	XXX	XXX	1.6	XXX	4.3
Nov 1 - Apr 30	227	XXX	XXX	4.8	XXX	13
Total Phosphorus	70.7	XXX	XXX	2.0	XXX	5.4
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

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

<i>Parameters</i>	<i>Mass 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 <sup>3</sup>	Report	117,696	XXX	XXX	XXX	XXX
Net Total Phosphorus <sup>3</sup>	Report	14,441	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:

1. Whole Effluent Toxicity Testing
2. Stormwater Requirements

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.

**PA0021237**, Sewage, SIC Code 4952, **Newport Borough Municipal Authority Perry County**, 231 Market Street, Newport, PA 17074-1533. Facility Name: Newport Borough STP. This existing facility is located in Newport Borough, **Perry County**.

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

The receiving stream(s), Little Buffalo Creek and Juniata River, is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes, 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 000 are based on a design flow of 0.4 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report Avg Mo	Report	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	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	83 Avg Mo	133 Wkly Avg	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report Avg Mo	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report Avg Mo	Report	XXX	Report	XXX	XXX
Total Suspended Solids	100 Avg Mo	150 Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

The proposed effluent limits for Outfall 001 are based on a design flow of 0.51 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>Weekly Average</i>	
Flow (MGD)	Report	Report	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
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	106	170 Wkly Avg	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	128	191 Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	89	XXX	XXX	21	XXX	42
May 1 - Oct 31	30.0	XXX	XXX	7.0	XXX	14
Copper, Total	Report	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 000 and 001.

<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	7,306	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	974	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:

1. The permittee is granted 1,400 lbs/year Total Nitrogen offsets to meet the Net Total Nitrogen cap load.
2. Stormwater Prohibition
3. Approval Contingencies
4. Proper Waste/solids Management
5. Chlorine minimization
6. Notification of the designation of responsible operator
7. Combined sewer overflow management requirements

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.

**PA0085511**, Sewage, SIC Code 4952, **West Hanover Township Water & Sewer Authority Dauphin County**, 7901 Jonestown Road, Harrisburg, PA 17112-9728. Facility Name: West Hanover Township STP. This existing facility is located in West Hanover Township, **Dauphin County**.

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

The receiving stream(s), Unnamed Tributary of Manada Creek, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.78 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	Daily Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	162	260 Wkly Avg	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
	195	292 Wkly Avg	XXX	30.0	45.0	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	39	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	13	XXX	XXX	2.0	XXX	4
Total Phosphorus	13	XXX	XXX	2.0	XXX	4
UV transmittance (%)	XXX	XXX	Report	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 001.

<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>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

<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>	
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	14,246	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	1,900	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:

1. The permittee is granted 2,250 lbs/year Total Nitrogen offsets to meet the Net Total Nitrogen cap load
2. Stormwater Prohibition
3. Approval Contingencies
4. Proper Waste/solids Management
5. Restrictions on accepting hauled in waste under certain conditions

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.

**PA0246816**, Sewage, SIC Code 4952, **Lenker Estates Homeowners Assoc**, PO Box 123, Dauphin, PA 17018-0123. Facility Name: Lenker Estates Subdivision. This existing facility is located in Halifax Township, **Dauphin 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 Susquehanna River, is located in State Water Plan watershed 6-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.046 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	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.03	XXX	0.1
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

1. Stormwater Prohibition
2. Approval Contingencies
3. Proper Waste/solids Management
4. Chlorine minimization
5. Notification of the designation of responsible operator.

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.

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

**PA0232742**, Sewage, SIC Code 4952, **Anthony & Patricia Fiamingo**, 124 Borg Road, Mansfield, PA 16933-8205. Facility Name: Anthony & Patricia Fiamingo SRSTP. This proposed facility is located in Sullivan Township, **Tioga County**.

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

The receiving stream(s), Unnamed Tributary of Elk Run, is located in State Water Plan watershed 4-A and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

*Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.*

**PA0026832**, Sewage, SIC Code 4952, **Ellwood City Lawrence County**, 525 Lawrence Avenue, Ellwood City, PA 16117-1927. Facility Name: Ellwood City WWTP. This existing facility is located in Ellwood City Borough, **Lawrence County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 3.3 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	688	1,100	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Influent	Report	XXX	XXX	Report	XXX	Report
Total Suspended Solids	825	1,238	XXX	30	45	60
Total Suspended Solids Influent	Report	XXX	XXX	Report	XXX	Report
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	Report
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	Report
May 1 - Oct 31	440.0	XXX	XXX	16.0	XXX	32.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total						
Interim	Report	XXX	XXX	Report	XXX	Report
Final	0.220	XXX	XXX	0.008	XXX	0.016
Sulfate, Total	Report	XXX	XXX	Report	XXX	Report
Chloride	Report	XXX	XXX	Report	XXX	Report
Bromide	Report	XXX	XXX	Report	XXX	Report

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

1. Toxics Reduction Evaluation (TRE)
2. Requirement to Use eDMR System
3. Other Permits
4. Solids Management



5. Whole Effluent Toxicity (WET)
6. Requirements Applicable To Stormwater Outfalls
7. POTW Pretreatment Program Implementation

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

The EPA Waiver is not in effect.

**PA0002372**, IW, SIC Code 2999, **International Waxes Inc.**, 45 Route 446, Smethport, PA 16749-5413. Facility Name: International Waxes Plant. This existing facility is located in Keating Township, **McKean County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastes and non-contaminated storm water.

The receiving streams are Cole and Potato Creeks, located in State Water Plan watershed 16-C and classified for cold water fish (Outfall 003 Cole Creek), trout stocking (Outfall 002 Potato Creek), and warm water fish (Outfall 001 Potato Creek), 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 0.566 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
BOD <sub>5</sub>	XXX	XXX	XXX	25.5	48	65
Chemical Oxygen Demand	XXX	XXX	XXX	128	248	250
Total Suspended Solids	XXX	XXX	XXX	21.0	33	52.5
Oil and Grease	XXX	XXX	XXX	8	15	20
Ammonia-Nitrogen	XXX	XXX	XXX	10.5	23	26.5

The proposed effluent limits for Outfall 001 are based on a design flow of 3.229 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Daily Average	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Temperature (°F)	XXX	XXX	XXX	110	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.436 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Daily Average	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Temperature (°F)	XXX	XXX	XXX	110	XXX	XXX
Total Organic Carbon	XXX	XXX	XXX	XXX	5	10

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

There is also an uncontaminated storm water Outfall 003 covered by a storm water special condition.

The EPA Waiver is not in effect.

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

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

**WQM Permit No. WQG02091603**, Sewage, **Warwick Township Water & Sewer Authority**, P.O. Box 315, Jamison, PA 18929-0315.

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

Description of Action/Activity: Construction and operation of a low pressure sewer extension.

**WQM Permit No. 1595409**, Sewage, **White Manor Country Club**, 831 Providence Road, Malvern, PA 19355-3407.

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

Description of Action/Activity: Approval to continue operation of existing WQM Permit with Spray Irrigation.

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

**WQM Permit No. 5616401**, Sewage, **Cowley Richard**, 1347 Springs Road, Springs, PA 15562.

This proposed facility is located in Elk Lick Township, **Somerset County**.

Description of Proposed Action/Activity: Installation of a Norweco Singulair Bio-Kinetic SRSTP to replace malfunctioning sand mound.

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

**WQM Permit No. 4316402**, Sewage, **Ralph Ricciardi**, 2068 Lake Road, Sharpsville, PA 16150.

This proposed facility is located in Jefferson Township, **Mercer 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.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI015116003	TPS Philadelphia, LP 200 West Monroe, Suite 1500 Chicago, IL 60606	Philadelphia	City of Philadelphia	Schuylkill River WWF
PAI011516002	Frederick Klotzbach 8 Country Lane Lincoln University, PA 19352	Chester	London Grove Township	East Branch White Clay Creek EV

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023916004	John E. Brunner J&M, LLC 4696 Springside Ct. Allentown, PA 18104	Lehigh	Lynn Township	UNT to School Creek (EV, MF)

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

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI033116001	Pennsylvania State University 139J Physical Plant Building University Park, PA 16802-2118	Huntingdon	Barree Township	Shaver Creek/Lake Perez HQ-CWF
PAI032116003	Land O'Lakes Inc. 405 Park Drive Carlisle, PA 17015	Cumberland	South Middleton	Yellow Breeches Creek HQ/CWF, MF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041416007	Charles E. Witherite 907 Runville Road Bellefonte, PA 16823	Centre	Boggs Township	UNT to Wallace Run HQ-CWF, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041815003	Nicholas Meats Attn: Doug Nicholas P O Box 95 Loganton, PA 17747	Clinton	Greene Township	Fishing Creek—HQ

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041816001	David Blank 141 Orchard Lane Loganton, PA 17747	Clinton	Logan Township	Fishing Creek—HQ

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

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

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

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

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

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Aspen Perry Farm 2127 Oak Hall Road Newport, PA 17074	Perry	85.9	1,865	Swine	HQ-CWF	Renewal
Lamar High 920 W Matterstown Road Millersburg, PA 17061	Dauphin	43.4	300	Poultry— Layer	NA	Renewal
Dwight and Kathi Zimmerman 80 South Northkill Rd Bernville, PA 19506	Berks	88	288.32	Poultry (Broilers)	NA	Renewal
Drew Remley 1170 Salt Spring Road Roaring Branch, PA 17765	Tioga	449.5	1,331.86	Beef/ Hog	Salt Spring Run-HQ Brain Creek-HQ French Lick Run-HQ	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

## SAFE DRINKING WATER

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 5016503 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Mr. Robert Kreiser and Mr. Eugene Wilson</b>
Municipality	Liverpool Borough
County	<b>Perry</b>
Responsible Official	Robert N. Kreiser, Owner/Operator PO Box 173 New Buffalo, PA 17069
Type of Facility	Public Water Supply
Consulting Engineer	Jennifer Miller, P.E. Herbert Rowland & Grubic Inc 369 East Park Drive Harrisburg, PA 17111
Application Received:	4/19/2016
Description of Action	Combining of Entry Points (EP) 101 and 102 into a single EP and a revised demonstration of 4-Log treatment of viruses.

## 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**

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

**WA 36-799B, Water Allocations. The Borough of Arkon (PWS ID No. 7360128), Lancaster County.** Modification Order request for Water Allocation WA 36-799B the right to purchase from the Ephrata Area Joint Authority up to 50,000 gallons per day (gpd) and the right to purchase up to 200,000 gpd on an emergency basis. Applicant Address: Daniel Guers, Borough Manager, 117 South Seventh Street, P O Box 130, Akron, PA 17501-0130. Application Received: March 10, 2016.

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

**WA 10-918A, Water Allocations. Seven Fields Borough, 2200 Garden Drive, Suite 100, Mars, PA 16046, Seven Fields Borough, Butler County.** Request for renewal of Water Allocation Permit for 450,000 GPD from the West View 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*

**St. Francis Xavier Church, 17 Cottage Street, Friendsville Borough, Susquehanna County.** Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of St. Brigid Parish—St. Francis Xavier Church, 17 Cottage Street, Friendsville, PA 18818, submitted a Notice of Intent to Remediate. A release of home heating oil at the site caused soil and groundwater contamination. The proposed future use of the property will be Non-

Residential. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on June 11, 2015.

**Mazzara Well Pad**, 6 Sickler Road, Washington Township, **Wyoming County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of Carrizo (Marcellus) LLC, 251 Drain Lick Road, PO Box 231, Drifting, PA 16834, submitted a Notice of Intent to Remediate. A release of brine at site caused soils and groundwater contamination. The proposed future use of the property will be agricultural/residential. The Notice of Intent to Remediate was published in *The Wyoming County Press Examiner* on February 24, 2016.

**Mollie Grill Residence**, 404 Dutch Hill Road, Barrett Township, **Monroe County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance, PO Box 106169, Atlanta, GA 30348, submitted a Notice of Intent to Remediate. A release of fuel oil #2 impacted soils at the site. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Village View* on March 14, 2016.

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

**3434 Lincoln Highway East Property**, 3434 Lincoln Highway East, Paradise, PA 17562, Paradise Township, **Lancaster County**. Mulry and Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Doutrich Homes, Inc., 333 Lincoln Highway East, Paradise, PA 17562, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard and future use is unknown. The Notice of Intent to Remediate was published in the *LNP* on April 26, 2016.

**Rhonda Johnston Residence**, 685 Pilgrims Way, East Freedom, PA 16637, Freedom Township, **Blair County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Sugar Run Spills, 1009 Burn Avenue, Altoona, PA 16601, and Rhonda Johnson, 685 Pilgrims Way, East Freedom, PA 16637, submitted a Notice of Intent to Remediate site soils and surface water contaminated with No. 2 heating oil. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in the *Altoona Mirror* on February 16, 2016.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**41st and Foster Street Site**, 41st and Foster Street, City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Cat II LP, 141 41st Street, Suite C-4, Pittsburgh, PA 15201 has submitted a Notice of Intent to Remediate (NIR) to meet the Site-Specific standard concerning soils contaminated with volatile organic compounds (VOCs), semi-volatile organic compounds and metals, and groundwater contaminated with VOCs. Intended future use of the property is residential. Notice of the NIR was published in the *Tribune-Review* on March 10, 2016.

**Former Mine Safety Appliance and E.L. Wiegand Site**, 201 North Braddock Avenue, 7502 & 7510 Thomas Boulevard, City of Pittsburgh, **Allegheny County**. CORE Environmental Services, Inc., 4068 Mt. Royal Boulevard,

Suite 225, Allison Park, PA 15101 on behalf of ICON Development, LP, 5877 Commerce Street, Pittsburgh, PA 15206 has submitted a Notice of Intent to Remediate (NIR) to meet the Special Industrial Area provision of Act II concerning site soil and groundwater contaminated with 1,1-dichloroethene, 1,1-dichloroethane, trichloroethene, arsenic and lead from historic manufacturing operations. Notice of the NIR was published in the *Pittsburgh Post-Gazette* on April 24, 2016.

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

**Century Link Communications LLC**, 2400 Market Street, City of Philadelphia, **Philadelphia County**. Mark Reisig, Tetra Tech, Inc., 216 16th Street, Suite 1500, Denver, CO 80202, Harlan Pincus, CenturyLink Communications, LLC, 55 Church Street, 1st Floor, White Plains, NY 10601 on behalf of Diane Green, PMC Group, 2400 Market Street, Suite 1, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of diesel fuel oil # 2. The future use of the Property is mixed commercial and residential tenancy. A Notice of Intent to Remediate was published in the *Philadelphia Inquirer* on March 12, 2016. PF808900.

**1211 Linden Avenue Site**, 1211 Linden Avenue, Lower Makefield Township, **Bucks County**. Alan R. Hirschfeld, L&A Environmental Specialties, Inc., 219 Lauren Road, Schwenksville, PA 19473, William Kunsch, J&J Environmental, 2949 Felton Rd # 1, East Norriton, PA 19401 on behalf of Timothy Brill c/o Frank Brill, 1211 Linden Avenue, Yardley, PA 19067 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 future use of this site is residential. A Notice of Intent to Remediate was published in the *Bucks County Courier* on April 12, 2016. PF808897.

#### RESIDUAL WASTE GENERAL PERMITS

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR082. Buckeye Leasing City Slag Quarry**, 8063 Southern Blvd, Youngstown, OH 44512.

General Permit No. WMGR082. The renewal is under Residual Waste General Permit WMGR082 for Buckeye Leasing City Slag Quarry, located in the City of Hermitage, **Mercer County**. This General Permit is for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag ("slag") as a construction material. The authorized processing is limited to magnetic separation of metallics and mechanical sizing and separation. Uses of slag as a construction material under this permit are limited to the following: as an ingredient in bituminous concrete; as aggregate; as base course; as subbase; and as antiskid material. The

renewal application was determined administratively complete by Central Office on May 2, 2016.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR082" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

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**Application(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR038, Program I.D. WMGR038-NE006, Earth First Recycling, LLC**, 400 Island Park Road, Easton, PA 18042. A renewal application for the continued coverage under the WMGR038 General Permit for the processing of waste tires into a beneficial fuel or use in construction projects at the Island Park Tire Recycling site in Glendon Borough, **Northampton County**. The renewal application was received in the Regional Office on April 28, 2016 and deemed administratively complete on May 2, 2016.

Persons interested in obtaining more information about the general permit application may contact Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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

**Permit Application No. 301254, Clean Earth of Southeast Pennsylvania, LLC**, 7 Steel Road East, Morrisville, PA 19067. This permit renewal application is to continue operation under Solid Waste Permit No. 301254 at Clean Earth of Southeast Pennsylvania, Inc., a residual waste processing facility located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on April 22, 2016.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

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

**46-0172F: Gemalto, Inc.** (101 Park Drive, Montgomeryville, PA 18936) for the installation of a new Sakurai Screen Press replacing an old existing screen press & the installation of a VOC control system at an existing facility located in Montgomeryville, **Montgomery County**. The primary pollutant of concern is volatile organic compound (VOC) emissions from the inks and solvents to be used in the operation of this press. There will not be any increase in any pollutant due to this modification. Gemalto is categorized as a synthetic minor facility. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

**35-00069B: Lackawanna Energy Center LLC** (1 South Wacker Drive, Suite 1900, Chicago, IL 60606) Notice is hereby given under 25 Pa. Code § 127.44 and 40 CFR 52.21, that the Department of Environmental Protection (Department) intends to issue the proposed Air Quality Plan Approval 35-00069B: Lackawanna Energy Center LLC (1 South Wacker Drive, Suite 1900, Chicago, IL 60606) to construct, own, and operate a natural gas-fired combined-cycle power plant to produce a nominal 1,500 MW of electricity in Jessup Borough, **Lackawanna County** and is soliciting comments on the above plan approval.

This Plan Approval is for a configuration change to the plant layout but does not add any new emission sources or increase emission levels which have already been reviewed under Plan Approval 35-00069A. The modification proposes utilizing (3) smaller steam turbines and three (3) smaller air cooled condensers in place of the original planned single steam turbine and single air

cooled condenser. The steam turbines and air cooled condensers are not air emission sources, therefore this plan approval does not change emission limits imposed under the previously issued Plan Approval (35-00069A).

Due to the reconfiguration of the plant layout, this Plan Approval was required to incorporate the revised Air Quality modeling that was conducted to assure this change would not cause any violation of the National Ambient Air Quality Standards.

In accordance with the Prevention of Significant Deterioration (PSD) regulations in 40 CFR 52.21 and 25 Pa. Code § 127.83, Lackawanna Energy Center LLC has conducted an air quality analysis which utilizes dispersion modeling. Lackawanna Energy Center's air quality analysis satisfies the requirements of the PSD regulations and is consistent with the U.S. Environmental Protection Agency's (EPA) Guideline on Air Quality Models (40 CFR Part 51, Appendix W) and the EPA's air quality modeling policy and guidance.

In accordance with 40 CFR 52.21(k), Lackawanna Energy Center's air quality analysis demonstrates that the proposed emissions from Lackawanna Energy Center's facility would not cause or contribute to air pollution in violation of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), particulate matter less than or equal to 2.5 micrometers in diameter (PM<sub>2.5</sub>), or particulate matter less than or equal to 10 micrometers in diameter (PM<sub>10</sub>). Lackawanna Energy Center's air quality analysis demonstrates that the proposed emissions from Lackawanna Energy Center's facility would not cause or contribute to air pollution in violation of the increments for NO<sub>2</sub>, PM<sub>2.5</sub>, or PM<sub>10</sub>.

In accordance with 40 CFR 52.21(o), Lackawanna Energy Center provided a satisfactory analysis of the impairment to visibility, soils, and vegetation that would occur as a result of Lackawanna Energy Center's facility and general commercial, residential, industrial, and other growth associated with Lackawanna Energy Center's facility.

In accordance with 40 CFR 52.21(p), written notice of Lackawanna Energy Center's proposed facility has been provided to the Federal Land Managers of nearby Class I areas as well as initial screening calculations to demonstrate that the proposed emissions from Lackawanna Energy Center's facility would not adversely impact air quality related values and visibility in nearby federal Class I areas.

In accordance with the public notice requirements in 25 Pa. Code § 127.45(b)(4), the degree of Class II and Class I increment consumption expected to result from the operation of Lackawanna Energy Center's facility is provided in the following tables:

*Table 1—Degree of Class II Increment Consumption from Operation of Lackawanna Energy Center's Facility*

Pollutant	Averaging Period	Degree of Class II Increment Consumption		Class II Increment
		micrograms per cubic meter	% of Class II Increment	micrograms per cubic meter
NO <sub>2</sub>	Annual	< 0.35345	< 1.42%	25
PM <sub>2.5</sub>	24-Hour	< 6.47317	< 71.93%	9
	Annual	< 0.33259	< 8.32%	4

Pollutant	Averaging Period	Degree of Class II Increment Consumption		Class II Increment
		micrograms per cubic meter	% of Class II Increment	micrograms per cubic meter
PM <sub>10</sub>	24-Hour	< 6.28462	< 20.95%	30
	Annual	< 0.32620	< 1.92%	17

Table 2—Degree of Class I Increment Consumption from Operation of Lackawanna Energy Center's Facility

Pollutant	Averaging Period	Degree of Class I Increment Consumption		Class I Increment
		micrograms per cubic meter	% of Class I Increment	micrograms per cubic meter
NO <sub>2</sub>	Annual	< 0.00179	< 0.08%	2.5
PM <sub>2.5</sub>	24-Hour	< 0.01112	< 0.56%	2
	Annual	< 0.00123	< 0.13%	1
PM <sub>10</sub>	24-Hour	< 0.01079	< 0.14%	8
	Annual	< 0.00119	< 0.03%	4

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 35-00069B; a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments only specific to the proposed reconfiguration of the steam turbines and air cooled condensers within the proposed air quality plan approval. The hearing will be held on Monday, June 20, 2016 from 6-9:30 pm at Valley View High School, 1 Columbus Dr., Archbald, PA 18403. Persons interested in commenting are invited to appear at the public hearing.

Copies of the application, air modeling analysis used in the evaluation, the Department's technical review and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Mark Wejkszner, Hearing Examiner, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept notices up to the day of the public hearing. This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 5 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To insure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through June 30, 2016.

The Department will address comments from the public before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Mark Wejkszner, Regional Air Quality Program Manager, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address shown above, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information regarding the above, contact Mark Wejkszner at (570)-826-2511 or write to the Department at the Wilkes-Barre address given previously.

*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*

**07-03034F: Alpha Metals, Inc.** (4100 Sixth Avenue, Altoona, PA 16602) for the installation of a melting furnace at their secondary non-ferrous metals smelting and reclaiming facility in the City of Altoona, **Blair County**. The furnace will be controlled by a settling chamber, scrubber and fabric filter. Potential emissions of particulate matter (PM) from the furnace crushing plant



are estimated at well below one (1) ton per year. The Plan Approval will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

### PLAN APPROVAL

#### PUBLIC HEARINGS

*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*

In accordance with 25 Pa. Code Chapter 127 and 40 CFR 51.102 (State Implementation Plan), the Department of Environmental Protection (DEP) hereby gives notice of the intent to renew and issue Title V Operating Permit No. 21-05002 to **PPG Industries, Inc.** (400 Park Drive, Carlisle, PA 17013-9271) to include approval of a revision to the RACT Plan for the control of NO<sub>x</sub> emissions from their flat glass manufacturing facility in South Middleton Township, **Cumberland County**. The new provisions being approved as RACT already appear in the PA State Implementation Plan (SIP), under 25 Pa. Code §§ 129.93(c) and 129.301–129.310. The removal of the current case-by-case RACT plan from the SIP, based on the 12/22/94 RACT Permit 21-2002, would be submitted to EPA as a revision to the SIP. The actual emissions from the facility in 2014 are estimated at 29 tpy CO; 2,421 tpy NO<sub>x</sub>; 25 tpy VOC; 264 tpy PM<sub>10</sub>; 410 tpy SO<sub>x</sub> and <1 tpy HAP.

Based on the information provided by PPG, and the Department's analysis, this revision to the facility's RACT plan complies with the requirements of 25 Pa. Code §§ 129.91 and 129.92. The Glass Furnaces No. 1 and No. 2 were the only units at the facility that required a case-by-case RACT plan under the 1994 RACT regulation. The original RACT determination for these units resulted in them being subject to a case-by-case RACT NO<sub>x</sub> limit of 26.75 pounds of NO<sub>x</sub> per ton of glass produced, under the 12/22/94 RACT Permit 21-2002. Under 25 Pa. Code § 129.304(a)(4), Furnace No. 2 has a new, more stringent NO<sub>x</sub> limit of 7.0 pounds of NO<sub>x</sub> per ton of glass produced. PPG has submitted a petition under 25 Pa. Code § 129.304(c)(1) to retain the existing standard of 26.75 pounds of NO<sub>x</sub> per ton of glass produced for Furnace No. 1. At the time the 12/22/94 RACT Permit 21-2002 limits were established, compliance with them was verified by annual stack testing employing three 1-hour test runs. NO<sub>x</sub> emissions from both furnaces are now measured by continuous emissions monitoring systems (CEMS) installed in accordance with 25 Pa. Code § 129.308. The CEMS verification will replace the previous stack testing requirement, and the averaging period to demonstrate compliance with the pounds of NO<sub>x</sub> per ton of glass produced standards for both furnaces will be a 30-day rolling average, consistent with 25 Pa. Code § 129.309(d).

All pertinent documents are available for public review at DEP's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. An appointment to review the documents may be scheduled by contacting Mr. Jesse Klick at 717.705.6648 between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. DEP will hold one public hearing on Tuesday, June 21, 2016, at DEP's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 from 9:00 a.m. until all scheduled oral

comments are received. Those wishing to comment orally are requested to contact Mr. Viren Trivedi, New Source Review Chief, Southcentral Regional Office, at 717-705-4863, to schedule their testimony. Testimony must be pre-scheduled by no later than Tuesday, June 14, 2016. Oral testimony which has not been pre-scheduled will not be accepted at the hearing. Commenters are requested to provide two (2) written copies of their remarks at the time of the hearing. Oral testimony will be limited to five (5) minutes per person. Organizations are requested to designate a representative to present testimony on their behalf. Written comments may be submitted to the Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110 no later than Thursday, July 14, 2016. Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Mr. Trivedi at the number provided above or make accommodations through the Pennsylvania AT&T Relay Service at 1.800.654.5984 (TTY).

### OPERATING PERMITS

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

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

*Contact: Thomas 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*

**21-05002: PPG Industries, Inc.** (400 Park Drive, Carlisle, PA 17013-9271) for their flat glass manufacturing facility in South Middleton Township, **Cumberland County**. The actual emissions from the facility in 2014 are estimated at 29 tpy CO; 2,421 tpy NO<sub>x</sub>; 25 tpy VOC; 264 tpy PM<sub>10</sub>; 410 tpy SO<sub>x</sub> and <1 tpy HAP. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 123.22, Sulfur Compound Limits for Combustion Units; 25 Pa. Code § 129.93(c), Presumptive RACT Emission Limitations; 25 Pa. Code §§ 129.301–129.310, Control of NO<sub>x</sub> emissions from Glass Melting Furnaces; 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines, and 40 CFR Part 60, Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The permit will also include approval of a revision to the RACT Plan for the control of NO<sub>x</sub> emissions from the facility. The new provisions being approved as RACT already appear in the PA State Implementation Plan (SIP), under 25 Pa. Code §§ 129.93(c) and 129.301–129.310. The removal of the current case-by-case RACT plan based on the 12/22/94 RACT Permit 21-2002, would be submitted to EPA as a revision to the State Implementation Plan. Please refer to the public hearing notice for this proposed SIP action found elsewhere in this edition of the *Pennsylvania Bulletin*.

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

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

**10-00062: Slippery Rock University of Pennsylvania, Inc.** (One Morrow Way, Slippery Rock, PA 16057) to

re-issue the Title V permit for the facility located in the Borough of Slippery Rock, **Mercer County**. The facility's emission sources include a 26 million Btu/hr natural gas fueled boiler; two 35 million Btu/hr natural gas and limited-use coal dual fueled boilers; a 39 million Btu/hr natural gas and limited-use coal dual fueled boiler; a parts washer; and 20 natural gas fueled emergency generators. Actual reported emissions for the facility for 2014 were: 25.76 tons NO<sub>x</sub>; 88.90 tons SO<sub>x</sub>; 15.99 tons CO; 24.46 tons PM<sub>10</sub>; 12.23 tons PM<sub>2.5</sub>; 0.79 tons VOCs; 2.66 tons all HAPs combined; and 14,594 ton CO<sub>2</sub>. This facility is subject to 40 CFR Part 60 Subpart Dc, Standards of Performance for Small Industrial, Commercial, and Institutional Steam Generating Units. It is also subject to 40 CFR Part 63 Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit.

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

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

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

**09-00198: Mount Materials, LLC** (427 South White Horse Pike, Berlin, NJ 08009), for operation of two portable non-metallic mineral processing plants and the associated screeners, conveyors and diesel engines in Falls Township, **Bucks County**. This action is a renewal of a State-only Operating Permit and incorporation of four (4) General Permits into the Operating Permit. This facility is re-categorized as a State-only Synthetic Minor facility as its PTE NO<sub>x</sub> emissions exceed the threshold. The facility will remain below the NO<sub>x</sub> threshold by operating according to the operating hours limitations within the permit. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**36-05126: Pennsy Supply, Inc.** (P.O. Box 4688, Lancaster, PA 17604-4688) to issue a State-Only Operating Permit for a batch asphalt plant controlled by a knock-out box and a fabric filter at Donegal Quarry, Heisey Quarry Road in West Donegal Township, **Lancaster County**. Actual emissions from the facility in 2014 were estimated at 4.95 tons CO, 1.49 ton NO<sub>x</sub>, 0.55 ton PM<sub>10</sub>, 0.55 ton PM<sub>2.5</sub>, 1.09 ton SO<sub>x</sub>, 0.45 ton VOC, and 0.09 ton of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**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*

**56773707 and NPDES No. PA0215775 and GP12-56773707. PBS Coals, Inc.**, (1576 Stoystown Road, PO Box 260, Friedens, PA 15541). To renew the permit for the Cambria Fuel Refuse Disposal Area in Stonycreek Township, **Somerset County** and related NPDES permit. Includes renewal of Air Quality GPA/GP12 Authorization. No additional discharges. The application was considered administratively complete on April 27, 2016. Application received October 30, 2015.

**56900701 and NPDES No. PA0214078. PBS Coals, Inc.**, (1576 Stoystown Road, PO Box 260, Friedens, PA 15541). To renew the permit for the Job 12 Expansion in Shade Township, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on April 28, 2016. Application received November 23, 2015.

**03831305 and NPDES No. PA0002283. Consol Mining Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the permit for the Jane Mine in Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on April 28, 2016. Application received November 12, 2015.

**30831303 and NPDES No. PA0013511. Cumberland Coal Resources, LP**, (PO Box 1020, 158 Portal Road, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Center and Whiteley Townships, **Greene County** and related NPDES permit to add pipelines and water handling features. Surface Acres Proposed 11.4. No additional discharges. The application was considered administratively complete on April 29, 2016. Application received December 8, 2015.

**17841607 and NPDES No. PA0100803 and GP12-17841607. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Bigler Coal Preparation Plant in Bradford Township, **Clearfield County** and related NPDES permit. Includes renewal of Air Quality GPA/GP-12 Authorization. The application was considered administratively complete on April 29, 2016. Application received November 9, 2015.

**32951301 and NPDES No. PA0215821 and GP12-32951301. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Toms Run Mine in Burrell Township and Blairsville Borough, **Indiana County** and related NPDES permit. Includes renewal of Air Quality GPA/GP-12 Authorization. No additional discharges. The application was considered administratively complete on May 2, 2016. Application received November 18, 2015.

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

**Permit No. 56090101 and NPDES Permit No. PA0262714, Heritage Coal & Natural Resources, LLC**, 184 West Mud Pike, Rockwood, PA 15557, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Elk Lick Township, **Somerset County**, affecting 173 acres. Receiving streams: Unnamed tributaries: unnamed tributary to/and Casselman River, unnamed tributaries to Piney, classified for the following use: cold water fishes. There are no

potable water supply intakes within 10 miles downstream. Application received: April 5, 2016.

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

**17080103 and NPDES PA 0256722. Corey L. Shawver DBA Hilltop Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651). Revision to change land use from forestland to pastureland on an existing bituminous surface and auger mine located in Bigler and Gulich Townships, **Clearfield County** affecting 320.7 acres. Receiving stream(s): Little Muddy Run, Unnamed Tributaries to Little Muddy Run, and Unnamed Tributaries to Muddy Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 13, 2016.

**41940101 and NPDES No. PA0219843. Fisher Mining Company Processing Plant** (40 Choate Circle, Montoursville, PA 17754). Permit renewal for the continued operation of an existing bituminous surface mine and coal preparation plant located in Pine and McHenry Townships, **Lycoming County** affecting 640.0 acres. Receiving streams: Buckeye Run, Otter Run to Little Pine Creek classified for HQ CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 25, 2016.

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

**03970110 and NPDES Permit No. PA0202134. Mears Enterprises, Inc.** (P.O. Box 157, Clymer, PA 15728). Renewal application for continued treatment to an existing bituminous surface mine, located in Valley Township, **Armstrong County**, affecting 27.4 acres. Receiving streams: unnamed tributaries to Cowanshannock Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 27, 2016.

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

**Permit No. 49871601R5. Calvin V. Lenig Coal Prep & Sales, Inc.**, (5860 SR 225, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 3.2 acres, receiving streams: Mahanoy Creek and unnamed tributaries to Mahanoy Creek, classified for the following uses: cold water and warm water fishes. Application received: April 25, 2016.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**26970401 and NPDES Permit No. PA0202100. Laurel Aggregates of Delaware, LLC** (250 Lakewood Center, Morgantown, WV 26508). Revision application to add an asphalt plant to an existing large noncoal surface and underground mine, located in Springhill Township, **Fayette County**, affecting 174.8 surface acres. Receiving streams: Rubles Run and unnamed tributaries to Rubles Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 21, 2016.

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

**Permit No. 4875SM2A2C11 and NPDES Permit No. PA0119563. Glen-Gery Corp.**, (PO Box 1166 Spring Street, Wyomissing, PA 19610), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County** affecting 156.6 acres, receiving stream: Fox Run to Little Conestoga Creek, classified for the following uses: trout stock fishes and migratory fishes. Application received: April 20, 2016.

**Permit No. 58130301C. F.S. Lopke Contracting, Inc.**, (3430 SR 434, Apalachin, NY 13732), correction to an existing quarry to add 3.6 acres for two water storage basins in Harford Township, **Susquehanna County** affecting 86.6 acres, receiving streams: Martins Creek and East Branch Martins Creek, classified for the following uses: cold water and migratory fishes. Application received: April 20, 2016.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

#### *Effluent Limits for Coal Mining Activities*

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

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

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

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

**NPDES No. PA0256994 (Mining permit no. 17090102), RES Coal, LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Renewal of an NPDES permit for surface mining in Decatur Township, **Clearfield County**, affecting 259.4 acres. Receiving stream(s): Little Laurel Run, classified for the following use(s): CWF. Laurel Run Watershed TMDL. Application received: January 22, 2016.

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	N
TB2	N
TB3	N
TB4	N

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0599174 (Permit No. 31000301) New Enterprise Stone & Lime Company**, P.O. Box 77, New Enterprise, PA 16664-0077, renewal of NPDES Permit for noncoal surface mine in Cromwell Township, **Huntingdon County** affecting 72.6 acres. Receiving stream: Shade Creek, classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: February 17, 2016.

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

There are no discharges from this permit. The outfalls listed below discharge to Shade Creek and are located on SMP No. 4274SM26 and will be used by SMP No. 31300301:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	35 mg/l	70 mg/l	90 mg/l
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES Permit No. PA0599174 (Permit No. 4274SM26) New Enterprise Stone & Lime Company**, P.O. Box 77, New Enterprise, PA 16664-0077, renewal of NPDES Permit for noncoal surface mine in Cromwell Township, **Huntingdon County** affecting 78.1 acres. Receiving stream: Shade Creek, classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: February 17, 2016.

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

The outfalls listed below discharge to Shade Creek:

<i>Parameter</i>	<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
	001	N			
	002	N			
	003	N			
Total Suspended Solids			35 mg/l	70 mg/l	90 mg/l
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times					
Alkalinity must exceed acidity at all times					

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-999. Delaware River Joint Toll Basin Commission**, Administration Building, 110 Wood and Grove Streets, Morrisville, PA 19067, Lower Makefield Township, **Bucks County**. ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Delaware River Joint Toll Basin Commission Scudder Falls Bridge Replacement and roadway improvement project over the Delaware River (WWF, MF), the Delaware Cannel (WWF, MF), and a few UNT to the Delaware River:

- 1) To replace the existing Scudder Falls Bridge and to construct and maintain in its place two twin bridges across the Delaware River.
- 2) To widen and maintain the roadway approaches on both ends of the existing bridge areas in the floodway of the stream to accommodate the addition of five new lanes and to facilitate the construction of the proposed twin bridges.
- 3) To replace, expand and maintain the existing 75' diameter 182 feet long concrete pipe under I-95 with a 72 inch diameter 282 feet long concrete pipe which carries a UNT to Delaware River.
- 4) To construct and maintain a retaining wall to support slope stability and protect wetlands near the proposed bridge pier.
- 5) To impact approximately 373 linear feet of stream (0.222 acre) all UNT to the Delaware River and the Delaware Cannel, to facilitate the modification of Ramp B.
- 6) To provide for cofferdam impacting several segments of the streams and wetlands to facilitate the construction operations of the project.
- 7) To impact approximately 0.122 acre of wetland to accommodate roadway widening, removal and replacement of bridge piers, retaining wall construction, cofferdam configuration and arrangements to support the overall objective of the project.
- 8) To mitigate for wetland lost by creating approximately 1.4 acre of forester freshwater wetland at 1149 Woodside Road, Lower Makefield, PA mitigation site.

The project site is located along the SR 0095 (Interstate Route 95) approximately 2,400 feet West of the intersection of SR 0095 (Interstate Route 95) and Taylorsville Road within Lower Makefield Township, Bucks County with coordinates located at the center of area of the existing Scudder Falls Bridge (Pennington PA-NJ USGS Quadrangle, Longitude 74° 50' 53" Latitude 40° 15' 30").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E05-384: Ridgetop Realty, LP**, 2953 Valley Road, Fishertown, PA 15539 in East St. Clair Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a proposed entrance drive, with a culvert crossing the unnamed tributary to Adams Run (WWF, MF). The project involves constructing a driveway onto State Route 56 to serve Ridgetop Orchards. The proposed culvert carrying the unnamed tributary to Adams Run is an 18-inch diameter pipe, 34-foot in length, of high density polyethylene material, with concrete end walls and R-4 riprap aprons. The proposed project will have 0.088 acre of permanent palustrine emergent wetland impacts. Compensatory wetland mitigation in the form of 0.04 acre of creation on-site and payment into the Pennsylvania Wetland Replacement Fund is proposed. The Ridgetop Orchards Entrance project is located (Latitude: 40° 07' 37"; Longitude: -78° 34' 51") approximately 500 feet south of State Route 4028 in East St. Clair Township, Bedford County.

**E36-953: Lancaster County**, 150 North Queen St., Suite 612 in Paradise & Leacock Townships, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing bridge and to install and maintain a 90 foot × 28-foot bridge over Pequea Creek (WWF, MF) with R-7 rip-rap scour protection for the purpose of improving transportation safety and roadway standards. The project proposed to permanently effect 40 linear feet of and temporarily effect 113 linear feet.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E59-531. Tioga County Commissioners**, 118 Main St., Wellsboro, PA 16901. Marsh Creek Channel Realignment and Stabilization Project in Delmar Township, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle Lat: 41° 46' 23"; Long: -77° 18' 17").

To construct, operate and maintain the stream channel embankment of Marsh Creek adjacent to an existing railroad located in Delmar Township—Tioga County which is located over Marsh Creek. The realignment and stabilization will serve to repair the erosion of the railroad embankment. This project will serve two purposes. The first purpose is to protect the existing active railroad line. The second purpose is to provide an area adjacent to the railroad for a proposed multipurpose recreational trail. The proposed project includes realignment of Marsh Creek, installation of rock protection and log vane deflectors, construction of stream barbs and removal of earth for the stream overbank in two locations.

The restoration project will consist of a combination of bank grading, stabilization, armoring, and channel relocation of Marsh Creek. The total estimated stream impacts for the project are approximately 31,528 ft<sup>2</sup> of permanent and 7,121 ft<sup>2</sup> of temporary. There are no wetlands being impacted by the project. The proposed restoration will not permanently impact wetlands, cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Marsh Creek is classified with a designated use of Warm Water Fishery (WWF). It is not listed as an approved trout or wild trout stream.

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

**E4129-104: Anadarko Marcellus Midstream, LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch gas pipelines and a timber mat bridge impacting 195 linear feet of unnamed tributaries to East Branch Murray Run (EV) and 500 square feet of an adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°25'38"N 76°56'28"W);

2) two 6-inch gas pipelines and a timber mat bridge impacting 69 linear feet of East Branch Murray Run (EV) and 14,789 square feet of adjacent palustrine emergent (PEM) wetlands (Bodines, PA Quadrangle 41°25'38"N 76°56'25"W);

3) two 6-inch gas pipelines and a timber mat bridge impacting 57 linear feet of East Branch Murray Run (EV) (Bodines, PA Quadrangle 41°26'00"N 76°56'01"W).

The project will result in a total of 0.35 acre of wetland impacts and 321 linear feet of stream impacts all for the purpose of installing natural gas gathering line and access roadway to a natural gas well site for Marcellus well development.

#### **Proposed State Water Quality Certification**

#### **Required by Section 401 of the Federal Clean Water Act for the PennEast Pipeline Company, LLC, PennEast Pipeline Project**

*Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18711, Joseph Buczynski, Program Manager 570-826-2511*

**WQ02-005, PennEast Pipeline Company, LLC (Applicant)**, 1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610, PennEast Pipeline Project (Project), in Dallas, Kingston, Jenkins, Plains and Bear Creek Townships, West Wyoming, Wyoming and Laflin Boroughs, **Luzerne County**, Kidder, Penn Forest, Towamensing and Lower Towamensing Townships, **Carbon County**, Lehigh, Moore, East Allen, Upper Nazareth, Lower Nazareth, Bethlehem, Lower Saucon, and Williams Townships, and Easton City, Northampton County, and Durham and Rieglesville Townships, **Bucks County**, Philadelphia and Baltimore District Corps of Engineers. The proposed project starts at a point at the Wyoming Pipeline Interconnect of the Energy Transfer Partners, L.P. pipeline (Kingston, PA Quadrangle N: 41°20'48.16", W: 75°56'43.42") and ends at a point under the Delaware River as it enters New Jersey (Rieglesville, PA Quadrangle N: 40°35'2.28", W: 75°11'35.43").

On September 24, 2015, Applicant filed an application under 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. CP 15-558-000). The FERC Environmental Assessment for the Project, when available, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP 15-558-000).

On February 9, 2016, 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, as proposed, includes an approximately 77.4 mile long, 36-inch pipeline for the purpose of transporting natural gas from a point at the Wyoming Pipeline

Interconnect of the Energy Transfer Partners, L.P. pipeline to a point under the Delaware River as it enters New Jersey. The project also includes an approximate 2.1 mile long lateral, known as the Hellertown lateral consisting of 24 inch pipeline The Project, as proposed, will require approximately 1,574 acres of earth disturbance, and impacts to 15,001 linear feet of Deep Creek (CWF, MF), Mill Creek (CWF, MF), Bear Creek (HQ-CWF, MF), Little Shades Creek (HQ-CWF, MF), Shades Creek (HQ-CWF, MF), Stoney Creek (EV, MF), Wild Creek (EV, MF), Aquashicola Creek (HQ-CWF, MF), Indian Creek (CWF, MF), Hokendaqua Creek (CWF, MF), Monocacy Creek (HQ-CWF, MF), Meadow Run (HQ-CWF, MF), Stoney Run (HQ-CWF, MF), Laurel Run (HQ-CWF, MF), Mud Run (HQ-CWF, MF), Bull Run (CWF, MF), Frya Run (HQ-CWF, MF), Delaware River (WWF) and unnamed tributaries; Trout Brook (CWF, MF), Gardner Creek (CWF, MF), Buckwha Creek (CWF, MF), Yellow Run (EV, MF), Delaware Canal; and UNT's to Abrahams Creek (CWF, MF), Toby Creek (CWF, MF), Little Bear Creek (HQ-CWF, MF), Black Creek (HQ-CWF, MF), Pohopoco Creek (CWF, MF), Hunter Creek (HQ-CWF, MF), East Branch Monocacy Creek (HQ-CWF, MF) and Cooks Creek (EV, MF), Hawk Run (HQ-CWF, MF), and White Oak Run (EV, MF) and the Susquehanna River (CWF, MF); Wild Creek/Beltzville Lake (EV, MF), and Pohopoco Creek/Beltzville Lake (CWF, MF), 35.19 acre(s) of floodway, 43.48 acre(s) of temporary PEM/PSS/PFO wetland impacts, and 7.90 acre(s) of PSS/PFO conversion to PEM impacts.

PADEP anticipates issuing a state water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

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 Certification and all required permits. 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 Projects.

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 Certification shall be addressed to the Department of Environmental Protection, Northeast Regional Office, Joseph Buczynski, Waterways and Wetlands Program Manager, 2 Public Avenue, Wilkes-Barre, PA 18711.

9. *Reservation of Rights*—PADEP may suspend or revoke this Certification if it determines that Tennessee Gas Pipeline Company, LLC 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 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 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.

Prior to final action on the proposed section 401 Water Quality Certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of this notice. Comments concerning the proposed 401 Water Quality Certification should be directed to Mr. Joseph Buczynski, Northeast Region Waterways and Wetlands Program Manager at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted within 30 days of this notice.



**WATER QUALITY CERTIFICATIONS REQUESTS**

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481 Telephone: 814-332-6945*

On April 6, 2016, the Commonwealth of Pennsylvania ("Commonwealth") Department of Environmental Protection ("DEP") received a request for Water Quality Certification under Section 401 of the Federal Clean Water Act, the PA Dam Safety and Encroachments Act, and The Pennsylvania Clean Streams Law from National Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16501-1912 ("NFG") for the construction of the National Fuel Gas Supply Corporation and Empire Pipeline, Inc., Northern Access 2016 Project ("Project"). The DEP File number for this request is WQ42-001. Pennsylvania's State Water Quality Certification is required for the US Army Corps of Engineers permit under Section 404 of the Federal Clean Water Act, and the Federal Energy Regulatory Commission ("FERC") certificate application under Docket No. CP15-115-000 filed on March 16, 2015.

The Project is for the construction, operation, and maintenance of expanded natural gas supply transmission pipelines and related infrastructure from Sergeant Township, McKean County, Pennsylvania to the Town of Elma, Erie County, New York. The Pennsylvania portion of the Project includes approximately 28 miles of natural gas pipeline construction from the interconnection/tie-in at the existing NFG Midstream Clermont, LLC, facility along SR 146 approximately 1 mile west of Clermont (Crosby, PA Quadrangle N: 41°42'04.84"; W: 78°29'59.98") in Sergeant Township, McKean County extending generally north crossing through portions of Sergeant, Keating, Annin, Eldred, and Ceres Townships, McKean County, to where it will cross the New York border approximately 2 miles west of where SR 44 crosses the state line (Bullis Mills, PA Quadrangle N: 41°59'57.51"; W: 78°17'56.98") in Ceres Township, McKean County. Pipeline work also includes three mainline valve sites, cathodic protection, and numerous temporary and permanent access roads to support construction and permanent facility access. Numerous stream and wetland crossings will occur along the project route. The project also will utilize one temporary pipe storage yard and one contractor yard along SR 155 south of Port Allegheny Borough in Liberty Township, McKean County.

The Department, by this notice, proposes to certify that the construction, operation and maintenance of the Project by NFG complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further proposes to certify that the construction, operation and maintenance of the Project complies with Commonwealth water quality standards and that the construction, operation and maintenance of the Project does not violate applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the Project complies with the conditions proposed for this certification, including the criteria and conditions of any applicable permits required by the Department.

Prior to final action on the proposed section 401 Water Quality Certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of this notice. Comments concerning the proposed 401 Water Quality Certification should be directed to Ms. Lori Boughton, DEP Northwest Region Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335; or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted within 30 days of this notice.

**EROSION AND SEDIMENT CONTROL PERMITS**

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance activities associated with either road maintenance or timber harvesting operations.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department regional office listed before the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department regional office during the 30-day public comment period.

Following the 30-day comment period, the appropriate regional office water management program manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate regional office.

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

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**Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402)**


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*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, PA 17701*

ESCP 2 # ESG01 18-11-8-01(R)  
 Applicant Name Dominion Transmission, Inc  
 Contact Person Brian Sheppard  
 Address 925 White Oaks Blvd  
 City, State, Zip Bridgeport, WV 26330  
 County Clinton  
 Township(s) Leidy Township

Receiving Stream(s) and Classification(s) Merriman Hollow (EV), Renz Hollow (EV), Turtle Point Hollow (EV)

ESCP 2 # ESG 0035 15 0001

Applicant Name Transcontinental Gas Pipe Line Company, LLC

Contact Person Timothy Powell

Address 2800 Post Oak BLVD, Lvl 17

City, State, Zip Houston, TX 77056

County Clinton

Township(s) Chapman Twp

Receiving Stream(s) and Classification(s) Young Woman's Creek (EV), Post Hollow (EV), Mudlick Run (EV)

## STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16008	Central Pennsylvania Transportation Authority d/b/a Rabbittransit 1230 Roosevelt Avenue York, PA 17404-2206 Attn: Richard H. Farr	York	West Manchester Township	2 ASTs storing petroleum products	24,000 gallons total

## 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

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PAS802218 (Stormwater)	United Parcel Service—Allentown 2301 Highland Avenue Bethlehem, PA 18017	Northampton County Bethlehem Township	Unnamed Tributary to Monocacy Creek (02C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0114979 (Sewage)	Knoxville Borough STP PO Box 191 Knoxville, PA 16928	Tioga County Knoxville Borough	Cowanesque River (4-A)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0254444 (Sewage)	Enlow Fork Mine Oak Spring Slope & Supply Yard STP 1000 Consol Energy Drive Canonsburg, PA 15317	Washington County East Finley Township	Unnamed Tributary to Rocky Run (20-E)	yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0239585 (Sewage)	Lawrence J Adams SFTF 125 Wallace Road Portersville, PA 16051	Butler County Muddycreek Twp	Unnamed Tributary to Big Run (20-C)	Y
PA0263729 (Sewage)	Nilda Flores SFTF 1970 Mercer Road Fredonia, PA 16124	Mercer County Deleware Twp	Unnamed Tributary to Shenango River (20-A)	Y
PA0264369 (Sewage)	Jacob Dehart SRSTP 2060 Limeplant Road Parker, PA 16049	Clarion County Perry Twp	Unnamed Tributary to Clarion River (17-B)	Y
PA0035521 (Sewage)	PA DOT Rome Township Satellite Maintenance Facility 18073 Erie Street Centerville, PA 16404	Crawford County Centerville Borough	Unnamed Tributary to Oil Creek (16-E)	Y
PA0034959 (Sewage)	Wolfs Camping Resort 308 Timberwolf Run Knox, PA 16232	Clarion County Beaver Twp	Unnamed Tributary to Canoe Creek (17-B)	Y

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

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

**NPDES Permit No. PA0042170**, Sewage, SIC Code 4952, **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901-0960.

This existing facility is located in West Brunswick Township, **Schuylkill County**.

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

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*  
**NPDES Permit No. PA0266175**, Sewage, **Elaine Reichenbach**, Mafalde Talacci Estate, 7 Mallard Drive, Tabernacle, NJ 08088.

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

Description of Proposed Action/Activity: Permit approval to discharge to UNT Schuylkill River in Watershed 3-D.

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

**NPDES Permit No. PA0264334**, Sewage, SIC Code 4952, 7000, **Denis Brooks**, 3257 Soap Fat Road, Shippenville, PA 16254.

This proposed facility is located in Elk Township, **Clarion County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0264385**, Sewage, **Scott Crossley**, 9870 Donation Road, Waterford, PA 16441.

This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated sewage from a Small Flow Treatment Facility.

**NPDES Permit No. PA0264245**, Sewage, **Howard Carlson**, 1523 Valentine Run Road, Russell, PA 16345.

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

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated sewage from a Small Flow Treatment Facility.

**NPDES Permit No. PA0264369**, Sewage, **Jacob Dehart**, 2060 Limehart Road, Parker, PA 16049.

This proposed facility is located in Perry Township, **Clarion County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated sewage from a Small Flow Treatment Facility.

**NPDES Permit No. PA0264377**, Sewage, **Northwest Savings Bank Holman Road**, 2963 Holman Road, Erie, PA 16509.

This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated sewage from a Small Flow Treatment Facility.

*Central Office: Clean Water Program Manager, 400 Market Street, Harrisburg, PA 17105-8774 Phone: 717-787-8184.*

**NPDES No. PA0270776 A-1**, SIC Code 0851, **PA DCNR, Bureau of Forestry**, PO Box 8552, Harrisburg, PA 17105-8552.

This proposed facility is located in Harrisburg City, **Dauphin County**.

Description of proposed Activity: The NPDES permit is amended to add Mimic 2LV (Active ingredient: Tebufenozide) as insecticide to control very high gypsy moth egg populations where uses of Btk and Gypchek were ineffective. The proposed discharges are associated with the application of pesticides to control forest canopy pests in treatment area associated with Division of Forest Health Statewide.

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

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

**WQM Permit No. 0615406**, Sewerage, **Estate of Mafalde Talacci**, 7 Mallard Drive, Tabernacle, NJ 08088.

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

Description of Proposed Action/Activity: Permit approval for construction/operation of a small flow sewage treatment system to serve a single family residence.

**WQM Permit No. WQG01281601**, Sewerage, **Jay Zullinger**, 8685 Oakdale Road, Orrstown, PA 17244.

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of a small flow sewage treatment system to serve a single family residence.

**WQM Permit No. 0190401, Amendment-1**, Sewage, **ARM 2LLC**, 1880 Pine Run Road, Abbottstown, PA 17301-9723.

This proposed facility is located in Hamilton Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the replacement of chlorination/dechlorination with UV disinfection.

**WQM Permit No. 123629 Amendment-1**, CAFO, **King Farms LLC**, 3382b Newport Road #B, Ronks, PA 17572.

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

Description of Proposed Action/Activity: Permit approval for the construction of a 112-foot diameter, 12-foot deep circular concrete in-ground storage structure with 10-inch thick concrete, steel reinforced walls and a 5-inch thick concrete steel reinforced floor at 4,000 psi. The floor will be built with a 12" deep sump for pumping out the tank. This

storage will be used to collect egg wash water. The capacity was designed to hold 736,983 gallons at a 24-inch freeboard, a 100-year, 24-hour storm of 46,180 gallons (at 7.52 inches of rainfall), a 12-month rainfall of 69,210 gallons (11.27 inches/year of rainfall). The annual production is 657,000 gallons of wash water. With an effective capacity of 621,593 gallons the storage has an 11.35 month capacity.

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

**WQM Permit No. 1615402**, Sewage, **Denis Brooks**, 3257 Soap Fat Road, Shippenville, PA 16254.

This proposed facility is located in Elk Township, **Clarion County**.

Description of Proposed Action/Activity: Small Flow Treatment Facility.

**WQM Permit No. 1616401**, Sewage, **Jacob Dehart**, PO Box 84, Bruin, PA 16022.

This proposed facility is located in Perry Township, **Clarion County**.

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

**WQM Permit No. 2516402**, Sewage, **Scott Crossley**, 8870 Donation Road, Waterford, PA 16441.

This proposed facility is located in Summit Township, **Erie County**.

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

**WQM Permit No. 6215409**, Sewage, **Howard Carlson**, 1523 Valentine Run Road, Russell, PA 16345.

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

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

**WQM Permit No. 2516401**, Sewage, **Northwest Savings Bank**, 100 Liberty Street, Warren, PA 16365.

This proposed facility is located in Greene Township, **Erie County**.

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

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

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*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI015115005	Lidl U.S. Operations, LLC 2005 Market Street Suite 1010 Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAI011515030	William J. Kyle 703 Hemlock Hill Lane West Chester, PA 19380	Chester	Easttown Township	James Run to Crum Creek HQ-CWF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024815009	JERC Partners XXIX, LLC 171 State Route 173 Asbury, NJ 08802	Northampton	Palmer Township and Wilson Borough	Bushkill Creek (HQ-CWF, MF)
PAI024815015	Moravian College c/o Mr. Douglas J. Plotts 1200 Main Street Bethlehem, PA 18018	Northampton	Bethlehem City	Monocacy Creek (HQ-CWF, MF)
PAI024815007	ORE Rentals c/o Mr. George Blobe 699 NW End Boulevard Quakertown, PA 18951	Northampton	Lower Nazareth Township	UNT to Bushkill Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041414002(1)	PennDOT District 2-0 70 PennDOT Clearfield, PA 16830	Centre	Potter Township	UNT—Laurel Creek HQ-CWF, MF UNT—Potters Run CWF, MF

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**VII. Approvals to Use NPDES and/or Other General Permits**


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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).

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**List of NPDES and/or Other General Permit Types**


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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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Whitpain Township Montgomery County	PAG02004615110	Centre Square Fire Company 1298 Skippack Pike Blue Bell, PA 19422	Unnamed Tributary to Stony Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Marcus Hook Borough Delaware County	PAG02002315031	Agilyx Corporation 9600 Southwest Nimbus Avenue Suite 260 Beaverton, OR 97008	Marcus Hook Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Media Borough Delaware County	PAG02002315033	West End Flats, LP 795 East Lancaster Avenue Suite 202 Villanova, PA 19085-1525	Ridley Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511602	COPART/Crashed Toys 14185 Dallas Parkway Dallas, TX 75254	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Scranton Lackawanna County	PAG02003516005	COP Scranton LLC Michael Milone 354 West Lancaster Ave Suite 101 Wayne, PA 19087	Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Upper Saucon Township Lehigh County	PAG02003911006(2)	Mike Nice Toll PA IV, LP 250 Gilbraltar Rd. Horsham, PA 19044	Saucon Creek (CWF, MF) Laurel Run (CWF, MF)	Lehigh County Conservation District 610-391-9583
Whitehall Township Lehigh County	PAG02003916003	David Harte Pennsylvania Venture Capital, Inc. 1177 6th St Whitehall, PA 18052	Jordan Creek (TSF, MF)	Lehigh County Conservation District 610-391-9583
Pittston Township Luzerne County	PAG02004015026	Stephen Mykulyn 100 Terminal Drive Avoca, PA 18641	Mill Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Hazle Township Luzerne County	PAG02005403032RR(4)	Eagle Rock Community Association Attn: Tom Blass 1 Country Club Drive Hazle Township, PA 18202	Sugarloaf Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wayne Township Clinton County	PAG02001815006	Wayne Township Attn: David Calhoun P O Box 217 McElhattan, PA 17748	McElhattan Creek, CWF, MF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
City of Lock Haven Clinton County	PAG02001816001	Lock Haven University Attn: Keith A Roush 95 4th Street Lock Haven, PA 17745	W Br Susquehanna, WWF, MF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
Borough of Riverside Northumberland County	PAG02004915008(1)	UGI Penn Natural Gas Inc Attn: Christopher Morris 2525 N. 12th St, Ste. 360 Reading, PA 19612-2677	N Br Susquehanna River, WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Perry Township Snyder County	PAR224816	RJ Hoffman & Sons Inc. 1144 Buckwheat Valley Road Mt Pleasant Mills, PA 17853-8641	Unnamed Tributary to North Branch Mahantango Creek—6-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Williamsport, Lycoming County	PAR224839	Danzer Veneer Americas PO Box 3455 240 North Reach Road Williamsport, PA 17701-0455	Unnamed Tributary of "Fox Hollow"— 10-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin County Letterkenny Township	PAG043955	Jay Zullinger 8683 Oakdale Road Orrstown, PA 17244	UNT Conodoguinet Creek/ WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-8*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Penn Township, Snyder County	PAG084816	Eastern Snyder County Regional Authority P.O. Box 330 Selinsgrove, PA 17870	Eastern Snyder County Regional Authority STP Penn Township, Snyder County	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.0530

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Richard Yeager Farm Penn Township Cumberland County	PAG08	Amerigreen, Inc. 96 Commerce Drive PO Box 170 Wyomissing, PA 19610	221 Kutz Road Newville, PA 17241	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Tulpehocken Township & Berks County	PAG123629 A-1	King Farms LLC 3382b Newport Road #B Ronks, PA 17572	UNT Mill Creek (CWF)	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street,

PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.



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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

##### Permit No. 6416501MA, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
1775 North Main St.  
Honesdale, PA 18431

[Borough or Township] Waymart Borough

County **Wayne**

Type of Facility PWS

Consulting Engineer Steven Riley, PE  
Entech Engineering, Inc.  
4 S. 4th St.  
Reading, PA 19603

Permit to Construct Issued April 21, 2016

##### Permit No. 3486567, Operations Permit, Public Water Supply.

Applicant **Palmeri & Sons, Inc.**  
6887 South Delaware Drive  
Martins Creek, PA 18063

[Borough or Township] Lower Mt. Bethel Township

County **Northampton**

Type of Facility Finished Bulk Water Hauling System

Consulting Engineer N/A

Permit to Operate Issued 3/31/2016

##### Permit No. 4016501MA, Public Water Supply.

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

[Township or Borough] Kingston 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  
4 Wellington Blvd.  
Wyomissing, PA 19610

Permit to Construct Issued April 22, 2016

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

##### Permit No. 6716502 MA, Minor Amendment, Public Water Supply.

Applicant **ATG Properties LLC**

Municipality Newberry Township

County **York**

Responsible Official Frank T. Perano, General Manager  
P O Box 677  
Morgantown, PA 19543-0677

Type of Facility Installation of a 12,000 gallon storage tank and a revised demonstration of 4-log treatment of viruses.

Consulting Engineer James A. Cieri Sr, PE  
James A. Cieri, PE  
914 N Mountain Road  
Harrisburg, PA 17112

Permit to Construct Issued 5/2/2016

##### Permit No. 5016502 MA, Minor Amendment, Public Water Supply.

Applicant **Paradise Stream Family Campground, Inc.**

Municipality Southwest Madison Township

County **Perry**

Responsible Official Robert Klaus  
PO Box 124  
Loysville, PA 17047

Type of Facility Installation of 3 120-gallon chlorine contact tanks and the demonstration of 4-log treatment of viruses.

Consulting Engineer Sean Sweeney, P.E.  
Barton & Loguidice  
3901 Hartzdale Drive  
Camp Hill, PA 17011

Permit to Construct Issued 5/2/2016

##### Permit No. 6715516, Public Water Supply.

Applicant **Charles W & Sharon K Wetzel**

Municipality Codorus Township

County **York**

Responsible Official Charles W. Wetzel, Partner  
139 Manchester Street  
Glen Rock, PA 17327

Type of Facility Installation of an anion exchange nitrate treatment system.

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley & Associates, Inc.  
18 South George Street  
York, PA 17401

Permit to Construct Issued 4/26/2016

**Operation Permit No. 3066589** issued to: **Crossroads Beverage Group, LLC (PWS ID No. 3066589)**, Muhlenberg Township, **Berks County** on 4/26/2016 for facilities submitted under Application No. 3066589 for the addition of a second 1-gallon bottling line, a third distillation unit and three (3) 20,000-gallon storage tanks. All equipment will be installed within the existing building.

**Operation Permit No. 6715511** issued to: **The York Water Company (PWS ID No. 7670100)**, Jackson Township, **York County** on 4/26/2016 for facilities approved under Construction Permit No. 6715511.

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

**Permit No., 2515506** Public Water Supply.

Applicant	<b>Jerrel R. Culver</b> West Springfield MHC 8200 Jordan Road Erie, PA 16510
Township or Borough	Springfield Township
County	<b>Erie</b>
Type of Facility	Public Water Supply
Consulting Engineer	Mark J. Corey, P.E. Mark J. Corey & Associates P.O. Box 268 Harborcreek, PA 16421
Permit to Construct Issued	April 27, 2016

**Permit No. 4214502-MA1**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hershey Park Drive Hershey, PA 17033
Township or Borough	Kane Borough
County	<b>McKean</b>
Type of Facility	Public Water Supply
Consulting Engineer	Scott Thomas Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit to Construct Issued	April 27, 2016

**Operation Permit** issued to **Trinity Real Estate Holdings, LLC d/b/a Country Corner RV Park, PWSID No. 6430063**, New Lebanon Borough, **Mercer County**. Permit Number 4312502-T1-MA1 for the operation of the pressurized Filox filters. This permit is issued in response to the submitted Certificate of Construction/Modification Completion and acceptable total coliform sample results received by the Department on April 14, 2016 and the subsequent operation inspection conducted by Department personnel on April 25, 2016.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Reed Township	179 Rupp Road, Halifax, PA 17032	Dauphin

*Plan Description:* Approval is granted for an amendment to a revision to the official plan of Reed Township, Dauphin County. The project is known as the Sheetz Store 461 Discharge Relocation. The plan provides for the relocation of the discharge from the Sheetz sewage treatment plant from the dry ditch that is tributary to the Juniata River to the Susquehanna River via a force main within an easement across State Game Lands 290. The proposed project is located at 54 Benvenue Road (Route 322) in Reed Township, Dauphin County. The Department's review of the revision amendment has not identified any significant impacts resulting from this proposal. The DEP Code Number for this plan is A3-22927-025-3A and the APS Id is 688402.

*Southwest Regional Office, Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000*

*Plan Location:* Single Residence Sewage Treatment Plant at 110 Hamilton Drive, Sewickley, PA 15143

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bell Acres Borough	1153 Camp Meeting Road Sewickley, PA 15143	Allegheny

*Plan Description:* The approved plan provides for the installation of a Single Residence Sewage Treatment Plant at 110 Hamilton Drive, Sewickley, PA 15143 to remedy an existing malfunction. The proposed discharge is to a catch basin along Hamilton Drive whose outfall discharges to an unnamed tributary of Little Sewickley Creek designated under Chapter 93 as a High Quality Watershed. This approval was granted in part based on the Department's Water Quality Antidegradation Implementation Guidance policy. The approved sewage facility plan, evaluated all non-discharge alternatives and determined no environmentally sound and cost effective non-discharge alternative is available under subsection (b)(1)(i)(A). The approved sewage facility plan, satisfies the SEJ requirements in subsection (b)(1)(iii) which allows for SEJ for sewage facilities in High Quality Watersheds correcting existing public health or pollution hazards.

The Department's review of the sewage facility plan 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 homeowner.

**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*

**Mollie Grill Residence**, 404 Dutch Hill Road, Barrett Township, **Monroe County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance, PO Box 106169, Atlanta, GA 30348, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Isopropylbenzene, MTBE, Naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**St. Francis Xavier Church**, 17 Cottage Street, Friendsville Borough, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of St. Brigid Parish-St. Francis Xavier Church, 17 Cottage Street, Friendsville, PA 18818, submitted a Final Report concerning remediation of site soils & groundwater contaminated with home heating oil. The report is intended to document remediation of the site to meet the Site Specific & Statewide Health Standard.

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

**Conestoga Manor Village—Lot 4**, 3868 Oregon Pike, Lot 4, Leola, PA 17540, West Earl Township, **Lancaster County**. Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of BF Properties, LLC, 7729 Jonestown Road, Harrisburg, PA 17112, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Rhonda Johnston Residence**, 685 Pilgrims Way, East Freedom, PA 16637, Freedom Township, **Blair County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Sugar Run Spills, 1009 Burn Avenue, Altoona, PA 16601, and Rhonda Johnston, 685 Pilgrims Way, East Freedom, PA 16637, submitted a Final Report concerning remediation of site soils and surface water contaminated with No. 2 heating oil. The Report is intended to document remediation to the Residential Statewide Health Standard.

**Former BP Terminal 4567—Eastern Parcel**, Old US Route 220, Duncansville, PA 16635, Blair Township, **Blair County**. Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Pennsylvania Terminals Corporation, 900 South Eisenhower Boulevard, Middletown, PA 17057, submitted a Final Report concerning site soils and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Former BP Terminal 4567—Western Parcel**, Old US Route 220, Duncansville, PA 16635, Blair Township, **Blair County**. Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Kevin Kneezle, 236 Pioneer Drive, Duncansville, PA 16635, submitted a Final Report concerning site soils and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site Specific Standard.

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

**David A. & Jolene R. Wolfe**, 2187 Burning Well Road, Jones Township, **Elk County**. Letterle & Associates, Inc., 191 Howard Street, Suite 108, Franklin, PA 16323, on behalf of Ward Trucking, LLC, 1436 Ward Trucking Drive, Altoona, PA 16602, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with benzene, ethylbenzene, isopropylbenzene (cumene), methyl-tert-butyl-ether (MTBE), naphthalene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and xylenes (total). The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**431 Nichols Road Site**, 431 Nichols Road, South Huntingdon Township, **Westmoreland County**. GAI Consultants, Inc., 385 East Waterfront Drive, Homestead, PA 15120 on behalf of Westmoreland Land, LLC, 14302 FNB Parkway, Omaha, NE 68154 has submitted a Final Report concerning site soil contaminated by fuel oil from a home heating oil tank removal. The report is intended to document remediation of the site to meet the residential Statewide Health standard. Notice of the Final Report was published in the *Tribune-Review* on April 19, 2016.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Phoenix Pad C**, 782 Antrim Road, Duncan Township, **Tioga County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of EQT Production Company, 625 Liberty Avenue,

Suite 1700, Pittsburgh, PA 15222 submitted a Final Report concerning the remediation of site soils contaminated with inorganic compounds. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 28, 2016.

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

**Walker Elementary School**, 7864 William Penn Highway, Mifflintown, PA 17059, Walker Township, **Juniata County**. P. Joseph Lehman, Inc., 117 Old Farm Office Road, Suite 113, Duncansville, PA 16635, on behalf of Juniata County School District, 7864 William Penn Highway, Mifflintown, PA 17059, submitted a Remedial Investigation and Risk Assessment Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The combined Remedial Investigation and Risk Assessment Report was disapproved by the Department on April 26, 2016.

**USPS Former Harrisburg Vehicle Maintenance Facility**, 800 Mulberry Street, City of Harrisburg, **Dauphin County**. ARM Group, Inc., 1129 West Governor Road, PO Box 797, Hershey, PA 17033-0797, on behalf of US Postal Service, 7029 Albert Pick Road, 3rd Floor, Greensboro, NC 27409, submitted a Final Report concerning remediation of soils contaminated with PAHs. The Final Report demonstrated attainment of the Non-Residential Statewide Health Standard, and was approved by the Department on April 28, 2016.

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

**Patterson Well Pad (Rex Energy)**, 828 Walker Road, Little Beaver Township, **Lawrence County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of R. E. Gas Development, 366 Walker Drive, State College, PA 16801, submitted a Final Report concerning the remediation of site soil contaminated with aluminum, barium, chromium, iron, lead, lithium, manganese, selenium, strontium, vanadium, zinc, and bis[2-ethylhexyl]phthalate. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 28, 2016.

**Waterford Dollar General**, 12674 State Route 19, Waterford Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Midwest XV, LLC, 403 Oak Street, Spring Lake, MI 49456, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), Methyl-tert-butyl-ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, 1,2-Dichloroethane, and Lead. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 29, 2016.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Former Top's Diner Property**, 410 Central Avenue, Johnstown City, **Cambria County**. P. Joseph Lehman, Inc., Olde Farm Office Centre, P.O. Box 419, Holidaysburg, PA 16648 on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16602 submitted a Final Report concerning the remediation of 1,2,4-trimethylbenzene,

1,3,5-trimethylbenzene, and benzene in soil and 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, toluene, ethylbenzene, naphthalene, and dissolved lead in groundwater. The Final Report demonstrated attainment of the Site-Specific standard and was approved by the Department on May 2, 2016.

**Three Rivers Marine & Rail Terminal (former MonValley Transportation Center, Inc. Property)**, 1060 Ohio River Avenue, Glassport & Lincoln Boroughs, Allegheny County. Penn E & R, Inc., 111 Ryan Court, Pittsburgh, PA 15205 on behalf of Three Rivers Marine & Rail Terminals, L.P., 17 Arentzen Boulevard, Suite 206, Chareroi, PA 15022 submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site groundwater contaminated with metals, polycyclic aromatic hydrocarbons, and volatile organic compounds. The RI/RA/FR demonstrated attainment of a non-residential, Site-Specific standard for groundwater and was approved by the Department on May 3, 2016.

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

**Brookhaven Shop Center**, 3304-3700 Edgmont Avenue, Brookhaven Borough, Delaware County. Thomas Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl D. Borelli, Manko Gold, Katcher, & Fox, LLP, 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of John Segal, Luis Fine, Jane Segal, Merrill Sporkin and Odette Steinberg, t/a Brookhaven Shopping Center, 390 Street, Charles Way, York, PA 17402 has submitted a Remedial Investigation/Risk Assessment and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated vocs. The Remedial Investigation and Risk Assessment and Cleanup Plan were approved by the Department on April 18, 2016. PF805633.

**USS Steel Fairless KIPC 158 Acre Parcel**, One Ben Fairless Drive, Falls County. Colleen Costello, GHD Services, Inc., 410 Eagleview Blvd, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 220, Pittsburgh, PA 15222 has submitted a Final Report concerning the remediation of site soil contaminated with vocs, svocs, metals, pcbs and cyanide. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 18, 2016. PF807837.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

#### *Hazardous Waste Transporter License Reissued*

**IWT Transport, Inc.**, 306 Ramapo Valley Road, Oakland, NJ 07346. License No. PA-AH 0798. Effective May 03, 2016.

**S & C Transport, Inc.**, PO Box 2459, Belleville, MI 48112. License No. PA-AH 0446. Effective Apr 28, 2016.

#### *Renewal Applications Received*

**IWT Transport, Inc.**, 306 Ramapo Valley Road, Oakland, NJ 07346. License No. PA-AH 0798. Effective May, 02, 2016.

**S & C Transport, Inc.**, PO Box 2459, Belleville, MI 48112. License No. PA-AH 0446. Effective Apr 27, 2016.

**U.S. Industrial Technologies, Inc.**, 12000 Globe Street, Livonia, MI 48150. License No. PA-AH 0747. Effective Apr 27, 2016.

#### *Hazardous Waste Transporter License Denied*

**Bestrans, Inc.**, 19 Davidson Lane, New Castle, DE 19720. License No. PA-AH 0766. Effective May 02, 2016.

**Safety-Kleen Canada, Inc.**, PO Box 9149, Norwell, MA 02061-9149. License No. PA-AH 0517. Effective May 02, 2016.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

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

**General Permit Application No. WMGR138SC001. Joe Darrah, Inc. dba J&K Salvage**, 1099 Kings Mill Road, York, PA 17403.

The Southcentral Regional Office, Waste Management Program issued a determination of applicability (DOA) under Residual Waste General Permit No. WMGR138 to J&K Salvage, 1099 Kings Mill Road, York, PA 17403 in Spring Garden Township, York County. This general permit is for: a) Processing of yard waste for beneficial use as finished mulch for landscaping purposes. b) Processing of land clearing and grubbing waste for beneficial use as compost for landscaping purposes. c) Processing by crushing, grinding, and screening concrete and asphalt waste for beneficial use as a construction material in roadway and parking area construction. d) Processing, including sorting and screening only, for recycling of residential construction and demolition waste including clean wood, gypsum board, stone, brick, concrete block, cardboard, particle board, drywall, scrap metal, plastic waste and glass. e) Processing of pre-consumer (i.e., imperfections, tabs, trimming scraps, etc. generated in the manufacturing of new asphalt shingles and damaged, unused shingles) and post-consumer (tear-offs) asphalt shingles for beneficial use. The processing is limited to sorting, screening, grinding and magnetic removal of ferrous metal. This DOA was issued on May 2, 2016.

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

## AIR QUALITY

**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.**

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

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

**GP1-07-05027A: GBW Railcar Services LLC** (PO Box 349, Hollidaysburg, PA 16648) on April 29, 2016, for a new 14.3 MMBtus/hr natural gas-fired boiler, under GP1, at the railcar reconditioning facility located in Frankstown Township, **Blair County**.

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648*

**GP5-53-101C: Pennsylvania General Energy Co., LLC** (120 Market Street, Warren, PA 16365) on April 29, 2016, for the re-authorization to continue operation of a 203 bhp Caterpillar model G3306TA natural gas-fired compressor engine (S/N G6X01394), two (2) 6,000 gallon closed sulfa-treat tanks (T-001, T-002), one (1) 5,800 gallon methanol storage tank (T-003), and one (1) 2,100 gallon waste oil/brine storage tank (T-004) pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compressor and/or Processing Facilities (BAQ-GPA/GP-5) at the Well 1561 Compressor Station located in Wharton Township, **Potter County**.

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

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

**GP3-04-00252: Alex E. Paris Contracting Company, Inc.** (1595 Smith Township State Road, Atlasburg, PA 15004) on April 27, 2016, for the construction and operation of a 400 ton per hour portable nonmetallic mineral processing plant at the existing Paris Fly Ash Site in Hanover Township, **Washington County**.

**GP9-04-00252: Alex E. Paris Contracting Company, Inc.** (1595 Smith Township State Road, Atlasburg, PA 15004) on April 27, 2016, for the construction and operation of five (5) diesel-fired engines to power a 400 ton per hour portable nonmetallic mineral processing plant at the existing Paris Fly Ash Site in Hanover Township, **Washington County**.

**GP3-04-00742: Lindy Paving, Inc.** (1807 Shenango Road, New Galilee, PA 16141) on April 27, 2016, to allow the installation and operation of a portable nonmetallic mineral processing plant consisting of one crusher with an integrated double deck screen and associated conveyors located in Aliquippa City, **Beaver County**.

**GP11-04-00742: Lindy Paving, Inc.** (1807 Shenango Road, New Galilee, PA 16141) on April 27, 2016, to allow the installation and operation of one nonroad diesel-fired engine rated at 440 bhp in conjunction with a portable nonmetallic mineral processing plant located in Aliquippa City, **Beaver 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.**

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

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

**40-00129B: Moxie Freedom, LLC** (565 Fifth Ave., 29th Floor, New York, NY 10017) on May 2, 2016 for the purpose of satisfying the requirements of 25 Pa. Code §§ 127.201—127.217 of plan approval 40-00129A which require the purchase of VOC and NOx ERCs. There is no change to the process equipment or control devices currently permitted under plan approval 40-00129A at their facility in Salem Township, **Luzerne County**.

**40-00065A: SVC MFG Inc—Division of Pepsi Co. Inc.** (750 Oak Hill Road, Mountaintop, PA 18707-2112) on May 3, 2016 for the installation of a sugar delivery process at the site located in Wright Twp., **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

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

**28-05002O: Letterkenny Army Depot—US Department of Defense** (One Overcash Avenue, Chambersburg, PA 17201) on April 20, 2016, for the construction of a new surface coating booth at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**.

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

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

**26-00597A: Bullskin Stone & Lime, LLC** (117 Marcia Street, Latrobe, PA 15650) On April 26, 2016 for the construction and operation of a stationary nonmetallic mineral processing plant at the existing Bullskin No. 1 Mine located in Bullskin Township, **Fayette County**.

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

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

**43-305F: Champion Carrier Corporation** (2755 Kirila Road, Hermitage, PA 16148) on April 25, 2016, has issued a plan approval for the installation of a four (4) paint booths with panel filters at their facility in the City of Hermitage, **Mercer 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*

**15-0143: Phoenixville Crematory** (610 Main Street, Phoenixville, PA 19460) On April 25, 2016 to operate the crematory for funeral services in Phoenixville Township, **Montgomery County**.

**09-0222: Telex Metals, LLC** (105 Phyllis Ave., Croydon, PA 19021) On April 29, 2016 to continue to operate and test the HCl Scrubber for metal refining in Bristol Township, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

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

**06-05069X: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on April 29, 2016, for modifying A-2 Facility production lines. The sources are located at their Lyon Station Plant in Richmond Township, **Berks County**. The plan approval was extended.

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

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

**18-00009F: Clinton County Solid Waste Authority** (P.O. Box 209, McElhattan, PA 17748) on May 2, 2016, for the construction and operation of the Northside municipal solid waste landfill expansion located in Wayne Township, **Clinton County**. The plan approval has been extended until November 22, 2016.

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

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

**PA-63-00983A: Columbia Gas Transmission, LLC** (1700 MacCorkle Avenue, SE Charleston, WV 25314-1518) on April 28, 2015, to grant plan approval extension to obtain State Only Operating Permit for the Redd Farm Compressor Station located in Amwell Township, **Washington County**.

**11-00533A: Starprint Publications, Inc.** (722 Dulancey Drive, Portage, PA 15946) Extension effective April 27, 2016, to extend the period of temporary operation of three heatset web offset lithographic printing presses authorized under PA-11-00533A until October 23, 2016, at this commercial printing facility located in Portage Borough, **Cambria County**.

**63-00969A: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) Extension effective April 28, 2016, to extend the period of temporary operation of new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00969A until September 28, 2016, at the Three Brothers Compressor Station located in Smith Township, **Washington County**.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328*

**16-149B: Clarion Laminates** (143 Fiberboard Road, Shippensburg, PA 16254) on April 27, 2016, effective April 30, 2016, has issued a plan approval extension for the construction of a 3rd bonding line with baghouse and

upgrading the current dust transfer system with bin filters in Paint Township, **Clarion County**. This is a State Only facility.

**25-987F: Hanes Erie, Inc.** (7601 Klier Drive, Fairview, PA 16415) on April 27, 2016, effective April 30, 2016, has issued a plan approval extension for installation of a paint booth at their facility in Fairview Township, **Erie County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**40-00019: Cascades Tissue Group PA, Inc.** (901 Sathers Drive, Pittston, PA 18640-9589) The Department issued a State Only (Synthetic Minor) Operating Permit on May 2, 2016, for a paper products facility in Pittston Township, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

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

**05-03011: Blue Triangle Hardwoods LLC** (156 Industrial Blvd., Everett, PA 15537-3326) on April 20, 2016, for the hardwood processing facility located in West Providence Township, **Bedford County**. The State-only permit was renewed.

**28-03044: Tarco Roofing Materials, Inc.** (8650 Molly Pitcher Highway, Greencastle, PA 17225-9716) on April 20, 2016, for the asphalt felt/granulated asphalt roll goods manufacturing facility located in Antrim Township, **Franklin County**. The State-only permit was renewed.

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

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

**08-00024 Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 2, 2016, issued a renewal State Only Operating Permit for their Canton Aggregate Plant facility located in Canton Township, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00024. The facility's sources include an aggregate plant and portable jaw crusher. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations.

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

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

**OP-11-00415: Greystone Materials BT** (744 South Street # 138, Philadelphia, PA 19147-2023) State Only Operating Permit renewal issuance date effective April 26, 2016, for their Greystone limestone processing plant located in Cambria Township, **Cambria County**.

**32-00408: MGK Technologies, Inc.** (57 Cooper Ave., Homer City, PA 15825) on April 26, 2016 issued a State Only Operating Permit (SOOP) to MGK Technologies to authorize the operation of a metal equipment manufacturing facility located in Homer City Boro, **Indiana County**.

**OP-56-00025: New Enterprise Stone & Lime Company Inc.** (P.O. Box 448 Somerset, PA 15501-0448) State Only Operating Permit renewal issuance date effective April 28, 2016, for their Bakersville limestone processing plant located in **Somerset County**, Jefferson Township.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940*

**43-00305: Champion Carrier Corporation** (2755 Kirila Blvd., Hermitage, PA 16148-9019) on April 28, 2016, the Department issued a renewal State Only Operating Permit for the facility located in Hermitage City, **Mercer County**. The facility is a Synthetic Minor. The VOC emissions from the facility are limited to 23.19 TPY. MIBK is limited to 9.8 TPY. Total HAP emissions are limited to 15.0 TPY. The primary sources at the facility include natural gas heating, two spray booths, and clean-up operations. The conditions of Plan Approval 43-0305C are included in the permit. The renewal permit contains emission restrictions, monitoring, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

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

**21-03023: Ames True Temper, Inc.** (465 Railroad Avenue, Camp Hill, PA 17011-5611) on April 13, 2016, for the hand tool manufacturing facility located in Hampden Township, **Cumberland County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 21-03023D, to remove reference to Source 301 which is no longer at the facility, and to reflect replacement of a small emergency generator.

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

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

**10-00139: Rosini Carbons Company Incorporated** (453 Venn Access Road, Coal Township, PA 17866) on April 27, 2016, the Department issued an administrative amendment to the State Only Operating Permit for the carbon and graphite products facility located in Cherry Township, **Butler County**. The amendment incorporates the change of ownership from the former owner (JS McCormick Company).

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340*

**20-00194: Lord Corporation—Saegertown** (601 South Street, Saegertown, PA 16433) for its facility located in Saegertown Borough, **Crawford County**. The De minimis emission increase is for construction of 2 Phenol Bulk Storage Tanks. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on January 28, 2016.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
4-27-16	2 Phenol Tanks				0.0025	
Total Reported Increases					0.0025	
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**42-00004: American Refining Group—Bradford** (77 North Kendall Avenue, Bradford, PA 16701) for its facility located in Bradford City, **McKean County**. The De minimis emission increase is for construction of a replacement Crude Unit Cooling Tower. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on October 5, 2011.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
3/7/12	Tanks 99 and 262				0.0005	
6-7-13	80 bhp emergency generator	0.0055	0.00014	0.11	0.005	0.015



Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
11-25-15	FGRU	0.00096	0.00111	0.26	0.156	0.065
4-27-16	Cooling Tower	0.33			0.11	
Total Reported Increases		0.33646	0.00125	0.37	0.2715	0.080
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

### Coal Permits Issued

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

**Permit No. 11100103 and NPDES No. PA0263028, E.P. Bender Coal Co., Inc.,** P.O. Box 594, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 86.0 acres. Receiving streams: unnamed tributaries to and Clear Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 19, 2016. Permit issued: April 26, 2016.

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

**17110104 and NPDES PA0257613. Strishock, LLC** (220 Hillcrest Drive, DuBois, PA 15801). Permit renewal for reclamation only of an existing bituminous surface and auger mine located in Decatur and Boggs Townships, **Clearfield County** affecting 52.5 acres. Receiving stream(s): Unnamed Tributary to Little Laurel Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: April 5, 2016. Permit issued: April 22, 2016.

**17150101 and NPDES PA0269071. EnerCorp, Inc.** (1310 Allport Cutoff, Morrisdale, PA 16858). Commencement, operation, and restoration of a bituminous surface mine located in Cooper Township, **Clearfield County** affecting 6.9 acres. Receiving streams: Crawford Run classified as CWF, MF and Moshannon Creek classified as TSE, MF. There are no public water supply intakes within 10 miles downstream. Application received: October 1, 2015. Permit issued: April 20, 2016.

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

**02100102 and NPDES Permit No. PA0252000. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting acres. Receiving streams: unnamed tributaries to Monongahela River. Application received: March 9, 2016. Renewal permit issued: April 27, 2016.

### Noncoal Permits Issued

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

**10162801. Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a small industrial minerals mine in Marion Township, **Butler County**, affecting 5.0 acres. Receiving streams: Unnamed tributary to Blacks Creek. Application received: March 29, 2016. Permit Issued: April 25, 2016.

**10162801-GP-104. Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 10162801 in Marion Township, **Butler County**. Receiving streams: Unnamed tributary to Blacks Creek. Application received: March 29, 2016. Permit Issued: April 25, 2016.

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

**26840402 and NPDES Permit No. PA0588075. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15225). Renewal permit issued for continued mining to a large noncoal surface mine, located in Connellsville Township, **Fayette County**, affecting 1,218.6 underground and 164.8 surface acres. Receiving streams: Connell Run. Application received: September 21, 2016. Permit issued: April 26, 2016.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### Blasting Permits Issued

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

**Permit No. 15164103. Maine Drilling & Blasting, Inc.,** (PO Box 1140, Gardiner, ME 04345), construction blasting for Atwater Lots 9 & 10 in Tredyffrin Township, **Chester County** with an expiration date of April 20, 2017. Permit issued: May 2, 2016.

**Permit No. 45164102. Hayduk Enterprise, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Mountain Hollow Estates in Stroud Township, **Monroe County** with an expiration date of April 30, 2017. Permit issued: May 2, 2016.

**Permit No. 66164105. John H. Brainard**, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for Goble Hill Road House Foundation in Eaton Township, **Wyoming County** with an expiration date of August 30, 2016. Permit issued: May 2, 2016.

**Permit No. 67164102. Maine Drilling & Blasting, Inc.**, (PO Box 1140, Gardiner, ME 04345), construction blasting for York Hospital in West Manchester Township, **York County** with an expiration date of April 27, 2017. Permit issued: May 2, 2016.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1117. Toll Brothers, Inc.**, 516 N. Newtown Street Road, Newtown Square, PA 17073, Skippack Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain 104 single family houses associated with the Final Phase of the Meadow Glen subdivision, impacting 0.42 acre of the aquatic resources on site, and 0.078 acre of wetland impact, due to minor road and utility crossings.

The site is located near the intersection of (PA Rte. 73) Skippack Pike and Lederach Cross Road (Collegeville USGS map Lat.: 40.2437; Long. -75.4316).

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)).

**EA15-016. Kennett Square Golf & Country Club**, 100 East Locust Lane, Kennett Square, PA 19348, East Marlborough Township, **Chester County**, ACOE Philadelphia District.

To perform water obstruction and encroachment activities within an existing 0.08 acre pond that drains to the East Branch Red Clay Creek (Perennial, TSF, MF). The proposed restoration activities include filling the pond with soil to a depth to allow for the development of emergent wetlands and riparian enhancements along a small spring feed watercourse that feeds the pond.

The site is located on the Kennett Square Golf & Country Club property, Kennett Square, PA 19348 (Kennett Square, PA USGS Quadrangle, Latitude 39.865086 N"; Longitude -75.708746 W").

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)).

**E46-1126. Township of Cheltenham**, 8230 Old York Road, Elkins Park, PA 19027-1589, Cheltenham Township, **Montgomery County**, ACOE Philadelphia District.

To stabilize and maintain approximately 560 linear feet of the existing bank of Rock Creek, a tributary to Tookany Creek, utilizing eco-structural methods, which include native species, low head stream sill, and log cribs.

This permit will include a cable concrete stream ford crossing for the township's access to the park.

The site is located at Rock Creek Park, which is located near Curtis Arboretum and Dog Park (Germantown, PA USGS map; Lat: 40.0808; Long. -75.1497).

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)).

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E18-495. Transcontinental (Transco) Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd., Level 6, Atlantic Sunrise Project—Chapman Loop, in Chapman Township, **Clinton County**, ACOE Baltimore District

(Renovo East and Tamarack, PA Quadrangles N: Start 41.377066°, End 41.400937°; W: Start -77.714737°, End -77.760120°).

To install and maintain a 36-inch-diameter pipeline under and/or through the below listed floodways, streams

and wetlands as part of the Atlantic Sunrise Project. The new 2.9 mile long pipe will be installed adjacent to an existing pipeline as a loop. 401 Water Quality Certification was issued and published on 4/23/2016 for the entire Atlantic Sunrise Project.

This project proposes to have the following impacts:

<i>Floodway</i>	<i>Temporary Impact area (Acres)</i>	<i>Permanent Impact area (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
Floodway to Gregs Run	0.0666	0.0000	41.40170	-77.76256
Floodway to Post Hollow	0.3031	0.0164	41.38005	-77.71983
Floodway to UNT to Mudlick Run	0.2009	0.0116	41.38646	-77.73393
Floodway to Young Womans Creek	0.2300	0.0000	41.35409	-77.70113
Floodway to UNT to Mudlick Run	0.2496	0.0120	41.38873	-77.73801
Total Floodway Impacts	1.0502	0.0400		

<i>ID</i>	<i>Chapter 105.17 Wetland Class</i>	<i>Wetland Cowardin Classification</i>	<i>Temporary Impact area (acres)</i>	<i>Permanent Impact area (acres)</i>	<i>Latitude</i>	<i>Longitude</i>
W-T30-27001	EV	PEM	0.0061	0.0001	41.38849	-77.73836
Total Wetland Impacts			0.0061	0.0001		

<i>ID</i>	<i>Stream Name</i>	<i>Stream Class</i>	<i>Temporary Impact area (Acres)</i>	<i>Permanent Impact area (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
WW-T30-27001	UNT Mudlick Run	EV-WT	0.0192	0.0009	41.38873	-77.73801
Perennial Stream Impacts			0.0192	0.0009		
WW-T21-27001	UNT Mudlick Run	EV-WT	0.0210	0.0016	41.38646	-77.73393
WW-T21-27002	Post Hollow	EV-WT	0.0176	0.0007	41.38005	-77.71983
Ephemeral/Intermittent Impacts			0.0386	0.0023		

## ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460*

**D15-182. Mr. Dean Jerrehian, Jerrehian, a PA General Partnership**, 101 West Washington Street, Conshohocken, PA 19428. West Goshen Township, **Chester County**, USACOE Philadelphia District.

Project proposes to rehabilitate Woodlands "A" Dam impacting approximately 0.06 acre of wetlands (PEM). The applicant has proposed to construct approximately 1.4 acre of wetlands (PEM) as compensatory mitigation for the entire development. The dam is located across Taylor Run (TSF). (Downingtown, PA Quadrangle Latitude: 39° 59' 06"; Longitude: -75° 36' 24").

**D15-184. Mr. Dean Jerrehian, Jerrehian, a PA General Partnership**, 101 West Washington Street, Conshohocken, PA 19428. West Goshen Township, **Chester County**, USACOE Philadelphia District.

Project proposes to rehabilitate Woodlands "B" Dam impacting approximately 0.05 acre of wetlands (PEM). The applicant has proposed to construct approximately 1.4 acre of wetlands (PEM) as compensatory mitigation for the entire development. The dam is located across Taylor Run (TSF). (Downingtown, PA Quadrangle Latitude: 39° 59' 00"; Longitude: -75° 36' 36").

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESX16-019-0001—Bieber Well Pad  
Applicant R.E. Gas Development LLC  
Contact Michael Endler  
Address 600 Cranberry Woods Dr.  
City Cranberry Township State PA Zip Code 16066  
County Butler Township(s) Clay  
Receiving Stream(s) and Classification(s) UNT to Big Run, UNT to Glade Run

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX11-015-0082(01)  
Applicant Name Chesapeake Appalachia  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Bradford  
Township(s) Tuscarora  
Receiving Stream(s) and Classification(s) Tuscarora Ck (CWF, MF)  
Secondary—Susquehanna River

ESCGP-2 # ESX13-115-0016(01)  
Applicant Name Cabot Oil & Gas Corp  
Contact Person Kenneth Marcum  
Address 2000 Park Lane, Suite 300  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna  
Township(s) Springville  
Receiving Stream(s) and Classification(s) Meshoppen Ck (CWF-MF); Stevens Ck (CWF-MF)

ESCGP-2 # ESX11-015-0020 (02)  
Applicant Name Talisman Energy USA Inc  
Contact Person Joe Katruska  
Address 50 Pennwood Pl  
City, State, Zip Warrendale, PA 15086  
County Bradford  
Township(s) Pike  
Receiving Stream(s) and Classification(s) UNT to Rockwell Ck (WWF, MF); UNT to Johnson Ck (CWF, MF)  
Secondary—Rockwell Ck and Johnson Ck

ESCGP-2 # ESX11-081-0096(01)  
Applicant Name Anadarko E&P Onshore LLC  
Contact Person Stephen Barondeau  
Address 33 W Third St, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) McHenry  
Receiving Stream(s) and Classification(s) Miller Run (HQ-CWF)  
Secondary—Pine Ck (EV)

ESCGP-2 # ESX11-035-0022(01)  
Applicant Name Anadarko E&P Onshore LLC  
Contact Person Stephen Barondeau  
Address 33 W Third St, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Clinton  
Township(s) Grugan  
Receiving Stream(s) and Classification(s) Right Branch Hyner Run (HQ-CWF)

ESCGP-2 # ESG29-117-16-0013  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetown Dr, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga  
Township(s) Delmar  
Receiving Stream(s) and Classification(s) Heise Run (CWF), Smith Run (CWF)

ESCGP-2 # ESX29-117-16-0020  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetown Dr, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga  
Township(s) Sullivan  
Receiving Stream(s) and Classification(s) Corey Ck (CWF), Fall Brook (CWF), Fellows Ck (CWF)

ESCGP-2 # ESX09-113-0001(02)  
Applicant Name Chesapeake Appalachia  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Sullivan  
Township(s) Cherry  
Receiving Stream(s) and Classification(s) Little Loyalsock Ck (EV)

*Southwest Region: Oil & Gas Program Mgr., 400 Waterfront Dr., Pittsburgh, PA*

ESCGP-2 No: ESX15-051-0013  
Applicant Name: Laurel Mountain Midstream LLC  
Contact Person Stephanie Ranker  
Address: 111 Enterprise Lane  
City: Connellsville State: PA Zip Code: 15425  
County: Fayette Township: Luzerne  
Receiving Stream (s) and Classifications: UNT 1 to TRIB 40973 to Bates Run, TRIB 40973 to Bates Run, UNT 1 to Hereford Hollow, TRIB 41001 to Hereford Hollow, UNT 2 to TRIB 41001 to Hereford Hollow, Hereford Hollow, UNT 1 to Kelley Run, and Kelley Run/Lower Monongahela Watershed; Other WWF

ESCGP-2 No.: ESX15-005-0006  
Applicant Name: Snyder Brothers Inc  
Contact Person: Carl Rose  
Address: PO Box 1022  
City: Kittanning State: PA Zip Code: 16201  
County: Armstrong Township(s): South Buffalo  
Receiving Stream(s) and Classifications: Hill Run/Allegheny; Watson Run/Allegheny; Other WWF; Siltation-Impaired

ESCGP-2 No.: ESX16-059-0009  
Applicant Name: EQT Production Company  
Contact Person: Renee Thomas  
Address: 2400 Zenith Ridge Road, Suite 200  
City: Canonsburg State: PA Zip Code: 15317  
County: Greene Township(s): Washington  
Receiving Stream(s) and Classifications: South Fork Tenmile Creek (Ch. 93. 9v) Other Warm Water Fishery (WWF)

ESCGP-2 No.: ESX14-059-0098 Major Revision  
 Applicant Name: EQM Gathering OPCO LLC  
 Contact Person: Brinton E Goettel  
 Address: 625 Liberty Avenue, Suite 1700  
 City: Pittsburgh State: PA Zip Code: 15222  
 County: Greene Township(s): Morgan  
 Receiving Stream(s) and Classifications: Receiving Waters: UNTs to Poverty Run, Poverty Run and UNT to Ruff Creek Watersheds: Poverty Run and Ruff Creek; Other WWF

ESCGP-2 No.: ESX15-129-0009  
 Applicant Name: Apex Energy LLC  
 Contact Person: Chris Hess  
 Address: 6041 Wallace Road, Suite 100  
 City: Wexford State: PA Zip Code: 15090  
 County Westmoreland Township(s): Hempfield  
 Receiving Stream(s) and Classifications: UNT to Little Sewickley Creek (TSF); Lower Youghiogheny River Watershed;  
 Secondary Receiving Water Little Sewickley Creek (TSF)

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## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

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The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16-32-001	Hampel Oil Distributors, Inc. P.O. Box 12346 1245 North West Street Wichita, KS 67203 Attn: Scott Hampel	Indiana	Center Township	23 ASTs storing petroleum products	155,600 gallons total
				5 ASTs storing ethylene glycol	31,600 gallons total
16-28-005	Hammaker East, Ltd. 285 Kappa Drive Pittsburgh, PA 15238 Attn: Robert Guenther	Franklin	Greene Township	1 AST storing asphaltic mixture	142,000 gallons

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2016 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Kevin Adams	208 Latimer Ave. Strabane, PA 15363	Testing
Clifford Ardinger, II	101 Bertley Ridge Dr. Coraopolis, PA 15108	Testing
Allan Berger	153 Parry Rd. Moscow, PA 18444	Testing
Thomas Bimson	3650 Concorde Pkwy., Ste. 100 Chantilly, VA 20151	Testing
Paul Bukeavich	318 Ridge St. Ashley, PA 18706	Testing
Frank Carey	6 Patrick Rd. Jenkins Township, PA 18640	Testing
Thomas d'Arcy Radon Testing Systems	PO Box 243 Newtown, PA 18940	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Dennill	411 Bianca Cir. Downingtown, PA 19335	Testing
Eagle Home Inspections, LLC	543 Twele Rd. Greenock, PA 15047	Testing
Frank Glantz	PO Box 866 Lemont, PA 16851	Mitigation
Russell Heiges	351 Big Oak Rd. Dillsburg, PA 17019	Mitigation
Imperial Home Inspections	340 Freed Rd. Harleysville, PA 19438	Testing
Dewey Kerns	PO Box 263 Effort, PA 18330	Testing
Mark Konschak	3650 Concorde Pkwy., Ste. 100 Chantilly, VA 20151	Testing
Scott Latosky	722 Sue St. Houtzdale, PA 16651	Testing
Eric Levine	110 Music Center Dr. East Stroudsburg, PA 18301	Testing and Mitigation
Joseph Liotta, IV	2909 Keenwood Rd. Norristown, PA 19403	Mitigation
Gary Mathias	27 Brown St. Lewisburg, PA 17837	Testing
Jill McNabb Pillar to Post	217 Lewis Cir. Easton, PA 18045	Testing
Stephen Mento	25 Fox Farm Ln. Downingtown, PA 19335	Testing
Cristopher Murphy WIN—Murrysville	3045 Heider Ln. Export, PA 15632	Testing
Curtis Niles Armored Home Inspections, LLC	1451 N. Hanover St. Pottstown, PA 19464	Testing
Gary Olinchak	512 Smiley St. Crum Lynne, PA 19022	Mitigation
Lisa Roddis	PO Box 862 Hockessin, DE 19707	Testing
Larry Smith	191 Rte. 715 Brodheads ville, PA 18322	Testing
Jason Spielvogel	201 Stacy Crossing Wheeling, WV 26003	Testing
S.W.A.T. Environmental of Pittsburgh	201 Penn Center Blvd., Ste. 400 Pittsburgh, PA 15235	Mitigation

[Pa.B. Doc. No. 16-827. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Bid Opportunity

**OSM 65(0948)101.1, Abandoned Mine Reclamation Project, Pittsburgh Coal Company, Murrysville Borough, Westmoreland County.** The principal items of work and approximate quantities include mobilization and demobilization, preparation and implementation of the erosion and sediment pollution control plan, access road construction 1,060 square yards, brush barrier 400 linear feet, pipe culvert 18" diameter smooth interior corrugated polyethylene 160 linear feet, grading 34,000 cubic yards, erosion matting 3,860 square yards, R-3 rock 400 square yards, R-5 rock 50 square yards, relocation of water main 125 linear feet, and cover material excavation

and placement 21,600 cubic yards. This bid issues on May 13, 2016, and bids will be opened on June 16, 2016, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection's web site at [www.dep.pa.gov/ConstructionContracts](http://www.dep.pa.gov/ConstructionContracts). Bid documents and drawings can also be obtained upon payment of \$22, plus \$8 for postage, which includes sales tax, by calling (717) 787-7820. Auto-Cad Map 3D format drawings can also be purchased on a compact disc (CD) for an additional \$5 per CD. Money will not be refunded. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of

1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@pa.gov for more information on this bid.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-828. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Limited Suspension of Enforcement of the Commercial Fuel Oil Sulfur Limit Requirements for Combustion Units for Certain Distributors and Retail Outlets (25 Pa. Code § 123.22)

The Department of Environmental Protection (Department) announces that beginning July 1, 2016, and ending December 31, 2016, the Department will suspend enforcement of the 500 parts per million (ppm) sulfur fuel content requirement for No. 2 and lighter commercial fuel oil for certain “distributors” and “retail outlets,” as defined in 25 Pa. Code § 121.1 (relating to definitions). This suspension applies to the transfer and use of No. 2 and lighter commercial fuel oil stored by the distributor or retail outlet in this Commonwealth as of May 14, 2016, that exceeds 500 ppm but that does not exceed the current regulatory limit of 0.5% sulfur by weight (5,000 ppm). This suspension of enforcement does not cover commercial fuel oil received by the distributor or retail outlet after May 14, 2016. This suspension does not cover distributors that distribute commercial fuel oil by pipeline. This suspension does not supersede conditions in any air quality plan approval or operating permit.

Under 25 Pa. Code § 123.22 (relating to combustion units), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil if it exceeds the specified sulfur content, published at 43 Pa.B. 806 (February 9, 2013) and corrected at 43 Pa.B. 2140 (April 20, 2013). For No. 2 and lighter commercial fuel oil, the regulation imposes a maximum allowable sulfur content of 500 ppm beginning July 1, 2016. However, due to the unusually warm winter of 2015-2016, remaining inventories of commercial fuel oil exceeding 500 ppm are larger than anticipated. For that reason, the Department is announcing this transitional period during which it will exercise enforcement discretion on a limited basis for these existing inventories. Enforcement is not being suspended for any other requirements of 25 Pa. Code § 123.22, including recordkeeping requirements.

A distributor or retail outlet covered by this limited suspension of enforcement must maintain onsite adequate records to document the quantity of No. 2 and lighter commercial fuel oil stored by the distributor or retail outlet in this Commonwealth on May 14, 2016, that exceeds 500 ppm. The records shall be made available to the Department upon request.

This suspension also applies to No. 2 and lighter commercial fuel oil received by the “ultimate consumer,” as defined in 25 Pa. Code § 121.1, on or before December 31, 2016.

The commercial fuel oil sulfur limit requirements codified in 25 Pa. Code § 123.22 are incorporated in Pennsylvania’s State Implementation Plan (SIP) approved by the United States Environmental Protection Agency at 40 CFR 52.2020 (relating to identification of plan), published

at 79 FR 39330 (July 10, 2014). The Department’s exercise of enforcement discretion does not protect an owner or operator of a subject distributor or retail outlet from the possibility of legal challenge by third persons under 25 Pa. Code § 123.22 or the Commonwealth’s approved SIP.

For more information or questions concerning combustion unit commercial fuel oil sulfur limit requirements, contact Susan Foster, Environmental Program Manager for the Division of Compliance and Enforcement, Bureau of Air Quality at (717) 772-3369 or sufoster@pa.gov.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-829. Filed for public inspection May 13, 2016, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is announcing its intent to allocate funding for disproportionate share hospital (DSH) payments to certain qualifying acute care Medical Assistance (MA) hospitals in Fiscal Year (FY) 2015-2016. This payment is intended to promote the availability of professional medical services to MA populations in less urbanized areas of this Commonwealth by supporting medical education and academic medical programs. The Department is not otherwise changing its State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The FY 2015-2016 impact as a result of these payments is \$1.667 million (\$0.800 million in State general funds and \$0.867 million in Federal funds) upon approval by the Centers for Medicare and Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments reviewed within 30 days in determining the final payment methodology for this additional class of DSH payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1016. (1) General Fund; (2) Implementing Year 2015-16 is \$800,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21

are \$0; (4) 2014-15 Program—\$17,431,000; 2013-14 Program—\$16,831,000; 2012-13 Program—\$12,618,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-830. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Payment for Observation Services

The Department of Human Services (Department) is announcing its intent to pay acute care general hospitals for observation care provided to eligible Medical Assistance (MA) beneficiaries in the acute care general hospital (hospital) outpatient setting, effective with dates of service on and after July 1, 2016. Further, the Department is providing notice of the addition of observation services to the MA Fee Schedule.

#### Background

The Governor signed the act of December 28, 2015 (P.L. 500, No. 92) (Act 92), which amended the Public Welfare Code, now known as the Human Services Code (code) (40 P.S. §§ 101—1503). Act 92 added several new provisions to the code including a new paragraph (1.1) under section 443.3(a) of the code (40 P.S. § 443.3(a)(1.1)). This paragraph authorizes the Department to establish rates for observation services effective for services provided on or after July 1, 2016, by publication of notice in the *Pennsylvania Bulletin*. Further, Act 92 permits the Department to issue an MA Bulletin specifying the conditions for payment of these observation services pending adoption of regulations. Act 92 also amended section 805-G of the code (40 P.S. § 805-G). Section 805-G(A)(1) of the code appropriates funding from the Quality Care

Assessment Account for the services specified, including outpatient observation services in accordance with section 443.3(a)(1) of the code.

#### Discussion

Observation services are a well-defined set of clinically appropriate and medically necessary services, which include short-term treatment, assessment and reassessment, that are furnished while a decision is made as to whether to admit an MA beneficiary to the inpatient hospital setting for further treatment or to discharge the MA beneficiary from the hospital outpatient setting. The Department is recognizing the need for observation services because a physician may not be able to initially determine whether an inpatient hospital admission is medically necessary.

Currently, the Department does not pay hospitals or physicians for the provision of observation services rendered in a hospital outpatient setting under the Fee-for-Service delivery system. Effective with dates of service on and after July 1, 2016, the Department is announcing its intent to pay for medically necessary observation services provided in the hospital outpatient setting, when prescribed or ordered by a practitioner.

Observation services must be prescribed or ordered for MA beneficiaries who may be directed from the emergency department, practitioner's office or clinic and require care and monitoring for a minimum of 8 hours.

#### Payment Methodology for Hospitals

The Department intends to make a one-time, all-inclusive payment to an acute care hospital for medically necessary observation services. The Department's all-inclusive payment rate to the hospital for observation services is intended to include payment for medical diagnostic services provided during an observation stay. The Department intends to add the following procedure codes to the MA Program Fee Schedule for payment to hospitals for observation care, effective with dates of service on and after July 1, 2016.

Procedure Code	National Description	Provider Type	Provider Specialty	Place of Service	Pricing Modifier	Info Modifier	MA Fee	MA Units of Service
G0378	Hospital observation service.	01	183	22			\$976.54	One unit of service per observation stay
G0379	Direct admission of patient for hospital observation care.	01	183	22			\$0.00	One unit of service per observation stay

The Department analyzed Fiscal Year (FY) 2012-2013 encounter data from MA managed care organizations to determine an average payment per observation stay, including the average payment for related ancillary services. The Department intends to use this average payment per observation stay as the rate hospitals will receive for the provision of observation care to MA beneficiaries.

#### Payment Methodology for Physicians

Under 55 Pa. Code § 1150.61 (relating to guidelines for fee schedule changes) the Department will pay physicians for observation services rendered in the acute care hospital outpatient setting, effective with dates of service on and after July 1, 2016. The Department is adding the following procedure codes to the MA Program Fee Schedule for payment to physicians for observation care, effective with dates of service on and after July 1, 2016.



<i>Procedure Code</i>	<i>National Description</i>	<i>Provider Type</i>	<i>Provider Specialty</i>	<i>Place of Service</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>MA Fee</i>	<i>MA Units of Service</i>
99217	Observation care discharge day management.	31	All Spec	22			\$36.89	One unit of service per day
99218	Initial observation care, per day, for the evaluation and management of a patient which requires these 3 key components: A detailed or comprehensive history; A detailed or comprehensive examination; and medical decision making that is straightforward or of low complexity. Counseling and/or coordination of care with other physicians, other qualified health professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the problem(s) requiring admission to "observation status" are of low severity. Typically, 30 minutes are spent at the bedside and on the patient's hospital floor or unit.	31	All Spec	22			\$50.56	One unit of service per day
99219	Initial observation care, per day, for the evaluation and management of a patient which requires these 3 key components: A detailed or comprehensive history; A detailed or comprehensive examination; and medical decision making that is straightforward or of moderate complexity. Counseling and/or coordination of care with other physicians, other qualified health professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the problem(s) requiring admission to "observation status" are of moderate severity. Typically, 50 minutes are spent at the bedside and on the patient's hospital floor or unit.	31	All Spec	22			\$69.14	One unit of service per day

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<i>Procedure Code</i>	<i>National Description</i>	<i>Provider Type</i>	<i>Provider Specialty</i>	<i>Place of Service</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>MA Fee</i>	<i>MA Units of Service</i>
99220	Initial observation care, per day, for the evaluation and management of a patient which requires these 3 key components: A detailed or comprehensive history; A detailed or comprehensive examination; and medical decision making that is straightforward or of high complexity. Counseling and/or coordination of care with other physicians, other qualified health professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the problem(s) requiring admission to "observation status" are of high severity. Typically, 70 minutes are spent at the bedside and on the patient's hospital floor or unit.	31	All Spec				\$94.67	One unit of service per day
99224	Subsequent observation care, per day, for the evaluation and management of a patient, which requires at least 2 of these 3 components: Problem focused interval history; Problem focused examination; medical decision making that is straightforward or of low complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the patient is stable, recovering, or improving. Typically, 15 minutes are spent at the bedside and on the patient's hospital floor or unit.	31	All Spec	22			\$20.44	One unit of service per day

<i>Procedure Code</i>	<i>National Description</i>	<i>Provider Type</i>	<i>Provider Specialty</i>	<i>Place of Service</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>MA Fee</i>	<i>MA Units of Service</i>
99225	Subsequent observation care, per day, for the evaluation and management of a patient, which requires at least 2 of these 3 components: Problem focused interval history; Problem focused examination; medical decision making that is straightforward or of moderate complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the patient is responding inadequately to therapy or has developed a minor complication. Typically, 25 minutes are spent at the bedside and on the patient's hospital floor or unit.	31	All Spec				\$36.87	One unit of service per day
99226	Subsequent observation care, per day, for the evaluation and management of a patient, which requires at least 2 of these 3 components: Problem focused interval history; Problem focused examination; medical decision making that is straightforward or of high complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the patient is unstable or has developed a significant complication or a significant new problem. Typically, 35 minutes are spent at the bedside and on the patient's hospital floor or unit.	31	All Spec	22			\$53.25	One unit of service per day

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<i>Procedure Code</i>	<i>National Description</i>	<i>Provider Type</i>	<i>Provider Specialty</i>	<i>Place of Service</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>MA Fee</i>	<i>MA Units of Service</i>
99234	Observation or inpatient hospital care, for the evaluation and management of a patient including admission and discharge on the same date, which requires these 3 key components: A detailed or comprehensive history; A detailed or comprehensive examination; and medical decision making that is straightforward or of low complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually the presenting problem(s) requiring admission are of low severity. Typically 40 minutes are spent at the bedside and on the patient's hospital floor or unit.	31	All Spec	22			\$69.18	One unit of service per day
99235	Observation or inpatient hospital care, for the evaluation and management of a patient including admission and discharge on the same date, which requires these 3 key components: A comprehensive history; A comprehensive examination; and medical decision making of moderate complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually the presenting problem(s) requiring admission are of moderate severity. Typically 50 minutes are spent at the bedside and on the patient's hospital floor or unit.	31	All Spec	22			\$86.29	One unit of service per day

<i>Procedure Code</i>	<i>National Description</i>	<i>Provider Type</i>	<i>Provider Specialty</i>	<i>Place of Service</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>MA Fee</i>	<i>MA Units of Service</i>
99236	Observation or inpatient hospital care, for the evaluation and management of a patient including admission and discharge on the same date, which requires these 3 key components: A comprehensive history; A comprehensive examination; and medical decision making of high complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually the presenting problem(s) requiring admission are of high severity. Typically 55 minutes are spent at the bedside and on the patient's hospital floor or unit.	31	All Spec	22			\$111.46	One unit of service per day

In accordance with section 443.3(a)(1.1) of the code, the Department will issue an MA Bulletin to inform providers of the Department's payment conditions for observation services provided in an acute care hospital outpatient setting.

*Fiscal Impact*

The FY 2016-2017 fiscal impact as a result of these payments is \$28.280 million (\$10.229 million in State general funds).

*Public Comment*

Interested persons are invited to submit written comments regarding these changes to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

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**Fiscal Note:** 14-NOT-1020. (1) General Fund;

(7) MA—Capitation; (2) Implementing Year 2015-16 is \$0; (3) 1st Succeeding Year 2016-17 is \$4,111,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$3,823,000,000; 2013-14 Program—\$3,995,000,000; 2012-13 Program—\$3,631,000,000;

(7) MA—Fee-for-Service; (2) Implementing Year 2015-16 is \$0; (3) 1st Succeeding Year 2016-17 is \$6,118,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-831. Filed for public inspection May 13, 2016, 9:00 a.m.]

*Contractor*

M&R Insulation Systems, LLC,  
Marilyn DaBronzo, individually  
and Anthony DaBronzo, a/k/a  
Rocky DaBronzo, individually  
FEIN No. 20-2867127

*Address*

2060 Silverwood Drive  
Newtown, PA 18940

*Date of Debarment*

4/25/2016

KATHY M. MANDERINO,  
*Secretary*

[Pa.B. Doc. No. 16-832. Filed for public inspection May 13, 2016, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$100,000 Home Makeover Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$100,000 Home Makeover.

2. *Price:* The price of a Pennsylvania \$100,000 Home Makeover instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania \$100,000 Home Makeover instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Paintbrush (BRUSH) symbol and a Home (HOME) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$50, \$100, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two \$100,000 Home Makeover Second-Chance Drawings for which non-winning Pennsylvania \$100,000 Home Makeover instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 11,400,000 tickets will be printed for the Pennsylvania \$100,000 Home Makeover instant lottery game.

#### 8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paintbrush (BRUSH) symbol and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under that Paintbrush (BRUSH) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paintbrush (BRUSH) symbol and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Paintbrush (BRUSH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Home (HOME) symbol and a prize symbol of \$100 (ONE HUN) appears in eight of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paintbrush (BRUSH) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Paintbrush (BRUSH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Home (HOME) symbol and a prize symbol of \$50.00 (FIFTY) appears in eight of the “prize” areas and a prize symbol of \$25.00 (TWY FIV) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Home (HOME) symbol and a prize symbol of \$100 (ONE HUN) appears in three of the “prize” areas, a prize symbol of \$25.00 (TWY FIV) appears in four of the “prize” areas and a prize symbol of \$20.00 (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paintbrush (BRUSH) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Paintbrush (BRUSH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Home (HOME) symbol and a prize symbol of \$10.00 (TEN DOL) appears in five of the “prize” areas, a prize symbol of \$5.00 (FIV DOL) appears in six of the “prize” areas and a prize symbol of \$20.00 (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Home (HOME) symbol and a prize symbol of \$25.00 (TWY FIV) appears in two of the “prize” areas and a prize symbol of \$5.00 (FIV DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paintbrush (BRUSH) symbol, and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under that Paintbrush (BRUSH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25.00 (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paintbrush (BRUSH) symbol, and a prize symbol of \$25.00 (TWY FIV) appears in the “Prize” area under that Paintbrush (BRUSH) symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paintbrush (BRUSH) symbol, and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under that Paintbrush (BRUSH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paintbrush (BRUSH) symbol, and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under that Paintbrush (BRUSH) symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paintbrush (BRUSH) symbol, and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under that Paintbrush (BRUSH) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers*

*Match Any Winning Number, Win Prize Shown Under The Matching Number.*

*Win With:*

- \$5 w/ PAINTBRUSH
- \$5
- \$5 × 2
- \$10 w/ PAINTBRUSH
- \$10
- \$5 × 4
- (\$10 w/ PAINTBRUSH) × 2

- Win:*
- \$5
- \$5
- \$10
- \$10
- \$10
- \$20
- \$20

- Approximate Odds Are 1 In:*
- 15
- 20
- 60
- 40
- 60
- 150
- 150

*Approximate No. Of Winners Per 11,400,000 Tickets:*

- 760,000
- 570,000
- 190,000
- 285,000
- 190,000
- 76,000
- 76,000

When Any Of Your Numbers  
Match Any Winning Number, Win  
Prize Shown Under The Matching  
Number.

Win With:

Win:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 11,400,000 Tickets:
\$20 w/ PAINTBRUSH	\$20	75	152,000
\$20	\$20	150	76,000
\$5 × 5	\$25	300	38,000
(((\$10 w/ PAINTBRUSH) × 2) + \$5	\$25	200	57,000
\$25 w/ PAINTBRUSH	\$25	200	57,000
\$25	\$25	300	38,000
\$5 × 10	\$50	600	19,000
\$10 × 5	\$50	600	19,000
\$25 × 2	\$50	600	19,000
\$50 w/ PAINTBRUSH	\$50	600	19,000
\$50	\$50	600	19,000
HOME w/ ((\$25 × 2) + (\$5 × 10))	\$100	2,000	5,700
HOME w/ ((\$10 × 5) + (\$5 × 6) + \$20)	\$100	2,000	5,700
\$10 × 10	\$100	4,000	2,850
\$20 × 5	\$100	4,000	2,850
\$25 × 4	\$100	4,000	2,850
(\$50 w/ PAINTBRUSH) × 2	\$100	4,000	2,850
\$100 w/ PAINTBRUSH	\$100	4,000	2,850
\$100	\$100	4,000	2,850
HOME w/ ((\$100 × 3) + (\$25 × 4) + (\$20 × 5))	\$500	4,000	2,850
HOME w/ ((\$50 × 8) + (\$25 × 4))	\$500	4,800	2,375
\$50 × 10	\$500	12,000	950
\$100 × 5	\$500	12,000	950
\$500 w/ PAINTBRUSH	\$500	12,000	950
\$500	\$500	12,000	950
HOME w/ ((\$100 × 8) + (\$50 × 4))	\$1,000	120,000	95
\$100 × 10	\$1,000	120,000	95
\$500 × 2	\$1,000	120,000	95
\$1,000 w/ PAINTBRUSH	\$1,000	120,000	95
\$1,000	\$1,000	120,000	95
\$1,000 × 10	\$10,000	2,280,000	5
\$10,000 w/ PAINTBRUSH	\$10,000	2,280,000	5
\$10,000	\$10,000	2,280,000	5
\$100,000	\$100,000	1,140,000	10

Reveal a "PAINTBRUSH" (BRUSH) symbol, win prize shown under that symbol automatically.

Reveal a "HOME" (HOME) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing*: Pennsylvania Lottery's \$100,000 Home Makeover Second-Chance Drawings (hereafter, the "Drawings"):

(a) *Qualifying Tickets*: Non-winning PA-1214 \$100,000 Home Makeover (\$5) instant game tickets ("Qualifying Tickets") are eligible for entry into the Drawings.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawings. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/VIP-Players-Club/Login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawings, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawings' promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once for the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission

will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawings Description*:

(1) The Lottery will conduct two \$100,000 Home Makeover Second-Chance Drawings. All time references are Eastern Prevailing Time.

(i) All Drawings entries received after 11:59:59 p.m. May 15, 2016, through 11:59:59 p.m. June 23, 2016, will be entered into Drawing #1, held between June 24, 2016 and June 28, 2016.



(ii) All Drawings entries received after 11:59:59 p.m. June 23, 2016, through 11:59:59 p.m. August 4, 2016, will be entered into Drawing #2, held between August 5, 2016 and August 9, 2016.

(2) The entry periods for the Drawings will be posted to the Pennsylvania Lottery's publicly accessible website.

(3) A Qualifying Ticket will receive 5 entries.

(4) Players may review their entries for the Drawings via the Drawings' promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The Lottery will conduct two Drawings from among all the entries received during each entry period as described in section 10(c).

(3) The first entry selected from the entries submitted in each of the Drawings will be a winning entry, and the entrant who submitted the winning entry shall be entitled to a prize of one \$100,000 Home Makeover with a total value of \$133,333.

(i) The prize winner will receive the prize as fifty (50) \$2,000 The Home Depot gift cards. The total value of the \$100,000 Home Makeover prize includes the value of the gift cards plus 25 percent federal income tax withholding.

(ii) A \$100,000 Home Makeover prize winner opting for the cash value of the prize will receive the cash value of the \$100,000 Home Makeover prize less required federal income tax withholding.

(4) The second entry selected from the entries submitted in each of the Drawings will be a winning entry, and the entrant who submitted the winning entry shall be entitled to a prize of one \$10,000 Room Makeover with a total value of \$13,333.

(i) The prize winner will receive the prize as five (5) \$2,000 The Home Depot gift cards. The total value of the \$10,000 Room Makeover prize includes the value of the gift cards plus 25 percent federal income tax withholding.

(ii) A \$10,000 Room Makeover prize winner opting for the cash value of the prize will receive the cash value of the \$10,000 Room Makeover prize less required federal income tax withholding.

(5) The third through the five hundred-second entries selected from the entries submitted in each of the Drawings will be winning entries, and the entrants who submitted the winning entries shall each be entitled to a prize of one \$500 The Home Depot gift card.

(6) The entry deadline and the number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of an entry being selected in the Drawing depend upon the total number of entries awarded for the Drawing.

(8) A computer generated randomizer will be used to select the winning entries.

(e) *Drawing Restrictions:*

(1) To be eligible to participate in the Drawings, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawings. The

Lottery is not responsible for entries that are not entered into the Drawings because of incompatible internet browsers, mobile lottery application failure or other technical issues. If a Drawings entry is selected as a winner and rejected during or following the Drawings, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedures.

(3) If any discrepancy exists between these rules and any material describing the Drawings, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawings. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawings and change these rules if the Drawings cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawings.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawings or to be acting in violation of these rules or applicable law.

(8) The Drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) The payment of a prize awarded in the Drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawings. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania \$100,000 Home Makeover instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$100,000 Home Makeover, prize money from winning Pennsylvania \$100,000 Home Makeover instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$100,000 Home Makeover instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$100,000 Home Makeover or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-833. Filed for public inspection May 13, 2016, 9:00 a.m.]

## Pennsylvania Fantastic 10s Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Fantastic 10s.

2. *Price:* The price of a Pennsylvania Fantastic 10s instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Fantastic 10s instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), 10 (TEN) symbol, \$10 Bill (WIN10) symbol, and a 10X (10TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$30,000 (TRY THO) and \$300,000 (THR HUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000, \$30,000 and \$300,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Fantastic 10s instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THR HUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30,000 (TRY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 10 (TEN) symbol, and a prize symbol of \$30,000 (TRY THO) appears in the “prize” area under that 10 (TEN) symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 10 (TEN) symbol,



(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10 (TEN) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under that 10 (TEN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$10 Bill (WIN10)

symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under that \$10 Bill (WIN10) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$10 w/ \$10 BILL	\$10	12	600,000
\$10 w/ TEN SYMBOL	\$10	20	360,000
\$10	\$10	30	240,000
\$15 w/ TEN SYMBOL	\$15	30	240,000
\$15	\$15	30	240,000
\$10 × 2	\$20	200	36,000
(\$10 w/ \$10 BILL) × 2	\$20	85.71	84,000
\$20 w/ TEN SYMBOL	\$20	120	60,000
\$20	\$20	120	60,000
\$10 × 4	\$40	600	12,000
\$20 × 2	\$40	600	12,000
(\$10 w/ \$10 BILL) × 4	\$40	200	36,000
(\$10 w/ TEN SYMBOL) + (\$15 × 2)	\$40	300	24,000
\$40 w/ TEN SYMBOL	\$40	600	12,000
\$40	\$40	300	24,000
\$10 × 5	\$50	600	12,000
(\$15 × 2) + \$20	\$50	600	12,000
(\$10 w/ \$10 BILL) × 5	\$50	300	24,000
(( \$20 w/ TEN SYMBOL) × 2) + (\$10 w/ TEN SYMBOL)	\$50	300	24,000
(\$40 w/ TEN SYMBOL) + (\$10 w/ TEN SYMBOL)	\$50	600	12,000
\$50 w/ TEN SYMBOL	\$50	300	24,000
\$50	\$50	600	12,000
\$10 × 10	\$100	600	12,000
\$50 × 2	\$100	600	12,000
(\$10 w/ \$10 BILL) × 10	\$100	600	12,000
\$10 w/ 10X	\$100	600	12,000
\$100 w/ TEN SYMBOL	\$100	600	12,000
\$100	\$100	600	12,000
\$40 × 10	\$400	24,000	300
\$50 × 8	\$400	24,000	300
\$100 × 4	\$400	24,000	300
(\$40 × 5) + (\$20 × 10)	\$400	24,000	300
(( \$10 w/ \$10 BILL) × 10) + (( \$10 w/ 10X) × 3)	\$400	12,000	600
(\$10 w/ 10X) × 4	\$400	12,000	600
(\$20 w/ 10X) × 2	\$400	12,000	600
\$40 w/ 10X	\$400	6,000	1,200
\$400 w/ TEN SYMBOL	\$400	24,000	300
\$400	\$400	24,000	300
(\$40 × 10) + (\$20 × 5)	\$500	24,000	300
(\$100 × 3) + (\$50 × 2) + (\$10 × 10)	\$500	24,000	300
(( \$10 w/ \$10 BILL) × 10) + (( \$10 w/ 10X) × 4)	\$500	12,000	600
\$50 w/ 10X	\$500	6,000	1,200
\$500 w/ TEN SYMBOL	\$500	12,000	600
\$500	\$500	12,000	600
(\$100 × 5) + (\$50 × 10)	\$1,000	12,000	600
(\$100 × 6) + (\$50 × 4) + (\$40 × 5)	\$1,000	12,000	600
\$100 w/ 10X	\$1,000	6,000	1,200
\$1,000 w/ TEN SYMBOL	\$1,000	24,000	300
\$1,000	\$1,000	24,000	300
(\$1,000 × 5) + (\$500 × 10)	\$10,000	1,440,000	5
\$1,000 w/ 10X	\$10,000	1,440,000	5
\$10,000 w/ TEN SYMBOL	\$10,000	1,440,000	5
\$10,000	\$10,000	1,440,000	5

*When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$10,000 × 3	\$30,000	1,440,000	5
(\$1,000 w/ 10X) + (\$10,000 × 2)	\$30,000	1,440,000	5
\$30,000 w/ TEN SYMBOL	\$30,000	1,440,000	5
\$30,000	\$30,000	1,440,000	5
\$300,000	\$300,000	720,000	10

Reveal a “10” (TEN) symbol, win prize shown under that symbol automatically.  
 Reveal a “\$10 BILL” (WIN10) symbol, win \$10 instantly.  
 Reveal a “10X” (10TIMES) symbol, win 10 times the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fantastic 10s instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Fantastic 10s instant lottery game, prize money from winning Pennsylvania Fantastic 10s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Fantastic 10s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Fantastic 10s or through normal communications methods.

EILEEN H. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 16-834. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Pennsylvania Just a Buck Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Just a Buck.
2. *Price:* The price of a Pennsylvania Just a Buck instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania Just a Buck instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Bell (BELL) symbol, Stack of Coins (COINS) symbol, Diamond (DMND) symbol, Bank (BANK) symbol, Star (STAR) symbol, Horseshoe (SHOE) symbol, Pot of Gold (GOLD) symbol, BAR (BAR) symbol, Buck (BUCK) symbol and a Fistful of Cash (FSTFL) symbol.
4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$4<sup>.00</sup> (FOR DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$40<sup>.00</sup> (FORTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$10,000 (TEN THO).
5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500 and \$10,000. The player can win up to 5 times on the ticket.
6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Just a Buck instant lottery game.
7. *Determination of Prize Winners:*
  - (a) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with a Fistful of Cash (FSTFL) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with a Fistful of Cash (FSTFL) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with a Fistful of Cash (FSTFL) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in three of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with a Fistful of Cash (FSTFL) symbol in the play area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL)

appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with a Fistful of Cash (FSTFL) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets with a Fistful of Cash (FSTFL) symbol in the play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets with a Buck (BUCK) symbol in the play area and a prize symbol of FREE (TICKET) appears in the “prize” area under that Buck (BUCK) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Just a Buck instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal A “BUCK” (BUCK) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
FREE	FREE \$1 TICKET	10	840,000
\$1	\$1	300	28,000
\$1 × 2	\$2	60	140,000
\$2	\$2	30	280,000
\$1 × 4	\$4	120	70,000
\$2 × 2	\$4	85.71	98,000
\$4	\$4	150	56,000
FISTFUL OF CASH w/ (\$1 × 5)	\$5	85.71	98,000
\$5	\$5	600	14,000
FISTFUL OF CASH w/ (\$2 × 5)	\$10	150	56,000
\$5 × 2	\$10	600	14,000
\$10	\$10	600	14,000
FISTFUL OF CASH w/ (\$4 × 5)	\$20	300	28,000
\$5 × 4	\$20	1,500	5,600
\$10 × 2	\$20	1,500	5,600
\$20	\$20	3,000	2,800
FISTFUL OF CASH w/ ((\$10 × 3) + (\$5 × 2))	\$40	3,000	2,800
\$20 × 2	\$40	3,000	2,800

<i>Reveal A "BUCK" (BUCK) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$40	\$40	3,000	2,800
FISTFUL OF CASH w/ (\$20 × 5)	\$100	16,000	525
(\$40 × 2) + \$20	\$100	16,000	525
\$100	\$100	16,000	525
FISTFUL OF CASH w/ (\$100 × 5)	\$500	420,000	20
\$500	\$500	840,000	10
\$10,000	\$10,000	840,000	10

Reveal a "FISTFUL OF CASH" (FSTFL) symbol, win all 5 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Just a Buck instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Just a Buck, prize money from winning Pennsylvania Just a Buck instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Just a Buck instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Just a Buck or through normal communications methods.

EILEEN H. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 16-835. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Pennsylvania Money Magnet Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money Magnet.

2. *Price:* The price of a Pennsylvania Money Magnet instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Money Magnet instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Magnet (MAGNT) symbol and a Moneybag (MNYBAG) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" areas are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. The player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Money Magnet instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$100 (ONE HUN) appears in two of the "Prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in six of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in all eight of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the "Prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in six of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the "Prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in six of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in three of the "Prize" areas and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in three of the "Prize" areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the "Prize" areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in six of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.



(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$5.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$4.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Magnet (MAGNT) symbol and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "Prize" area under that Magnet (MAGNT) symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$2 w/ MAGNET	\$2	15	480,000
\$2	\$2	25	288,000
\$2 x 2	\$4	75	96,000
\$4 w/ MAGNET	\$4	37.5	192,000
\$4	\$4	75	96,000
\$5 w/ MAGNET	\$5	50	144,000
\$5	\$5	150	48,000
\$5 x 2	\$10	750	9,600
\$10 w/ MAGNET	\$10	57.69	124,800
\$10	\$10	750	9,600
MONEYBAG w/ ((\$4 x 2) + (\$2 x 6))	\$20	300	24,000
\$4 x 5	\$20	1,500	4,800
\$5 x 4	\$20	1,500	4,800
\$10 x 2	\$20	1,500	4,800
\$20 w/ MAGNET	\$20	1,500	4,800
\$20	\$20	1,500	4,800
MONEYBAG w/ ((\$5 x 3) + (\$2 x 5))	\$25	750	9,600
\$5 x 5	\$25	2,000	3,600
(\$5 w/ MAGNET) x 5	\$25	2,000	3,600
\$25 w/ MAGNET	\$25	2,000	3,600
\$25	\$25	2,000	3,600
MONEYBAG w/ ((\$10 x 3) + (\$4 x 5))	\$50	1,200	6,000
MONEYBAG w/ ((\$10 x 2) + (\$5 x 6))	\$50	1,200	6,000
\$25 x 2	\$50	2,400	3,000
(\$10 w/ MAGNET) x 5	\$50	4,000	1,800
\$50 w/ MAGNET	\$50	4,000	1,800
\$50	\$50	2,400	3,000
MONEYBAG w/ ((\$20 x 2) + (\$10 x 6))	\$100	6,000	1,200
\$20 x 5	\$100	6,000	1,200
\$25 x 4	\$100	6,000	1,200
\$50 x 2	\$100	6,000	1,200
\$100 w/ MAGNET	\$100	6,000	1,200
\$100	\$100	6,000	1,200
MONEYBAG w/ (\$50 x 8)	\$400	240,000	30
\$100 x 4	\$400	240,000	30
\$400 w/ MAGNET	\$400	240,000	30
\$400	\$400	240,000	30
MONEYBAG w/ ((\$100 x 2) + (\$50 x 6))	\$500	240,000	30
\$100 x 5	\$500	240,000	30
(\$100 w/ MAGNET) x 5	\$500	480,000	15

When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number.  
Win With:

\$500 w/ MAGNET  
\$500  
\$500 × 2  
\$1,000  
\$50,000

Win:	Approximate Odds Are 1 In:
\$500	480,000
\$500	240,000
\$1,000	240,000
\$1,000	240,000
\$50,000	720,000

Approximate No. Of Winners Per 7,200,000 Tickets

15  
30  
30  
30  
10

Reveal a “MAGNET” (MAGNT) symbol, win prize shown under that symbol automatically.  
Reveal a “MONEYBAG” (MNYBAG) symbol, win all 8 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Money Magnet instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Magnet, prize money from winning Pennsylvania Money Magnet instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Money Magnet instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Money Magnet or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-836. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Pennsylvania X The Money Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania X The Money.
2. *Price:* The price of a Pennsylvania X The Money instant lottery game ticket is \$5.
3. *Play Symbols:* Each Pennsylvania X The Money instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The “YOUR NUMBERS” area will feature a “Multiplier” area under each “Prize” area, containing one play symbol. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTHO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTHO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “Multiplier” area of the “YOUR NUMBERS” area are: 1X (PRIZE) symbol, 2X

(2TIMES) symbol, 5X (5TIMES) symbol, 10X (10TIMES) symbol and 20X (20TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania X The Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 1X (PRIZE) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 10X (10TIMES) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 1X (PRIZE) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 20X (20TIMES) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 1X (PRIZE) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 2X (2TIMES) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 10X (10TIMES) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 20X (20TIMES) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 1X (PRIZE) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 5X (5TIMES) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 10X (10TIMES) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 1X (PRIZE) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 10X (10TIMES) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 20X (20TIMES) symbol appears in the "Multiplier" area below that prize symbol, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 2X



of \$5<sup>.00</sup> (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and a 2X (2TIMES) symbol appears in the “Multiplier” area below that prize symbol, on a single ticket, shall be entitled to a prize of \$10.

(gg) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the “Prize” area under the

matching “YOUR NUMBERS” play symbol, and a 1X (PRIZE) symbol appears in the “Multiplier” area below that prize symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

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*When Any Of Your Numbers*

*Match Any Winning Number, Win Prize Shown Under The Matching Number.*

*Win With:*

<i>Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$5 w/ 1X	\$5	7.5	1,440,000
(\$5 w/ 1X) × 2	\$10	600	18,000
\$5 w/ 2X	\$10	33.33	324,000
\$10 w/ 1X	\$10	300	36,000
(\$5 w/ 1X) × 4	\$20	200	54,000
(\$10 w/ 1X) × 2	\$20	600	18,000
\$10 w/ 2X	\$20	120	90,000
\$20 w/ 1X	\$20	200	54,000
(\$5 w/ 1X) × 5	\$25	200	54,000
(((\$10 w/ 1X) × 2) + (\$5 w/ 1X))	\$25	200	54,000
(\$10 w/ 2X) + (\$5 w/ 1X)	\$25	150	72,000
\$25 w/ 1X	\$25	300	36,000
(\$5 w/ 1X) × 8	\$40	600	18,000
(\$10 w/ 1X) × 4	\$40	600	18,000
\$20 w/ 2X	\$40	300	36,000
\$40 w/ 1X	\$40	600	18,000
(\$5 w/ 1X) × 10	\$50	600	18,000
(\$10 w/ 1X) × 5	\$50	600	18,000
\$5 w/ 10X	\$50	600	18,000
\$10 w/ 5X	\$50	600	18,000
(\$20 w/ 2X) + (\$5 w/ 2X)	\$50	600	18,000
\$50 w/ 1X	\$50	600	18,000
(\$10 w/ 1X) × 10	\$100	4,800	2,250
(\$20 w/ 1X) × 5	\$100	4,800	2,250
\$5 w/ 20X	\$100	960	11,250
\$10 w/ 10X	\$100	1,600	6,750
\$20 w/ 5X	\$100	1,200	9,000
\$50 w/ 2X	\$100	4,800	2,250
\$100 w/ 1X	\$100	4,800	2,250
(\$40 w/ 1X) × 10	\$400	120,000	90
(\$100 w/ 1X) × 4	\$400	120,000	90
\$20 w/ 20X	\$400	8,571	1,260
\$40 w/ 10X	\$400	24,000	450
(\$40 w/ 5X) × 2	\$400	24,000	450
(\$100 w/ 2X) × 2	\$400	120,000	90
(\$100 w/ 2X) + (\$20 w/ 10X)	\$400	10,000	1,080
\$400 w/ 1X	\$400	120,000	90
(\$50 w/ 1X) × 10	\$500	120,000	90
(\$100 w/ 1X) × 5	\$500	120,000	90
\$50 w/ 10X	\$500	30,000	360
\$100 w/ 5X	\$500	30,000	360
(\$5 w/ 20X) × 5	\$500	30,000	360
(\$20 w/ 20X) + (\$10 w/ 10X)	\$500	30,000	360
(\$40 w/ 10X) + (\$5 w/ 20X)	\$500	12,000	900
(\$50 w/ 2X) + (\$40 w/ 10X)	\$500	30,000	360
\$500 w/ 1X	\$500	30,000	360
(\$100 w/ 1X) × 10	\$1,000	120,000	90
\$50 w/ 20X	\$1,000	60,000	180
\$100 w/ 10X	\$1,000	60,000	180

*When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number.*

*Win With:*

\$500 w/ 2X  
 \$1,000 w/ 1X  
 \$500 w/ 20X  
 \$10,000 w/ 1X  
 \$10,000 w/ 10X  
 \$100,000 w/ 1X

*Win:*

\$1,000  
 \$1,000  
 \$10,000  
 \$10,000  
 \$100,000  
 \$100,000

*Approximate Odds Are 1 In:*

60,000  
 60,000  
 1,080,000  
 2,160,000  
 2,160,000  
 2,160,000

*Approximate No. Of Winners Per 10,800,000 Tickets*

180  
 180  
 10  
 5  
 5  
 5

Multiply any prize won by the multiplier shown below that prize.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania X The Money instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania X The Money, prize money from winning Pennsylvania X The Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania X The Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania X the Money or through normal communications methods.

EILEEN H. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 16-837. Filed for public inspection May 13, 2016, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Public-Private Partnerships Board Meeting

The Public-Private Partnerships Board will hold a meeting on May 31, 2016, from 1 p.m. to 3 p.m. in PUC Hearing Room 1, Keystone Building, Harrisburg, PA. For more information contact Kathryn Tartaglia, (717) 214-7222, katartagli@pa.gov.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-838. Filed for public inspection May 13, 2016, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; William Michael Spadel, Jr.; Doc. No. SC16-02-012

Notice is hereby given of the Order to Show Cause issued on April 29, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(13), (14) and (20) and 678-A(b)(1) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(13), (14) and (20) and 310.78(b)(1)).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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, contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-839. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of State Farm Mutual Automobile Insurance Company; File No. 16-115-194927; Dale and Kathryn Schreiber; Doc. No. P16-04-022; June 7, 2016, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony and other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-840. Filed for public inspection May 13, 2016, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Pro Forma Transfer of Control

**A-2016-2543156 and A-2016-2543192. Matrix Telecom, LLC and TNCI Operating Company, LLC.** Joint application of Matrix Telecom, LLC and TNCI Operating Company, LLC for approval of a pro forma transfer of control.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 31, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Matrix Telecom, LLC; TNCI Operating Company, LLC

*Through and By:* Thomas M. Forte, Consultant, Technology Management, Inc., 2600 Maitland Center Parkway, Suite 300, Maitland, FL 32751; and Alex Valencia, Vice President, Impact Telecom, 433 East Las Colinas Boulevard, Suite 500, Irving, TX 75039

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-841. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 30, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2016-2535504. New Kensington Volunteer Fire Department Ambulance Corps** (P.O. Box 126, New Kensington, PA 15068) persons in paratransit service, to doctors appointments and to local hospitals, between points in the Cities of New Kensington and Arnold, in the County of Westmoreland. *Attorney:* Raymond F. Sekula, 1725 Fifth Avenue, Arnold, PA 15068.

**A-2016-2543168. Gilson Transportation, LLC** (381 Walker Township Park Lane, Mifflintown, Juniata County, PA 17059) persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Huntingdon, Juniata and Mifflin, to points in Pennsylvania, and return.

**A-2016-2539336. Omar Ahmed, t/a Super** (235 Copper Leaf Lane, State College, PA 16801) persons in the experimental service of transportation network service for passenger trips from points in the Counties of Blair, Centre, Clinton and Huntingdon, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-842. Filed for public inspection May 13, 2016, 9:00 a.m.]

**Service of Notice of Motor Carrier Formal Complaints**

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due May 31, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Rodney Wescott; Docket No. C-2016-2482953**

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 Rodney Wescott, Respondent, maintains its principal place of business 8028 Buist Avenue, Philadelphia, Pennsylvania, 19153.

2. That Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property on May 18, 2015, at Application Docket No. A-2015-2478407.

3. That Respondent, by Commission Secretarial letter dated April 28, 2015 was informed to submit a copy of a current satisfactory safety rating from the U.S. Department of Transportation or another state, within 180 days, or complete a safety fitness review by a Commission enforcement officer. A satisfactory safety fitness rating must be achieved by respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

4. That an enforcement officer with the Pennsylvania Public Utility Commission attempted to contact Respondent by telephone and in person in order to schedule a safety fitness review, but was unsuccessful. Respondent was sent a letter by certified mail on November 3, 2015, informing them an SFR appointment was scheduled at Respondent's address on November 16, 2015. Respondent failed to be present for the appointment and further failed to contact the Commission to schedule the required safety fitness review.

5. That Respondent, by failing to achieve a satisfactory evaluation on their safety fitness review, violated 66 Pa.C.S. § 501(c) and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

*Wherefore*, the Bureau of Transportation Investigation and Enforcement Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience issued to Rodney Wescott at A-2015-2478407.

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: 3/29/2016

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. J & A Delivery, LLC; Docket No. C-2016-2534932**

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 J & A Delivery, LLC, (respondent) is under suspension effective March 10, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1150 Mulberry St, Harrisburg, PA 17104-1043.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 14, 2015, at A-8918111.

4. That respondent has failed to maintain evidence of both Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8918111 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: 3/22/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://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 num-

ber 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. The History Nerds, LLC; Docket No. C-2016-2535297**

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 The History Nerds, LLC, (respondent) is under suspension effective March 02, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 11 Lincoln Square, Gettysburg, PA 17325.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 22, 2015, at A-2015-2486434.
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-2015-2486434 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: 3/29/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://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. Splendid Landscaping, Inc.; Docket No. C-2016-2535489**

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 Splendid Landscaping, Inc., (respondent) is under suspension effective March 07, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 121 Bryce Meadow Drive, Holly Springs, NC 27540.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 13, 2015, at A-2015-2504090.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2015-2504090 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: 3/29/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://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. Camila Tours & Travel, LLC; Docket No. C-2016-2535494**

#### 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 Camila Tours & Travel, LLC, (respondent) is under suspension effective March 08, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 117 East Broad Street, West Hazleton, PA 18202.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 06, 2010, at A-2010-2206271.

4. That respondent has failed to maintain evidence of Excess 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-2010-2206271 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: 3/29/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://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](mailto: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. Freight Match, Inc.; Docket No. C-2016-2535508**

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 Freight Match, Inc., (respondent) is under suspension effective February 03, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1290 3rd Avenue, New Kensington, PA 15068.
3. That respondent was issued a Certificate of Public Convenience by this Commission on August 06, 2014, at A-2014-2430047.
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-2014-2430047 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: 3/29/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://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](mailto: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. 16-843. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Telecommunications

**A-2016-2542896. Consolidated Communications of Pennsylvania Company, LLC and Granite Telecommunications, LLC.** Joint petition of Consolidated Communications of Pennsylvania Company, LLC and Granite Telecommunications, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Consolidated Communications of Pennsylvania Company, LLC and Granite Telecommunications, LLC, by their counsel, filed on April 29, 2016, at the Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Copies of the Consolidated Communications of Pennsylvania Company, LLC and Granite Telecommunications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-844. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Transfer of Indirect Control

**A-2016-2543416, A-2016-2543418, A-2016-2543421 and A-2016-2543422. Onvoy, LLC, ANPI Business, LLC, ANPI, LLC, Common Point, LLC, ANPI Holding, Inc. and Zone USA, Inc.** Joint application of Onvoy LLC, ANPI Business, LLC, ANPI, LLC, Common Point, LLC, ANPI Holding, Inc. and Zone USA, Inc. for approval for: (1) the transfer of indirect control of ANPI Business, LLC and ANPI, LLC to Onvoy, LLC; and (2) for the transfer of indirect minority control of Common Point, LLC to Onvoy, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 31, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Onvoy, LLC; ANPI Business, LLC; ANPI, LLC; Common Point, LLC

*Through and By:* Michael A. Gruin, Esquire, Stevens & Lee, Harrisburg Market Square, 17 North Second Street, 16th Floor, Harrisburg PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-845. Filed for public inspection May 13, 2016, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

### Bureau of Professional and Occupational Affairs v. Julio Mangual; File No. 16-42-02566

On March 18, 2016, Julio Mangual, last known of Scranton, Lackawanna County, was denied licensure by the State Board of Barber Examiners because he did not complete the requisite study and training program.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Barber Examiners, P.O. Box 69523, Harrisburg, PA 17106-9523.

JOSEPH T. FERRUZZA,  
*Chairperson*

[Pa.B. Doc. No. 16-846. Filed for public inspection May 13, 2016, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Amanda Daywalt; Doc. No. 2352-45-2015

On December 31, 2015, Amanda Daywalt, of Norristown, Montgomery County, was denied cosmetologist licensure due to her felony conviction.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Cosmetology, P.O. Box 69523, Harrisburg, PA 17106-9523.

STEPHEN A. WALLIN,  
*Chairperson*

[Pa.B. Doc. No. 16-847. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. La Bella Mia Salon; Doc. No. 0122-45-16

On January 21, 2016, La Bella Mia Salon, cosmetology salon license no. CB121363, last known of Feasterville-Trevose, Bucks County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Cosmetology, P.O. Box 69523, Harrisburg, PA 17106-9523.

STEPHEN A. WALLIN,  
*Chairperson*

[Pa.B. Doc. No. 16-848. Filed for public inspection May 13, 2016, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Belva Jean Bonham, LPN; File No. 12-51-04981; Doc. No. 1283-51-14

On March 4, 2016, Belva Jean Bonham, LPN, Pennsylvania license no. PN263849, last known of Hutchinson, KS, was indefinitely suspended and issued a \$500 civil penalty based on findings that she had disciplinary action taken against her license by another state and concealed this discipline from the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a

copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-849. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Carol Pierce Breen a/k/a Carol A. Breen, RN; File No. 13-51-09919; Doc. No. 1256-51-14

On January 29, 2016, Carol Pierce Breen a/k/a Carol A. Breen, RN, Pennsylvania license no. RN537148, last known of Phoenix, AZ, was issued a public reprimand and a \$500 civil penalty based on findings she had disciplinary action taken against her license by another state and concealed this discipline from the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-850. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Matthew L. Crews, RN; File No. 13-51-09034; Doc. No. 0879-51-14

On December 7, 2015, Matthew L. Crews, RN, Pennsylvania license no. RN524849L, last known of North Adams, MA, was indefinitely suspended and issued a \$500 civil penalty based on findings that he had disciplinary action taken against his license by another state and concealed this discipline from the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a



copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-851. Filed for public inspection May 13, 2016, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Mary Lou Reininger Lundstrom, RN; File No.  
12-51-04980; Doc. No. 2032-51-12**

On December 7, 2015, Mary Lou Reininger Lundstrom, RN, Pennsylvania license no. RN531171, last known of Arvada, CO, was indefinitely suspended and issued a \$1,000 civil penalty based on findings that she had disciplinary action taken against her license by another state and concealed this discipline from the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-852. Filed for public inspection May 13, 2016, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's requests concerning the indicated accounts.

The hearing will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 2, 2016 Robert E. Kinser (D) 1 p.m.  
Contested Death Benefit Issue

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,  
*Secretary*

[Pa.B. Doc. No. 16-853. Filed for public inspection May 13, 2016, 9:00 a.m.]

## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Proposals

Thaddeus Stevens College of Technology (College) is interested in contracting diversity and multicultural support to develop and execute programs for all College related activities to support a diverse population and encourage the ideals of the College's founder and benefactor Thaddeus Stevens.

The request for proposals can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 16-854. Filed for public inspection May 13, 2016, 9:00 a.m.]

### Request for Proposals

Thaddeus Stevens College of Technology will be issuing a request for proposals (RFP 16-0007) for security services across all campus locations.

The request for proposals can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 16-855. Filed for public inspection May 13, 2016, 9:00 a.m.]