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# PENNSYLVANIA BULLETIN

Volume 47

Number 20

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Pages 2863—2960

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The Courts

Department of Banking and Securities

Department of Community and Economic  
Development

Department of Environmental Protection

Department of Health

Independent Regulatory Review Commission

Insurance Department

Legislative Reference Bureau

Pennsylvania Public Utility Commission

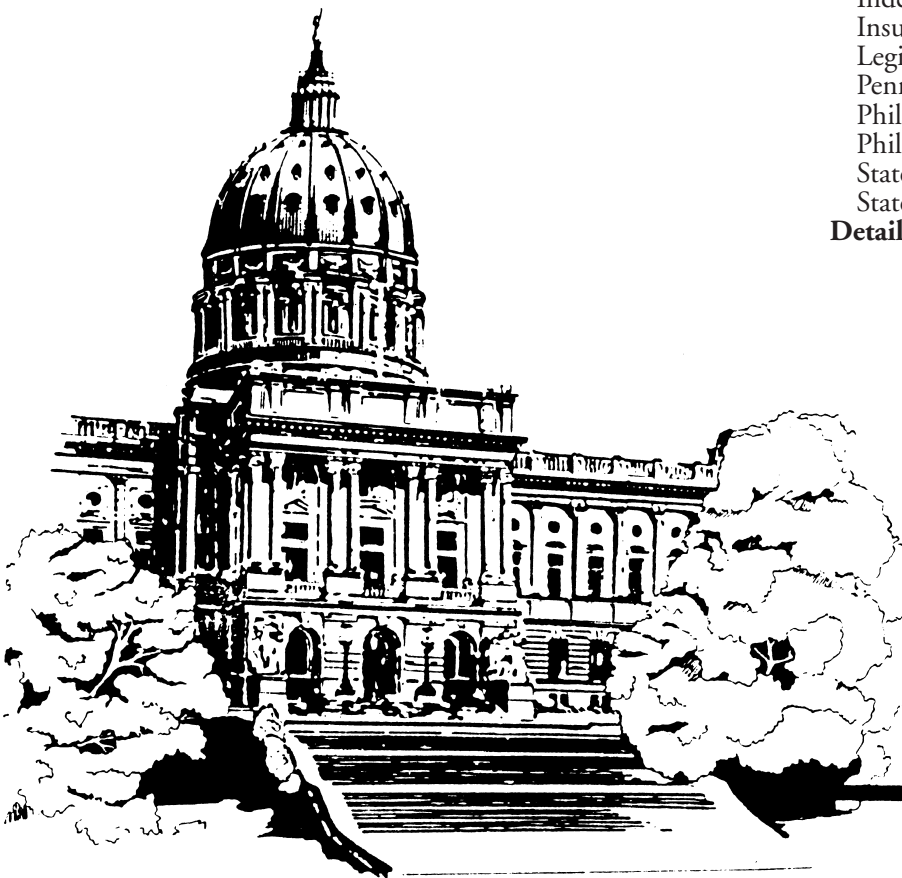
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Philadelphia Regional Port Authority

State Board of Dentistry

State Board of Nursing

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**No. 510, May 2017**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](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 2017.

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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing (Commission) announces the following meetings to be held at the Harrisburg Hilton and Towers Hotel, One North Second Street, Harrisburg, PA and at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA:

Wednesday, May 31, 2017	3 p.m.	Public Hearing Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA
	6:30 p.m.	Dinner Meeting Harrisburg Hilton and Towers Hotel One North Second Street Harrisburg, PA
Thursday, June 1, 2017	9 a.m.	Policy Committee Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA
	11 a.m.	Quarterly Commission Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 17-847. Filed for public inspection May 19, 2017, 9:00 a.m.]

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# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

### Order Amending Rules 531 and 536 of the Rules of Criminal Procedure; No. 488 Criminal Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 2nd day of May, 2017, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 46 Pa.B. 3935 (July 23, 2016) 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 amendments to Pennsylvania Rules of Criminal Procedure 531 and 536 are adopted, in the following form.

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

Justice Donohue files a dissenting statement.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART C(2). General Procedures in All Bail Cases

#### Rule 531. Qualifications of Surety.

(A) Subject to any additional requirements prescribed by local rule of court, the following shall be qualified to act as sureties:

\* \* \* \* \*

(4) professional bondsmen licensed under the Judicial Code, 42 Pa.C.S. §§ 5741—[ 5749 ] 5750;

\* \* \* \* \*

#### Comment

Paragraph (A)(2) is intended to require that ownership of realty anywhere within the Commonwealth qualifies a person to act as a surety in any judicial district in the Commonwealth. Local procedure may not require as an “additional requirement” that realty must be located within the county before it may be posted to satisfy a monetary condition of release.

[ “Professional bondsman,” as defined in the Judicial Code, 42 Pa.C.S. §§ 5741—5749, includes any person who, within a 30-day period, becomes a surety or indemnifies a surety pursuant to these rules in three or more matters not arising under the same transaction, whether or not the person charges a fee or receives compensation. See 42 Pa.C.S. § 5741. ]

“Bail bondsman,” as defined in the Judicial Code, 42 Pa.C.S. §§ 5741—5750, includes a person who engages in the business of giving bail as a surety for compensation. See 42 Pa.C.S. § 5741.

“Surety,” as defined in the Judicial Code, 42 Pa.C.S. §§ 5741—5750, includes a person who pledges security, whether or not for compensation, in exchange for the release from custody of a person charged with a crime prior to adjudication. See 42 Pa.C.S. § 5741.

Under paragraph (A)(5), either the defendant or another person, such as a relative or neighbor, may deposit the percentage cash bail. If the defendant deposits the money, he or she signs the bond, thereby becoming a surety and liable for the full amount of the monetary condition if a condition of the bail bond is violated. If someone other than the defendant deposits the money and co-signs the bond with the defendant, that person becomes a surety for the defendant and is liable for the full amount of the monetary condition if a condition of the bail bond is violated. There may be cases in which the other person does not co-sign the bond, but merely deposits the money on behalf of the defendant. In such cases, that person would not be a surety and would not be liable for the full amount of the monetary condition.

Paragraph (B) is not intended to preclude an attorney, or the spouse or employee of an attorney, from being a surety as long as the defendant is not the attorney’s client or a client of the attorney’s office.

“Immediate family,” as used in paragraph (C), is intended to include only grandparents, parents, spouses, siblings, children, grandchildren, stepchildren, and like relatives-in-law.

**Official Note:** Former Rule 4011 adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 534. Present Rule 4011 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 531 and amended March 1, 2000, effective April 1, 2001; amended May 2, 2017, effective July 1, 2017.

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of the new rule published with the Court’s Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the May 2, 2017 amendment regarding the statutory definition of “surety” published with the Court’s Order at 47 Pa.B. 2872 (May 20, 2017).**

#### Rule 536. Procedures Upon Violation of Conditions: Revocation of Release and Forfeiture; Bail Pieces; Exoneration of Surety.

##### (A) SANCTIONS

\* \* \* \* \*

##### (2) Forfeiture

(a) When a monetary condition of release has been imposed and the defendant has violated a condition of the bail bond, the bail authority may order the cash or other security forfeited and shall state in writing or on the record the reasons for so doing. **When the surety is a**

third party, the cash or other security may be ordered forfeited only when the condition of the bail bond violated is that the defendant has failed to appear for a scheduled court proceeding.

(b) Written notice of the forfeiture shall be given to the defendant and any surety, either personally or by both first class and certified mail at the defendant's and the surety's last known addresses.

(c) The forfeiture shall not be executed until [ 20 ] 90 days after notice of the forfeiture order.

(d) The bail authority may direct that a forfeiture be set aside or remitted as provided by law or if justice does not require the full enforcement of the forfeiture order.

\* \* \* \* \*

### (C) EXONERATION

(1) A bail authority, [ in his or her discretion, may ] as provided by law or as justice requires, shall exonerate a surety who deposits cash in the amount of any forfeiture ordered or who surrenders the defendant in a timely manner.

(2) When the conditions of the bail bond have been satisfied, or the forfeiture has been set aside or remitted, the bail authority shall exonerate the obligors and release any bail.

### Comment

This rule does not apply when a defendant has been arrested pursuant to extradition proceedings. See generally Uniform Criminal Extradition Act, 42 Pa.C.S. §§ 9121—9148, and particularly Section 9139 concerning forfeiture proceedings in such cases. See also the Crimes Code, 18 Pa.C.S. § 5124, which imposes criminal sanctions for failing to appear in a criminal case when required.

Paragraph (A)(1)(b) was amended and former paragraph (A)(1)(d) was deleted in 2005 to make it clear that a warrant for the arrest of the defendant for failure to comply with a condition of bail is a bench warrant. For the procedures when a paragraph (A)(1)(b) bench warrant is executed, see Rule 150 (Bench Warrants). For the procedures for issuing a bench warrant when a defendant fails to appear for a preliminary hearing, see paragraph (D) of Rule 543 (Disposition of Case at Preliminary Hearing).

**Nothing in this rule is intended to preclude the issuance and service of the notice of revocation of release under paragraph (A)(1) and the notice of forfeiture of security under paragraph (A)(2) to be performed simultaneously. Compare 42 Pa.C.S. § 5741.1.**

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

Once bail has been modified by a common pleas judge pursuant to Rule 529, only the common pleas judge subsequently may change the conditions of release, even in cases that are pending before a magisterial district judge. See Rules 543 and 529.

**This rule was amended in 2017 following the enactment of Section 5747.1 of the Judicial Code, 42 Pa.C.S. § 5747.1, that limits the grounds for which**

**bail might be forfeited by a third party surety to the defendant's failure to appear for a court proceeding. For all other violations of the conditions of bail, all other remedies remain available, including but not limited to, forfeiture by the defendant when he or she is the surety, revocation of bail, modification of bail, and indirect criminal contempt.**

Whenever the bail authority is a judicial officer in a court not of record, pursuant to paragraph (A)(2)(a), that officer should set forth in writing his or her reasons for ordering a forfeiture, and the written reasons should be included with the transcript.

Paragraph (A)(2)(c) provides an automatic [ 20-day ] 90-day stay on the execution of the forfeiture to give the surety time to produce the defendant or the defendant time to appear and comply with the conditions of bail.

"Conditions of the bail bond" as used in this rule include the conditions set forth in Rule 526(A) and the conditions of release defined in Rules 524, 527, and 528.

**Section 5747.1(b)(5) of the Judicial Code requires the bail authority to grant specific remittances to sureties if the defendant is produced within specified time periods. See 42 Pa.C.S. § 5747.1(b)(5). Otherwise, remittance or exoneration of the surety is within the discretion of the bail authority.**

**Official Note:** Former Rule 4016 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4012; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4016. Present Rule 4016 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 536 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; Comment revised August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; Comment revised May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; Comment revised September 18, 2008, effective February 1, 2009; amended May 2, 2017, effective July 1, 2017.

### Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. 5428 (October 4, 2008).

**Final Report explaining the May 2, 2017 amendments necessitated by statutory changes related to bail forfeitures published with the Court's Order at 47 Pa.B. 2872 (May 20, 2017).**

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

#### Amendments to Pa.Rs.Crim.P. 531 and 536 Bail Forfeitures

On May 2, 2017, effective July 1, 2017, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 531 (Qualifications of Surety) and 536 (Procedures upon Violation of Conditions:

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

Revocation of Release and Forfeiture; Bail Pieces; Exoneration of Surety) to address changes made to the bail forfeiture practices as a result of Act 16 of 2015.

Since 2014, the Committee had been discussing bail forfeitures. Initially, this was as a result of the Pennsylvania Supreme Court's opinion in *Commonwealth v. Hann*, 81 A.3d 57 (Pa. 2013). This case was used by the Court to clarify that a "totality of the circumstances" analysis be used when a bail authority is faced with a request for the forfeiture of the bail bond. Specifically, the Court held that forfeiture could be awarded for the violation of non-monetary conditions of bail and that there need be no showing of financial loss to the Commonwealth. Initially, the Committee was considering adding a cross-reference to *Hann* to the bail rules, but also was examining whether the rules should provide some type of hearing procedure in which the analysis required under *Hann* could be conducted.

While the Committee was considering this issue, the Legislature enacted Act 16 of 2015 that is intended to provide uniformity to the regulation of professional bail bondsmen in Pennsylvania. The Governor signed the Act into law on July 2, 2015. Much of the Act deals with licensing and regulation of professional bail bondsmen. However, there are provisions in the Act that affect the forfeiture provisions of Rule 536 and some of these provisions were explicitly enacted to modify the provision in *Hann*. In particular, the Act creates new 42 Pa.C.S. § 5747.1 that provides procedures for bail forfeiture. Several of the provisions of new Section 5747.1 differ from the existing bail forfeiture procedures contained in Rule 536.

The Committee discussed whether aspects of the Act unconstitutionally impinged on the Court's exclusive procedural rule-making authority. Prior to this Act, the Legislature had deferred most aspects relating to bail to the Court's rulemaking authority in 42 Pa.C.S. § 5702 that states:

**§ 5702. Bail to be governed by general rules**

Except as otherwise provided by this title and the laws relating to the regulation of surety companies, all matters relating to the fixing, posting, forfeiting, exoneration and distribution of bail and recognizances shall be governed by general rules.

As a result, the bail rules contain some elements that might be more substantive than purely procedural. Additionally, Section 5702 contains the prefatory phrase, "Except as otherwise provided in this title. . ." that reserves the right of the Legislature to act in these areas so long as it does not interfere with the Court's constitutional rulemaking authority. Ultimately, the Committee concluded that some of the provisions in Act 16 related to forfeiture, particularly the grounds for which forfeiture may be ordered, did not impinge on the Court's rule-making authority and represented the Legislature exercising the right reserved in this area to act on the substantive aspects of bail that it had left to the Court under Section 5702. The Committee discussed which specific aspects of the Act might constitute procedural conflicts and those that were of a substantive nature and represented a "taking back" by the Legislature of authority over certain aspects of bail. The Committee concluded that, while some aspects of new Section 5747.1 are procedural in nature, many of the provisions of Section 5747.1 address substantive aspects of bail forfeiture and, therefore, fall within the Legislature's authority.

With regard to those portions of the Act that raise potential procedural conflicts, the Committee recognized that the Court has not always exercised the right to suspend statutes that impinged on the Court's constitutional rulemaking authority. The Committee therefore examined the areas of potential conflict to determine if rule changes could be made that would reconcile the bail rules with the Act. The Committee initially identified five areas where there are differences between Section 5747.1 and the forfeiture procedures contained in Rule 536.

First, Rule 536 treats revocation of bail and forfeiture of surety as separate decisions and provides for two separate actions to notify the defendant of these decisions. Rule 536(A)(1) provides that, upon violation of a bail condition, the bail authority may issue a bench warrant for the defendant and may issue an order to the surety to provide an explanation as to why the defendant's release should not be revoked. Paragraph (A)(2) contemplates that a separate notice of forfeiture be provided to the defendant and the surety with 20 days to respond. Section 5747.1(a) provides that, upon a defendant's failure to appear for a proceeding, the bail authority may issue a notice of bail revocation that shall also serve as a notice of the intent to forfeit the bail. Ninety days after the service of this notice of revocation, the revocation shall become a judgment of forfeiture.

In examining whether Rule 536 should be changed to reflect the statutory procedure, the Committee concluded that the procedure in Section 5747.1(a), *i.e.* having the notice of bail revocation act as the notice of intent to forfeit, is problematic since not every bail revocation will involve forfeiture. The Committee concluded that some additional notice must be provided to the defendant and the surety that forfeiture as well as revocation was being sought.

Therefore, the notice provisions of Rule 536 are retained but the Comment has been revised to state that the two notices may be served simultaneously. These two notices could be combined in a single document and therefore would be an effectuation of the Act from a procedural stand-point, providing appropriate, complete notice to the defendant and the surety.

The second potential conflict, related to the foregoing, was that Rule 536(A)(2)(c) provides 20 days from the service of the notice of forfeiture before the forfeiture order is finalized. Section 5747.1(b)(1) provides that the notice of revocation will become a judgment of forfeiture 90 days after the revocation order, allowing the surety time in which to respond to the forfeiture action. After reviewing the practice in other jurisdictions, the Committee concluded that an increase to the time limit to respond to a notice of forfeiture would not be unreasonable. Therefore the time for a response to the notice of forfeiture has been increased to 90 days in paragraph (A)(2)(c) of Rule 536.

The third potential conflict concerned the provisions in Rule 536(A)(1)(a) that permit forfeiture for violation of any bail condition. Paragraph (b)(6) of Section 5747.1 specifically limits the forfeiture exposure of third party sureties to the situation where the defendant has failed to appear and provides that any violation of "performance conditions by a defendant other than appearance" shall be treated as an indirect criminal contempt.

The Committee first examined whether this limitation on the grounds for which the bail bond may be forfeited is procedural or substantive. The Committee ultimately



concluded that the definition of the grounds for forfeiture represent a regulation of the right of a surety to the recovery of the pledged property and therefore is substantive in nature, falling within the authority of the Legislature to define. Therefore, a second sentence has been added to Rule 536(A)(2)(a) stating the limitation when the surety is a third party. Language has also been added to the Comment that further details this limitation.

Fourth, Section 5747.1(a) states that service of the notice to the surety must be by certified mail, return receipt requested while Rule 536 requires that the notice of forfeiture be served either personally or by both first class and certified mail at the defendant's and the surety's last known addresses. The Committee concluded that there is not a conflict here between the service provisions of the rule and the statute since the rule simply adds another procedural step for further assurance that service has been made.

Fifth, Rule 536(C) provides broad discretion to the courts to provide exoneration and remittance to a surety. Section 5747.1(b)(5) provides very specific relief for third party sureties that the bail authority is required to grant in certain circumstances. For example, if the defendant is returned between the 91st day and 6 months after the issuance of the forfeiture order, the surety is entitled to recover the full amount of the forfeited bail. If the defendant is returned between 6 months and 1 year, the surety is entitled to 80% of the forfeited bail and 50% if the defendant is returned between 1 and 2 years.

The Committee considered whether these provisions are procedural or substantive and concluded that these provisions are substantive. Rather than incorporate these specific provisions into the rule, the terminology of the rule would be changed, removing the general statement regarding the bail authorities' discretion and replacing it with the term "as provided by law" in paragraphs (A)(2)(d) and (C)(1) as well as adding a cross-reference to the statute in the Comment. However, to clarify that the bail authority's discretion remains unchanged in cases not affected by Section 5747.1, the phrase "or as justice requires" has been added to paragraph (C)(1) to read "A bail authority, as provided by law or as justice requires, shall exonerate a surety. . . ." Paragraph (A)(2)(d) does not require similar language since it already contains the phrase "if justice does not require the full enforcement of the forfeiture order." The phrase "in a timely manner" currently contained in paragraph (C)(1) now refers back to the time provisions within Section 5747.1(b)(5).

Finally, a revision has been made to the Comment to Rule 531 (Qualifications of Surety). Since the Act now includes a definition of surety, the Committee concluded that it would be helpful to include a cross-reference to the statutory definition in the Rule 531 Comment.

#### **Dissenting Statement Justice Donohue**

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, I would suspend portions of 42 Pa.C.S. § 5747.1(a) and 42 Pa.C.S. § 5747.1(b)(1), which the Criminal Procedural Rules Committee identified as procedural in nature. To the extent the amendment to Rule 536 incorporates those provisions, I respectfully dissent.

[Pa.B. Doc. No. 17-848. Filed for public inspection May 19, 2017, 9:00 a.m.]

# **Title 25—LOCAL COURT RULES**

## **CAMBRIA COUNTY**

### **Adoption of Local Orphans' Court Rules; Orphans' Court Division; Case No. 1256**

#### **Order**

*Whereas*, the Pennsylvania Supreme Court has adopted revised statewide Orphans' Court Rules; and

*Whereas*, the said Pennsylvania Orphans' Court Rules authorize local courts to adopt local Orphans' Court Rules; and

*Whereas*, the proposed local Orphans' Court Rules for Cambria County have been submitted to and approved by the Pennsylvania Orphans' Court Procedural Rules Committee;

*Therefore*, the Court of Common Pleas of Cambria County hereby orders as follows:

1. The following Orphans' Court Rules of Cambria County are hereby adopted to be effective on July 1, 2017.

2. The said Rules shall be published in the *Pennsylvania Bulletin* pursuant to Pennsylvania Rule of Judicial Administration No. 103(d) at least thirty (30) days prior to July 1, 2017.

*By the Court*

PATRICK T. KINIRY,  
*Judge*

#### **CAMBRIA COUNTY COURT OF COMMON PLEAS RULES OF THE ORPHANS' COURT DIVISION**

##### **CHAPTER I. PRELIMINARY RULES**

##### **CC Rule 1.1. Local Rules Citation Form.**

(A) The Orphans' Court Rules for Cambria County, in conjunction with the Supreme Court Orphans' Court Rules and applicable Acts of Assembly regulating the practice and procedure in the Orphans' Court, shall regulate the practice and procedure of the procedure of the Orphans' Court Division of this Court.

(B) These Rules shall be known as the Cambria County Orphans' Court Rules and shall be cited as "CC Rule \_\_\_\_\_."

(C) These Rules shall be effective on July 1, 2017.

##### **CC Rule 1.2.**

The Local Rules applicable to the civil division shall not be applicable in the Orphans' Court unless directed in these Local Orphans' Court Rules.

##### **CC Rule 1.3. Mediation.**

All Interested Parties in a matter may use mediation to resolve issues pending before the Court, and, upon either partial or complete resolution, may petition the Court to approve the agreement of all Interested Parties as an order or decree of the Court.

(A) The Interested Parties may engage the services of a mediator, either prior to or after any Interested Party has filed a Pleading before the Court, including an Account filed by a fiduciary for audit.

(B) Upon the filing of a Pleading before the Court, including an Account filed by a fiduciary for audit, the Clerk, in the Clerk's discretion, may provide the filing party with generic information regarding availability of mediation for the resolution of disputes prior to adjudication by the Court.

(C) The filing party may but shall not be required to provide such information to other Interested Parties. The information, which does not bind the Court and which may be in the form of a standard brochure, should include:

- (1) A brief description of the mediation process;
- (2) The anticipated benefits of mediation for litigants and associated professionals; and
- (3) Contact information to initiate mediation.

(D) All the Interested Parties in a matter docketed before the Court may request to engage in mediation at any time during the pendency of the matter.

In such request for mediation, all Interested Parties shall identify:

- (1) The proposed mediator and the proposed source of payment of fees and costs of the mediator;
- (2) Names and contact information of all Interested Parties and any counsel who shall participate in the mediation;
- (3) Names and information regarding any party's interest having diminished capacity or legal disability, whose interests must be adequately protected; and
- (4) The scheduled date for the initial mediation conference.

(E) All Interested Parties shall execute an Agreement for Confidential Mediation, which is not inconsistent with this Local Rule, which shall remain confidential, and which shall be in materially the same form as set forth on the Form CC 1.6(E). Upon execution of the Agreement for Confidential Mediation and its acceptance by the mediator, the parties shall return to the Court a Notice of Initiation of Mediation in the form set forth on Form CC 1.6(EE) and shall provide one copy to the Court and one copy to the mediator.

(F) Mediation shall not delay the required filing of any Pleading or ordered return dates, or the scheduling of Court Hearings, unless specifically requested by joinder of the Interested Parties and so ordered by the Court.

(G) The Court will respect the confidentiality of the mediation process and of the mediator's obligation of confidentiality. Upon the completion of the mediation, the mediator shall complete and return to the court, with copies to the parties, a Notice of Completion of Mediation in the form set forth on Form CC 1.6(G), and all Interested Parties shall sign a memorandum of principal terms, which either shall acknowledge that no resolution was reached, or shall embody the resolution(s) attained. This memorandum of principal terms shall clearly state partial resolutions or complete resolution attained. The memorandum of principal terms shall include a list of unresolved issues to be determined by the Court. Where appropriate, the principal terms may provide for future review in light of changed circumstances or a change in the operative facts. The memorandum of principal terms agreed upon, or the statement of no resolution, shall be filed with the Court.

(H) In no event shall the terms agreed upon depart from or violate any provisions of applicable law, specifically including the Older Adult Protective Services Act, the Act of Dec. 18, 1996, P.L. 1125, No. 169 (35 P.S. §§ 10225.101—10225.5102), as may be amended or the Adult Protective Services Act.

(I) The Interested Parties may request that the Court approve the final mediated agreement, which embodies the principal terms agreed upon in the memorandum referenced above. The Court may grant approval in an order or decree. Alternatively, the Court may recommend any changes that the Court deems appropriate for approval. The parties to the mediation may accept the Court's recommendations, in which event the terms agreed upon, as modified, shall be approved, or the parties may decline to accept the Court's recommendations, in which the matter is deemed not to have resulted in an agreement.

(J) If a case is resolved by mediation and the parties and/or the Court do not require an order or decree pursuant to paragraph (I), the parties shall file a praecipe with the Clerk of the Orphans' Court to have the pleading, objections, or particular, marked settled or withdrawn.

#### **CC Rule 1.4. Entry of Appearance.**

Any counsel appearing before the Court or the Register shall enter a written appearance by one of the following means:

(A) Counsel filing any initial or responsive pleading shall include, at the end of the pleading following counsel's signature, counsel's address, phone number, fax number, counsel's Pennsylvania Attorney ID number, name of firm, and name of any co-counsel.

(B) Counsel who has not previously filed an initial or responsive pleading in a matter and who is appearing, for the first time at a hearing on behalf of any Interested Party shall file an Entry of Appearance with the Court to include the case caption and number, counsel's name, the name of counsel's firm, counsel's address, phone number, fax number, and counsel's Pennsylvania Attorney ID number.

(C) Counsel who is filing an initial document with the Register of Wills or the Clerk of the Orphans' Court (such as, for example, a Petition for Letters Testamentary or Administration, an initial inheritance tax return, or other documents that do not constitute pleadings per se but which could become the subject of Orphans' Court proceedings) shall include on the document counsel's name, the name of counsel's firm, counsel's address, phone number, fax number, and counsel's Pennsylvania Attorney ID number.

(D) Counsel may include his or her e-mail address on any pleading or entry of appearance but are advised that by doing so, they may be deemed to have consented to accept service of pleadings and communications by e-mail pursuant to Pa.O.C. Rule 4.3(d).

## **CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS**

### **CC Rule 2.1.**

(A) *Time for Filing and Confirmation of Accounts:* Accounts of personal representatives to be confirmed shall be filed with the Clerk of the Orphans' Court not later than 4:00 p.m. (prevailing time) of the fourth (4th)

Monday preceding the date fixed for confirmation of the said Accounts. If no objections are filed to either the Account or the Statement of Proposed Distribution and the Court is satisfied that the Account and Statement of Proposed Distribution conform with Pennsylvania law, the Pennsylvania Orphans' Court Rules and these Rules, the Court may, at the time and date specified herein, make a Final decree confirming the Account and directing distribution in accordance with the Statement of Proposed Distribution. The Court shall approve, or pursuant to CC Rule 2.1(C), refuse to approve the account, by the end of the business day on the last Friday of January, March, May, July, September, and November of each year, provided that if the last Friday of any of the months is a legal holiday, the Court shall take such action on the next business day on which the Court is open. Notwithstanding the foregoing, the Court shall not act on any Account or proposed Schedule of Distribution sooner than twenty (20) days following the date of service of the Account or proposed Schedule of Distribution on all persons entitled to notice. The Accountant or counsel for the Accountant shall sign and file a Certificate of Service with the Clerk of the Orphans Court listing the name and address of each person served. The Certificate of Service may be filed with the Account or after filing of the Account, but must be filed not later than 4:00 P.M. of the day prior to the date set for approval of the Account. The Accountant or the attorney for the Accountant shall sign the Certificate of Service. The Court may rely upon the Certificate of Service.

(B) *Notice by Publication:* Notice of filing of the Account shall be given by the Clerk of the Orphans' Court to all persons concerned by advertisement in the *Cambria County Legal Journal* and in one newspaper of general circulation published in Cambria County at least once per week during the two (2) weeks immediately preceding the time for presentment of the Account to the Court. Said advertisement shall set forth the name of the Accountant, the capacity in which the Accountant is acting, the time at which the Account will be presented to the Court for confirmation and that objections, if any, must be filed on or before 4:00 p.m. on the last business day preceding the date proposed for confirmation.

(C) *Procedure Where Court Requires Further Hearing:* If the Court determines that the Account and/or Proposed Schedule of Distribution does not conform to Pennsylvania Law, the Pennsylvania Orphans' Court Rules and/or these Rules, or that clarifications or resolution of factual or legal issues relating to the Account or Proposed Statement of Distribution require further review, the Court may sua sponte request or order the Accountant or the attorney for the Accountant to provide supplemental information and/or may schedule a hearing or argument date at which the Accountant and/or the Accountant's attorney shall be present to respond to questions of law or fact raised by the Court. Notice of the Hearing or Argument schedule shall be given as determined and, if applicable, ordered by the Court.

**CC Rule 2.2. Statements of Proposed Distributions.**

(A) A Statement of Proposed Distribution shall be filed with any Account filed pursuant to Pennsylvania Orphans' Court Rules Chapter II.

(B) A proposed final Order approving the Statement of Proposed Distribution and Account shall be attached to the Statement of Proposed Distribution.

(C) The following shall apply to post-audit procedures:

In those cases where the Statement of Proposed Distribution includes a request for a distribution of real estate,

the Register of Wills or Clerk of Orphans' Court shall be authorized to execute a Certificate of Award of Real Estate following the entry of the Court's final decree confirming the Account and Statement of Proposed Distribution.

**CC Rule 2.3. Distributions without Formal Accounting.**

In the event the distribution of the assets in an estate is to be made by the personal representative without the filing of a Formal Accounting, a receipt and release may be filed with the office of the Register of Wills. The original only of the receipt and release form shall be filed with the Register and no court order shall be required in order for the receipt and release form to be accepted by the Register of Wills. Said receipt and release may be filed with or without a final status report.

**CHAPTER III. PETITION PRACTICE AND PLEADING**

**CC Rule 3.1. Form of Petition, Exhibits, Consents.**

(A) In those cases where a Petition is alleged to be uncontested and not requiring a hearing unless the Court, in its discretion, deems appropriate, petitioner shall plead and attach the following:

(1) On the heading identifying the type of pleading filed, petitioners shall indicate "Proposed Uncontested Matter";

(2) Petitioner shall attach the name of all Interested Parties and shall attach the joinder or consents of each interested party who would otherwise be entitled to notice of the Petition.

(3) If a Consent is signed by a proposed representative of an interested party, the consent shall state that the proposed representative meets the criteria set forth in the Pennsylvania Orphans' Court Rules.

(B) For Petitions filed that require adjudication, petitioner shall state, under the heading identifying the type of pleading, either "Citation required" or "Notice required". Where a citation is required, petitioner shall comply with CC Rule 3.3.

**CC Rule 3.2. Filing of Pleadings.**

All Pleadings must be filed with the Clerk of Orphans' Court prior to presentation to the Court. The Clerk shall transmit the pleading to the Court for review. Any Order signed by the Court shall be transmitted by the Court back to the Clerk of Orphans Court.

**CC Rule 3.3. Citation Practice.**

Where a citation is to be issued, petitioner shall attach to the petition an Order in the form complying with CC Form 3.3 attached to these Rules. The Court shall have the discretion to schedule a status conference and/or hearing provided that the status conference or hearing date shall be at least thirty (30) days following the date of the filing, except in cases involving guardianship, adoptions and/or the Abortions Control Act provisions, which are not governed by these Rules. After the Court signs the order and files the same with the Clerk of Orphans' Court or Register of Wills, the Clerk or Register shall issue a citation in the form set forth on CC Form 3.4. The Petitioner shall serve the Citation and Petition in the manner set forth in the Pennsylvania Orphans' Court Rules.

Nothing contained in this Rule shall modify the requirements for petitions as set forth in Chapter III of the Pennsylvania Orphans' Court Rules.



**CC Rule 3.4. Notice Practice.**

Where a Petition is filed but no Citation is required, petitioner shall attach to the Petition an Order in the form complying with CC Form 3.3.1 attached to these Rules. The Court shall have the discretion to schedule a status conference and/or hearing provided that the status conference or hearing date shall be at least thirty (30) days following the date of the filing, except in cases involving guardianship, adoptions and/or the Abortion Control Act provisions, which are not governed by these Rules. After the Court signs the order and files the same with the Clerk of Orphans' Court, the petitioner shall serve the Order, together with such other notices as required by the Pa.O.C. Rules for Petitions requiring notice.

Nothing contained in this Rule shall modify the requirements for petitions as set forth in Chapter III of the Pennsylvania Orphans' Court Rules.

**CHAPTER IV. FORMAT AND SERVICE OF LEGAL PAPER BY PARTIES AND COURT; ELECTRONIC FILING—RESERVED**

**CHAPTER V. RULES GOVERNING SPECIFIC TYPES OF PETITIONS**

**CC Rule 5.1.**

Public notice of the sale of real property shall be given as required by law and as may be further required by Court Order in any particular matter.

**CHAPTER VI. RESERVED**

**CHAPTER VII. RULES RELATING TO PRE-HEARING AND HEARING PROCEDURE**

**CC Rule 7.1. Discovery.**

Depositions, discovery, production of documents, and perpetuation of testimony shall be permitted only by Court Order.

**CC Rule 7.2. Motion for Judgment on the Pleadings.**

After the relevant pleadings are closed, but within such time as not to unreasonably delay the hearing, any party may move for judgment on the pleadings. The moving parties shall attach a proposed Scheduling Order to the Motion. The Motion shall be filed with the Clerk of the Orphans' Court, who shall transmit the Motion and proposed Scheduling Order to the Court. The Court may enter such judgment or order as shall be proper on the pleadings, and may, in its discretion, schedule argument on the Motion.

**CC Rule 7.3. Motion for Summary Judgment.**

Motions for Summary Judgment shall be governed by Pennsylvania Orphans' Court Rule 7.3 supplemented by the following Local Rule: Motions for Summary Judgment shall be filed with the Clerk of Orphans Court. The party against whom the Motion for Summary Judgment is filed shall have a right to respond in accordance with Pennsylvania Orphans' Court Rule 7.3(b). If a response is filed, either party may then file a Praeceptum for Argument with the Clerk of the Orphans' Court, to which a scheduling Order shall be attached. In the event that the party against whom the Motion for Summary Judgment is filed fails to file any response or to take any actions as set forth in Pa.R.C.P. No. 1035.3, then the party filing the Motion for Summary Judgment may file a Praeceptum with the Clerk of the Orphans' Court for argument, or in the alternative, a Praeceptum requesting that the Court enter an Order without argument. If a Praeceptum for an Order

without argument is filed, the Court shall have the discretion to sign the Order, sign a modified Order, or schedule the matter for argument notwithstanding the Praeceptum requested by the moving party.

Consistent with Pa.R.C.P. No. 1035.3(e), nothing in this Rule shall prohibit the Court from ruling upon a Motion for Summary Judgment without written responses or briefs if no party is prejudiced. A party would be prejudiced if he or she is not given a full and fair opportunity to supplement the record and to oppose the Motion. If the Court grants a Motion under this section, the Court shall state its reasons for its decision.

**CHAPTER VIII. RECONSIDERATION—RESERVED**

**CHAPTER IX. AUDITORS AND MASTERS**

**CC Rule 9.1.**

An auditor or master may be appointed by the Court pursuant to Pa.C.S.A. § 751 and when appointed, shall give notice of scheduled hearings to the parties of interest as defined in 20 Pa.C.S.A. § 751(6), provided that the Court shall have the right to enter an order as to whether a guardian and/or trustee ad litem must be appointed to represent the interest, not already represented by a fiduciary, of a person not sui juris, an absentee, a presumed decedent, or unborn or unascertained persons or any beneficiary or heir whose whereabouts are not known.

**CC Rule 9.2. Notice of Filing Report.**

An auditor or master shall give notice of the filing of the Report or of the intention to file the report to all parties entitled to notice by first class mail return receipt requested mailed to the last known address of the parties, unless the Court authorizes notice by another means or to another address. The Notice of Filing Report shall contain a notice that objections or exceptions to the report must be filed by a date not more than twenty (20) days following the date on which the Notice of Filing Report is mailed, unless the Court, by Order, authorizes a longer period of time for filing objections.

**CC Rule 9.3. Confirmation of Report.**

(A) The report of the auditor may be confirmed by the Court if no objections are filed by any party receiving notice pursuant to CC Rule 9.2 and if the Court does not object or propose modifications to the Report, the Court shall schedule a hearing on the Report if the Court objects or proposes modifications to the Report.

**CHAPTER X. REGISTER OF WILLS**

**CC Rule 10.1.**

Appeals to the Court from an Order or Decree of the Register shall be by Petition and shall be governed by Chapter III of the Pennsylvania Orphans' Court Rules as supplemented by Chapter III of the Cambria County Rules of Orphans' Court.

**CHAPTER XI. RESERVED**

**CHAPTER XII. RESERVED**

**CHAPTER XIII. RESERVED**

**CHAPTER XIV. SPECIAL FORMS**

**CC Rule 14.1.**

Annual Reports of the Guardian of an Incapacitated Person shall be filed as follows:

(A) *Guardian of the Person*: The Report of the Guardian of a Person of an Incapacitated Person shall be filed on Pa.O.C. Form G-03.

(B) *Guardian of the Estate*: Where an individual has been appointed as the Guardian of the Estate of an Incapacitated Person, that individual shall file periodic reports on Pa.O.C. Rule Form OC-03.

#### CHAPTER XV.

Prior Cambria County O.C. Rule 15.7 CC relating to opening of impounded adoption records is hereby repealed.

#### Form: CC 1.6(E)

[CAPTION]

#### AGREEMENT TO MEDIATE ON A CONFIDENTIAL BASIS

This Agreement is effective on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, among the undersigned persons to initiate a process of mediation regarding disputes among them that are in the subject matter of the Orphans' Court Division, of the Court of Common Pleas, as described in an attachment.

1. The public is served by speedy and amicable resolution of private disputes. It is in the interests of the Orphans' Court Divisions, of the Courts of Common Pleas of the various judicial districts in the Commonwealth, to encourage Interested Parties to mediate and discuss possibilities for resolution of matters under the Courts' jurisdiction, to resolve disputes in an efficient and fair manner through alternative dispute resolution (ADR) processes. The Courts encourage Interested Parties to participate voluntarily and mutually, rather than enter into adverse litigation. If mediation is unsuccessful, then litigation can proceed for Court adjudication of remaining disputes under its jurisdiction.

2. The Interested Parties and counsel, identified below, agree that they, and their representatives, shall be bound by 42 Pa.C.S.A. § 5949 (Confidential mediation communications and documents).

3. Furthermore, during the mediation process, the Interested Parties and counsel shall not disclose the mediation discussions in this matter, except to: (a) the Interested Parties themselves, (b) to their counsel, (c) to any expert(s) assisting counselor (e) as the Interested Parties and their counsel jointly agree. In no event shall the Mediator be called upon to disclose what occurred in the mediation.

4. If the Interested Parties and the counsel jointly agree to disclose some aspects of the mediation discussions, it shall not be considered a waiver of confidentiality of the other aspects of the mediation discussions.

5. No involvement in the mediation discussions will be allowed to any party in interest who declines to mediate on a confidential basis.

6. This Agreement does not determine whether any resolution, in itself, would be confidential. This Agreement only determines that the mediation discussions shall remain confidential. Whether or not a resolution itself will remain confidential will be the subject of agreement by the mediation participants.

7. If any participant, party in interest, counsel, or other representative breaches this Agreement to mediate in confidence, then any other participant or party in interest shall have the power to void, revoke, and terminate any mediation discussions or resolutions.

8. All persons who sign this Agreement agree, for themselves and their agents or representatives, to honor, both in spirit and in letter, the promise of confidentiality of mediation discussions contained in this Agreement.

9. All persons who sign this Agreement waive any liability, express, implied, or otherwise, regarding the mediation or the program whereby mediation was initiated, including the actions or omissions of a mediator or a mediation program sponsor.

10. All persons who sign this Agreement agree that they will enter into the Mediation in "good faith". Good faith includes, among other things, the following: 1) being fully prepared to discuss all aspects of the dispute, and possible solutions for resolving it; 2) having the person with the authority to approve the terms for resolution attend the mediation session, or, at the least, be available to confer with the party's representative during the mediation regarding the approval of terms; 3) demonstrating a willingness to listen and understand the perspectives of all participating parties; and (4) treating the parties, the Mediator, and all other participants with civility and respect.

11. All persons who sign this Agreement agree that the provisions of the Older Adults Protective Services Act, the Act of Dec. 18, 1996, P.L. 1125, No. 169 (35 P.S. §§ 10225.101—10225.5102), and/or the Adult Protective Services Act as amended, to the extent applicable, shall be honored by the Mediator.

Signatures of Interested Parties/Counsel and Dates:

Acceptance by Mediator, with contact information:

Attachment: General description of matters to be mediated [customized for each mediation]

Note: This sample form relates to the participants in the mediation. A Mediator may utilize a separate or more complete agreement, so long as it is not inconsistent either with the applicable local court rule regarding mediation or with statewide Orphans' Court Rule 1.6 regarding mediation.

#### Form: CC 1.6(EE)

[Caption]

#### NOTICE OF INITIATION OF MEDIATION

Please complete prior to the date on which mediation is initiated. Return it directly to the Judge assigned to this matter (not to the Clerk of the Orphans' Court Division) at least ten days prior to the date on which the mediation is scheduled to commence, and also provide a copy simultaneously to the mediator.

Pursuant to the Agreement for Confidential Mediation executed on

\_\_\_\_\_, \_\_\_\_\_ (copy attached), all of the Interested Parties in this matter, including those represented by counsel, those representing themselves, and legal representatives of minors and alleged incapacitated persons, listed below in the capacity shown, state that we have agreed to initiate mediation in this matter on \_\_\_\_\_, \_\_\_\_\_ and that the mediator we have engaged is \_\_\_\_\_:

\_\_\_\_\_  
 Printed Name of Party's Counsel

\_\_\_\_\_  
 Printed Name of Party's Counsel

\_\_\_\_\_  
 Printed Name of Party's Counsel

\_\_\_\_\_  
 Printed Name of Party's Counsel

Dated: \_\_\_\_\_

Signature \_\_\_\_\_  
 Printed Name of Party: \_\_\_\_\_

Signature \_\_\_\_\_  
 Printed Name of Party: \_\_\_\_\_

Signature \_\_\_\_\_  
 Printed Name of Party: \_\_\_\_\_

Signature \_\_\_\_\_  
 Printed Name of Party: \_\_\_\_\_

**Form: CC 1.6(G)**

[Caption]

**NOTICE OF COMPLETION OF MEDIATION**

Please complete and return to [the Judge assigned to this matter][the Clerk of the Orphans' Court] immediately after the mediation is concluded or upon returning the case to the Court for other reasons.

Mediation Status:

- Case resolved and agreement executed and transmitted to court
- Case resolved and Interested Parties drafting agreement to be transmitted to court
- Case resolved in part
- Case resolved prior to mediation
- Case not resolved at this point
- Mediation terminated because mediation inappropriate for this case

\_\_\_\_\_  
Date Mediation Completed

\_\_\_\_\_  
Mediator—signature

\_\_\_\_\_  
Mediator—please print or type name

\_\_\_\_\_  
Mediator—phone number

\_\_\_\_\_  
Mediator—email address

**CC FORM 3.3**

CAPTION

**ORDER**

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is ORDERED as follows:

(1.) A rule is issued upon the Respondent to show cause why the Petitioner is not entitled to the relief requested in the foregoing pleading.

(2.) The Respondent shall file an Answer to the Petition within twenty (20) days from the date when the Petition is served on Respondent.

(3.) If Respondent fails to file an Answer, the Court may deem that Respondent does not object to the relief requested in the Petition and may grant the requested relief without further notice to Respondent.

(4.) \_\_\_\_\_ a status conference

OR

\_\_\_\_\_ a hearing

on the Petition is scheduled at the Cambria County Courthouse, Ebensburg, Pennsylvania, 15931 in Courtroom No. \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ m. on \_\_\_\_\_, 20\_\_\_\_.

(5.) The Clerk of the Orphans' Court is hereby directed to issue a citation to Respondent in the form set forth in CCOC Form 3.4 (citation).

BY THE COURT

\_\_\_\_\_  
J.

THE COURTS

CC FORM 3.4

CAPTION

ORPHANS COURT CITATION

TO:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ you are hereby cited to appear before Judge \_\_\_\_\_ at the Cambria County Courthouse, Ebensburg, Pennsylvania, 15931 in Courtroom No. \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_. m. on \_\_\_\_\_, 20\_\_\_\_ to respond to and comply with the attached Order.

BY THE CLERK OF THE CAMBRIA COUNTY ORPHANS' COURT

CC FORM 3.3.1

CAPTION

ORDER

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is ORDERED as follows:

- (1.) A rule is issued upon the Respondent to show cause why the Petitioner is not entitled to the relief requested in the foregoing pleading.
- (2.) The Respondent shall file an Answer to the Petition within twenty (20) days from the date when the Petition is served on Respondent.
- (3.) If Respondent fails to file an Answer, the Court may deem that Respondent does not object to the relief requested in the Petition and may grant the requested relief without further notice to Respondent.
- (4.) \_\_\_\_\_ a status conference

OR

\_\_\_\_\_ a hearing

on the Petition is scheduled at the Cambria County Courthouse, Ebensburg, Pennsylvania, 15931 in Courtroom No. \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_. m. on \_\_\_\_\_, 20\_\_\_\_

BY THE COURT

J.

[Pa.B. Doc. No. 17-849. Filed for public inspection May 19, 2017, 9:00 a.m.]

YORK COUNTY

Amendment of Local Rules of Criminal Procedure; CP-67-AD-21-2017

Administrative Order Adopting York County Local Rule of Criminal Procedure 600

And Now, this 8th day of May 2017, it is Ordered that York County Local Rule of Criminal Procedure 600 is adopted effective July 22, 2017.

The District Court Administrator shall publish this order as may be required.

By the Court

JOSEPH C. ADAMS, President Judge

York R.Crim.P. 600. Prompt Trial.

(A) The purpose of this rule is to ensure the efficient use of judicial resources, to provide sufficient judicial resources to the Commonwealth's prosecuting agencies for the cases they intend to call for trial, and to ensure defendants receive reasonable notice of the jury term during which their trials will commence. Nothing in this rule shall limit or expand upon the provisions of Pa.R.Crim.P. 600 regarding calculation of time for commencement of trial.

(B) Definitions:

- (1) District attorney includes the attorney general or any other prosecuting attorney or agency.
- (2) Defendant includes the defendant's attorney or the self-represented defendant.
- (3) Date-certain scheduling means the assigned judge, upon request of either party or sua sponte, orders that the trial shall commence on a specific date before any judge. It is a tool for the court's use to facilitate availability of parties and witnesses.
- (4) Date-and-judge-certain scheduling means the assigned judge, upon request of either party or sua sponte, orders that the trial shall commence on a specific date before that same judge. It is a tool for the court's use when the judge who presided over pretrial issues believes the interests of justice and efficiency will be served by having that same judge preside over the trial.

(C) No later than five business days prior to the first day of the trial term, the district attorney shall provide to the district court administrator, in a format to be prescribed by the district court administrator, a written list of all cases the district attorney intends to call to trial in the trial term.

(1) The district attorney shall compile the list in order of priority for which the district attorney desires the court to allocate judicial resources for trial.



(2) If any case is being prosecuted by the attorney general or any agency other than the district attorney, the district attorney shall consult with that agency and include the case on the list.

(3) Prior to submission of the list, the district attorney shall consult with each defendant's attorney or the self-represented defendant to determine the following information:

(a) the estimated length of time in days the parties jointly anticipate the trial to last from voir dire through closing instructions;

(b) any dates during the forthcoming trial term when either party will be unable to conduct the trial for any reason, including but not limited to unavailability of witnesses or attorneys;

(c) the reason, if any exists, either party believes any specific judge of this court would be precluded from presiding over the trial in the event the currently assigned judge is unavailable when the district attorney calls the case to trial; and,

(d) the reason, if any exists, why either party will require more than one hour of advance notice when directed to appear for trial.

(4) Either party may request a pretrial conference to facilitate the exchange of information.

(5) The list shall contain, as a minimum, the following information for each case:

(a) docket number;

(b) defendant's name;

(c) assigned judge's name;

(d) defendant's attorney's name, or "self-represented";

(e) prosecuting attorney's name;

(f) all information detailed in section (C)(3) above;

(g) the date-certain or date-and-judge-certain scheduling information as ordered by the assigned judge, when applicable; and

(h) cross-reference to any other case(s) on the list consolidated for trial, when applicable.

(6) Contemporaneously upon filing the list with the district court administrator, the district attorney shall provide a copy of the list to every defendant's attorney and every self-represented defendant on the list so the defendants and their attorneys are aware of the relative timing for commencement of their trials during the term. Service may be made in paper or electronic format.

(D) Beginning no later than one business day prior to the first day of the jury trial term, the district court administrator shall assign cases for trial as each judge becomes available.

(1) The district court administrator shall start with the first case on the list provided by the district attorney and proceed through the list in sequence, continuing until either the list is exhausted or the trial term ends. Any cases ordered for date-certain or date-and-judge-certain scheduling shall be assigned out of sequence as necessary to comply with the order. The district court administrator may make minor deviations to the sequence in which cases are assigned, to facilitate the efficient use of judicial resources.

(2) If the next case on the list cannot proceed to trial for any of the following reasons, the district court administrator shall skip to the next case on the list and return to the skipped case when the next judge becomes available:

(a) the court has previously ordered a date-certain or date-and-judge-certain for the trial to commence later in the trial term;

(b) the prosecuting attorney, defendant or defendant's attorney is already in trial with another case or is scheduled for an imminent date-certain or date-and-judge-certain trial in another case; or

(c) one or more factors previously documented in section (C)(3) above preclude commencement of trial before the available judge.

(E) The district court administrator shall notify the judge of the trial assignment, and the judge shall direct the parties to appear to commence jury selection.

(1) If the district attorney declines to call the case for trial, absent good cause shown, the court shall strike the case from the list for the remainder of the trial term.

(2) If the defendant requests continuance, the court may deny the request, or grant the request and continue the case, either to a date-certain or date-and-judge-certain later in the term as requested by the district attorney, or for listing by the district attorney in a subsequent term.

(3) If the defendant fails to appear for trial, the court may issue a bench warrant. If the defendant subsequently appears or is apprehended during the term, the court shall proceed to trial if the district attorney desires to call the case, or continue the case either to a date-certain or date-and-judge-certain later in the term as requested by the district attorney, or for listing by the district attorney in a subsequent term.

(F) The district attorney shall immediately notify the district court administrator of any change in status of any case on the list, such as execution of a guilty plea, continuance or nol pros., diversion to ARD or a treatment court, or issuance of a bench warrant.

[Pa.B. Doc. No. 17-850. Filed for public inspection May 19, 2017, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 9, 2017.

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

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-8-2017	Ambler Savings Bank Ambler Montgomery County Application for approval to merge Bally Savings Bank, Bally, with and into Ambler Savings Bank, Ambler.	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-1-2017	Mid Penn Bank Millersburg Dauphin County	689 West Main Street New Holland Lancaster County	Opened
4-17-2017	Orrstown Bank Shippensburg Cumberland County (Correction from 47 Pa.B. 2621 (May 6, 2017), which listed the branch as closing.)	1601 Manheim Pike Lancaster Lancaster County	Opened
5-4-2017	CBT Bank Clearfield Clearfield County	3305 6th Avenue Altoona Blair County	Approved
5-4-2017	Univest Bank and Trust Co. Souderton Montgomery County	4240 Oregon Pike Ephrata Lancaster County	Approved
5-4-2017	Univest Bank and Trust Co. Souderton Montgomery County	1135 Georgetown Road Christiana Lancaster County	Approved
5-8-2017	Republic First Bank Philadelphia Philadelphia County	1400 Blackwood-Clementon Clementon Camden County, NJ	Withdrawn

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-4-2017	Wayne Bank Honesdale Wayne County	<i>To:</i> 814 Northern Boulevard Clarks Summit Lackawanna County  <i>From:</i> 651 Northern Boulevard Clarks Summit Lackawanna County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-28-2017	Orrstown Bank Shippensburg Cumberland County	2250 Spring Road Carlisle Cumberland County	Closed

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-8-2017	TruMark Financial Credit Union Fort Washington Montgomery County	1900 West Olney Avenue Philadelphia Philadelphia County	Filed

**Community Charter Conversions**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
5-8-2017	Community Regional Credit Union Kingston Luzerne County	Filed

The credit union proposes to amend Article 8 of its Articles of Incorporation to provide the following field of membership: "The field of membership of this credit union will include all people who live, work, worship or attend school in, and businesses and other legal entities in Luzerne and Lackawanna Counties, where both offices are currently located, in the Commonwealth of Pennsylvania."

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*

[Pa.B. Doc. No. 17-851. Filed for public inspection May 19, 2017, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

**Diverse Business Financing Initiative**

The Department of Community and Economic Development (Department), through the Center for Private Financing, gives notice of the establishment of the Diverse Business Financing Initiative (Initiative) to accomplish the goal of making loans to diverse business owners, to include minorities, women, veterans and service-disabled veterans. The purpose of the Initiative is to make loan funds available to certain economic development partner organizations of the Department, specifically community development financial institutions and certified economic

development organizations. The intent is that these partner organizations will use the funds to make loans to their business borrowers, thereby creating separate revolving loan funds. The partner organizations will also have access to Pennsylvania Industrial Development Authority (PIDA) accounts to initiate loans through PIDA to diverse businesses targeted by this Initiative.

Inquiries regarding this Initiative should be directed to the Center for Private Financing, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 783-1109, [crpetrasic@pa.gov](mailto:crpetrasic@pa.gov).

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 17-852. Filed for public inspection May 19, 2017, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Applications, Actions and Special Notices****APPLICATIONS**

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage



waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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

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

## **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0029947 (Sew)	Spring Farms Elementary School 12075 Old Plank Road Three Springs, PA 17264	Clay Township, Huntingdon County	UNT to Spring Creek Watershed(s) 12-C	Y
PA0082368 (Sew)	Abbottstown-Paradise Joint Sewer WWTF 375 Route 194 Abbottstown, PA 17301	Hamilton Township, Adams County	Beaver Creek Watershed(s) 7-F	Y
PA0086487 (IW)	Vitro Flat Glass LLC 400 Park Drive Carlisle, PA 17015-9271	South Middleton Township, Cumberland County	Yellow Breeches Creek Watershed(s) 7-E	Y
PAS213504 (SW)	New Enterprise Stone Ashcom Quarry 527 Ashcom Road Everett, PA 15537	Bedford County Snake Spring Township	Cove Creek Dunning Creek 11C	Y
PA0087076 (Sew)	Hershey Entertainment and Resorts Company 27 West Chocolate Avenue Hershey, PA 17033	Dauphin County Derry Township	Lower Susquehanna Swatara Creek 07D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0021521 (Sewage)	Smethport Borough Authority STP 201 W Water Street Smethport, PA 16749	McKean County Smethport Borough	Potato Creek (16-C)	Yes
PA0263885 (Sewage)	Cherrie & Thomas Peffer SRSTP 4162 State Route 488 Portersville, PA 16051	Lawrence County Perry Township	Unnamed Tributary to the Camp Run Creek (20-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0041424 (Sewage)	Bushkill Inn and Conference Center 1 Bushkill Falls Road Bushkill, PA 18324	Pike County Lehman Township	UNT Little Bush Kill (01D)	Yes

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

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

**PA0065129**, Sewage, SIC Code 4952, **David Holbert**, 125 Rocky Riff Farm Road, Lackawaxen, PA 18435. Facility Name: David Holbert SFTF. This existing facility is located in Lackawaxen Township, **Pike County**.

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

The receiving stream, an Unnamed Tributary to Delaware River, is located in State Water Plan watershed 1-D and is classified for High Quality Waters—Cold Water Fishes, migratory fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0015 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Non-Detect	XXX	Non-Detect
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
Total Suspended Solids	XXX	XXX	XXX	20.0	XXX	40.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	200
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

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

**PA0244911**, Storm Water, SIC Code 3272, **AC Miller Concrete Products, Inc.**, 31 E Bridge Street, Spring City, PA 19475. Facility Name: AC Miller Concrete—Spring City Plant. This proposed facility is located in Spring City Borough, **Chester County**.

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

The receiving stream(s), Unnamed Stream, is located in State Water Plan watershed 3-D and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50.0	XXX	100.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50	XXX	100
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50	XXX	100
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0

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

Proposed Part C Conditions:

- I. Stormwater Outfalls and Authorized Non-Stormwater Discharges
- II. Best Management Practices (BMPs)
- III. Routine Inspections
- IV. Preparedness, Prevention, and Contingency (PPC) Plan
- V. Stormwater Monitoring Requirements
- VI. Other Requirements
  - A. Acquire Necessary Property Rights
  - B. Sludge Disposal Requirements
  - C. Contact DRBC, DRBC Limits May Be More Stringent
  - D. BAT/ELG Reopener
  - E. Small Stream Discharge
  - F. Remedial Measures if Public Nuisance

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.*

**PA0021539**, Sewage, SIC Code 4952, **Williamsburg Municipal Authority Blair County**, 305 E 2nd Street, Williamsburg, PA 16693-1041. Facility Name: Williamsburg Municipal Authority STP. This existing facility is located in Williamsburg Borough, **Blair 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), Frankstown Branch Juniata River, is located in State Water Plan watershed 11-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.331 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</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 Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	69	110	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	83	124	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
Ultraviolet light dosage (mjoules/cm <sup>2</sup> )	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>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:

- Chesapeake Bay Nutrient Requirements
- The permittee is granted 3,925 lbs/year Total Nitrogen offsets to meet the Net Total Nitrogen cap load.
- Stormwater Prohibition
- Approval Contingencies
- Proper Waste/solids Management
- Collected screenings, slurries, sludges, and other solids management
- Restrictions on acceptance of hauled-in wastes under certain conditions
- Chlorine Minimization condition
- Requirement to address batch discharges that may cause impairment

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.

**PA0028347**, Sewage, SIC Code 4952, **Martinsburg Borough Municipal Authority Blair County**, 110 S Walnut Street, Martinsburg, PA 16662-1142. Facility Name: Martinsburg STP. This existing facility is located in Martinsburg Borough, **Blair 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), Plum Creek, is located in State Water Plan watershed 11-A 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 0.7 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	146	233	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	175	263	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	35	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	11.5	XXX	XXX	2.0	XXX	4
Total Phosphorus	11.5	XXX	XXX	2.0	XXX	4

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	Report	12,785	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	1,705	XXX	XXX	XXX	XXX

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

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

- Chesapeake Bay Nutrient Requirements
- Stormwater Prohibition
- Approval Contingencies
- Proper Waste/solids Management
- Collected screenings, slurries, sludges, and other solids management
- Restrictions on acceptance of hauled-in wastes under certain conditions
- Chlorine Minimization condition
- Requirement to conduct a new site specific chlorine Demand Study for the next permit renewal

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.



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

**PA0000701**, Sewage, SIC Code 3678, 4952, **ENP Enterprises LLC**, PO Box 249, Pleasantville, PA 16341. Facility Name: ENP Enterprises Warehouse. This existing facility is located in Oilcreek Township, **Venango County**.

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

The receiving stream is an unnamed tributary to Pine Creek, located in State Water Plan watershed 16-E and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

**PA0264792**, Sewage, SIC Code 4952, 8800, **David J Martin**, 8711 Dougan Road, North East, PA 16428. Facility Name: David J Martin SRSTP. This proposed facility is located in Greene Township, **Erie County**.

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

The receiving stream is an unnamed tributary to Fourmile Creek, located in State Water Plan watershed 15-A and classified for Migratory Fish and Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 4477201**, Industrial Waste, **Standard Steel, LLC**, 500 North Walnut Street, Burnham, PA 17009.

This proposed facility is located in Burnham Boro, **Mifflin County**.

Description of Proposed Action/Activity: To install a holding tank following existing Wemco treatment unit to provide the ability to recirculate effluent for additional graphite treatment when necessary.

**WQM Permit No. 0193201**, Industrial Waste, **Knouse Foods Coop Inc.**, 800 Peach Gen-Idaville Road, Peach Glen, PA 17375-0001.

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

Description of Proposed Action/Activity: To install precast concrete septic tank and precast concrete chlorine contact vault to disinfect sanitary waste prior to missing with process wastewater and spray irrigation.

**WQM Permit No. WQG02211701**, Sewerage, **South Middleton Township Municipal Authority**, 345 Lear Lane, PO Box 8, Boiling Springs, PA 17007.

This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of suction lift style duplex pump station and force main.

**WQM Permit No. 3617403**, Sewerage, **Terre Hill Borough**, 300 Broad Street, PO Box 250, Terre Hill, PA 17581-0250.

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

Description of Proposed Action/Activity: To add a sodium bisulfite feed system to remove residual chlorine from the effluent.

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

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390024	F&M Land Company 1486 Hampton Road Allentown, PA 18104	Lehigh	Weisenberg Township	UNT to Lyon Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480021	Plenary Walsh Keystone Partners 2000 Cliff Mine Road Park West Two, 3rd Floor Pittsburgh, PA 15275	Northampton	Bethlehem Township	UNT to Bushkill Creek (HQ-CWF, MF)
PAD480025	Mr. Thomas Kishbaugh Ashview Development Co., LLC 230 East Dell Rd Bath, PA 18014	Northampton	Bushkill Township	Bushkill Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD60005	Terra Nova at Eitzert Farms, LLC 5515 Lynch Lane Baldwin, MD 21013	York	Shrewsbury Borough	UNT South Branch Codorus Creek (CWF) EV Wetlands

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140018	Samuel B. King 574 Tattletown Road Aaronsburg, PA 16820	Centre	Penn Twp	UNT-Elk Creek EV, MF

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD590003	Drew Remley 1170 Salt Spring Road Roaring Branch, PA 17765	Tioga	Liberty Twp	UNT-Salt Spring Run HQ/CWF



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

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

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

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

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

**CAFO NMP  
PUBLIC NOTICE SPREADSHEET—APPLICATIONS (Submission)**

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Pine Hurst Acres 3036 Sunbury Road Danville, PA 17821	Northumberland	2,475	626.63	Finishing Swine, Beef Cow/ Calves, Beef Finishers	NA	Renewal
Country View Family Farm, LLC—Pine Hill Farm 2547 Hickory Road Columbia Crossroads, PA 16914	Bradford	260	3,263.9	Swine	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 5217505**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hershey Park Drive Hershey, PA 17033
Municipality	Delaware Township

County	<b>Pike</b>	Description of Action	Joe Jurgielewicz & Son Ltd. has submitted an application for the construction of a water treatment system for existing wells PW-1, PW-2, PW-3, PW-7, PW-8, PW-9, and PW-17. The system will include chlorine disinfection, 4-log inactivation of viruses, nitrate removal, and a 40,000-gallon storage tank.
Responsible Official	David R. Kaufman, Vice President—Engineering Pennsylvania American Water Company		
Type of Facility	PWS		
Consulting Engineer	Peter J. Keenan, P.E. American Water Service Company 1025 Laurel Oak Road Voorhees, NJ 08043		
Application Received Date	May 1, 2017		
Description of Action	Proposed improvements to the All Seasons Water System, including a new iron and manganese pressure filtration treatment system including sodium hypochlorite for oxidation and disinfection, and blended phosphate for general corrosion control; new chlorine contact main; sludge holding tank; and two hydropneumatic tanks to provide distribution system equalization storage and system pressure.		
	<b>Permit No. 3917505</b> MA, Public Water Supply.		
Applicant	<b>City of Allentown</b>	Applicant	<b>DS Services of America, Inc.</b>
[Township or Borough]	Allentown City, <b>Lehigh County</b>	Municipality	Heidelberg Township
Responsible Official	Craig W. Messinger Interim Public Works Director 641 South 10th Street, 3rd Floor Allentown, PA 18103	County	<b>Berks</b>
Type of Facility	Public Water Supply	Responsible Official	Travis Thorton, Director Water Resources 2300 Windy Ridge Pkwy Suite # 500n Atlanta, GA 30339
Consulting Engineer	Micael T. Brown, PE Gannett Fleming, Inc. P O Box 67100 Harrisburg, PA 17106	Type of Facility	Public Water Supply
Application Received	04/28/2017	Consulting Engineer	Gary J. Toplak, P.E. Toplak & Associates, P.C. 112 Pineview Road Baden, PA 15005
Description of Action	Repair and replacement of the 30-inch raw water main.	Application Received:	4/17/2017
	<i>Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</i>	Description of Action	Installation of chlorine disinfection and bulk water loading facilities at the existing Bethany Children's Home bulk spring water facility.
	<b>Permit No. 0617503</b> , Public Water Supply.		
Applicant	<b>Joe Jurgielewicz &amp; Son Ltd.</b>	<b>Permit No. 6717501</b> , Public Water Supply.	
Municipality	Tilden Township	Applicant	<b>The York Water Company</b>
County	<b>Berks</b>	Municipality	Springfield Township
Responsible Official	Jerald J. McMillan, President 189 Cheese Lane Shartlesville, PA 19554	County	<b>York</b>
Type of Facility	Public Water Supply	Responsible Official	Mark S. Snyder, Engineering Manager 130 East Market Street PO Box 15089 York, PA 17405-7089
Consulting Engineer	Andrew C. Hood, P.E. Keystone Engineering Group, Inc. 590 East Lancaster Avenue Frazer, PA 19355	Type of Facility	Public Water Supply
Application Received:	4/11/2017	Consulting Engineer	Mark S. Snyder, P.E. The York Water Company 130 East Market Street PO Box 15089 York, PA 17405-7089
		Application Received:	4/28/2017
		Description of Action	A new 50-hp pump will be added at the Hametown Booster Station to provide additional pumping capacity.
			<i>Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>
		<b>Permit No. 2617511</b> , Public Water Supply.	
		Applicant	<b>Municipal Authority of Westmoreland County</b> 124 Park & Pool Road New Stanton, PA 15672
		[Township or Borough]	South Connellsville Borough

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Indian Creek water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Gibson # 1 water storage tank.

**Permit No. 2617510**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] East Huntingdon Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Indian Creek water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Ruffsdale water storage tank.

**Permit No. 2617515**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Hempfield Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Indian Creek water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the East Greensburg # 2 water storage tank.

**Permit No. 2617513**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] South Huntingdon Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Indian Creek water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Reagentown # 1 water storage tank.

**Permit No. 2617514**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] North Huntingdon Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Indian Creek water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Mockingbird Hi water storage tank.

**Permit No. 2617512**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Hempfield Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Indian Creek water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017  
 Description of Action Installation of a mixing system in the West Pointe water storage tank.

**MINOR AMENDMENT**

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

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

**Application No. 6517519MA, Minor Amendment.**

Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672

[Township or Borough] Vandergrift Borough and Parks Township

Responsible Official Michael Kukura, Resident Manager  
 Municipal Authority of Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Type of Facility Beaver Run water system

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

Application Received Date April 24, 2017

Description of Action Replacement of the waterline crossing the Kiskimintas River.

**Application No. 6513515MA-1, Minor Amendment.**

Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672

[Township or Borough] Hempfield Township

Responsible Official Michael Kukura, Resident Manager  
 Municipal Authority of Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Type of Facility Beaver Run water system

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

Application Received Date April 19, 2017

Description of Action Amendment to the construction permit for the waterline project for Garden Street to Kicker Way.

**Application No. 6513516MA-1, Minor Amendment.**

Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672

[Township or Borough] Hempfield Township

Responsible Official Michael Kukura, Resident Manager  
 Municipal Authority of Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Type of Facility Beaver Run water system

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

Application Received Date April 19, 2017

Description of Action Amendment to the construction permit for the waterline project for Southwest Greensburg pump station to Kicker Way.

**Application No. 6513514MA-1, Minor Amendment.**

Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672

[Township or Borough] South Greensburg and Hempfield Township

Responsible Official Michael Kukura, Resident Manager  
 Municipal Authority of Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Type of Facility Beaver Run water system

Consulting Engineer Municipal Authority of Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Application Received Date April 19, 2017

Description of Action Amendment to the construction permit for the waterline project for US Route 30 to Garden Street.

**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**

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

**WA54-685A, Water Allocation, Municipal Authority of the Township of Blythe, 375 Valley Street, New Philadelphia, PA 17959, Schuylkill County.** The applicant is requesting the right to withdraw up to 0.5 MGD from Moss Glen Reservoir in Schuylkill Township and up to 1.0 MGD from Silver Creek Reservoir in Blythe



Township, with an emergency withdrawal of up to 0.275 MGD from the Caparrel Mine Pit in Blythe Township, to supply the East System; and up to 0.5 MGD from the Crystal Run Reservoir in Cass and Foster Townships, with emergency withdrawals of up to 0.15 MGD from Glen Dower Reservoir in Foster Township, 0.2 MGD from Lone Eagle Stripping Pit in Foster Township, and 0.3 MGD from Airport Quarry Dam in Foster Township, to supply the West System, all in Schuylkill County.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**WA 57-412B, Water Allocations. Laporte Borough Municipal Water System.** Laporte Borough, **Sullivan County.** Application for renewal of an existing allocation. No new flow is requested. They are requesting an allocation of 259,200 gallons per day from Cold Spring and Mokoma Well.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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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:

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

**Former Firestone Motors Site,** 330 South Third Street, Lemoyne, PA 17043, Borough of Lemoyne, **Cumberland County.** BL Companies, 4242 Carlisle Pike, Camp Hill, PA 17011, on behalf of Macy Holdings, LLC, 700 Ayers Avenue, Lemoyne, PA 17403, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with Inorganics. The site will be remediated to the Site-Specific Standard. Future use of the site is to be used as a recycling center. The Notice of Intent to Remediate was published in the *The Patriot News* on March 12, 2017.

**Former Allison Hill Automotive Property,** 47 South 14th Street, Harrisburg, PA 17104, City of Harrisburg, **Dauphin County.** Skelly and Loy, Inc., 449 Eisenhower Boulevard, Suite 300, Harrisburg, PA 17111, on behalf of Redevelopment Authority of the City of Harrisburg, 10 North Second Street, Suite 405, Harrisburg, PA 17101, and Hamilton Health Center Community Services, Inc., 110 South 17th Street, Harrisburg, PA 17104 submitted a Notice of Intent to Remediate site soil contaminated with PAHs, Inorganics and 1,2,4-TMB. The site will be remediated to the Site-Specific Standard. Future use of the site will be used as a residential business. The Notice of Intent to Remediate was published in the *The Patriot News* on April 25, 2017.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Former Bechtel's Dairy & Restaurant Property,** Lewisburg Borough, **Union County.** Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of WRT Realty Company, 5071 Lycoming Mall Drive, Montoursville, PA 17754, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with unleaded gasoline. Future use of the site is expected to be non-residential. The applicant proposes to remediate the site to meet the Statewide Health and Site-Specific Standards.

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

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**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 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. 100930. Philadelphia City Streets Department**, Municipal Services Building, 1401 John F Kennedy Boulevard, Philadelphia, PA 19102-1676. This permit application is for 10-year permit renewal to continue operation under Solid Waste Permit No. 100930 at the Northwest Transfer Station, a municipal waste transfer facility located at 5201 Umbria Street, City of Philadelphia, **Philadelphia County**. The application was received by the Southeast Regional Office on April 19, 2017.

Comments concerning the application should be directed to the Waste Management Program Manager, Department of Environmental Protection, (DEP) Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP 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.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit Application No. 301315. Talen Energy**, 835 Hamilton Street, Suite 150, Allentown, PA, 18101, Derry Township, **Montour County**. The renewal is for the existing Ash Basin # 1 used for disposal of residual waste. The application was received by Northcentral Regional office on April 17, 2017.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. 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.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling

a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

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

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

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

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

### PLAN APPROVALS

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

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**27-015A: Tennessee Gas Pipeline Company, LLC—Compressor Station 307** (44264 Route 66, Marienville, PA 16239), for the proposed installation of RACT II controls for Source 135 (A5C 3500 HP Pipeline Compressor Engine) in Howe Township, **Forest County**. This is a Title V facility.

**62-141H: National Fuel Gas Supply Corporation—Roystone Compressor Station** (1878 Route 6, Sheffield, PA 16347), for the proposed replacement of the existing in-stack flares in the dehydrator units (Source 049 & Source 050) with a new thermal oxidizer for RACT II compliance in Sheffield Township, **Warren County**. This is a Title V facility.

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

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

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

**46-0230: East Norriton Plymouth Whitpain Joint Sewer Authority** (ENPWJSA, 200 Ross Street, Plymouth Meeting, PA 19462) for the installation of a packed bed wet scrubber with mist eliminator (Control Device CD03) to reduce Hydrogen Chloride and Sulfur Dioxide emissions from the existing multiple hearth incinerator (Source ID 001) at the wastewater treatment plant located in Plymouth Township, **Montgomery County**. ENPWJSA was considered a Title V facility as of March 21, 2014 due to applicability of the USEPA's Emission Guidelines (EG) for Sewage Sludge Incineration (SSI) units constructed prior to October 14, 2010 as found in 40 CFR Part 60 Subpart MMMM. The facility-wide potential to emit for all criteria pollutants is less than major source threshold levels. The Title V Operating Permit No. 46-00230 is pending at this time. The installation of the proposed scrubber will not trigger New Source Review or Prevention of Severe Deterioration for any criteria pollutant, including Greenhouse Gases. Sources are not subject to Compliance Assurance Monitoring pursuant to 40 CFR Part 64. The requirements of 40 CFR Part 60 Subpart O—Standards of Performance for Sewage Treatment Plants and 40 CFR Part 503—Standards for the Use or Disposal of Sewage Sludge apply to the facility; the requirements of 40 CFR Part 61 Subpart C—National Emission Standard for Beryllium (Be) apply to the facility; the requirements of 40 CFR Part 61 Subpart E—National Emission Standard for Mercury (Hg) apply to the facility; the requirements of 40 CFR Part 62 Subpart LLL apply to the facility. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-0061: PA Dept. of Corrections/Graterford SCI** (Route 29, Graterford, PA 19426) for three previously installed emergency electric generators in Skippack Township, **Montgomery County**. The facility is a high security State prison and operates under Title V operating permit No. 46-00061. This plan approval for the three emergency engines (Source Id No. 101 in current operating permit No. 46-00061) replaces previously issued plan approval No. 46-329-014 (issuance date—06/26/1996). The conditions in this plan approval were derived for the actual sources that were installed under the previous plan approval. The emergency electric generator is subject to the requirements of NESHAP in 40 CFR Part 63, Subpart ZZZZ. The plan approval contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the sources operating within all applicable air quality requirements.

**46-0294: Crazy Aaron Enterprises, Inc.** (201 Sabine Ave., Suite 100, Narberth, PA 19072) a plan approval to relocate an existing, previously permitted putty manufacturing equipment and operations to Norristown Borough, **Montgomery County**. Previously permitted sources consist of four mixing blenders. A new mixer will also be installed, as well as a new packed tower scrubber. All process off gases will be vented to the packed tower scrubber. The primary pollutant of concern, and a byproduct of the putty manufacturing process is methanol, which is a volatile organic compound (VOC) and hazardous air pollutant (HAP). The project has the potential to emit 8.05 tons per year of VOC and 7.70 tons per year of HAP. The proposed facility will be classified as a minor facility based on its potential emissions. The plan approval will include monitoring, record keeping, and reporting requirements designed to address all applicable air quality regulations.

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

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

**14-00002T: Graymont (PA) Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) for the construction of twenty-seven pieces of quicklime and hydrate handling equipment, a new haul road associated with the Lime Handling Building and for the installation of four fabric collectors, at the Pleasant Gap site located in Spring Township, **Centre County**.

The Department of Environmental Protection's (Department) review of the information submitted by Graymont (PA), Inc. indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including 25 Pa. Code §§ 123.1, 123.13 and 123.41, and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed constructions.

The emissions from the proposed project will not exceed the following limits:

- Hydrate handling fabric collectors C311F and C311G-0.005 gr/dscf for particulate matter, PM<sub>10</sub> and PM<sub>2.5</sub>; 5% opacity based on any 6-minute average block;
- Quicklime handling fabric collector C314A and C314B-0.004 gr/dscf for particulate matter, 0.003 gr/dscf for PM<sub>10</sub>, and 0.002 gr/dscf for PM<sub>2.5</sub>; 5% opacity based on any 6-minute average block.

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

1. Within 30 days of vendor selection of each fabric collector installed under this plan approval, the permittee shall submit to the Department the following information for each fabric collector: identification of make and model, final design specifications (in order to verify consistency with the design specifications proposed in Plan Approval Application 14-00002T), recommended maintenance and minimum pressure drop.
2. Within a 180 days of startup of the additional Hydrate handling operations authorized under this plan



approval, the permittee shall demonstrate compliance for Hydrate Bin 410-BE-276, controlled by fabric collector C311F, using applicable testing procedures, analyses, and other methods.

3. Within a 180 days of startup of the Quicklime handling operations authorized under this plan approval, the permittee shall demonstrate compliance for the sources controlled by fabric collector C314A, using applicable testing procedures, analyses, and other methods.

4. The permittee shall, on a quarterly basis, conduct 30-minute testing for determining compliance with the applicable opacity restrictions, based on Test Method 9 of Appendix A-4 to Part 60 of Title 40 of the Code of Federal Regulation on each fabric collector, along with appropriate recordkeeping.

5. The permittee shall operate instrumentation that continuously monitors the differential pressure of each fabric collector.

6. The permittee shall conduct daily inspections, during daylight hours, that consist of a visual observation of each fabric collector stack, along with appropriate recordkeeping.

7. The permittee shall record the differential pressure of each fabric collector to verify the differential pressure is within the manufacturer's recommended specifications. The differential pressure shall be recorded once in any calendar week.

8. The permittee shall inspect each fabric collector and perform necessary repairs and/or bag replacements on the control device if its pressure drop is outside the fabric collector's design pressure range.

9. The permittee shall maintain each fabric collector, including their respective differential pressure monitoring instrumentation, in accordance with the manufacturers specifications.

10. The air compressors supplying air to each fabric collector shall be equipped with air dryers and oil traps in order to reduce water and contaminants from the compressed air used in the bag cleaning apparatus.

11. With respect to the paved roads that provide ingress/egress to/from the Lime Handling Building the permittee shall properly maintain the roads; keep and maintain an operable water truck onsite to flush and sweep the paved roads at a reasonable frequency to prevent particulate matter from becoming airborne; maintain appropriate records.

The facility is a major (Title V) facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 14-00002T, the requirements established in the plan approval will be incorporated into Title V Operating Permit 14-00002 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

**17-00071A: Continental Carbonic Products, Inc.** (3985 East Harrison Avenue, Decatur, IL 62526) has applied for plan approval to construct a CO<sub>2</sub> Recovery/Dry Ice Manufacturing plant in Clearfield Borough,

Clearfield County with the Department. The proposed construction will include feed gas conditioning equipment and a CO<sub>2</sub> scrubber which will be controlled by a recuperative thermal oxidizer (RTO); two (2) cooling towers; a closed-loop ammonia refrigeration system; an ammonia receiver tank for the closed-loop refrigeration system; and the liquid CO<sub>2</sub> storage and distribution operations. The proposed plant will synthesize a portion of the gas generated from the existing, adjacent ethanol plant's fermentation scrubber (feed gas) into liquid CO<sub>2</sub>/dry ice. Additionally, the liquid CO<sub>2</sub> used to manufacture dry ice may also be brought to the site via truck deliveries.

Continental Carbonic Products, Inc. (Continental) is proposing to construct the plant on the same property as the existing ethanol plant. Due to the physical proximity and proposed contractual obligations between the two facilities, it is required to determine whether they constitute a single source or facility for purposes of the Nonattainment New Source Review (NNSR) permitting program and the Prevention of Significant Deterioration (PSD)/Title V permitting programs. Based on the information provided by Continental, the Department determined that the proposed plant and the existing ethanol plant should not be considered as a single source or facility in accordance with the applicable regulatory requirements governing each of those permitting programs.

The Potential to Emit (PTE) Volatile Organic Compounds (VOCs) from the sources associated with the proposed construction was determined to be approximately 1.7 tpy. The PTE Hazardous Air Pollutants (HAPs) was determined to be approximately 0.4 tpy. The PTE NO<sub>x</sub> (expressed as NO<sub>2</sub>) was determined to be approximately 0.66 tpy. The PTE Carbon Monoxide (CO) was determined to be approximately 0.32 tpy. The PTE SO<sub>x</sub> (expressed as SO<sub>2</sub>) was determined to be less than 0.01 tpy. The PTE PM<sub>10</sub> was determined to be approximately 1.18 tpy. The PTE PM<sub>2.5</sub> was determined to be approximately 1.18 tpy. The potential emission of greenhouse gas (GHG), expressed as CO<sub>2</sub>e, from the proposed plant was calculated to be equal to approximately 11,150 tons per year (tpy) based on 8,760 hours of operation.

In accordance with the Department's single source determination, the proposed plant was considered as its own facility/stationary source for the purposes of evaluating the applicable regulatory requirements to the sources associated with it. The sources do not have the Potential to Emit equal to or above the applicable major thresholds, according to the emission calculations provided in the plan approval application. Thus, the NNSR, PSD and Title V permitting programs do not apply to the proposed construction.

The proposed CO<sub>2</sub> scrubber is subject to the Best Available Technology (BAT) requirements as codified in 25 Pa. Code §§ 127.1 and 127.12. The uncontrolled potential emissions of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) from the CO<sub>2</sub> scrubber process are equal to approximately 18.6 pounds per hour (lb/hr) and 3.9 lb/hr, respectively. Continental has proposed that control of the emissions of VOCs and HAPs from the CO<sub>2</sub> scrubber using the proposed recuperative thermal oxidizer (RTO) can meet a destruction removal efficiency (DRE) standard set at 98%, based on the vendor documentation provided in the plan approval application. The plan approval will include stack testing performance requirements to demonstrate that the performance of the RTO satisfies BAT.

The proposed cooling towers will be equipped with drift eliminators that can achieve a maximum drift loss equal to 0.001%. Based on this specification and 8,760 hours of operation, the PM<sub>10</sub> emission from each cooling tower will be less than 0.6 tpy and of minor significance in accordance 25 Pa. Code § 127.14(a)(8). Continental will be required pursuant to the plan approval to maintain the cooling tower equipment in accordance with the manufacturer recommended specifications. Additionally, Continental will not be permitted to add any VOC-containing chemicals to the water used in the cooling towers which will be sourced from the municipality's domestic water supply.

Continental will continuously monitor process operating conditions such as, but not limited to, temperature and pressure to maximize production/CO<sub>2</sub> recovery efficiency which will minimize GHG emissions from the proposed construction to the maximum extent possible in accordance with BAT.

In addition to the BAT requirements, the project is also subject to the prohibition of fugitive emissions and malodors as codified in 25 Pa. Code Chapter 123. All plant access roads and parking areas will be required to be paved and maintained to prevent fugitive particulate matter from becoming airborne in accordance with 25 Pa. Code § 123.1. The ammonia level in the closed-loop refrigeration system will be monitored daily. Any signs of ammonia leaks shall be promptly inspected and addressed by Continental's plant personnel.

The Department's review of the information submitted by the facility indicates that the proposed construction will comply with all applicable Federal and State air quality regulatory requirements. The following is a summary of some the additional requirements/conditions that the Department proposes to include in the plan approval to assure the proposed sources are operated in compliance with all applicable air quality regulatory requirements.

The plan approval includes emission restrictions for NO<sub>x</sub>, CO, VOCs, SO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and HAPs. Stack testing on the proposed RTO for VOCs and HAPs is required no later than 180 days from the date of startup. The temperature of the RTO's combustion chamber shall be continuously monitored to verify that it is maintained above the minimum temperature for 98% DRE at all times of operation including startups and shutdowns. The facility will also be required to monitor the RTO's stack daily to verify that no visible emission is being released into the outdoor atmosphere. The plan approval also includes recordkeeping, reporting and work practice conditions to verify compliance with all applicable air quality regulatory requirements.

Based on the findings presented above, the Department proposes to issue a plan approval for the proposed construction. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions including the specifications in the application, the plan approval will be incorporated into a State-Only operating permit which shall be submitted by Continental no later than 120 days upon request by the Department.

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

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**11-00356E: Equirans, L.P.** (625 Liberty Ave., Suite 1700, EQT Plaza, Pittsburgh, PA 15222-3114) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44-127.46 that the Department intends to issue Air Quality Plan Approval: PA-11-00356E to allow the following changes: 1) Installation of engine control upgrades and oxidation catalysts on Source IDs 101-103, 2) installation of oxidation catalysts on Source IDs 104-105, 3) revision of Section D, Condition # 005 of the existing Title V operating permit for Source IDs 101-105 to eliminate the hours of operation restrictions but demonstrate compliance with existing tons per year limits using actual stack test data and actual hours of operation, 4) incorporation of Reasonably Available Control Technology (RACT) requirements in accordance with 25 Pa. Code §§ 129.96—129.100, and 5) clarification of the rated capacity for Source IDs 101—103 as 2,040 brake horsepower (bhp) each at Rager Mountain/Laurel Ridge Transmission Station located in Jackson Township, **Cambria County**.

There are no potential to emit (PTE) differences from the physical changes authorized by this plan approval. Air contamination sources included in this authorization are subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.31, 129.97, and 129.100; and Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) including 40 CFR Part 63 Subpart ZZZZ for stationary reciprocating internal combustion engines. Plan Approval has been conditioned to ensure compliance with all applicable requirements not already included in TV-11-00356. This includes presumptive Reasonably Available Control Technology (RACT) standards and testing, work practice, monitoring, recordkeeping, and reporting conditions where applicable. Once compliance with the Plan Approval is demonstrated, the applicant will update its pending Title V Operating Permit application in accordance with 25 Pa. Code Subchapters F and G. Rager Mountain/Laurel Ridge Transmission Station remains a Title V facility based upon its PTE for NO<sub>x</sub> and CO. PTE from the facility will be 249.23 tons of nitrogen oxides (NO<sub>x</sub>), 109.92 tons of carbon monoxide (CO), 38.2 tons of VOC, 16.0 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), 16.0 tons of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), 0.36 ton of sulfur oxides (SO<sub>x</sub>), 9.27 tons of formaldehyde, 19.37 tons of total hazardous air pollutants (HAP), and 75,891 tons of carbon dioxide equivalents (CO<sub>2</sub>e) per year.

Equitrans' Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Plan Approval for this project, a person may contact the Department at 412-442-4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Nick Waryanka, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Additional written comments may also be submitted. Each

protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-11-00356E) and a concise statement of the objections to the plan approval modification and the relevant facts upon which the objections are based.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

For additional information, you may contact Nick Waryanka at 412-442-4172.

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

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

**AMS IP17-000009 (Southeastern Pennsylvania Transportation Authority (SEPTA) Roberts Complex**, located at 4301 Wissahickon Ave, Philadelphia, PA 19140) for installation of two natural gas-fired Combined Heat and Power (CHP) Generator Unit rated at 6,113 hours power (hp) to produce steam and electricity for use within the Midvale bus facility located at 4301 Wissahickon Ave, Philadelphia, PA 19140. A portion of the electricity generated by the CHP will also be used as supplemental electricity for regional railcars.

Major project activities will include: installation of two Generator Units rated at 6,113 hp each equipped with a Selective Catalytic reduction (SCR) and Oxidation Catalyst (OC) System. The SCR is used to reduce NO<sub>x</sub> emissions and the OC to reduce Carbon Monoxide (CO), Volatile Organic compound (VOC) and Formaldehyde (CH<sub>2</sub>O).

From this project, there will be potential emission increase of 21.7 tons per year (tpy) of NO<sub>x</sub>, 27 tpy of CO, and 16.3 tpy of VOCs. The plan approval will contain emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

Anyone affected by the proposed plan approval may submit written comments for a public hearing by mail to Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, Attn: Debra Williams within thirty (30) days from today. Comments received by facsimile will not be accepted.

AMS will hold a public hearing to accept public comments on June 27, 2017, at 6 PM at the Panati Playground located at 3101 N. 22nd Street, Philadelphia, PA 19132. Persons with a disability who desire to attend the meeting and require an auxiliary aid, service, or other accommodation to participate in the proceedings should contact Henry Kim at (215) 685-9439 to discuss how AMS may accommodate their needs.

#### OPERATING PERMITS

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

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**65-00354 Sunoco Partners Marketing & Terminals, L.P.** (1734 Old Route 66, Delmont, PA 15626), In accordance with Pa. Code 25 §§ 127.441, 127.425, and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the continued operation of a bulk gasoline transfer terminal, known as the Delmont Terminal, located in Salem Township, **Westmoreland County**.

The facility is a bulk gasoline transfer terminal. The main sources at this facility are four gasoline, storage tanks, with storage capacities between 502,152 and 2,570,715 gallons (1-barrel petroleum = 42 US gallons), one 314,244 gallon transmix storage tank, two 888,384 and 1,342,488 gallons, distillate tanks, two ethanol tanks (99,180 & 100,072 gallons), and equipment for gasoline and distillate loading racks. Annual gasoline throughput is limited to a maximum of 483,296,354 gallons. Annual distillate throughput is limited to a maximum of 1,545,169,992 gallons. Apart from the larger distillate tank, all storage tanks have internal floating roofs. Emissions from the loading racks are controlled by a Vapor Recovery Unit (VRU). When the VRU is not available, these emissions are controlled by a Vapor Combustion Unit (VCU).

Annual facility-wide potential emissions during Normal Operation, when the VRU is in service, are 52.0 tons of VOC and 2.1 tons of the sum of all HAPs. Annual facility-wide potential emissions during Alternative Operation, when the VCU is utilized, are 102.4 tons of VOC, 20.5 tons of CO, 8.2 tons of NO<sub>x</sub>, and 4.2 tons of the sum of all HAPs. Sources at the facility are subject to 40 CFR Part 60, Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984, 40 CFR Part 60, Subpart XX—Standards of Performance for Bulk Gasoline Terminals, 40 CFR Part 63 Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, and 25 Pa. Code Chapters 121—145. No equipment or emission changes are being approved by this action. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, workpractice, and reporting requirements for the facility.

Sunoco Partners' Title V Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality Title V Operating Permit for this project are available for review by any interested party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Title V Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Title V Operating Permit for this project, a person may contact Bob Novak at [robernovak@pa.gov](mailto:robernovak@pa.gov) or 412.442.4000.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Department of Environmental Protection,



400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit TVOP-65-00354) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

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

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

**19-00031: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) to issue a modified State only operating permit for their facility located in Scott Township, **Columbia County**. The facility is currently operating under State Only Operating Permit 19-00031. This operating permit revision is to increase the amount of fountain solution additive that may be used in the two heatset web offset lithographic printing presses incorporated in Sources P101 and P102 from 5,600 gallons to 8,600 gallons in any 12 consecutive month period. The State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

No emission or equipment changes are being proposed by this action. 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.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

**12-00008: GKN Sinter Metals, Inc.** (1 Airport Road, PO Box 493, Emporium, PA 15834) to issue a renewal State Only Operating Permit for their facility located in Borough of Emporium, **Cameron County**. The facility's main sources include 12 sintering furnaces, 19 forging line furnaces, 10 finishing lines with shot blasting operation and Two (2) furnaces with one endothermo gas generator.

The facility has potential emissions of 4.97 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to

10 micrometer, 3.33 tpy of nitrogen oxides, 5.86 tpy of carbon monoxide, 13.25 tpy of volatile organic compounds including hazardous air pollutants and 0.02 tpy of sulfur oxides. The potential emissions at the facility decreased slightly since last issuance of the permit, due to removal of five furnaces and one pan washer.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60.

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

**55-00009: Conestoga Wood Specialties Corporation** (441 W. Market St., Beavertown, PA 17813) to issue a renewal State Only Operating Permit for the Beavertown Plant located in Beavertown Borough, **Snyder County**. The facility is currently operating under State Only Operating Permit 55-00009. The facility's main sources include one 14.2 MMBtu/hr natural gas/# 2/# 4 fuel oil fired boiler, one 10.1 natural gas/# 2/# 4 fuel oil fired boiler, one 31 bhp propane fired emergency generator engine, one paint spray booth, one 100 hp emergency fire pump engine, one Safety Kleen cleaning station, one woodwaste trailer load out operation, and various wood-working equipment.

The facility has potential emissions of 9.00 TPY of CO; 15.91 TPY of NO<sub>x</sub>; 27.34 TPY of SO<sub>x</sub>; 63.50 TPY of PM/PM<sub>10</sub>; 3.34 TPY of VOCs; 2.93 TPY HAPs; 16,927 TPY GHGs.

The two boilers are subject to 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers Area Sources. The two emergency engines are subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The cleaning station is subject to 25 Pa. Code § 129.63—Degreasing Operations.

The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 63.

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

**49-00013: Power Plant Greenhouses, LLC** (225 Arcos Road, Mount Carmel, PA 17851) to issue a renewal State Only Operating Permit for their Marion Heights Plant located in Mount Carmel Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00013. The facility's

main sources include two 25.1 MMBtu/hr # 2 fuel oil/propane/natural gas-fired boilers.

The facility has potential/actual emissions of 98.1 tons per year (TPY) of sulfur oxides, 30.4 TPY of nitrogen oxides, 9.2 TPY of carbon monoxide, 3.0 TPY of particulate matter, 0.7 TPY of volatile organic compounds, and 33,959 TPY of greenhouse gases (carbon dioxide equivalents). No changes to equipment or emissions are being proposed as part of this operating permit renewal.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121–145 as well as 40 CFR Part 63.

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

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-00356: Linde Butler Plant** (200 Somerset Corp. Blvd., Bridgewater, NJ 08807) for intent to issue a renewal of the State operating permit located in Butler Township, **Butler County**. The facility operates an air separation plant including an oxygen vaporizer with two natural gas burners, each rated at 26 mmbtu/hr, a mole sieve regenerator with a natural gas burner rated at 2.25 mmbtu/hr, three Ajax boilers (each rated at 9.5 mmbtu/hr) for heating the liquid nitrogen, and a parts washer. The potential emissions from the facility are approximated as follows: NO<sub>x</sub>—22.3 TPY, CO—17.9 TPY, PM—3.3 TPY, VOC—8.5 TPY, and SO<sub>2</sub>—0.3 TPY. The conditions of the previous plan approval were incorporated into the operating permit. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00987: Hanes Erie, Inc.**, (7601 Klier Dr South, Fairview, PA 16415-2449), to renew a State Only Operating Permit for the facility located in Fairview Township, **Erie County**. The facility is a Synthetic Minor. The primary sources at the facility are 12 paint spray booth lines. Potential emissions are as follows: 45 tpy VOC; 9.9 tpy any single HAP; 24.9 tpy Total all HAPs combined; 2.0 tpy NO<sub>x</sub>; and 1.7 tpy CO. The renewal permit contains emission restrictions, reporting, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## 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 appli-

cable 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.*

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES Permit for installation of three degas boreholes. Surface Acres Proposed 25.7. No additional discharges. The application was considered administratively complete on May 2, 2017. Application received March 7, 2017.

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

**43910102. The Ambrosia Coal & Construction Company** (P.O. Box 422, Edinburg, PA 16116) Revision to an existing large industrial minerals mine to change the post-mining land use from pastureland or land occasionally cut for hay to fish and wildlife habitat and/or unmanaged natural habitat in Mill Creek Township, **Mercer County**. Receiving streams: Unnamed tributaries to Little Sandy Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 28, 2017.



**16160106 and NPDES Permit No. PA0259721. Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous surface mine and associated NPDES permit in Clarion Township, **Clarion County**, affecting 58.0 acres. Receiving streams: Two unnamed tributaries to Brush Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 27, 2017.

**29753-16160106-E-1. Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127) Application for a stream encroachment to construct a haul road crossing over unnamed tributary to Brush Run in Clarion Township, **Clarion County**. Receiving streams: Two unnamed tributaries to Brush Run, classified for the following uses: CWF. There are no potable surface water supply intakes

within 10 miles downstream. Application received: April 27, 2017.

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

**Permit No. 19000201R3. Mid-Valley Coal Sales, Inc.**, (212 West Cherry Street, Mt. Carmel, PA 17851), renewal of an existing anthracite coal refuse reprocessing and coal refuse disposal operation in Conyngham Township, **Columbia County** affecting 343.0 acres, receiving stream: North Branch Shamokin Creek, classified for the following use: cold water fishes. Application received: April 28, 2017.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**Permit No. 21140301 and NPDES No. PA0594296, Hempt Brothers, Inc.**, 205 Creek Road, P.O. Box 278, Camp Hill, PA 17001, renewal of NPDES permit, Silver Spring Township, **Cumberland County**. Receiving stream: unnamed tributary to Hogestown Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 28, 2017.

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

**Permit No. 8275SM5C10 and NPDES Permit No. PA0595381. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.**, (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in East Cocalico Township, **Lancaster County** affecting 150.0 acres, receiving stream: Stony Run, classified for the following use: warm water fishes. Application received: May 1, 2017.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

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

#### *Effluent Limits for Noncoal Mining Activities*

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

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0214337 (Mining Permit No. 17141601), E. M. Brown, Inc.,** (P.O. Box 767, Clearfield, PA 16830). A new NPDES and mining activity permit for the Winburne AMD Abatement Site in Cooper Township, **Clearfield County**, formerly permitted under Permit No. 17881601. Surface Acres Affected 3.4. Receiving stream: Sulphur Run, classified for the following use: CWF-MF. Moshannon Creek Watershed TMDL. The application was considered administratively complete on April 22, 2015. Application received February 19, 2015.

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

*Outfall 001 discharges to: Sulphur Run*

The proposed effluent limits for Outfall 001 (Lat: 40° 58' 36.4" Long: -78° 9' 7.9") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	0.0216	-
pH				9.0	
	(S.U.)	6.0	-	Max	-
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Selenium, total	(ug/L)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Osmotic Pressure	(mos/kg)	-	84.2	168.4	-
Chloride	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO <sub>3</sub> )	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO <sub>3</sub> )	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO <sub>3</sub> )	(mg/l)	0.0	-	-	-

*Outfall 002* discharges to: Sulphur Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 58' 35.2" Long: -78° 9' 6.2") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	0.0216	-
pH	(S.U.)	6.0	-	9.0	-
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Selenium, total	(ug/L)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Osmotic Pressure	(mos/kg)	-	84.2	168.4	-
Chloride	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO <sub>3</sub> )	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO <sub>3</sub> )	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO <sub>3</sub> )	(mg/l)	0.0	-	-	-

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

**NPDES No. PA0249718 (Mining Permit No. 11050101), E.P. Bender Coal Co., Inc.,** P.O. Box 594, Carrolltown, PA 15722 renewal of an NPDES permit for bituminous coal surface mining in Cresson Township, **Cambria County**, affecting 197.7 acres. Receiving streams: unnamed tributary to Bear Rock Run and Burgoon Run, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: December 9, 2016.

The treatment facility outfalls listed below discharge to unnamed tributary to Bear Rock Run and Burgoon Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N
005	N
006	N
007	N

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

<i>Outfalls: (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The stormwater facilities outfall(s) listed below discharge to Unnamed Tributary to Bear Rock Run and Burgoon Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
008	N
009	N

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

<i>Outfalls: (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8

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

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

**NPDES No. PA0206628 (Mining permit no. 17910114), River Hill Coal Company, Inc.**, P.O. Box 141, Kylertown, PA 16847, renewal of an NPDES permit for surface mining with only passive treatment remaining in Karthaus Township, **Clearfield County**, affecting 4.0 acres. Receiving stream(s): Unnamed Tributary to Dutch Hollow, classified for the following use(s): HQ-CWF, MF. West Branch Susquehanna River Watershed TMDL. Application received: April 4, 2017.

The outfall(s) listed below discharge to Unnamed Tributary to Dutch Hollow.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
MGK-3A	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.	90.0

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0279501 (Mining Permit No. 11170801), Thomas J. Bender**, P.O. Box 356 Carrolltown, PA 15722, new NPDES permit for discharge of stormwater resulting from shale mining in East Carroll Township, **Cambria County**, affecting 2.0 acres. Receiving stream: unnamed tributary to Laurel Lick Run, classified for the following use: High Quality—Cold Water Fishes. This receiving stream is included in the Chest Creek Sediment TMDL. Application received: April 17, 2017.

The outfall listed below discharges to an infiltration gallery:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Infiltration Gallery Sampling Port)	Y

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

<i>Outfalls: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	N/A	N/A	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
Alkalinity must exceed acidity.			

The outfall listed below discharges to unnamed tributary to Laurel Lick Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002 (Emergency Spillway)	Y

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

<i>Outfalls: 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	N/A	N/A	25.0
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
Alkalinity must exceed acidity.			

The emergency spillway will only discharge during a 10 year/24 hour precipitation event.

**NPDES No. PA0279463 (Mining Permit No. 44170801), William Shafranich**, 8782 Back Mountain Road, Milroy, PA 17063, new NPDES permit for noncoal surface mining in Armagh Township, **Mifflin County**, affecting 5.0 acres. Receiving stream: Unnamed Tributary to Laurel Creek, classified for the following use: High Quality Cold Water Fishes. Application received: January 26, 2017.

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

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
001A	Y
002A	Y

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices in the form of infiltration trenches. The only potential point source discharges to surface water are the discharges from the emergency spillways of sediment traps during precipitation that exceeds a 10 yr/24 hr event. Instantaneous maximum BAT limits will be applied to the outfall effluent entering the infiltration trenches for the protection of the groundwater. Effluent limits for the emergency spillways are as follows:

*Outfalls: 001A, 002A (Sediment Trap Emergency Spillway)*

<i>(During ≥10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Settleable Solids (ml/l)	N/A	N/A	25.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

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

**NPDES No. PA0241881 (Permit No. 37010301). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 205.0 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. TMDL: N/A. Application received: March 20, 2017.

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

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TC	N
TE	N
TE-1	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
B	N
C	N
D	N
E	N
F	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES No. PA0269735 (Mining permit no. 14810401, Brooks Quarry), Centre Lime & Stone Company, Inc.**, 118 Bedrock Road, Bellefonte, PA 16823. New NPDES permit for Noncoal Surface Mine in Spring Township, **Centre County**, affecting 173.8. Receiving stream(s): Logan Branch, classified for the following use(s): CWF. Application received: August 15, 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 outfall(s) listed below discharge to Logan Branch:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (SWR01)	Y
002 (SWR02)	Y

A sampling point has been established on the conveyance channel to 002 (SWR02-Storm Water Retention Basin 02) just before the surface water drainage enters SWR02. This sampling point will monitor the surface water runoff from the onsite asphalt plant. In addition to the BAT effluent limits mentioned above, the proposed effluent limits for outfall(s) 002 (SWR02) will also include:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	Monitor Only	Monitor Only	Monitor Only	Monitor Only

**NPDES No. PA0614181 (Mining permit no. 60840401), New Enterprise Stone & Lime, Inc./dba Eastern Industries, Inc.**, 3724 Crescent Court West, Suite 200, Whitehall, PA 18052 Renewal of NPDES permit for Noncoal Surface Mine in Buffalo Township, **Union County**, affecting 218.7 acres. Receiving stream(s): Buffalo Creek, classified for the following use(s): TSF, MF. Application received: September 28, 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 outfall(s) listed below discharge to Buffalo Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (SPA)	N
003 (SPC)	N
004 (SPD)	N
005 (SPE)	N
007 (PPI)	N

A sampling point has been established on the conveyance channel to 001 (SPA-Sediment Pond A) just before the surface water drainage enters SPA. This sampling point will monitor the surface water runoff from the onsite asphalt plant. In addition to the BAT effluent limits mentioned above, the proposed effluent limits for outfall(s) 001 (SPA) will also include:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	Monitor Only	Monitor Only	Monitor Only	Monitor Only

**NPDES No. PA0069744 (Mining permit no. 6075SM3), New Enterprise Stone & Lime, Inc./dba Eastern Industries, Inc.**, 3724 Crescent Court West, Suite 200, Whitehall, PA 18052. Renewal of NPDES permit for Noncoal Surface Mine in Union Township, **Union County**, affecting 414.7 acres. Receiving stream(s): Winfield Creek, classified for the following use(s): TSF, MF. Application received: September 28, 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 outfall(s) listed below discharge to Winfield Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
006 (SPA)	N
007 (SPHA)	N
013 (SPE)	Y
014 (STK)	N
015 (TPMB)	Y

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

**NPDES Permit No. PA0225655 on Surface Mining Permit No. 39880302. Coplay Aggregates, Inc.**, (21 East 10th Street, Northampton, PA 18067), new NPDES Permit (replacing GP104 No. 39880302GP104) for a limestone quarry operation in Whitehall Township, **Lehigh County**, affecting 21.49 acres. Receiving stream: Coplay Creek, classified for the following use: cold water and migratory fishes. Application received: January 26, 2017.

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

The outfall listed below discharge to Coplay Creek

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	No	Groundwater/Pit Sump

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E36-967: Millersville Borough**, 100 Municipal Drive, Millersville, PA 17551 in Manor Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain a 30 linear foot extension of a 36 inch diameter, corrugated metal pipe with concrete endwall in an unnamed tributary to the Conestoga River (WWF, MF) (Latitude: 39°59'6.79", Longitude: -76°20'

55.41") for the purpose of improving safety standards. No wetlands will be impacted by this project.

**EA36-047: U.S. Fish and Wildlife Service**, 110 Radnor Road, State College, PA 16801 in Drumore Township, **Lancaster County**, U.S. Army Corps Of Engineers Baltimore District.

To construct and maintain a stream restoration project along approximately 1,170 feet of Fishing Creek (HQ-CWF, MF) and an unnamed tributary to Fishing Creek (HQ-CWF) including 1) a 75.0-foot long mudsill; 2) 12 log vanes; and 3) 350 feet of channel relocation;. The project is located upstream of Oregon Hollow Road approximately 0.5 mile south of its intersection with Penny Road (Wakefield, PA Quadrangle, Latitude 39°51'10.28"N, Longitude: 76°14'40.69"W) in Drumore Township, Lancaster County. No wetlands will be impacted by this project.

**E22-634: Dauphin County Parks and Recreation**, 100 Fort Hunter Road, Harrisburg, PA 17110, Susquehanna Township and Paxtang Borough, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

Restoration, enhancement structures, and bank stabilization along approximately 4,084 of stream reach to address storage capacity and potential infrastructure issues. The project involves 4 separate work sites, three of which occur in the stream channel and work within the floodway of an unnamed tributary to Spring Creek (CWF, MF) (LKA Parkway Creek) and a separate location that does not include in-stream work. The project permanently impacts 0.002 of an acre of wetland. Stream impacts include 816 and 152 linear feet of permanent and temporary impacts, respectively. The project is located in Susquehanna Township, the City of Harrisburg, and Paxtang Borough, Dauphin County (Latitude 40°16'23", Longitude -76°50'33", Latitude 40°16'5", Longitude -76°50'10", Latitude 40°15'58", Longitude -76°50'9", Latitude 40°16'20", Longitude -76°50'30"). Wetland impacts are de minimis and replacement is not required.

**E36-951: Kasun & Associates**, PO Box 10, East Petersburg, PA 17520, In East Cocalico Township, **Lancaster County**, U.S. Army Corps Of Engineers Baltimore District.

To place and maintain fill in two ponds totaling 0.15 acre for the purpose of constructing a warehouse facility and associated parking. The project is located at the intersection of South Muddy Creek Road and Trost Road (Latitude: 40° 12' 48"N, Longitude: 76° 04' 05"W) in East Cocalico Township, Lancaster County.

**E67-906: Pennsylvania Turnpike Commission**, PO Box 67676, Harrisburg, Pennsylvania, 17106-7676 in Fairview Township, **York County**, Army Corps of Engineers Baltimore District.

The applicant proposes a major amendment to the following permitted activities:

1. to remove the existing structure and install and maintain a 130.0-foot long, 24.0-inch reinforced concrete

pipe (RCP) culvert and to fill and relocate and maintain 540.3 feet of an unnamed tributary to Yellow Breeches Creek (CWF, MF);

2. to remove the existing structure and construct and maintain a 280.0 foot long and a 70 foot long 8.0-foot × 16.0-foot reinforced concrete box culvert in an unnamed tributary to Yellow Breeches Creek (CWF, MF) with a 56.3 foot channel relocation;

3. to construct and maintain a stormwater basin impacting 577.0 feet of an unnamed tributary to Yellow Breeches Creek (CWF, MF);

4. to extend and maintain an existing 397.0-foot long 48.0-inch RCP culvert in kind by 77.3 feet at the upstream end and to relocate and maintain 297.9 feet of an unnamed tributary to Marsh Run (WWF, MF);

5. to extend and maintain an existing 112.0-foot long 48.0-inch RCP culvert in kind by 12.0 feet at the upstream end and 26.0 feet at the downstream end with a rock apron extending 17.0 feet downstream and to relocate and maintain 66.0 feet of an unnamed tributary to Marsh Run (WWF, MF), permanently impacting 0.03 acre of PEM/PSS wetland;

6. to extend and maintain an existing 164.0-foot long 36.0-inch corrugated metal pipe (CMP) culvert in kind by 19.0 feet at the upstream end and by 42.0 feet at the downstream end with a rock apron extending 14.0 feet downstream and to relocate and maintain 66.0 feet of an unnamed tributary to Marsh Run (WWF, MF), temporarily impacting 0.1 acre of PEM/PSS wetland and permanently impacting 0.07 acre of PEM/PSS wetland;

7. to remove the existing structures and install and maintain a 166.0-foot, 48.0-inch RCP culvert, a 36.0-foot, 48-inch RCP culvert, and relocate and maintain 18.0 linear feet of channel in an unnamed tributary to Marsh Run (WWF, MF);

8. to extend and maintain an existing 158.0-foot long, 48-inch RCP culvert in kind by 74.0 feet at the upstream end and by 84.0 feet at the downstream end and to relocate and maintain 25.7 foot and 30.0 foot stretches of stream in an unnamed tributary to Marsh Run (WWF, MF);

9. to extend and maintain an existing 109.0-foot long 5.0-foot × 10.0-foot box culvert in kind by 16.0 feet at the upstream end with rock aprons extending 31.8 feet upstream and 29.1 feet downstream and by 17.0 feet at the downstream end in an unnamed tributary to Marsh Run (WWF, MF);

10. to extend and maintain an existing 100.0-foot long, 54.0-inch RCP culvert in kind by 41.0 feet at the upstream end and by 33.0 feet at the downstream end with a rock energy dissipater extending 24.6 feet downstream and to relocate 33.9 linear feet of stream channel in an unnamed tributary to Marsh Run (WWF, MF);

11. to extend and maintain an existing 150.0-foot long, 42.0-inch RCP culvert in kind by 35.0 feet at the upstream end and by 13.0 feet at the downstream end, and to relocate 13.4 foot and 100.6 foot sections of stream channel in an unnamed tributary to Marsh Run (WWF, MF);

12. to extend and maintain an existing 196.0-foot long, 30.0-inch RCP culvert in kind by 25.0 feet at the upstream end and by 20.0 feet at the downstream end and to relocate 98.1 and 30.0 foot sections of stream channel in an unnamed tributary to Marsh Run (WWF, MF);

13. to remove the existing structure and to install and maintain a 136.0-foot long, 24.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF), temporarily impacting 0.01 acre of PFO wetland;

14. to remove a portion of the existing structure and to install and maintain a 102.0-foot long, 24-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

15. to remove the existing culvert and install and maintain a 40.0-foot long, 54.0-inch RCP culvert with a rock apron extending 20.3 feet downstream and relocate a 44.5 foot section of stream in an unnamed tributary to Marsh Run (WWF, MF);

16. to install and maintain a 40.0-foot long, 18.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

17. to install and maintain a 26.0-foot long, 30.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

18. to install and maintain a 28.0-foot long, 42.0-inch RCP culvert with a rock apron extending 22.1 feet downstream in an unnamed tributary to Marsh Run (WWF, MF);

19. to install and maintain a 20.0-foot long, 18.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

20. to install and maintain a 29.0-foot long, 18.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

21. to install and maintain rock deflectors, coir fiber rolls and rock stabilization in a 365.0 foot stream realignment in an unnamed tributary to Marsh Run (WWF, MF);

22. to install and maintain a 26.0-foot long, 18.0-inch RCP culvert and a 29.0-foot long, 18.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

23. to install and maintain a 28.0-foot long, 54.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

24. to place and maintain fill in 0.01 acre PEM wetland in the watershed of an unnamed tributary to Yellow Breeches Creek (CWF, MF);

25. to place and maintain fill in 0.02 acre PEM wetland in the watershed of an unnamed tributary to Yellow Breeches Creek (CWF, MF);

26. to place and maintain fill in 0.06 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.04 acre of PEM wetland;

27. to place and maintain fill in 0.12 acre of PEM wetland and 0.18 acre of PSS wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

28. to place and maintain fill in 0.01 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.01 acre of PEM wetland;

29. to place and maintain fill in 0.04 acre PSS wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.01 acre of PSS wetland;

30. to place and maintain fill in 0.10 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.08 acre of PEM wetland;



31. to place and maintain fill in 0.03 acre PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

32. to place and maintain fill in 0.06 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.04 acre of PEM wetland

33. to place and maintain fill in 0.01 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

34. to place and maintain fill in 0.01 acre PSS wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.02 acre PSS wetland;

35. to place and maintain fill in 0.02 acre PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.20 acre PFO wetland;

36. to place and maintain fill in 0.01 acre PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

37. to temporarily place fill in 0.01 acre of PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

38. to place and maintain fill in 0.01 acre of PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) all for the purpose of improving road safety. The project is located between milepost 241.98 and 245.51 of the Pennsylvania Turnpike (Lemoyne and Steelton, PA Quadrangle, beginning at Latitude 40° 12' 44"; Longitude -76° 52' 28" and ending at Latitude: 40° 11' 52"; Longitude: -76 48' 47") in Fairview Township, York County. Mitigation for the project includes creation of a minimum of 1.45 acre of wetland and the restoration/enhancement of 2,815.0 linear feet of stream channel to compensate for unavoidable impacts. Wetland restoration will occur along the floodplain of Yellow Breeches Creek in Fairview Township, York County (Latitude: 40° 11' 53"; Longitude: -76° 55' 49") and stream mitigation will occur along an unnamed tributary to Yellow Breeches Creek in Fairview Township, York County (from upstream limit Latitude 40° 11' 41"; Longitude: -76° 54' 35" to downstream limit Latitude 40° 12' 11"; Longitude: -76° 54' 54").

The major amendment includes the following:

1. The addition of 40.0 linear feet of step pool structures on an unnamed tributary to Marsh Run (WWF) at 40° 12' 8.26"; -76° 50' 40.83";

2. The addition of 79.0 linear feet of stream bed and bank stabilization of an unnamed tributary to Marsh Run (WWF) at 40° 11' 49.17"; -76° 49' 18.18";

3. The reconstruction of 24.0 linear feet of relocated unnamed tributary to Marsh Run (WWF) with natural channel design at 40° 11' 49.12"; -76° 49' 21.37";

4. The addition of 10.0 linear feet of riprap apron in an unnamed tributary to Marsh Run (WWF) at 40° 11' 50.16"; -76° 49' 5.00";

5. The addition of an outfall channel to an unnamed tributary to Marsh Run (WWF) at 40° 12' 19.98", -76° 51' 18.49".

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E56-387, PennDOT District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, Brothersvalley Township, **Somerset County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Remove the existing 32.2' single span, 25.5' wide, SR 3010 bridge over Millers Run (CWF), with a drainage area of 3.06 square miles; construct and maintain a replacement 43' single span, 35.3' wide bridge, with a minimum underclearance of 3.5'.

2. Remove the existing 80' long, 15" diameter SR 3010 culvert carrying a UNT to Millers Run (CWF), with a drainage area of 0.45 square mile; construct and maintain a replacement 192' long, 66" diameter RCP enclosure, depressed 6".

3. Remove the existing 38' long, 18" diameter SR 3010 culvert carrying a UNT to Tubs Run (CWF), with a drainage area of 0.17 square mile; construct and maintain a replacement 44' long, 48" diameter equivalent elliptical RCP culvert, depressed 6".

4. Remove the existing 15.25' single span, 24' wide SR 3010 bridge over Tubs Run (CWF), with a drainage area of 2.46 square miles; construct and maintain a replacement 75.9' long, 16' wide box culvert, with a minimum underclearance of 6' and depressed 1'.

5. Remove and replace existing culverts, and construct and maintain additional permanent stream impacts totaling 1,079' in UNTs to Millers Run (CWF) and Tubs Run (CWF), with drainage areas of less than 100 acres.

6. Remove the existing 32.2' single span, 25.5' wide bridge over Tubs Run (CWF), with a drainage area of 3.06 square miles; construct and maintain a replacement 43' single span 35.3' wide bridge, with a minimum underclearance of 3.5'.

7. Place and maintain fill in 0.165 acre of PEM wetlands, 0.032 acre of PSS wetlands, and 0.05 acre of PFO wetlands.

8. In addition, install and maintain road associated stormwater outfalls, and temporarily impact 0.227 acre of wetland and 396' of stream, for the purpose of constructing these encroachments. Stream mitigation will be provided on site and at the South Fork of Bens Creek (HQ-CWF), Conemaugh Township, Somerset County (Berlin, PA Quadrangle to Johnstown, PA Quadrangle; Beginning Latitude: 40° 16' 0"; Longitude: -78° 58' 32"; Ending Latitude: 40° 15' 42"; Longitude: -78° 58' 16"). Wetland mitigation will be constructed on site.

These encroachments are associated with the SR 3010, Mud Pike Road improvement project, which extends west approximately 4.0 miles from the existing intersection of SR 219 and SR 3010, to the intersection of SR 2031 and SR 3010, Garrett Shortcut Road (Berlin, PA Quadrangle to Murdock, PA Quadrangle; Beginning Latitude: 39° 55' 47.12"; Longitude: -79° 58' 30.32"; Ending Latitude: 39° 56' 0"; Longitude: -79° 2' 23"), in Brothersvalley Township, Somerset County.

**E63-702, Muirfield Land Partners, LLC**, 2585 Washington Road, Bldg 100, Suite 130, Pittsburgh, PA 15241, North Strabane Township, **Washington County**, Pittsburgh ACOE District.

The applicant proposes to:

Construct a 163-lot single family home subdivision with associated infrastructure. The site includes two (2) culvert crossings, and two (2) utility crossings over an unnamed tributary to Little Chartiers Creek (HQ-WWF). Culvert # 1 will consist of 95 linear feet of 66" reinforced concrete pipe. Culvert # 2 will consist of 110 linear feet of 54" reinforced concrete pipe. Utility crossings will include two (2) separate 8" gravity sanitary sewer lines crossing an unnamed tributary to Little Chartiers Creek in two (2) locations. These utility line crossings will also impact approximately 3,800 square feet of wetlands. The site will also include associated roadways, utilities, storm water management facilities, and all other necessary appurtenances. The project is located on the north side of Thomas Eighty Four Road, approximately one thousand feet east of its intersection with SR 519. (Hackett & Washington East, PA USGS Topographic Quadrangle; Latitude 40° 12' 33"N, Longitude -80° 07' 0.893"W, Sub-basin 20F, Army Corp of Engineers Pittsburgh District), in North Strabane Township, Washington County.

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

**E42-374, JBR Partners, LP**, 214 West 4th Street, Emporium, PA 15834. Robbins Brook Road Bridge Replacement, in Norwich Township, **McKean County**, ACOE Pittsburgh District (Crosby, PA Quadrangle N: 41°, 44', 1.67"; W: 78°, 24', 36.68").

To remove the existing structure and construct and maintain a single-span, premanufactured steel I-beam bridge with a timber deck and supported by a 2' x 2' x 6' landscape block abutments having a span of approximately 29 feet and an underclearance of approximately 8 feet across Robbins Brook on Robbins Brook Road approximately 1 mile from intersection with West Valley Road in Norwich Township, McKean County.

**E25-785, Mid-Atlantic Interstate Transmission**, 341 White Pond Drive, Akron, OH 44320. Erie East Substation Expansion, in North East Township, **Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 42°, 09', 57.82"; W: 79°, 50', 11.19").

Applicant proposes to expand the existing Erie East Electric Substation, located along Arnold Road in North East Township, including expansion of the station footprint to accommodate additional equipment, installation of stormwater management facilities, moving the access road, installation of multiple utility poles in a wetland to accommodate the re-routing of electric lines, and installation of a temporary power line to by-pass the station during construction. The project will permanently impact 0.191 acre of PEM wetland and temporarily impact 0.257 acre of PEM wetland and 11 LF of UNT Twelve Mile Creek. Applicant proposes to mitigate for these impacts by constructing a 0.31 acre wetland on-site.

**E10-508, MHB Real Estate Holdings, LLC**, 705 Moravia Street, New Castle, PA 16101. Butler Equipment Rental Options Storage Yard in Lancaster Township, **Butler County**, ACOE Pittsburgh District (Zelienople & Evans City, PA Quadrangles N: 40°, 49', 16"; W: -80°, 7', 28").

To construct and maintain a 35' long by 27' wide Aluminum Structural Plate Box Culvert having a 19'-10" span, 7'-8" underclearance, upstream and downstream wingwalls, and a 1' stream bed depression on Scholars Run (WWF).

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

**E5829-122: New Milford Township, Susquehanna Gathering Company, LLC**, 1429 Oliver Road, New Milford, PA 18334-7516; New Milford Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch diameter steel natural gas pipeline and timber mat bridge crossing impacting 50 lineal feet of an unnamed tributary to Nine Partners Creek (Harford, PA Quadrangle; Latitude: 41° 50' 24"N, Longitude: 75° 41' 30"W),

2) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 4,340 square feet (0.1 acre) of palustrine forested wetland (PFO) and permanently impacting 6,490 square feet (0.15 acre) of PFO wetland (Harford, PA Quadrangle; Latitude: 41° 50' 24"N, Longitude: 75° 41' 30"W),

3) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 2,240 square feet (0.05 acre) of palustrine forested wetland (PFO) and permanently impacting 1,526 square feet (0.04 acre) of PFO wetland (Harford, PA Quadrangle; Latitude: 41° 50' 24"N, Longitude: 75° 41' 26"W),

4) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 1,366 square feet (0.03 acre) of palustrine forested wetland (PFO) and permanently impacting 870 square feet (0.01 acre) of PFO wetland (Harford, PA Quadrangle; Latitude: 41° 50' 24"N, Longitude: 75° 41' 22"W),

5) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 1,513 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 25"N, Longitude: 75° 41' 17"W),

6) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 5,335 square feet (0.12 acre) of palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 25"N, Longitude: 75° 41' 17"W),

7) a timber mat crossing temporarily impacting 2,544 square feet (0.06 acre) of palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 24"N, Longitude: 75° 41' 17"W),

8) a 12-inch diameter steel natural gas pipeline and timber mat bridge crossing impacting 80 lineal feet of an unnamed tributary to Nine Partners Creek (Harford, PA Quadrangle; Latitude: 41° 50' 25"N, Longitude: 75° 41' 16"W),

9) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 3,708 square feet (0.09 acre) of palustrine forested wetland (PFO) and permanently impacting 5,060 square feet (0.12 acre) of PFO wetland (Harford, PA Quadrangle; Latitude: 41° 50' 27"N, Longitude: 75° 41' 13"W),

10) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 3,011 square feet (0.07 acre) of palustrine forested wetland (PFO) and permanently impacting 2,729 square feet (0.06 acre) of PFO wetland (Harford, PA Quadrangle; Latitude: 41° 50' 30"N, Longitude: 75° 41' 05"W),



11) a timber mat crossing temporarily impacting 1,139 square feet (0.03 acre) of palustrine forested wetland (PFO) and permanently impacting 280 square feet (0.01 acre) of PFO wetland (Harford, PA Quadrangle; Latitude: 41° 50' 33"N, Longitude: 75° 41' 01"W),

12) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 840 square feet (0.02 acre) of palustrine forested wetland (PFO) and permanently impacting 6,298 square feet (0.14 acre) of PFO wetland (Harford, PA Quadrangle; Latitude: 41° 50' 35"N, Longitude: 75° 41' 02"W),

13) a timber mat and temporary work space temporarily impacting 15,753 square feet (0.36 acre) of palustrine forested wetland (PFO) (Harford, PA Quadrangle; Latitude: 41° 50' 35"N, Longitude: 75° 41' 02"W),

14) a 12-inch diameter steel natural gas pipeline crossing impacting 53 square feet of floodway to an unnamed tributary to Nine Partners Creek (Harford, PA Quadrangle; Latitude: 41° 50' 37"N, Longitude: 75° 40' 59"W).

The 36–38 Pipeline project consists of constructing a 12-inch diameter steel natural gas pipeline approximately 0.8 mile long in New Milford Township, Susquehanna County. The project will result in 183 lineal feet of temporary stream impacts, 40,964 square feet (0.94 acre) of temporary wetlands impacts, and 20,478 square feet (0.47 acre) of permanent wetlands impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

**E5929-066: HEP Tioga Gathering, LLC**, 16211 La Cantera Parkway, Suite 202, San Antonio, TX, 78256, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 6,878 square feet of a palustrine forested (PFO) wetland and 55 linear feet of an unnamed tributary to Blockhouse Creek (Liberty, PA Quadrangle 41° 35' 42" N, 77° 05' 56" W);

2) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 17,368 square feet of a palustrine emergent (PEM) wetland, 6,825 square feet of a palustrine forested (PFO) wetland and 55 linear feet of an unnamed tributary to Blockhouse Creek (Liberty, PA Quadrangle 41° 35' 35" N, 77° 05' 50" W);

3) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 278 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41° 35' 15" N, 77° 05' 57" W);

4) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 5,493 square feet of a palustrine forested (PFO) wetland (Liberty, PA Quadrangle 41° 35' 02" N, 77° 05' 56" W);

5) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 50 linear feet of an unnamed tributary to Blockhouse Creek (Liberty, PA Quadrangle 41° 34' 54" N, 77° 05' 59" W).

The project will result in 160 linear feet of temporary stream impacts, 19,474 square feet (0.45 acre) of permanent wetland impacts, and 17,368 square feet (0.40 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County. The permittee will provide 0.45 acre of compensatory mitigation for forested wetland impacts at an off-site location (Tiadaghton, PA Quadrangle 41° 41' 26" N, 77° 25' 12" W) in Shippen Township, Tioga County.

#### **WATER QUALITY CERTIFICATIONS REQUESTS**

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

**WQ20-002, USDA—Natural Resource Conservation Service**, 359 East Park Drive, Suite 2, Harrisburg, PA 17111. Ernst Wetland Reserve Program, in East Fairfield Township, **Crawford County**, ACOE Pittsburgh District (Cochran, PA Quadrangle N: 41°, 31', 34.45"; W: 80°, 04', 08.03").

Applicant is requesting Clean Water Act Section 401 State Water Quality Certification for a wetland enhancement project proposed under the US Department of Agriculture—Natural Resource Conservation Service Wetland Reserve Program. The overall purpose of this project is to increase the capacity of wetland wildlife habitat and improve water quality by restoring original hydrology and promoting native vegetation. This project proposes installation of 2 embankments, 1 ditch plug, and 3 potholes which are anticipated to enhance 10.72 acres of existing wetland and create 3.88 acres of new wetland. Construction of the embankments will result in permanent impact to 0.25 acre of wetland. This project has received Federal authorization under a USACE Nationwide Permit 27.

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## **ACTIONS**

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### **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.*

<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>
PA0064092 (Sewage)	Beach Lake Municipal Authority WWTP PO Box 151 Beach Lake, PA 18405	Wayne County Berlin Township	Beach Lake Creek (1-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0027189 Sew	Lower Allen Township Authority 120 Limekiln Road New Cumberland, PA 17070-2428	Fairview Township York County	Susquehanna River in Watershed(s) 7-E	N
PA0026441 Sew	The Municipal Authority of the Borough of Lemoyne 3 Lowther Street Lemoyne, PA 17043-2029	Lemoyne Borough Cumberland County	Susquehanna River in Watershed(s) 7-E	N
PA0247715 Sew	Greater Gettysburg Development Company, LLC 601 Mason Dixon Road Gettysburg, PA 17325	Straban Township Adams County	UNT of Rock Creek in Watershed 13-D	Y
PAG043962 Sew	Jessie Hoon & Travis Mease SRSTP 2751 Spring Road Carlisle, PA 17013	Middlesex Township Cumberland County	UNT to Conodoguinet Creek in Watershed 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0020338 (Sewage)	Kulpmont Marion Heights Joint Municipal Sewer System PO Box 126 860 Spruce Street Kulpmont, PA 17834-0126	Northumberland County Coal Township	Unnamed Tributary to Quaker Run (6-B)	No

*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>
PA0239551 (Sewage)	Westminster Highlands Camp 13110 Old Lake Road East Springfield, PA 16411	Venango County Scrubgrass Township	Little Scrubgrass Creek (16-G)	Yes

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

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

**NPDES Permit No. PA0264865**, Sewage, SIC Code 4952, 8800, **John Kersey**, 5495 Jackson Run Road, Warren, PA 16365.

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

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

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

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

**WQM Permit No. 3517201**, Sewage, SIC Code 4952, **Throop Borough Lackawanna County**, 436 Sanderson Street, Throop, PA 18512.

This proposed facility is located in Throop Borough, **Lackawanna County**.

Description of Proposed Action/Activity: Sewage system conveyance system for the existing gravity sanitary sewerage system within Schoolside Estates phase I, the proposed new Phase II gravity system, and a proposed connection of Milnerhouse Kennels by force main. Phases I & II are located on Schoolside Drive, and Milnerhaus Kennels is located at 41 Underwood Road. All sewage will continue to the Lackawanna River Basin Sewage Authority interceptor sewer and then to the Lackawanna River Basin Sew Auth Throop WWTP.

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

**WQM Permit No. 3617402**, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603.

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

Description of Proposed Action/Activity:

This permit approves the construction of sewage facilities consisting of:

- Approximately 490' of 30" gravity sewer
- New submersible pumping station
- Approximately 19,840' of 20" force main.

**WQM Permit No. WQG02671701**, Sewerage, **York Water Co.**, 130 E Market Street, York, PA 17401.

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

Description of Proposed Action/Activity:

This permit approves the construction and operation of a pump station.

**WQM Permit No. WQG01211701**, Sewerage, **Jessie Hoon & Travis Mease**, 2751 Spring Road, Carlisle, PA 17013.

This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of Small Flow Treatment Facilities designed according to the Small Flow Treatment Facilities Manual DEP ID 362-0300-002.

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

**WQM Permit No. 6216410**, Sewage, **John Kersey**, 5495 Jackson Run Road, Warren, PA 16365.

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

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

**WQM Permit No. 362-S-030 A-2**, Sewage, SIC Code 3678, 4952, **ENP Enterprises LLC**, P.O. Box 249, Pleasantville, PA 16341.

This existing facility is located in Oilcreek Township, **Venango County**.

Description of Proposed Action/Activity: Amendment to transfer ownership from PFV Enterprises, Inc. and to re-rate facility design flow to 0.001 MGD based on current operating conditions.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD460006	Toll PA XIV, LP 250 Gibraltar Road Horsham, PA 19044	Montgomery	Whitemarsh Township	Spring Mill Creek Tributary to Schuylkill River CWF
PAI011516017	Schuylkill Township 111 Valley Park Road Phoenixville, PA 19460	Chester	Schuylkill Township	Unnamed Tributary to Pickering Creek HQ

*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>
PAI025816003	Rail-Trail Council of NEPA, Inc. P.O. Box 32 Union Dale, PA 18470	Susquehanna	Thompson	Unnamed Tributary to Starrucca Creek (EV, MF)
PAD390011	Audra Kahr Cedar Crest College 100 College Drive Allentown, PA 18104	Lehigh	City of Allentown	Cedar Creek (HQ-CWF, MF)
PAD390004	Mr. Scott Bosco Riverbend Upper Macungie Properties I, LLC 204 W. Newberry Rd. Bloomfield, CT 06002	Lehigh	Upper Macungie Township	Iron Run (HQ-CWF, MF)
PAD450005	Aldi Inc. 2700 Saucon Valley Road Center Valley, PA 18034	Monroe	Coolbaugh Township	Indian Run (EV)
PAD480004	Keystone Food Products Inc. c/o Mr. William A. Corriere Jr. 3767 Hecktown Road P.O. Box 326 Easton, PA 18042	Northampton	Lower Nazareth Township	Shoeneck Creek (WWF, MF) Bushkill Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032116011 Issued May 5, 2017	Dickinson College 5 North Orange Street P.O. Box 1773	Cumberland County	Carlisle Borough	LeTort Spring Run (HQ-CWF, MF)
PAD210008 Issued May 5, 2017	Ridge Penn Commerce Partners I, LLC 3340 Peachtree Road Suite 1000 Atlanta, GA 30326	Cumberland County	Penn Township	West Branch Mount Rock Spring Creek (WWF, MF) Yellow Breeches Creek (HQ-CWF, MF)
PAI033616007 Issued May 5, 2017	Elmer G. & Sara F. Stoltzfus/ Aaron G. & Linda K. Stoltzfus 1147 Scalpy Hollow Road Drumore, PA 17518	Lancaster County	Drumore Township	UNT Fishing Creek (HQ-CWF, MF)
PAD360006 Issued May 9, 2017	Ben Stoltzfus 332 Little Britain Church Road Peach Bottom, PA 17563	Lancaster County	Fulton Township	Little Conewingo Creek (HQ-CWF)



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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140013	GLP Development Comp 1340 Smith Avenue Suite 200 Baltimore, MD 21209	Centre	College Twp	Spring Creek HQ-CWF
PAD140006	Glenn O. Hawbaker, Inc 1952 Waddle Road State College, PA 16803	Centre	Potter Twp	Potter Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD610001	Franklin DPP LLC 9010 Overlook Blvd Brentwood, TN 37027	Venango County	Sandy Creek Township	Morrison Run WWF, EV

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from 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>
Ridley Township Delaware County	PAC230012	Lidl US Operations, LLC 2005 Market Street Suite 1010 Philadelphia, PA 19103	Little Crum Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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 Township Chester County	PAG02001516031	Gourmet's Delight Mushrooms P.O. Box 160 Avondale, PA 19311	Indian Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAC150001	The Chester County Hospital of the University of Pennsylvania Health System 701 East Marshall Street West Chester, PA 19380	Tributary to Taylor Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAC150008	Valley Township 890 West Lincoln Highway Coatesville, PA 19320	Tributary to Sucker Run WW-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAC150011	Provco Pinegood Thorndale, LLC 795 East Lancaster Avenue Building 2, Suite 200 Villanova, PA 19085	Valley Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tredyffrin Township Chester County	PAC150012	Euro Motorcars Devon, Inc. 214 West Lancaster Avenue Devon, PA 19333	Trout Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAC150013	DeLucas Homes 370 East Maple Avenue Suite 101 Langhorne, PA 19407	Tributary to Valley Creek (west) CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Brandywine Township Chester County	PAC150015	Alessandra Properties, LLC 1939 Route 70 East Suite 210 Cherry Hill, NJ 08003	Unnamed Tributary to Beaver Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAC150017	Chatham Financial 235 Whitehorse Road Kennett Square, PA 19348	Unnamed Tributary to East Branch of Red Clay TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Thornbury Township Chester and Delaware Counties	PAC150020	PA Department of General Services Arsenal Building 1800 Herr Street Harrisburg, PA 17103-1540	Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
London Grove Township Chester County	PAC150021	Southeastern Chester County Refuse Authority (SECCRA) 219 Street Road West Grove, PA 19390	Chatham Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAC230016	Conchester Joint Venture 707 Eagleview Boulevard Exton, PA 19341	Webb Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

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<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>
Upper Providence Township Montgomery County	PAC460059	SEI Investment 100 Cider Mill Road Oaks, PA 19456	Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG02004615015	PennDot District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Unnamed Tributary to West Branch Neshaminy Creek WWF-MF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAC460051	T H Properties, Inc. 345 Main Street Suite 112 Harleysville, PA 19438	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Providence Township Montgomery County	PAC460058	County of Montgomery 425 Swede Street Suite 800 P.O. Box 311 Norristown, PA 19404	Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Gwynedd Township Montgomery County	PAC460046	Mr. Geoffrey and Mrs. Nancy McKernan 125 Cambronne Circle Blue Bell, PA 19002	Wissahickon Creek MF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Frederick Township Montgomery County	PAC460039	Lower Frederick Township 53 Spring Mounty Road Zieglerville, PA 19492	Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Frederick Township Montgomery County	PAC460069	Lower Frederick Township 53 Spring Mounty Road Zieglerville, PA 19492	Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAC460084	SEPTA 1234 Market Street Philadelphia, PA 19107	Tributary to Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAC460085	PA Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057-5529	Skippack Creek WWF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200912067	Granor Price Homes 721 Dresher Road Horsham, PA 19044	Geddes Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Northampton Township Bucks County	PAC090029	444 Saint Leonards Road, LLC 124 Adams Court Holland, PA 18966	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
Lower Makefield Township Bucks County	PAC090041	Artis Senior Living, LLC Artis Senior Living Facility Stony Hill Road and Route 95 Morrisville, PA 19067	Neshaminy Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Bucks County	PAC090048	Timber Land Associates, LLC Land Development 550 and 584 Springfield Street Coopersburg, PA 18036	Tohickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Northampton Township Bucks County	PAG02000914050	Michaels and Luck 1149 Concord Drive Haddonfield, NJ 08033	Unnamed Tributary to Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

*Facility Location:  
Municipality & County*

<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>
Hamiltonban Township Adams County Issued	PAC010028	Hamiltonban Township/ Robert Gordon P.O. Box 526 Fairfield, PA 17320	UNT Middle Creek (CWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
West Manheim Township York County Issued	PAC670048	Burkentine & Sons Builders, Inc. Paul Burkentine 1500 Baltimore Street Hanover, PA 17331	UNT to WB Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Lower Windnsor Township York County Issued	PAC670051	Rexroth Limited Partnership Jim Rexroth 1742 Winters Road Windsor, PA 17366	Fishing Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County Issued	PAC670050	Sunrise Holdings, LP Timothy Tate 950 Smile Way York, PA 17405	UNT to Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County Issued	PAC670041	Roosevelt Holdings, LP Russell Wantz, Jr. 1114 Roosevelt Avenue York, PA 17404	UNT to Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430



**NOTICES**

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*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>
Bellefonte Borough Centre Cnty	PAC140012	Centre Crest 502 East Howard St Bellefonte, PA 16823	Spring Creek HQ-CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Philipsburg Borough Centre Cnty	PAC140013	Philipsburg Osceola Area School District 200 Short Street Philipsburg, PA 16866	Moshannon Creek TSF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Georges Township	PAC260004	Frey Lumber and Pallet Company 2883 Morgantown Road Smithfield, PA 15478	Georges Creek (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Chartiers Township	PAC630023	Chartiers Township 2 Buccanneer Drive Houston, PA 15342	UNT to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

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

<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 Erie Erie County	PAC250009	Sheetz, Inc 817 Brookfield Drive Seven Fields, PA 16046	Cascade Creek WWF MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Zelienople Boro Butler County	PAC100029	Achtung Development 180 Shingle Hollow Road Harmony, PA 16037	Connoquenessing Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Hickory, Scott and Washington Twps Lawrence County	PAC370009	American Transmission System Inc. Amanda Habershaw 800 Cabin Hill Drive Greensburg, PA 15601	UNTs to Neshannock Creek TSF, UNTs to Potter Run TSF, UNTs to Hottenbaugh Run TSF, Hottenbaugh Run TSF, UNTs to Big Run WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512

<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>
Union Twp Lawrence County	PAC370010	ALDI Inc (Saxonburg Division) Christina Morascyzk 6000 North Noah Drive Saxonburg, PA 16056	UNT to Shenango River WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
Limestone Twp Clarion County	PAC160002	Clarion (Limestone) Dollar General Route 66	Little Piney Creek CWF	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214

*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>
Port Carbon Borough Schuylkill County	PAG032226	NRG Heat And Power LLC dba Liberty Oil Company 2 Main Street Port Carbon, PA 17965	Mill Creek—3-A/CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Sharon City Mercer County	PAG038345	Ellwood Crankshaft & Mach Co. 1161 N Sharpsville Avenue Sharon, PA 16146-2442	Shenango River—20-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Paint Township Clarion County	PAG038350	New Growth Resources Inc. 51 Gregory Drive PO Box 805 Kane, PA 16735	Unnamed Tributary to Clarion River—17-B	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-7*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Borough of Huntingdon Wastewater Treatment Plant 10477 Snyders Run Road Huntingdon, PA 16652	PAG073520	Borough of Huntingdon 530 Washington Street PO Box 592 Huntingdon, PA 16652	Borough of Huntingdon Wastewater Treatment Plant 10477 Snyders Run Road Huntingdon, PA 16652	DEP—SCRO—Clean Water Program 909 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4707
Smithfield Township/ Huntingdon County				

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Fannett Township  
Franklin CountyPAG-08-0002  
PAG-08-0003  
PAG-08-0004  
PAG-08-0005  
PAG-08-0006  
PAG-08-0008  
PAG-08-0011  
PAG-08-0016  
PAG-08-0018  
PAG-08-0021  
PAG-08-0022  
PAG-08-2203  
PAG-08-2211  
PAG-08-2219  
PAG-08-2223  
PAG-08-3501  
PAG-08-3506  
PAG-08-3510  
PAG-08-3515  
PAG-08-3518  
PAG-08-3522  
PAG-08-3535  
PAG-08-3540  
PAG-08-3547  
PAG-08-3551  
PAG-08-3556  
PAG-08-3565  
PAG-08-3567  
PAG-08-3568  
PAG-08-3573  
PAG-08-3596  
PAG-08-3597  
PAG-08-3600  
PAG-08-3605  
PAG-08-3610  
PAG-08-3611  
PAG-08-3825  
PAG-08-9903  
PAG-08-9904  
PAG-08-9905  
PAG-08-9909  
PAG-08-9910  
PAG-07-0003  
PAG-07-0005  
PAG-07-3508  
PABIG-9903  
WMGR-099Synagro Central LLC  
1605 Dooley Road  
PO Box B  
Whiteford, MD 21160Robert Stewart  
Farm  
Fannett Township  
Franklin CountyDEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707Franklin County/  
Fannett Township

PAG08

SYNAGRO Central, LLC  
1605 Dooley Road  
PO Box B  
Whiteford, MD 21160Robert Stewart  
Farm  
  
Franklin County/  
Fannett TownshipDEP—SCRO—CW  
909 Elmerton Ave  
Harrisburg, PA 17110  
717-705-4707*General Permit Type—PAG-10**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Muhlenberg  
Township  
Berks County

PAG103529

Buckeye Energy Services  
Tuckertown Terminal  
124 Witman Road  
Reading, PA 19605UNT to Laurel Run  
Watershed(s)/3CDEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

*General Permit Type—PAG-12*

*Facility Location  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Valley Township  
Montour County

PAG124858

Brian J. Hummer  
30 Trump Road  
Danville, PA 17821-9375

Unnamed Tributary  
to Mahoning  
Creek—5-E

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101  
Williamsport, PA  
17701-6448  
570.327.3636

**STATE CONSERVATION COMMISSION**

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

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**CAFO NMP  
PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)**

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproval</i>
Hamilton Farm LLC Drew & Karen Derstein 1000 Sawmill Rd. Beaverton, PA 17813	Snyder	0	757	Swine	12C	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate

statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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



## SAFE DRINKING WATER

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

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

**Permit No. 2317501, Minor Amendment.** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Edgemont

County **Delaware**

Type of Facility PWS

Consulting Engineer Gannett Fleming, Inc.  
P.O. Box 1963  
Harrisburg, PA 17105

Permit to Construct Issued May 3, 2017

**Permit No. 4617508, Minor Amendment.** Public Water Supply.

Applicant **Ambler Borough Water Department**  
131 Rosemary Avenue  
Ambler, PA 19002

Borough Ambler

County **Montgomery**

Type of Facility PWS

Consulting Engineer Gilmore & Associates, Inc.  
350 East Butler Avenue  
New Britain, PA 18901

Permit to Operate Issued May 8, 2017

**Permit No. 1517508, Minor Amendment.** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Easttown

County **Chester**

Type of Facility PWS

Consulting Engineer Gannett Fleming, Inc.  
P.O. Box 1963  
Harrisburg, PA 17105

Permit to Operate Issued May 3, 2017

**Operations Permit # 4616502** issued to: **Collegeville-Trappe Joint Public Works Department**, 220 West First Avenue, Trappe, PA 19426, [(PWSID)] Borough of Trappe, **Montgomery County** on May 2, 2017 for Rehabilitation and Painting of the 400,000-Gallon Trappe Tank.

**Operations Permit # 4616506** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [(PWSID)] Abington Township, **Montgomery County** on May 3, 2017 for the operation of the Tank

Shark Mixing System and Chemical Feed and Management Equipment facilities approved under construction permit # 4616506.

**Operations Permit # 0917512** issued to: **Plumstead Township**, 5186 Stump Road, P.O. Box 387, Plumsteadville, PA 18949, [(PWSID)] Plumstead Township, **Bucks County** on May 5, 2017 for Plumstead Township Northern Water System Well CR-2 (Well2).

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

**Permit No. 2450677, Operation Permit,** Public Water Supply.

Applicant **Mount Airy # 1 LLC**  
Mount Airy Casino Resort  
44 Woodland Road  
Mount Pocono, PA 18344

Municipality Paradise Township

County **Monroe**

Type of Facility PWS

Consulting Engineer David J. Osborne, P.E.  
LaBella Associates  
1000 Dunham Drive, Suite B  
Dunmore, PA 18512

Permit to Operate Issued May 8, 2017

**Permit No. 2359008, Operation Permit,** Public Water Supply.

Applicant **Pennsylvania-American Water Company**  
(Lake Scranton Water System)  
800 West Hershey Park Drive  
Hershey, PA 17033

Municipality Scott Township

County **Lackawanna**

Type of Facility PWS

Consulting Engineer Scott M. Thomas, P.E.  
Pennsylvania-American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit to Operate Issued May 1, 2017

**Permit No. 4817503MA, Minor Amendment,** Public Water Supply.

Applicant **Hillendale-on-the-Delaware, Inc.**  
4474 Second Terrace  
Bangor, PA 18013

Municipality Lower Mount Bethel Township

County **Northampton**

Type of Facility PWS

Consulting Engineer Patrick J. Ward, P.E.  
Uni-Tec Consulting Engineers, Inc.  
2007 Cato Avenue  
State College, PA 16801

Permit to Construct Issued May 3, 2017

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

**Permit No. 0516502, Public Water Supply.**

Applicant **Bedford Township Municipal Authority**  
 Municipality Bedford Township  
 County **Bedford**  
 Responsible Official Eric Zembower, Chairman  
 PO Box 371  
 Bedford, PA 15522  
 Type of Facility Camp Sunshine water storage tank and water line extension.  
 Consulting Engineer Louis J. Seidel, P.E.  
 Stiffler McGraw & Associates Inc  
 1731 N Juniata Street  
 Hollidaysburg, PA 16648  
 Permit to Construct Issued 5/3/2017

**Permit No. 3616518, Public Water Supply.**

Applicant **P.S.C. Chadaga**  
 Municipality Earl Township  
 County **Lancaster**  
 Responsible Official P.C.S Chadaga, Log Cabin Court  
 1300 Market Street, Suite 201  
 PO Box 622  
 Lemoyne, PA 17043-0622  
 Type of Facility Installation of facilities for lead and copper corrosion control treatment.  
 Consulting Engineer Charles A. Kehew II, P.E.  
 James R. Holley & Associates, Inc.  
 18 South George Street  
 York, PA 17401  
 Permit to Construct Issued 5/8/2017

**Permit No. 3617506 MA, Minor Amendment, Public Water Supply.**

Applicant **Turkey Hill Dairy, Inc**  
 Municipality Manor Township  
 County **Lancaster**  
 Responsible Official William P. Gregory, Director of Operations Services  
 2601 River Road  
 Conestoga, PA 17516-9630  
 Type of Facility Storage Tank repainting.  
 Consulting Engineer Peter Lusardi, P.E.  
 GHD, Inc.  
 1240 N. Mountain Rd.  
 Harrisburg, PA 17112  
 Permit to Construct Issued 5/5/2017

**Comprehensive Operation Permit No. 7220025** issued to: **Thomas W. Edwards II (PWS ID No. 7220025)**, Londonderry Township, **Dauphin County** on 5/8/2017 for the operation of facilities at Hi-Land Mobile Home Park approved under Construction Permit No. 2216505.

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

**Permit No. 3217506, Public Water Supply.**

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Borough or Township] Center Township  
 County **Indiana**  
 Type of Facility Luciousboro pump station  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Permit to Construct Issued May 1, 2017

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (**PWSID # 5020038**) City of Pittsburgh, **Allegheny County** on May 2, 2017 for the operation of facilities approved under Construction Permit # 0217519MA-E.

**Permit No. 6516514MA, Minor Amendment. Public Water Supply.**

Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672  
 [Borough or Township] Penn Township  
 County **Westmoreland**  
 Type of Facility Sterling Oaks Development waterline  
 Consulting Engineer Municipal Authority of Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672  
 Permit to Construct Issued May 5, 2017

**Permit No. 3217520MA, Minor Amendment. Public Water Supply.**

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Borough or Township] Conemaugh Township  
 County **Indiana**  
 Type of Facility Clarksburg PRV and Darlene Drive waterline  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Permit to Construct Issued May 2, 2017

**Permit No. 3217507MA, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Borough or Township] Center Township

County **Indiana**

Type of Facility Luciousboro PRV

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

Permit to Construct Issued May 2, 2017

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

Permit to Construct Issued May 2, 2017

**Permit No. 3217523MA, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Borough or Township] Armstrong Township

County **Indiana**

Type of Facility Watts Hill Road waterline

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

Permit to Construct Issued May 2, 2017

**Permit No. 3217519MA, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Borough or Township] Center Township

County **Indiana**

Type of Facility King Hill PRV

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

Permit to Construct Issued May 2, 2017

**Permit No. 3217521MA, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Borough or Township] Conemaugh Township

County **Indiana**

Type of Facility Tunnelton PRV and Saltsburg Road waterline

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

Permit to Construct Issued May 2, 2017

**Permit No. 3217518MA, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Borough or Township] Armstrong Township

County **Indiana**

Type of Facility Brown Road waterline

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

Permit to Construct Issued May 2, 2017

**Municipal Water Authority of Aliquippa (Public Water Supply), Beaver County:** On May 8, 2017, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for Municipal Water Authority of Aliquippa. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP Plan was completed with assistance from PA DEP's Source Water Protection Technical Assistance Program.

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

**Permit No. 3217517MA, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Borough or Township] Creekside Borough and Washington Township

County **Indiana**

Type of Facility Creekside waterline

**Permit No. 3316501,** Public Water Supply.

Applicant **Falls Creek Borough Municipal Authority**

Township or Borough Falls Creek Borough

County **Jefferson**

Type of Facility Public Water Supply

Consulting Engineer David M. Cunningham, P.E.  
Keller Engineers, Inc.  
420 Allegheny Street  
Hollidaysburg, PA 16648

Permit to Construct May 3, 2017  
Issued

### WATER ALLOCATIONS

#### Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631–641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

**WA 33-1004, Water Allocations. Falls Creek Borough Municipal Authority**, 117 Taylor Avenue, Falls Creek, PA 15840, Sandy Township and Borough of Falls Creek, **Jefferson County**. Water Allocation Permit for the right to purchase 0.133 MGD, as a 30-day peak monthly flow rate, from the City of DuBois.

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
Lemon Township	2 Tague Road Tunkhannock, PA 18657	Wyoming
Tunkhannock Township	113 Tunkhannock Township Drive Tunkhannock, PA 18657	Wyoming

*Plan Description:* The Sewage Plan Update of 2016 (2016 Update), approved by DEP on May 4, 2017, includes changes to the proposed Lake Carey Sanitary Sewer Collection and Treatment System Project from what was approved in the 2015 Plan on May 4, 2015.

The 2016 Update proposes the following changes to the 2015 Plan: (A) Sewer System Changes: (1) Eliminate two lines of the proposed sewer system along backyard of lots along Shore Drive and install single line of the sewer system along the right-of-way of Shore Drive to serve all lots from the front. (2) Eliminate about 900 feet of the proposed sewer along Marina Drive (west of Shore Drive/Indian Spring Road) that was proposed to serve two lots. Both lots will continue to use their existing on-lot sewage disposal systems. (3) Eliminate about 300 feet of the proposed sewer along a private driveway off of Union Chapel Drive that was proposed to serve two lots. Both lots will continue to use their existing on-lot sewage disposal systems. (4) Eliminate about 2,800 feet of the proposed conveyance sewer along the abandoned railroad bed south of Indian Springs Road around the southern portion of Lake Carey (known as the "Flow Pond". By installing about 600 feet of the proposed conveyance sewer adjacent to the south side of the causeway bridge that crosses the lake, the sewage flow can be rerouted in the other direction. The change will allow wastewater to go from the lake's west side to the lake's east side. Under this change, the direction of wastewater flow in Indian Spring Road will now go in a northerly direction to Marina Drive and then east along Marina Drive. There is

no effect on the number of EDUs to be served, and (B) Wastewater Treatment Plant Changes: (1) Eliminate the specific treatment process Biologically Engineered Single Sludge Treatment (BESST) as proposed in the 2015 Plan in order to be non-proprietary. Otherwise as approved in the 2015 Plan, a 0.120 million gallons per day (MGD) wastewater treatment plant (WWTP) will be constructed to initially serve 382 EDUs and maximum of 480 EDUs, based on 250 GPD/EDU sewage flow from the Lake Carey area of both Townships. The WWTP will be located in Tunkhannock Township. The treated effluent will be discharged to the Tunkhannock Creek which is located within the Chesapeake Bay Watershed. The Chesapeake Bay Nutrient Reduction Strategy will apply to this new discharge.

The preferred method of financing for the proposed wastewater collection/conveyance system and the WWTP is PENNVEST.

The Department's review of the 2016 Update has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Lemon Township & Tunkhannock Township Joint Municipal Sewer Authority (LTTTJMSA) or the municipalities as appropriate.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Public Notice of Proposed Consent Order and Agreement Limekiln PCE and Midfield VOC HSCA Sites Horsham Township, Montgomery

The Department of Environmental Protection ("Department"), under the authority of the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. § 6020.1113, has entered into a Consent Order and Agreement with J&J Development Co., II ("J&J Development") for remediation of hazardous substances found on the property located at 1116 Horsham Road, Ambler, PA 19002 ("the Property") and for reimbursement of certain Department response costs incurred to address hazardous substances released and threatened to be released at the Limekiln PCE and Midfield VOC HSCA Sites ("the HSCA Sites").

The Midfield VOC HSCA Site is located near the intersection of Midfield Drive and Davis Grove Road in Horsham Township, PA. The Limekiln PCE HSCA Site is located, near the intersection of Horsham Road and Limekiln Pike, in Prospectville, PA. The Property is located in the Midfield VOC HSCA Site and in the vicinity of the Limekiln PCE HSCA Site.

Both HSCA Sites include commercial and residential properties which were impacted by hazardous substance contamination. To abate the release and threatened release of hazardous substances, the Department installed waterlines at both the Limekiln PCE HSCA Site in 2013 and the Midfield VOC HSCA Site in 2015. The waterlines connected impacted onsite properties to potable public water supplies. The Department's response actions did not include the remediation of certain sources of hazardous substances affecting the groundwater or soil at the HSCA Sites. The Department has determined that the Property is a source of hazardous substance contamination impacting the HSCA Sites.

The Department and J&J Development have negotiated in good faith. These negotiations yielded the parties' execution of a Consent Order and Agreement in which



J&J Development agreed to remediate hazardous substance contamination present on the Property and it agreed to meet an Act 2 cleanup standard on the Property. Pursuant to the parties' agreement J&J Development will also reimburse the Department for response costs incurred for the HSCA Sites' waterlines in the amount of Fifty Thousand Dollars (\$50,000). It is in the public interest for the Department to resolve its potential claims against J&J Development.

This notice is provided pursuant to Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to significant written comments." The Consent Order and Agreement, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street in Norristown, PA by contacting either Ellen Davies at (484) 250-5731 or Gina M. Thomas, Esquire at (484) 250-5930. Ms. Davies and Ms. Thomas may also be contacted electronically at elldavies@pa.gov and githomas@state.pa.us, respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Ms. Davies at the above address.

<sup>i</sup> See the Land Recycling and Environmental Remediation Standards Act, the Act of May 19, 1995, P.L. 4, No. 2, 35 P.S. §§ 6026.101 et seq. ("Act 2")

## 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.*

**Cousin's Convenient Store**, 202 Betty Street, Archbald Borough, **Lackawanna County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Cousin's Convenient Store, 202 Betty Street, Archbald, PA 18403, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethylbenzene, Naphthalene, Toluene, 1,2,4-TMB, 1,3,5-TMB, MTBE, and Cumene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Mineral Fiber Specialties (MFS)**, 1125 Easton Road, Bethlehem City, **Northampton County**. HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of JVI LLC, 1265 Miller Road, Wind Gap, PA 18091, submitted a Site-Specific Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with arsenic, chromium, and selenium. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Fruitville Business Park**, 1570 Fruitville Pike, Lancaster, PA 17602, Lancaster City, **Lancaster County**. Liberty Environmental, 50 N. 5th Street, 5th Floor, Reading, PA 19601, on behalf of 1570 Fruitville Pike, LP, 2450 Marietta Avenue, Lancaster, PA 17601, and Robert Lepore, c/o John Reed, Esquire, Barley Snyder, LLC, 126 East King Street, Lancaster, PA 17602-2893, submitted a Remedial Investigation Report, Remedial Assessment Report, and Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics and SVOCs. The combined report is intended to document remediation of the site to meet the Site-Specific Standard.

**Pennsylvania General Energy Company, LLC—Johnson Central Impoundment**, McHenry Township, **Lycoming County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Pennsylvania General Energy Co., LLC, 120 Market Street, Warren, PA 16365, has submitted a Final Report concerning remediation of site soils contaminated with brine. The report is intended to document remediation of the site soil to meet the Statewide Health and Background Standards.

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

**201 North Second Street**, City of Duquesne, **Allegheny County**. KU Resources, Inc., 22 Linden Street, Duquesne, PA 15110 on behalf of Redevelopment Authority of the City of Duquesne, PA 15110 has submitted a Remedial Investigation Report and Risk Assessment Re-

port concerning the remediation of site soil and groundwater contaminated with petroleum products. Submission notice was published in the *Pittsburgh Post-Gazette* on December 1, 2016.

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

**Rohm and Haas Chemical LLC**, Philadelphia Plant, 500 Richmond Street, City of Philadelphia, **Philadelphia County**. Robert M. Byer, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Carl Coker, The Dow Chemical Company, 310 George Patterson Boulevard, Suite 100, Bristol, PA 19007 has submitted a Remedial Investigation/Risk Assessment/Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF742771.

**Russell Residence**, 11 Quaker Hill Road, Middletown Township, **Bucks County**. Andrew Markoski, Patriot Environmental Management, LLC, 21 Unionville Road, P.O. Box 629, Douglassville, PA 19518, Doug Mason, Barney Fuel, Inc., 424 West Lincoln Highway, Suite 201, Langhorne, PA 19047 on behalf of Christopher Russell, 11 Quaker Hill Road, Levittown, PA 19054 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF782784.

**US Steel Corporation KIPC 73-Acre Parcel**, One Ben Fairless Drive, Falls Township, **Bucks County**. John A. Garges, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 has submitted a Remedial Investigation/Risk Assessment/Final Report concerning remediation of site soil contaminated with vocs, svocs, meals and pcbs. The reports are intended to document remediation of the site to meet the Site-Specific Standard. PF817311.

**Colonial Heritage MHP Evergreen**, 288 Evergreen Drive, New Britain Township, **Bucks County**. Alan R. Hirschfeld, P.G., L&A Environmental Specialties, Inc., 219 Laureen Road, Schwenksville, PA 19473 on behalf of James Perano, GSP Management, 2846 Main Street, Suite 12A, P.O. Box 677, Morgantown, PA 19473 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF777387.

## 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:

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

**Alumax Mill Products—Linpar Release Area**, 1480 Manheim Pike, Lancaster, PA 17604, Manheim Township, **Lancaster County**. Tetra Tech, 661 Andersen Drive, Pittsburgh, PA 15220, on behalf of Alumax Mill Products, 1480 Manheim Pike, Lancaster, PA 17604, submitted a Remedial Investigation/Risk Assessment Report concerning remediation of site soil and groundwater contaminated with Linpar Cold Rolling Oil. The combined reports were approved by the Department on May 2, 2017.

**Schneider National, Inc.—Carlisle Facility**, 1 Schneider Drive, Middlesex Township, **Cumberland County**. GEI Consultants, Inc., 18000 Horizon Way, Mount Laurel, NJ 08054, on behalf of Schneider National, Inc., 3101 Packerland Drive, Green Bay, WI 54313-6187, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Report was approved by the Department on May 3, 2017.

**Martin Oil/Reighard's Service Station**, 3205 Sixth Avenue, Altoona, PA 16601, Altoona City, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA



16601, on behalf of Martin Oil Company, 528 North First Street, Bellwood, PA 16617, submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on May 3, 2017.

**Hershey 19 East Facility—The Hershey Company**, 19 East Chocolate Avenue, Hershey, PA 17033, Derry Township, **Dauphin County**. Langan Engineering and Environmental Services, P.O. Box 1569, Doylestown, PA 18901, on behalf of The Hershey Company, 100 Crystal A Drive, Hershey, PA 17033, and Chocolate Realty DST, 10 Tara Boulevard, Suite 130, Nashua, NH 03062 submitted a Remedial Investigation and Final Report concerning remediation of site soils contaminated with Inorganics and SVOCs. The combined Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on May 4, 2017.

**Daniel Burke Property**, 100 Beaver Street, Dillsburg, PA 17019, Dillsburg Borough, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Daniel Burke, 100 Beaver Street, Dillsburg, PA 17019, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on May 3, 2017.

**Gino Gaspari & Sons, Inc.**, 2103 Georgia Road, Temple, PA 19560, Muhlenberg Township, **Berks County**. Leed Environmental, Inc., 2209 Quarry Drive, Suite C-35, Reading, PA 19609, on behalf of Gino Gaspari and Sons, Inc., 2103 Georgia Road, Temple, PA 19560, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with diesel and unleaded gasoline. The Report was approved by the Department on May 4, 2017.

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

**35th Strouss Associates, (former electrical brush manufacturing facility)**, 1810 Lincoln Highway, North Versailles Township, **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of 35th Strouss Associates, 701 Alpha Drive, 1st floor, Pittsburgh, PA 15238-2820 has submitted a Remedial Investigation (RIR) and Final Report (FR) concerning the remediation of site soil contaminated with metals, volatile organic compounds, polycyclic aromatic hydrocarbons and groundwater contaminated with cadmium and 1,1,1, dichloroethylene. The final report and RIR attained a non-residential, site-specific standard for soil and groundwater and was approved by the department on 5/4/2017.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

*Hazardous Waste Transporter License Reissued*

**Environmental Waste Minimization, Inc.**, 14 Brick Kiln Ct, Northampton, PA 18067. License No. PA-AH 0682. Effective May 03, 2017.

**Predator Trucking Company**, PO Box 315, McDonald, OH 44437. License No. PA-AH 0787. Effective May 08, 2017.

*Renewal Applications Received*

**Environmental Waste Minimization, Inc.**, 14 Brick Kiln Ct, Northampton, PA 18067. License No. PA-AH 0682. Effective May 03, 2017.

**Predator Trucking Company**, PO Box 315, McDonald, OH 44437. License No. PA-AH 0787. Effective May 08, 2017.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP14-46-0081: Legacy Crematory LLC** (19 East Germantown Pike, East Norriton, PA 19401) On May 9, 2017 to operate a human crematory in East Norriton Township, **Montgomery County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**GP5-24-176B: Hunt Marcellus Operating Co. Elk County Central Facility** (1900 North Akard St., Dallas, TX 75201) on May 3, 2017, for the authority to construct and/or operate a natural gas fired compressor engine (Caterpillar G3508 LE) glycol dehydrator/reboiler, and two (2) storage tanks (BAQ-GPS/GP5) located at their facility in Ridgway Township, **Elk County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**09-0222: Telex Metals, LLC** (105 Phyllis Drive, Croydon, PA 19021) On April 26, 2017 issuance for installation of thirty (30) metal refining process tanks and three (3) associated packed tower wet scrubbers, as follows, at their existing metal refining facility located in Bristol Township, **Bucks County**.

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

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

**35-00070A: Archbald Energy Partners, LLC** (72 Glenmaura National Blvd., Moosic, PA 18507) on April 28, 2017 for the construction and operation of a natural gas

fired combined cycle power plant to produce approximately 485 MW of electricity at the facility to be located in Archbald Borough, **Lackawanna County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-265E: Iron Mountain Information Mgmt., LLC** (1137 Branchton Rd., P.O. Box 6, Boyers, PA 16020), on April 28, 2017 issued a Plan Approval for constructing 6 diesel generators, eliminating current individual engine hour runtimes by implementing a site-wide engine hour use cap of 6,345 hours, and removing Sources 105, 106 and 107 in Cherry Township, **Butler County**.

**25-923B: Erie Power LLC** (131 Varick St., Suite 1006, New York, NY 10013), on May 3, 2017 issued a Plan Approval for reactivation of two (2) 35 MW Natural gas-fired combustion turbines in North East Township, **Erie County**. This is a Title V facility.

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**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.**

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

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

**23-0047G: Evonik Corporation** (1200 W. Front Street, Chester, PA 19013-3438) On May 3, 2017 for the replacement of two existing baghouses and new baghouses in Chester City, **Delaware County**.

**46-0020K: Superior Tube Co Inc** (3900 Germantown Inc., Collegeville, PA 19426-3112) On May 3, 2017 to install a new lubrication station at an existing facility in Lower Providence Township, **Montgomery County**.

**09-0184A: Doylestown Hospital** (595 W State Street, Doylestown, PA 18901) On May 3, 2017 to install a 1,600 Kw natural gas-fired cogeneration unit with oxidation catalyst at an existing facility in Doylestown Township, **Bucks County**.

**46-0142C: Custom Processing Services, LLC** (461 State Street, East Greenville, PA 18041-1701) May 3, 2017 for installation of a Micro Milling Station with dust collector at an existing facility in East Greenville Borough, **Montgomery County**.

**46-0007: Holy Redeemer Hospital & Medical Center** (1648 Huntingdon Pike, Meadowbrook, PA 19046-8001) On May 3, 2017 for the proposed installation and operation of a cogeneration System at Holy Redeemer Hospital and Medical Center in Abington Township, **Montgomery County**.

**46-0288: Scott Building. Corp** (2939 Felton Road, Norristown, PA 19401-1359) On May 1, 2017 for the extension of the installation of a portable non-metallic processing plant in Norristown Township, **Montgomery County**.

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

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

**49-00009C: Masonite Corporation—Mohawk Flush Doors, Inc.** (980 Point Township Drive, Northumberland, PA 17857) on April 24, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 5, 2017 to November 1, 2017, at their facility located in Point Township, **Northumberland County**. The plan approval has been extended.

**14-00003F: Pennsylvania State University** (101P Physical Plant Bldg, University Park, PA 16802) on May 2, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 2, 2017 to October 29, 2017, at their University Park Campus located in College Township and State College Borough, **Centre County**. The plan approval has been extended.

**59-00005J: Dominion Transmission, Inc.** (5000 Dominion Blvd., Glen Allen, VA 23060) on May 4, 2017, to extend the authorization for the construction of a 12.07 million Btu per hour ETI model THE-1207 natural-gas fired salt bath heater (Source ID 044) and a 3.0 million Btu per hour Ajax model WRF-3000 natural-gas fired boiler (Source ID 045) at the Sabinsville Compressor Station located in Clymer Township, **Tioga County** to November 3, 2017. The plan approval has been extended.

**18-00009F: Clinton County Solid Waste Authority** (P.O. Box 209, McElhattan, PA 17748) on May 4, 2017, 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.

**18-00021B: Avery Dennison Performance Polymers** (171 Draketown Road, Mill Hall, PA 17751) on May 4, 2017, for the construction and operation of the R-100 emulsion reactor system at their facility located in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-001N: AK Steel Butler Works** (P.O. Box 832, Butler, PA 16003) on May 4, 2017, effective May 31, 2017, will issue a plan approval extension for the modification of the # 26 Carlite Furnace which includes increasing the line speed of the unit from 440 fpm to 580 and installation of new low NO<sub>x</sub> burners (increasing the fire rate from 24.4 mmbtu/hr to 26.8 mmbtu/hr). This is a Title V facility.

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

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

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

**23-00040: Laurel Pipe Line Company, LP:** (3398 Garnet Mine Road, Boothwyn, PA 19061-0917) On May 3, 2017 for the renewal of the Title V Operating Permit for this facility located in Bethel Township, **Delaware 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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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

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

**46-00139: Spray Products Corp.** (1323 Conshohocken Road, Norristown, PA) On May 3, 2017 for the renewal of a State Only Operating Permit for this facility located in Plymouth Township, **Montgomery County**.

**46-00220: Micro-Coax, Inc.** (206 Jones Boulevard, Pottstown, PA 19464) On May 3 2017 for renewal of a State Only Operating Permit for this facility located in Limerick Township, **Montgomery County**.

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

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

**45-00017: Hanson Aggregates Pennsylvania LLC—Stroudsburg Quarry** (7660 Imperial Way, Allentown, PA 18195-1016) The Department, on 5/9/2017, issued a State-Only Operating Permit renewal for operation of a limestone mining operation in Hamilton Township, **Monroe County**.

**64-00006: Hanson Aggregates Pennsylvania LLC—Lake Ariel HMA Plant** (7660 Imperial Way, Allentown, PA 18195-1016) The Department issued, on 5/9/17, a State-Only (Synthetic Minor) Operating Permit renewal for operation of an asphalt paving mixture and block manufacturing operation in Lake Township, **Wayne County**.

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

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**04-00471: MPLX Terminals LLC** (539 South Main Street, Findlay, OH 45840) On May 5, 2017, the Department issued an initial facility-wide Synthetic Minor Operating Permit for the operation of a bulk gasoline storage and distribution terminal, known as the Midland Terminal, located in Industry Borough, **Beaver County**.

The facility contains air contamination sources consisting of six “swing” storage tanks, with storage capacities between 84,000 and 3,100,000 gallons (1-barrel petroleum = 42 US gallons), one 3,900,000 gallons, fixed roof, distillate tank, three ethanol tanks (36,600, 36,000 & 21,000 gallons), two, 42,000 gallons, biodiesel tanks, equipment for barge loading and unloading, and gasoline and distillate loading racks. Emissions are controlled by internal floating roofs and either a Vapor Recovery Unit or a Vapor Combustion Unit. The facility is subject to the applicable requirements of 40 CFR Part 60, Subpart Kb and Subpart XX, as well as 40 CFR Part 63, Subpart Y and Subpart BBBBBB and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63 and 25 Pa. Code Article III, Chapters 121—145.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**24-00166: National Fuel Gas Supply Corporation** (PO Box 2081, Erie, PA 16512-2081). On May 3, 2017, the Department renewed a State Only Operating Permit for the compressor station located in Highland Township, **Elk County**. The primary sources at the facility include 3 natural gas fueled compressor engines and a natural gas fueled emergency generator. Potential emissions are as follows: 40.95 top VOC; 43.31 tpy NO<sub>x</sub>; 35.75 tpy CO; 0.10 tpy SO<sub>x</sub>; 1.69 tpy PM<sub>10</sub>; 1.69 tpy PM<sub>2.5</sub>; 1.71 tpy formaldehyde; 5.46 tpy total combined HAPs; and 28,711 tpy CO<sub>2e</sub>. The facility is a Natural Minor. The compressor engines and the emergency generator are subject to 40 CFR Part 60 Subpart JJJJ, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**37-00317: Ellwood Mill Products** (712 Moravia Street, New Castle, PA 16101) on May 2, 2017, the Department issued the State Only Operating Permit for the iron and steel forging operations facility located in New Castle City, **Lawrence County**. The sources at the facility include, heat treating furnaces, ringmill milling machines (controlled by a dust collector), an emergency diesel fired generator, a degreaser, shotblaster, and scarfing. The diesel emergency generator (rated at 53.6 HP—2007 model year) is subject to 40 CFR 60 Subpart IIII pertaining to stationary compression ignition internal combustion engines. The natural gas emergency generator (rated at 10.7 HP installed in 2001) is subject to 40 CFR 63 Subpart ZZZZ pertaining to stationary reciprocating internal combustion engines. The facility has emission restrictions of 99 TPY for both CO and NO<sub>x</sub> to limit the potential emissions below major source threshold levels. The 2015 actual emissions reported by the facility were: 23.2 TPY CO, 35.2 TPY NO<sub>x</sub>, 2.1 TPY PM<sub>10</sub>, 2.1 TPY PM<sub>2.5</sub>, 0.16 TPY SO<sub>x</sub>, 1.53 TPY VOC and 0.9 TPY ammonia. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.*

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

**OP17-000005: Kingsbury, Inc.** (10385 Drummond Road, Philadelphia, PA 19154) for the operation of a bearing manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source is an 1,100 hp gas turbine that burns kerosene.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**23-00014: Kimberly Clark of PA LLC** (Front and Avenue of the States, Chester, PA 19013) On May 4, 2017 for an administrative amendment on the Title V Operating Permit to remove NO<sub>x</sub> and VOC stack testing requirements on Boiler No. 10 located at this facility in Chester, **Delaware County**. Certified Emission Monitoring Systems (CEMS) are in place to monitor NO<sub>x</sub> emissions, and historical emissions of VOC are very low for this boiler.

**46-00050: 727 Norristown Rd, LP** (727 Norristown Road, P.O. Box 904, Spring House, PA 19477-0904) On May 4, 2017 to amend an operating permit for a change in ownership and name change for a facility located in Lower Gwynedd Township, **Montgomery County**.

**23-00034: Villanova University** (800 E. Lancaster Avenue, Villanova, PA 19085) On May 4, 2017 for an Administrative Amendment to correct a minor administrative change to the Title V Operating Permit at the facility located in Radnor Township, **Delaware County**. This replaces the Title V Operating Permit that was issued on March 6, 2017.

**09-00220: US Tape Company, Inc.** (2452 Quakertown Road, Pennsburg, PA 18073), located in Upper Hanover Township, **Montgomery County**. The Minor modification is to remove VOC limit of 11.34 tons per year and replace with VOC emissions limit of 2.7 tons per year for the source 102 and source 105.

## 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. 56920113 and NPDES No. PA0212300. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Summit and Elk Lick Townships, **Somerset County**, affecting 108.0 acres. Receiving streams: unnamed tributaries to/and Casselman River classified for the following uses: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016. Permit issued: April 26, 2017.

**Permit No. 11010102 and NPDES No. PA0249009. E.P. Bender Coal Co., Inc.**, P.O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a

bituminous surface mine in Reade Township, **Cambria County**, effecting 102 acres. Receiving streams: Fallentimber Run and Powells Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 15, 2017. Permit issued: May 1, 2017.

**Permit No. 56130105 and NPDES No. PA0269298. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Elk Lick Township, **Somerset County**, affecting 95.0 acres. Receiving streams: unnamed tributary to/and Casselman River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016. Permit issued: May 1, 2017.

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

**33120101. P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Young Township, **Jefferson County**, affecting 105.1 acres. Receiving streams: Unnamed tributaries to Sawmill Run. This renewal is issued for reclamation only. Application received: March 6, 2017. Permit Issued: April 27, 2017.

**61970101. Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215) Revision to an existing bituminous surface mine to change the post-mining land use from forestland and forestland now abandoned surface mine to unmanaged natural habitat on the property of Glenn H. McFadden in Irwin Township, **Venango County**. Receiving streams: Four unnamed tributaries to Scrubgrass Creek. Application received: March 1, 2017. Permit Issued: May 5, 2017.

**61040102. Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215) Revision to an existing bituminous surface mine to change the post-mining land use from forestland and forestland now abandoned surface mine to unmanaged natural habitat on the property of Neil Atwell in Irwin Township, **Venango County**. Receiving streams: Two unnamed tributaries to Scrubgrass Creek. Application received: February 27, 2017. Permit Issued: May 5, 2017.

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

**17000111 and NPDES PA0243027. Gregg Barrett Coal** (288 Watts Road, Curwensville, PA 16830). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Ferguson Township, **Clearfield County** affecting 65.0 acres. Receiving stream(s): Unnamed Tributaries to Watts Creek and Watts Creek classified for the following use(s): HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 3, 2016. Permit issued: May 1, 2017.

**17060110 and NPDES PA0256421. Bell Resources, Inc.** (1340 Hoyt Road, Curwensville, PA 16833). Permit renewal for continued operation and restoration of a bituminous surface mine located in Bloom and Penn Townships, **Clearfield County** affecting 361.9 acres. Receiving stream(s): several Unnamed Tributaries to Bell Run and Bell Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: October 31, 2016. Permit issued: May 4, 2017.



**17050101. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803). Permit revision for a land use change from forestland to unmanaged natural habitat for 13.1 acres on a bituminous surface and auger mine located in Penn and Pike Townships, **Clearfield County** affecting 267.9 acres. Receiving stream(s): Kratzer Run, Bilger Run and Anderson Creek classified for the following use(s): CWF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: February 7, 2017. Permit issued: May 3, 2017.

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

**Permit No. 54851342R6. Little Buck Coal Company**, (57 Lincoln Road, Pine Grove, PA 17963), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 5.0 acres, receiving stream: Stump Run. Application received: June 22, 2016. Renewal issued: May 3, 2017.

**Permit No. PAM111082R. Little Buck Coal Company**, (57 Lincoln Road, Pine Grove, PA 17963), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54851342 in Tremont Township, **Schuylkill County**, receiving stream: Stumps Run. Application received: June 22, 2016. Renewal issued: May 3, 2017.

#### *Noncoal Permits Issued*

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

**PAM615004. Pfaff Landscaping, Incorporated** (4463 Pitts Road, Adamsville, PA 16110) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No.20070803 in East Fallowfield Township, **Crawford County**. Application received: November 21, 2016. Permit Issued: April 24, 2017.

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

**18171003. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803), authorization to extract noncoal material in Dunnstable Township, **Clinton County** to construction project First Quality Tissue—Boston 3, receiving stream(s): Unnamed Tributary to West Branch Susquehanna River classified for the following use(s): CWF, MF. Authorization approved: May 1, 2017.

**PAM217004. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803) hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with General Permit 103 No. 18171003 to the following surface water(s) in Dunnstable Township, **Clinton County**. Receiving stream(s): Unnamed Tributary to West Branch Susquehanna River classified for the following use(s): CWF, MF. Application received: March 2, 2017. Permit Issued: May 1, 2017.

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

**Permit No. 8073SM2A1C8. Glasgow, Inc.**, (P.O. Box 1089, Glenside, PA 19038), correction to an existing quarry operation to authorize mining to the final permitted depth of -415 feet MSL and accept mine reclamation fill for reclamation in Upper Merion Township, **Montgomery County** affecting 191.7 acres, receiving stream:

unnamed tributary to Schuylkill River. Application received: November 7, 2012. Correction issued: May 2, 2017.

**Permit No. 40090302C2 and NPDES Permit No. PA0224782. Pennsy Supply, Inc.**, (P.O. Box 3331, Harrisburg, PA 18252), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Dorrance Township, **Luzerne County**, receiving stream: unnamed tributary to Big Wapwallopen Creek and no discharge to Balliet Run. Application received: September 16, 2016. Renewal issued: May 2, 2017.

**Permit No. 7874SM2A1C9. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), renewal and modification of an NPDES Permit for discharge of treated mine drainage from a quarry operation in North Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek. Application received: June 20, 2012. Renewal issued: May 5, 2017.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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**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.**

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#### *Blasting Permits Issued*

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

**21174001 Charles Lewis Jacobs**, 18466 Antelope Road, Seneca, MO 64864-7916, Blasting Activity Permit issued for explosives demolition of a 7-level office structure/Senate Building in East Pennsboro Township, **Cumberland County**. Blasting activity permit end date is May 27, 2017. Permit issued May 5, 2017.

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

**59174103. Midstream Explosives LLC** (289 Southside Drive, Newville, PA 17241). Blasting for pipeline with Susquehanna West Pipeline located in Shippen Township, **Tioga County** with an expiration date of April 8, 2018. Permit issued May 1, 2017.

**14174105. Douglas Explosives, Inc.** (2052 Philipsburg-Bigler Highway, Philipsburg, PA 16866). Blasting for residential development at Pleasant Pointe Project located in College Township, **Centre County** with an expiration date of December 1, 2107. Permit issued: May 4, 2017.

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

**02174002. Tripwire Operations Group** (1685 Baltimore Pike, Gettysburg, PA 17325). Blasting activity permit for the demolition of the Allegheny Arsenal Development Site, located in City of Pittsburgh, **Allegheny County** with an expiration date of December 31, 2018. Blasting permit issued: May 4, 2017.

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

**Permit No. 15174102. Brubacher Excavating, Inc.**, (825 Reading Road, Bowmansville, PA 17507), construction blasting for The Townes at Malvern in East Whiteland Township, **Chester County** with an expiration date of April 28, 2018. Permit issued: May 3, 2017.

**Permit No. 36174113. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Soco Development in Earl Township, **Lancaster County** with an expiration date of April 19, 2018. Permit issued: May 3, 2017.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E50-261: Pennsylvania Department of Conservation and Natural Resources**, 6th Floor, Rachel Carson State Office Building, P.O. Box 8451, Harrisburg, PA

17105 in Toboyne Township, **Perry County**, U.S. Army Corps of Engineers Baltimore District.

To 1) Remove the four 48" reinforced concrete and steel pipe culverts in and across Horse Valley Run (HQ, CWF, MF); 2) restore approximately 35 linear feet of the streambank of Horse Valley Run Road (HQ, CWF, MF); 3) place and maintain fill for the proposed road crossing in approximately 5,122 square feet of the floodway of Horse Valley Run (HQ, CWF, MF); 4) construct and maintain approximately 12 linear feet of 33'-0" x 4'-3" box beam structure in and across Horse Valley Run (HQ, CWF, MF); 5) place and maintain fill and two 18" CMP culverts across and permanently impacting 0.01 acre of Exceptional Value Palustrine Forested (PFO) and Palustrine Scrub Shrub (PSS) wetland, for the purpose of replacing an existing culvert (Latitude: 40°16'54.2658" N; Longitude: 77°35'57.1634").

**E01-312: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Abbotstown Borough, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a 44.54 foot long by 26.00 foot wide by 6.50 foot high concrete box culvert, uniformly depressed 12 inches with fish baffles, with associated apron and wingwalls in an unnamed tributary to Beaver Creek (WWF, MF) and to relocate 99.0 linear feet of an unnamed tributary to Beaver Creek (WWF, MF), all for the purpose of replacing a deteriorating structure and improve roadway safety standards along SR 0194 Section 000 in Abbotstown Borough, Adams County (Quad Sheet: Abbottstown, PA; Latitude: 39° 53' 01"; Longitude: -76° 58' 59") as part of the PennDot Rapid Bridge Replacement Program. Issued May 5, 2017.

**E22-622: UGI Utilities, Inc.**, 1301 Aip Drive, Middletown, PA 17057 in Lower Swatara Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) relocate and maintain approximately 138 linear feet of an unnamed tributary to Buser Run (WWF, MF); and 2.) install and maintain concrete cable matting in an unnamed tributary to Buser Run (WWF, MF) all for the purpose of protecting an existing 8.0-inch gas pipeline. The project is located approximately 1,500 feet south of the intersection of Fulling Mill Road and Turnpike Industrial Drive (Steelton Quadrangle 40° 13' 22.65" N, 76° 47' 3.70" W) in Swatara Township, Dauphin County. No wetlands will be impacted by this project. Issued May 5, 2017.

**E06-629 (Major Amendment): Prologis**, One Meadows Plaza, Suite 100, East Rutherford, NJ 07073 in Bethel Township, **Berks County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a 1,084,156 square foot warehouse facility permanently impacting 0.223 acre of PEM wetlands, and 0.43 acre of PEM/PSS wetlands, and permanently filling and impacting 18 linear feet of a UNT to Little Swatara Creek (CWF, MF). To compensate for wetland and stream impacts, the applicant is proposing to 1) construct 1.19 acre of replacement wetlands while temporarily impacting 0.21 acre of a PEM/PSS/PFO wetland to facilitate construction, and 2) construct a new 50 feet long stream channel on-site. The project is located on the South Side of I-78, between exits 15 (Grimes) and 16 (Midway) (Bethel, PA Quadrangle, Longitude: 76°15'5") in Bethel Township, Berks County. Issued May 5, 2017.



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

**E53-449. Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. SR 0044, Section A10, Bridge to Bridge Replacement Project, Abbott Township, **Potter County**. USACOE Baltimore District (Galeton, PA Quadrangle Latitude: 41° 37' 30.1"; Longitude: 77° 43' 03.6").

This authorization gives consent to remove an existing single span bridge and construct, operate and maintain single span bridge to carry SR 0044, Section A10, across Little Kettle Creek. The single span concrete bridge to carry SR 0044 across Little Kettle Creek shall be constructed to minimally have a normal clear span of 41.8-feet and underclearance of 5.8-feet. The project is located along the eastern and western right-of-ways of SR 0044 approximately 0.3-mile south of SR 0144 and SR 0044 intersection in Abbott Township, Potter County. The Department has deemed the 0.044 acre of permanent wetland impacts as de minus, for which the permittee shall not be required to provide replacement wetlands as mitigation.

**E08-499. Wayne Salsman**, 2188 Route 187, Sugar Run, PA 18846, Wilmot Township, **Bradford County**, U.S. Army Corps of Engineers, Baltimore District.

Mr. Wayne Salsman applied for a joint permit to place a new pipe culvert in Sugar Run Creek to allow access to private farm land. Presently, the crossing will be installed as a low flow stream crossing, allowing higher streamflow to pass over the top of the roadway to limit any impacts on the 100-year floodplain. The Crossing is in the same location as a previously permitted temporary crossing installed (via GP-8) during oil and gas activities on the same lands. The temporary crossing has been removed.

The project is located at Quadrangle: Jenningsville; Latitude: 41° 34' 44", Longitude: -76° 13' 21".

*Southwest Region: Waterways & Wetlands Program, 500 Waterfront Drive, Pittsburgh, PA 15222, Rita A. Coleman (412) 442-4149.*

**E63-659-A1, Pennsylvania Department of Transportation, Engineering District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, Fallowfield Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

Amend the existing permit to include placement and maintenance of fill in 213 ft of an unnamed tributary to Maple Creek (WWF) with a drainage area less than 100 acres, construction and maintenance of a 200 ft long replacement channel, placement and maintenance of fill in 0.07 acre of PEM/PSS wetland, and additional temporary impacts of 235 ft to an unnamed tributary of Maple Creek (WWF) and 0.01 acre of PEM/PSS wetland. Mitigation for the additional stream impacts will occur offsite on North Branch Pigeon Creek (WWF) in Somerset Township, Washington County. Mitigation for the additional wetland impacts will take place offsite at the State Game Lands 297 Bank in North Bethlehem Township, Washington County. The existing permit authorizes the removal of the existing SR 481, 116 ft long, 10 ft wide by 6 ft high, RC arch enclosure; construction and maintenance of a 10 ft by 8 ft, 80 ft long RC box culvert replacement on a UNT to Pigeon Creek (WWF) with a drainage area of 189 acres, Latitude 40° 7' 29" and Longitude -79° 57' 35"; extension 104 ft upstream and 110 ft downstream, and maintenance of an existing SR 70, 292 ft long, 6 ft by 7 ft

RC box enclosure with a final length of 506 ft and with a drainage area of 139 acres; placement and maintenance of fill in a 378 ft long section of UNT to Pigeon Creek between the SR 481 enclosure replacement and the SR 70 enclosure extension; and construction and maintenance of a relocated 328 ft long open channel replacement of the filled UNT Pigeon Creek with a drainage area of 189 acres. In addition the project includes installation and maintenance of road associated stormwater outfalls; placement and maintenance of fill in 340 ft of UNTs to Pigeon Creek (WWF) with drainage areas less than 100 acres; construction and maintenance of a 138 ft long open channel of UNTs to Pigeon Creek with drainage areas less than 100 acres; placement and maintenance of fill in 0.4 acre of PEM/PSS wetland; and temporary impacts to 1,731 ft of stream and 0.17 acre of PEM wetland for construction of the encroachments. Stream mitigation will occur offsite on Sherrick Run (WWF), located in Mount Pleasant Township, Westmoreland County. Wetland mitigation will occur offsite at the State Game Lands 297 Bank in North Bethlehem Township, Washington County.

This project is associated with the SR 70 and SR 481 interchange improvement project with these encroachments extending approximately half a mile east and west from the SR 481 and SR 70 intersection Fallowfield Township, Washington County (Beginning Monongahela Quadrangle, North 0.6 inches and West 12.1 inches, Latitude 40° 7' 38" and Longitude -79° 57' 38"; and extending to California Quadrangle, North 22.2 inches and West 12.1 inches, Latitude 40° 7' 25" and Longitude -79° 57' 29").

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E25-782, Barrel-O-Fun, East, LLC**, 817 State Route 97, Waterford, PA 16117. Industrial Wastewater Treatment Facility, Pipeline, and Outfall to French Creek, in LeBoeuf and Waterford Townships, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 41°, 55', 45"; W: 79°, 56', 23.2").

Conduct the following activities associated with construction of an industrial wastewater treatment facility at the existing Barrel-O-Fun site on SR 97 (Waterford, PA Quadrangle N: 41°, 55', 45"; W: 79°, 56', 23.2") in Waterford Township, Erie County:

1) Install 7,700 LF of 8 inch diameter pipeline to convey treated wastewater south from the Barrel-O-Fun facility to French Creek, including an 871 LF wetland crossing to be installed by horizontal directional drill.

2) Install an outfall structure within the floodway, but above the ordinary high water mark, of French Creek.

#### **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

dures may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0000717001	Dominion Transmission, Inc. 287 Fairlane Boulevard New Galilee, PA 16141	Beaver County	Big Beaver Borough Homewood Borough	UNTs to Jordan Run (CWF-HQ) UNT to Stockman Run (WWF) Clarks Run (WWF) Beaver River (WWF)
<i>Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.</i>				
ESCGP-2 # ESX12-073-0010	—Pulaski-Whiting Well Pad Renewal Applicant Hilcorp Energy Company Contact Stephanie McMurray Address 1111 Travis Street; Suite 1400 City Houston State TX Zip Code 77002 County Lawrence Township Pulaski Receiving Stream(s) and Classification(s) UNT Shenango River		City, State, Zip Canonsburg, PA 15317 County Susquehanna Township(s) Great Bend, New Milford & Oakland Receiving Stream(s) and Classification(s) Deacon Brook (CWF-MF)	
<i>Eastern Region: Oil &amp; Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.</i>				
ESCGP-2 # ESG29-115-16-0044	Applicant Name Bluestone Pipeline Co of PA LLC Contact Person Michael Spangenberg Address 1429 Oliver Rd City, State, Zip New Milford, PA 18834-7516 County Susquehanna Township(s) New Milford Receiving Stream(s) and Classification(s) UNTs to Butler Ck (CWF-MF)		ESCGP-2 # ESX29-117-17-0010 Applicant Name SWEPI LP Contact Person Jason Shoemaker Address 150 N Dairy Ashford, E1296-E City, State, Zip Houston, TX 77079 County Tioga Township(s) Farmington Receiving Stream(s) and Classification(s) Thornbottom Ck (WWF); Cummings Ck (WWF)	
ESCGP-2 # ESX11-081-0110(02)	Applicant Name Inflection Energy PA LLC Contact Person Thomas Gillespie Address 101 W Third St, 5th Fl City, State, Zip Williamsport, PA 17701 County Lycoming Township(s) Upper Fairfield Receiving Stream(s) and Classification(s) Loyalsock Ck (EV) Secondary—West Branch Susquehanna River (WWF)		ESCGP-2 # ESX29-115-17-0017 Applicant Name SWN Production Co LLC Contact Person Justin Moore Address 917 State Route 92 North City, State, Zip Tunkhannock, PA 18657 County Susquehanna Township(s) New Milford Receiving Stream(s) and Classification(s) UNT to Nine Partners Ck (CWF-MF)	
ESCGP-2 # ESG29-117-17-0005	Applicant Name HEP Tioga Gathering LLC Contact Person Kevin Williams Address 17806 IH-10 West, Suite 210 City, State, Zip San Antonio, TX 78257 County Tioga Township(s) Liberty Receiving Stream(s) and Classification(s) Blacks Ck (CWF); Blockhouse Ck (CWF)		ESCGP-2 # ESX29-117-17-0009 Applicant Name SWEPI LP Contact Person Jason Shoemaker Address 150 N Dairy Ashford, E1296-E City, State, Zip Houston, TX 77079 County Tioga Township(s) Deerfield Receiving Stream(s) and Classification(s) Boatman Brook (WWF)	
ESCGP-2 # ESX29-115-17-0018	Applicant Name Bluestone Pipeline Co of PA LLC Contact Person Paul Corrigan Address 333 Technology Dr, Suite 255		ESCGP-2 # ESX29-117-17-0012 Applicant Name SWEPI LP Contact Person Jason Shoemaker Address 150 N Dairy Ashford, E1296-E City, State, Zip Houston, TX 77079 County Tioga Township(s) Rutland Receiving Stream(s) and Classification(s) Elk Run (TSF)	
			ESCGP-2 # ESX12-117-0090(02) Applicant Name Regency Marcellus Gas Gathering LLC Contact Person Alan Vaina Address 101 W Third St City, State, Zip Williamsport, PA 17701 County Tioga	

Township(s) Liberty  
 Receiving Stream(s) and Classification(s) Salt Spring (HQ-CWF); Brion Ck (HQ-CWF); Taylor Run (EV)  
 ESCGP-2 # ESX29-117-15-0044(01)  
 Applicant Name Regency Marcellus Gas Gathering LLC  
 Contact Person Alan Vaina  
 Address 101 W Third St  
 City, State, Zip Williamsport, PA 17701  
 County Tioga  
 Township(s) Covington, Hamilton, Liberty, Richmond Twps. & Blossburg Boro  
 Receiving Stream(s) and Classification(s) Taylor Run (EV); Long Run (CWF); Dibble Run (EVP); Johnson Ck (CWF); Tioga River (CWFP; Morris Run (CWF); Coal Ck (CWF); Bear Ck (CWF); East Ck (EV); Wilson Ck (CWF); Canoe Camp Ck (CWF)  
 ESCGP-2 # ESG29-018-17-0020  
 Applicant Name Appalachia Midstream Services LLC  
 Contact Person Josh Brown  
 Address 400 IST Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Overton  
 Receiving Stream(s) and Classification(s) UNT to Lick Ck (EV); Lick Ck (EV)  
 Secondary—Little Loyalsock Ck  
 ESCGP-2 # ESX29-115-17-0008  
 Applicant Name Susquehanna Gathering Co LLC  
 Contact Person Paul Corrigan  
 Address 333 Technology Dr, Suite 255  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna

Township(s) New Milford  
 Receiving Stream(s) and Classification(s) Tributaries to Nine Partners Ck (CWF, MF) and tributaries to Butler Ck (CWF, MF)  
 ESCGP-2 # ESG29-115-17-0006  
 Applicant Name Appalachia Midstream Services LLC  
 Contact Person Josh Brown  
 Address 400 IST Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Auburn  
 Receiving Stream(s) and Classification(s) UNT to Little Meshoppen Ck (CWF-MF)  
 ESCGP-2 # ESX29-115-16-0053  
 Applicant Name SWN Production Co LLC  
 Contact Person Justin Moore  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna  
 Township(s) Lenox  
 Receiving Stream(s) and Classification(s) UNT to Tunkhannock Ck (CWF, MF) and Tunkhannock Ck (CWF, MF)  
 ESCGP-2 # ESX29-117-17-0011  
 Applicant Name Regency Marcellus Gas Gathering LLC  
 Contact Person Tom Glisson  
 Address 101 W Third St  
 City, State, Zip Williamsport, PA 17701  
 County Tioga  
 Township(s) Richmond  
 Receiving Stream(s) and Classification(s) Canoe Camp Ck (CWF)

**SPECIAL NOTICES**

**Air Quality; Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds, and Notice of Public Hearing for the Revised Air Quality Operating Permit 46-00198**

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

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

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection (DEP) has made a determination for an alternate Reasonably Available Control Technology II (RACT II) plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the chocolate manufacturing facility owned and operated by Blommer Chocolate Company in Upper Hanover Township, Montgomery County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, have been incorporated into this revised operating permit 46-00198 for the facility. After the public participation requirements of 40 CFR § 51.102 are met, including that public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR Part 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded and/or redacted from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

<i>Source Description</i>	<i>Proposed VOC RACT</i>	<i>TVOP No. 46-00198 Condition No.</i>
105—Line Roaster	Good Operating Practices	Section D, Condition # 006
	VOC Emissions < 10.41 tpy	Section D, Condition # 002
	25 Pa. Code § 129.100(d)	Section D, Condition # 004
	25 Pa. Code § 129.100(i)	Section D, Condition # 005



<i>Source Description</i>	<i>Proposed VOC RACT</i>	<i>TVOP No. 46-00198 Condition No.</i>
108—Line 2 Grinder	Good Operating Practices	Section D, Condition # 006
	VOC Emissions < 4.68 tpy	Section D, Condition # 002
	25 Pa. Code § 129.100(d)	Section D, Condition # 004
	25 Pa. Code § 129.100(i)	Section D, Condition # 005
109—Line 1 Roaster	Good Operating Practices	Section D, Condition # 009
	25 Pa. Code § 129.100(d)	Section D, Condition # 007
	25 Pa. Code § 129.100(i)	Section D, Condition # 008
118A—Line 3 Grinder	Good Operating Practices	Section D, Condition # 006
	VOC Emissions < 7.78 tpy	Section D, Condition # 002
	25 Pa. Code § 129.100(d)	Section D, Condition # 004
	25 Pa. Code § 129.100(i)	Section D, Condition # 005
124A—Alkalization Processes	Good Operating Practices	Section D, Condition # 009
	VOC Emissions < 13.05 tpy	Section D, Condition # 001
	25 Pa. Code § 129.100(d)	Section D, Condition # 005
	25 Pa. Code § 129.100(i)	Section D, Condition # 007
125—Line 3 Roaster	Good Operating Practices	Section D, Condition # 010
	VOC Emissions < 21.31 tpy	Section D, Condition # 004
	25 Pa. Code § 129.100(d)	Section D, Condition # 008
	25 Pa. Code § 129.100(i)	Section D, Condition # 009
132A—Line 1 Grinder	Good Operating Practices	Section D, Condition # 006
	VOC Emissions < 5.5 tpy	Section D, Condition # 002
	25 Pa. Code § 129.100(d)	Section D, Condition # 004
	25 Pa. Code § 129.100(i)	Section D, Condition # 005
143—Line 4 Micronizer	Good Operating Practices	Section D, Condition # 008
	VOC Emissions < 3.29 tpy	Section D, Condition # 003
	25 Pa. Code § 129.100(d)	Section D, Condition # 006
	25 Pa. Code § 129.100(i)	Section D, Condition # 007
147—Line 4 Cooler	Good Operating Practices	Section D, Condition # 005
	VOC Emissions < 6.42 tpy	Section D, Condition # 001
	25 Pa. Code § 129.100(d)	Section D, Condition # 003
	25 Pa. Code § 129.100(i)	Section D, Condition # 004

*Public hearing.* The hearing will be held on June 22, 2017 at 9:00 a.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. To register to speak at the hearing, or to inquire if the hearing will be held, please contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808. The last day to pre-register to speak at the hearing will be June 15, 2017. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>.

We ask that you contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or monitor our website to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

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 James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. A 30-day comment period from the May 20, 2017 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 RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Appointments for scheduling a review may be made by calling the Department at 484-250-5910.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Air Quality; Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds, and Notice of Public Hearing for the Revised Air Quality Operating Permit 23-00012**

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a determination for an alternate Reasonably Available Control Technology II (RACT II) plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the plastic material and resin manufacturing facility owned and operated by Braskem America, Inc. in Marcus Hook Borough, Delaware County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, have been incorporated into this revised operating permit 23-00012 for the facility. After the public participation requirements of 40 CFR § 51.102 are met, including that public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded and/or redacted from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

<i>Source Description</i>	<i>Proposed VOC RACT</i>	<i>TVOP No. 46-00198 Condition No.</i>
101A—Plant 1 Three Storage Silos	VOC Emissions ≤ 12.10 tpy	Section D, Condition # 002
	Monitoring	Section D, Condition # 003
	Recordkeeping 25 Pa. Code § 129.100(d)	Section D, Condition # 004
101B—Plant 2 Three Storage Silos	VOC Emissions ≤ 4.64 tpy	Section D, Condition # 003
	Monitoring	Section D, Condition # 004
	Recordkeeping 25 Pa. Code § 129.100(d)	Section D, Condition # 005
102A—Plant 1 Polypropylene Manufacturing Sources	VOC destruction of 99% by flare	Section D, Condition # 002
	Monitoring 25 Pa. Code § 129.100	Section D, Condition # 005
	Recordkeeping 25 Pa. Code § 129.100	Section D, Condition # 007
102B—Plant 2 Polypropylene Manufacturing Sources	VOC destruction of 99% by flare	Section D, Condition # 003
	Monitoring	Section D, Condition # 006
	Recordkeeping 25 Pa. Code § 129.100(d)	Section D, Condition # 008
106 Propylene Splitter Process and Cavern 4	VOC destruction of 98% by flare	Section D, Condition # 001
	Recordkeeping 25 Pa. Code § 129.100(d)	Section D, Condition # 008
107 Propylene Unloading Rack	VOC destruction of 98% by flare	Section D, Condition # 002
	Recordkeeping 25 Pa. Code § 129.100(d)	Section D, Condition # 009

*Public hearing.* The hearing will be held on June 22, 2017, at 1:00 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. To register to speak at the hearing, or to inquire if the hearing will be held, please contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808. The last day to pre-register to speak at the hearing will be June 15, 2017. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>.

We ask that you contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

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 James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. A 30-day comment period from the May 20, 2017 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 RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Appointments for scheduling a review may be made by calling the Department at 484-250-5910.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Air Quality; Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds, and Notice of Public Hearing for the Revised Air Quality Operating Permit 09-00066**

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a determination for an alternate Reasonably Available Control Technology II (RACT II) plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the Fairless Hills Generating Station owned and operated by Exelon Generation Co LLC in Falls Township, Bucks County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, have been incorporated into this revised operating permit 09-00066 for the facility. After the public participation requirements of 40 CFR § 51.102 are met, including that public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded and/or redacted from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

*Source*

Powerhouse Boiler 4 & 5 (Source Ids 044 & 045)

*RACT II Requirement*

Condition # 002(b): The following NO<sub>x</sub> emission limits shall be used for the corresponding fuel type:

(1) Landfill Gas—0.100 lbs/MMBtu (30-day rolling average), in accordance with 25 Pa. Code § 129.99(b).

Condition # 012(b): The owner or operator shall demonstrate compliance with the emission limitations under Condition # 002, of this source, by operating a CEMS for NO<sub>x</sub>, in accordance with the following procedures:

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

(i) A 30-day rolling average emission rate for an air contamination source that is a combustion unit shall be expressed in pounds per million Btu and calculated in accordance with the following procedure:

(A) Sum the total pounds of pollutant emitted from the combustion unit for the current operating day and the previous 29 operating days.

Source

*RACT II Requirement*

(B) Sum the total heat input to the combustion unit in million Btu for the current operating day and the previous 29 operating days.

(C) Divide the total number of pounds of pollutant emitted by the combustion unit for the 30 operating days by the total heat input to the combustion unit for the 30 operating days.

(ii) A 30-day rolling average emission rate for each applicable RACT emission limitation shall be calculated for an affected air contamination source for each consecutive operating day.

(iii) Each 30-day rolling average emission rate for an affected air contamination source must include the emissions that occur during the entire operating day, including emissions from start-ups, shutdowns and malfunctions.

Condition # 016(b): The permittee shall keep records to demonstrate compliance with §§ 129.96—129.99, for NO<sub>x</sub>, as applicable, in the following manner:

- (1) The records must include sufficient data and calculations to demonstrate that the requirements of 25 Pa. Code §§ 129.96—129.99, as applicable, are met.
- (2) Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.
- (3) The records shall be retained by the owner or operator for 5 years and made available to the Department or appropriate approved local air pollution control agency upon receipt of a written request from the Department or appropriate approved local air pollution control agency.

*Public hearing.* The hearing will be held on June 22, 2017 at 3:00 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. To register to speak at the hearing, or to inquire if the hearing will be held, please contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808. The last day to pre-register to speak at the hearing will be June 15, 2017. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>.

We ask that you contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

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 James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. A 30-day comment period from the May 20, 2017 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 RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Appointments for scheduling a review may be made by calling the Department at 484-250-5910.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Air Quality; Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds, and Notice of Public Hearing for the Revised Air Quality Operating Permit 46-00005**

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a determination for an alternate Reasonably Available Control Technology II (RACT II) plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the pharmaceutical manufacturing and R&D facility owned and operated by the Merck, Sharp & Dohme Corp. in Upper Gwynedd Township, Montgomery County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, have been incorporated into this revised operating permit 46-00005 for the facility. After the public participation requirements of 40 CFR § 51.102 are met, including that public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded and/or redacted from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

<i>Source Description</i>	<i>Proposed NO<sub>x</sub> RACT</i>	<i>TVOP No. 46-00005 Condition No.</i>
033 (Boiler 3)	NO <sub>x</sub> emission limit—0.15 lb/MMBtu (Natural Gas)	Section D, Condition # 003(a)
	NO <sub>x</sub> emission limit—0.15 lb/MMBtu (# 2 fuel oil)	Section D, Condition # 003(a)
	Stack test for NO <sub>x</sub> emissions once/5 years	Section D, Condition # 007
	Monitor for NO <sub>x</sub> and VOC limits	Section D, Condition # 008
	Record for NO <sub>x</sub> and VOC limits	Section D, Condition # 009
	Operate and maintain in accordance with Manufacturer's specifications.	Section C, Condition # 037
035 (Boiler 5)	NO <sub>x</sub> emission limit—0.20 lb/MMBtu (Natural Gas)	Section D, Condition # 003(a)
	NO <sub>x</sub> emission limit—0.20 lb/MMBtu (# 2 fuel oil)	Section D, Condition # 003(a)
	Stack test for NO <sub>x</sub> emissions once/5 years	Section D, Condition # 007
	Monitor for NO <sub>x</sub> and VOC limits	Section D, Condition # 008
	Record for NO <sub>x</sub> and VOC limits	Section D, Condition # 009
	Operate and maintain in accordance with Manufacturer's specifications.	Section C, Condition # 037
005 (Rotary Kiln Incinerator—RKI)	NO <sub>x</sub> emission limit—140 ppmv	Section D, Condition # 005(h)
	Stack test for NO <sub>x</sub> emissions once/5 years	Section D, Condition # 020
	Stack testing for NO <sub>x</sub> emissions	Section D, Condition # 022
	Operate and maintain in accordance with Manufacturer's specifications.	Section C, Condition # 037

<i>Source Description</i>	<i>Proposed VOC RACT</i>	<i>TVOP No. 46-00005 Condition No.</i>
105 (Biological Manufacturing)	VOC emission limit from disinfection operations	Section D, Condition # 002
	VOC Emission Monitoring	Section D, Condition # 004
	VOC Emission Recording	Section D, Condition # 005(b)
	VOC Work Practice Standards	Section D, Condition # 007
	VOC Work Practice Standards	Section D, Condition # 008



<i>Source Description</i>	<i>Proposed VOC RACT</i>	<i>TVOP No. 46-00005 Condition No.</i>
107 (Building 12)	VOC emission limit from disinfection operations	Section D, Condition # 001(b)
	VOC Emission Monitoring	Section D, Condition # 003
	VOC Emission Recording	Section D, Condition # 005(b)
	VOC Work Practice Standards	Section D, Condition # 007
	VOC Work Practice Standards	Section D, Condition # 008
108 (Building 66)	VOC emission limit from disinfection operations	Section D, Condition # 001(b)
	VOC Emission Monitoring	Section D, Condition # 005
	VOC Emission Recording	Section D, Condition # 006(b)
	VOC Work Practice Standards	Section D, Condition # 008
	VOC Work Practice Standards	Section D, Condition # 009
111 (Building 62)	VOC emission limit from disinfection operations	Section D, Condition # 001
	VOC Emission Monitoring	Section D, Condition # 002
	VOC Emission Recording	Section D, Condition # 003
	VOC Work Practice Standard	Section D, Condition # 004
	VOC Work Practice Standard	Section D, Condition # 005
Section C (Site Condition for Research & Development in numerous buildings)	VOC emission limit from disinfection operations	Section C, Condition # 009
	VOC Emission Recording	Section C, Condition # 018
	VOC Work Practice Standard	Section C, Condition # 033
	VOC Work Practice Standard	Section C, Condition # 034

*Public hearing.* The hearing will be held on June 22, 2017 at 11:00 a.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. To register to speak at the hearing, or to inquire if the hearing will be held, please contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808. The last day to pre-register to speak at the hearing will be June 15, 2017. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>.

We ask that you contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

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 James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. A 30-day comment period from the May 20, 2017 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 RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Appointments for scheduling a review may be made by calling the Department at 484-250-5910.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

[Pa.B. Doc. No. 17-853. Filed for public inspection May 19, 2017, 9:00 a.m.]

### Draft Beneficiary Mitigation Plan Relating to the Volkswagen Settlement; Listening Sessions and Solicitation of Public Input

The Commonwealth has been identified as a potential Beneficiary of the partial consent decree approved by the United States District Court for the Northern District of California (court) on October 25, 2016, in the case called *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, 15-MD-2672-CRB (JSC). This First Partial Consent Decree establishes a \$2.7 billion environmental mitigation trust (Mitigation Trust), to be divided primarily among the participating states, including the Commonwealth, as part of a settlement of consumer protection law claims against Volkswagen and related entities for excess emissions from certain 2.0-liter vehicles. A Second Partial Consent Decree, under the same settlement and relating to 3.0-liter subject vehicles, commits an additional \$225 million to the Mitigation Trust and was filed with the court on December 20, 2016. The First and Second Partial Consent Decrees allocate a total of \$118,569,539.52 to the Commonwealth.

The Trust Agreement will be modeled on Appendix D of the First Partial Consent Decree. If the Commonwealth is approved as a Beneficiary of the previously-referenced settlement, the Department of Environmental Protection (Department) will be the Lead Agency to implement the Trust Agreement for the Commonwealth. The Department has developed this draft Beneficiary Mitigation Plan under the Federal Consent Decree settlements. This draft Beneficiary Mitigation Plan sets forth the Commonwealth's overall structure for use of the mitigation funds, as well as information about the specific project types eligible for funding under the settlement agreements.

#### A. Public Comments

The Department is seeking public input on the draft Beneficiary Mitigation Plan through July 5, 2017. The Department will host a webinar to provide summary information on the settlement agreements and the draft Beneficiary Mitigation Plan, followed by six listening sessions around this Commonwealth to accept public input on the draft Beneficiary Mitigation Plan. Verbal comment during the listening sessions is limited to 5 minutes for each speaker and will be recorded. Speakers are asked to submit one written copy of their comments to the Department staff at the listening session. Organizations are asked to designate one speaker to present comments on their behalf.

The Department will make all comments received available through eComment, accessible at <http://www.ahs.dep.pa.gov/eComment/>, and may also incorporate them into the existing Frequently Asked Questions document on the Department's Volkswagen web site at <http://www.dep.pa.gov/Business/Air/Volkswagen/Pages/Environmental-Mitigation-Trust-Agreement.aspx>. Comments received by the Department will be used to develop the Commonwealth's final Beneficiary Mitigation Plan.

Commentators are encouraged to submit written comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment/](http://www.ahs.dep.pa.gov/eComment/). Written comments may also be submitted by e-mail at [eComment@pa.gov](mailto:eComment@pa.gov) or hard copy to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments submitted by facsimile will not be accepted.

The Department is particularly interested in receiving public comment on the following topics:

- The Commonwealth has placed the ten Eligible Mitigation Actions into four groups: 1) on-road fleet projects; 2) nonroad/off-road fleet projects; 3) Diesel Emission Reduction Act-eligible fleet projects; and 4) light-duty zero emission vehicle supply equipment. The Department seeks comment on the percentage of the allocated funding that should be committed to each of these four groups. The Department has included a range of potential funding percentages in the draft Beneficiary Mitigation Plan. *Note:* The funding allocation for the light-duty zero emission vehicle supply equipment group is limited in the settlements to 15% of the total funding.

- There are several emission models available to calculate emission reduction benefits from projects. The Department seeks feedback on the most appropriate model to use to calculate emission reductions for the different types of Eligible Mitigation Actions.

- The Trust Agreement in Appendix D establishes maximum reimbursement rates between 25—100% of eligible project costs for each eligible project type. The Department seeks feedback on whether the Department should reimburse at the maximum levels allowed under the Consent Decrees, or if the Department should reimburse at lower levels for each project type. *Note:* The higher the reimbursement rate, the fewer funded projects.

- Should the Commonwealth prioritize: 1) projects that have a transformative impact on markets for eligible technologies; or 2) infrastructure to support those technologies?

- Are there concerns about the capacity of any of the sectors eligible for funding to utilize any of the Eligible Mitigation Actions? The Department seeks feedback on whether certain sectors may have insufficient capacity to utilize or develop the Eligible Mitigation Actions.

#### B. Listening Session and Webinar Schedules

A webinar will be held on May 23, 2017, from 10 a.m. to 11 a.m. Interested parties should go to the Department's webinar webpage to register at <http://www.dep.pa.gov/DataandTools/Webinars/Pages/default.aspx>. See "PA VW Beneficiary Mitigation Plan" webinar link.

Commentators are encouraged to register in advance of the listening sessions by calling the Department Policy Office at (717) 783-8727.

The listening session schedule is as follows:

June 5, 2017 10 a.m.—12 p.m.	Department of Environmental Protection Southcentral Regional Office Susquehanna Rooms A and B 909 Elmerton Avenue Harrisburg, PA 17110
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June 7, 2017 10 a.m.—12 p.m.	Department of Environmental Protection Northcentral Regional Office Goddard Room 208 West Third Street, Suite 101 Williamsport, PA 17701-6448
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June 13, 2017  
10 a.m.—12 p.m. Department of Environmental Protection  
Southeast Regional Office  
Delaware Room and Schuylkill River Room  
2 East Main Street  
Norristown, PA 19401

June 15, 2017  
10 a.m.—12 p.m. Department of Environmental Protection  
Northeast Regional Office  
2nd Floor Conference Rooms A and B  
2 Public Square  
Wilkes-Barre, PA 18711-0790

June 22, 2017  
10 a.m.—12 p.m. Department of Environmental Protection  
Northwest Regional Office  
1st Floor Main Conference Room  
230 Chestnut Street  
Meadville, PA 16335

June 23, 2017  
10 a.m.—12 p.m. Department of Environmental Protection  
Southwest Regional Office  
Waterfront Rooms A and B  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

### C. Contacts

Questions concerning the comment period, listening sessions, and webinar should be directed to the Department Policy Office at (717) 783-8727. The schedule for the sessions and a copy of the draft Beneficiary Mitigation Plan are also available on the Department's Volkswagen web site at <http://www.dep.pa.gov/Business/Air/Volkswagen/Pages/Environmental-Mitigation-Trust-Agreement.aspx>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727, or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-854. Filed for public inspection May 19, 2017, 9:00 a.m.]

### Oil and Gas Technical Advisory Board Rescheduled Meetings

The Oil and Gas Technical Advisory Board meetings originally scheduled for Thursday, August 17, 2017, and Thursday, November 16, 2017, at the Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA have been rescheduled to Wednesday, August 23, 2017, and Wednesday, November 1, 2017, respectively. Both meetings will be held at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the meeting can be directed to Todd M. Wallace at (717) 783-9438 or [twallace@pa.gov](mailto:twallace@pa.gov). The agenda and meeting materials for the meetings will be made available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Oil and Gas Advisory Committees," then "Oil and Gas Technical Advisory Board (TAB)").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Todd M. Wallace at (717) 783-9438 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-855. Filed for public inspection May 19, 2017, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Easton Hospital	28 Pa. Code § 51.23 (relating to positron emission tomography) 28 Pa. Code § 107.2 (relating to medical staff membership) 28 Pa. Code § 107.61 (relating to written orders)
Lehigh Valley Hospital	28 Pa. Code § 51.32 (relating to exceptions for innovative programs)

<i>Facility Name</i>	<i>Regulation</i>
Sharon Regional Health System	28 Pa. Code § 51.23
	28 Pa. Code § 107.2
	28 Pa. Code § 127.1 (relating to principle)
	28 Pa. Code § 127.22 (relating to radiation safety inspection)
	28 Pa. Code § 136.21(a)(1) (relating to quality management and improvement)
	28 Pa. Code § 137.11 (relating to facilities and equipment)
	28 Pa. Code § 137.21 (relating to policies and procedures)
UPMC Jameson	28 Pa. Code § 137.33 (relating to obstetrical-gynecological nursing service)
	28 Pa. Code § 138.2 (relating to definitions)
	28 Pa. Code § 107.32 (relating to meetings and attendance)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Easton Hospital	2.1-2.4.3.9.1(b)	Special design elements (architectural details)	2014
	2.2-2.5.2.2	Space requirements (area)	2014
	2.2-3.3.2.1	Space requirements	2014
	2.5-2.2.6.13	Consultation room(s)	2014
	2.5-2.4.2.2	Bathing facilities	2014
Jefferson Hospital	2.1-2.6.6.2(2)(b)	Work areas for preparing, dispensing and administering medications (location 01-17)	2014
	2.1-2.6.6.2(2)(b)	Work areas for preparing, dispensing and administering medications (locations 01-5, 01-18 and 01-19)	2014
	2.2-3.3.6.10(3)	Soiled workrooms or holding rooms	2014
Thomas Jefferson University Hospitals—(Internal Medicine at MHD)	3.1-3.2.2.2(1)	Space requirements (area—2nd floor exam rooms)	2014
	3.1-6.2.4.1	Public toilets	2014
Thomas Jefferson University Hospitals—(Jefferson Cardiology)	3.1-3.2.2.2(1)	Space requirements (area—mezzanine exam rooms)	2014
Thomas Jefferson University Hospitals—(Jefferson Dermatology)	3.8-3.1.2.1	Space requirements (area—7th floor procedure rooms)	2014
Thomas Jefferson University Hospitals—(Jefferson Nephrology)	3.1-3.2.2.2(1)	Space requirements (area—7th floor exam rooms)	2014
	3.1-6.2.4.1		2014
Thomas Jefferson University Hospitals—(Jefferson Oral and Maxillofacial Surgery)	3.1-3.2.2.2(1)	Space requirements (area—3rd floor exam rooms)	2014
	3.1-3.2.2.2(1)	Space requirements (area—3rd floor procedure rooms)	2014
	3.1-6.2.4.1		2014
Thomas Jefferson University Hospitals—(Jefferson Otolaryngology)	3.8-3.1.2.1		2014



<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Thomas Jefferson University Hospitals—(Jefferson Surgery)	3.8-3.1.2.1	Space requirements (area—5th floor procedure rooms)	2014
Thomas Jefferson University Hospitals—(Jefferson Urology)	3.1-3.2.2.2(1)		2014
	3.8-3.1.2.1		2014
UPMC McKeesport	2.1-2.4.3.1(1)(b)	Capacity (general—seclusion rooms)	2014
	2.5-2.2.2.6(3)	Patient toilet rooms	2014
	2.5-2.2.6.13(1)	Consultation rooms	2014

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-856. Filed for public inspection May 19, 2017, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-5419	State Board of Pharmacy Compounding 47 Pa.B. 1509 (March 11, 2017)	4/10/17	5/10/17
125-204	Pennsylvania Gaming Control Board Four Card Prime and Cajun Stud; Table Game Rules of Play 47 Pa.B. 1495 (March 11, 2017)	4/10/17	5/10/17

#### **State Board of Pharmacy Regulation # 16A-5419 (IRRC # 3163)**

#### **Compounding May 10, 2017**

We submit for your consideration the following comments on the proposed rulemaking published in the March 11, 2017 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the State Board of Pharmacy

(Board) to respond to all comments received from us or any other source.

#### **1. Protection of the public health, safety and welfare; Clarity, feasibility and reasonableness of the regulation.**

The Board states in response to Regulatory Analysis Form (RAF) question 15 that all pharmacists who compound drugs will be impacted by the regulation. The Board responds to RAF question 16 that all pharmacies and pharmacists who elect to compound drugs would be required to comply with the provisions of this regulation.

We also note that Section 390-8(2) of the Pharmacy Act provides:

It shall be unlawful for:

(2) Any person not duly licensed as a pharmacist, pursuant to section 3 hereof, to engage in the practice of pharmacy, including the preparing, compounding, dispensing, selling or distributing at retail to any person any drug. . . . Provided, however, *That nothing herein shall be construed to prevent a duly licensed medical practitioner from dispensing, compounding or otherwise giving any drug to his own patients after diagnosis or treatment of said patient, if such compounding, preparing and dispensing is done by said licensee himself.* . . . (Emphasis added.) 63 P.S. § 390-8(2).

However, commenters express concern that the Board states in the Preamble that “all compounding shall be done in accordance with the current version of the *United States Pharmacopeia* (USP).” We ask the Board to clarify in the final regulation the effect, if any, of this regulation on licensed medical practitioners other than pharmacists.

Also, the questions on the inspection form attached to the RAF all seem to apply only to sterile compounding. Will there be any changes to the inspection forms related to non-sterile compounding?

**2. Protection of the public health, safety and welfare; Clarity and lack of ambiguity; Reasonableness of requirements, implementation procedures and timetables for compliance.**

In the Preamble, the Board states that the United States Food and Drug Administration (FDA) requires that compounded drug products conform with USP standards in accordance with Section 503a of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 353a), regarding pharmacy compounding. Because the FDA requires that pharmacies follow USP chapters on compounding, the Board proposes to require compounding by pharmacies in this Commonwealth to comply with the USP.

In reviewing the regulation, we note that:

- The Board states solely that the regulated community must comply with USP chapters in three sections (27.601, 27.610 and 27.614);
- The Board proposes language and/or additional requirements as well as states that the regulated community must comply with USP chapters in six sections (27.603, 27.608, 27.609, 27.611, 27.615 and 27.617); and
- The Board does not reference USP chapters in the remaining Compounding and Bulk Compounding sections.

While recognizing that the FDA requirement for compliance with USP chapters is currently in effect, we agree with concerns from the regulated community related to the Board’s seemingly inconsistent application of and/or reference to USP chapters. For example, commenters ask the Board to remove sections that paraphrase existing USP chapters and to remove sections which appear in USP chapters in greater detail. Commenters also ask the Board to directly reference USP chapters to avoid conflicting requirements in the future.

In sections where the Board expands upon or restates USP chapters, how will the Board ensure that Pennsylvania regulations do not conflict with FDA requirements going forward? We ask the Board to ensure that the final-form regulation is consistent with FDA requirements, and to explain in the Preamble of the final

regulation how the Board will ensure consistency with FDA requirements going forward.

**3. Determining whether the regulation is in the public interest.**

The House Professional Licensure Committee (Committee) raises concerns related to Section 27.12(d)(2)(vii) (relating to practice of pharmacy and delegation of duties) that additional information may be necessary to clearly identify what pharmacy technicians may do and/or what they are prohibited from doing when assisting in the compounding of drug products.

The Committee also raises concerns as to whether the label information required in Section 27.620 (relating to label information required) would include all of the information currently found on the label of a non-compounded prescription medication.

We will review the Board’s response to these concerns in our determination of whether the final regulation is in the public interest.

**4. Section 27.603. Bulk drug substances—Nonregulatory language; Protection of the public health, safety and welfare.**

A commenter states that the Board is adopting FDA *Pharmacy Compounding of Human Drug Products Under Section 503a of the Federal Food, Drug, and Cosmetic Act Guidance* (FDA Guidance) concerning bulk drug substances, but the Board is providing for an exception for bulk drug substances that are not subject to a monograph. Subsection (2)(iii) allows for bulk drug substances that “peer-reviewed medical literature supports and, in the professional judgment of the pharmacist and prescriber, demonstrates the safety and effectiveness of the bulk drug substances.” We have concerns that this exception is not regulatory language and does not set a binding norm. A regulation has the full force and effect of law and this provision does not establish a standard that could be predicted by the regulated community. Also, we have concerns that FDA Guidance does not allow for this exception. We ask the Board to ensure that the final-form regulation sets clear compliance standards, and explain how this provision is consistent with FDA Guidance and adequately protects the public health, safety and welfare.

**5. Section 27.604. Dispensing compounded drugs.**

**Section 27.605. Resale of compounded drug products.—Clarity, feasibility and reasonableness of the regulation; Reasonableness of requirements, implementation procedures and timetables for compliance.**

Section 27.604 identifies a “specific patient” while Section 27.605 uses “individual patient.” Do these terms have unique meanings? We ask the Board to ensure the final-form regulation is consistent and clear for the regulated community.

Additionally, we ask the Board to clarify whether these provisions:

- Prohibit dispensing compounded drugs “for office use;”
- Limit a physician’s ability to order and purchase compounded drugs from the compounding pharmacy for the purposes of storing them in the office for future use; and
- Require a patient-specific prescription in order for a pharmacy to be able to send a batch of a compounded drug directly to a physician for administration to that patient.

**6. Section 27.606. Compounding prohibited.—Protection of the public health, safety and welfare; Clarity, feasibility and reasonableness of the regulation.**

Commenters are concerned that Subsection (1) may conflict with a clinical trial where a drug that has been removed from the market is now being used for investigational purposes after approval from an institution's Investigational Review Board. We ask the Board to consider this scenario and explain how the final-form regulation adequately protects the public health, safety and welfare, and is reasonable.

**7. Section 27.608. Protective apparel.—Protection of the public health, safety and welfare; Clarity, feasibility and reasonableness of the regulation.**

This section states that sterile gowning components are necessary "as required by the USP chapter on sterile compounding." A commenter raises concerns that not all gowning components required by USP 797 are sterile. We ask the Board to ensure that the final regulation is clear and reasonable, and adequately protects the public health, safety and welfare.

**8. Section 27.617. Standard operating procedures required.—Nonregulatory language; Clarity and lack of ambiguity; Need for the regulation.**

Subsection (c) states that ". . . Control procedures *must include all of the following, as appropriate*: (1) Capsule weight variation. (2) Adequacy of mixing to ensure uniformity and homogeneity. (3) Clarity, completeness or pH of solutions." (Emphasis added.) Requiring that control procedures "must include all of the following," but only "as appropriate" is contradictory. Further, the term "as appropriate" is vague and does not set a measurable standard. We ask the Board to revise this subsection in the final regulation to ensure that the requirements for compliance are clear for the regulated community.

**9. Section 27.620. Label information required.—Clarity, feasibility and reasonableness of the regulation.**

This section requires compliance with Section 27.18(d), which requires the DEA number of the pharmacy to be included on the container. A commenter states that not all pharmacies possess a DEA license and do not possess nor dispense controlled substances. We ask the Board to consider this scenario and to ensure that the final regulation is reasonable and clear for the regulated community.

**10. Section 27.622. Master formula record.**

**Section 27.623. Production record for drugs compounded in bulk quantities.—Clarity and lack of ambiguity.**

Commenters note that the Board's use of "formula record" in Section 27.622 and "production record" in Section 27.623 is ambiguous because USP defines two types of records: Master Formulation Record and Compounding Record. We ask the Board to use USP terms in the final regulation for clarity and consistency with USP, or to explain the reasonableness of using terms that differ from USP.

**11. Miscellaneous clarity.**

Commenters state that the term "bulk" seems to refer to Active Pharmaceutical Ingredients, which are raw chemicals used in some nonsterile or nonsterile to sterile compounding. Commenters also note that "bulk" is used to refer to batches, which are routinely prepared in

health-system pharmacies from commercially-available sterile FDA-approved products. We ask the Board either to define the term or clarify the applicability of the term within the sections of the regulation in which it is used.

**Pennsylvania Gaming Control Board Regulation  
# 125-204 (IRRC # 3164)**

**Four Card Prime and Cajun Stud; Table Game  
Rules of Play**

**May 10, 2017**

We submit for your consideration the following comments on the proposed rulemaking published in the March 11, 2017 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**1. Section 683a.8. Procedures for dealing the cards from a manual dealing shoe.**

**Section 683a.9. Procedures for dealing the cards from the hand.—Clarity.**

These sections do not indicate how or when the three community cards are to be dealt. By comparison, parallel Subsection 683a.10(c)(2) (relating to Procedures for dealing the cards from an automated dealing shoe) specifically provides this information in a sequential manner so that it is clear to the dealer and player how and when those cards are to be dealt. We recommend amending Sections 683a.8 and 683a.9 to be consistent with Subsection 683a.10(c)(2).

**2. Section 683a.11. Procedures for completion of each round of play.—Clarity; and Reasonableness.**

Paragraph (a)(2) states that "each player shall keep his five cards in full view of the dealer at all times." We note that each player is only dealt two cards. The remaining three cards used to make each player's hand are not dealt to the player but rather to an area designated for the community cards. How is the player to comply with this provision when three of the five cards are controlled by the dealer and shared by all players? The Board should amend Paragraph (a)(2) to address this concern or explain in the Preamble to the final-form regulation the Board's intent.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 17-857. Filed for public inspection May 19, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Alleged Violation of Insurance Laws; David Dallmer; Doc. No. SC17-05-001**

Notice is hereby given of the Order to Show Cause issued on May 8, 2017, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 6(a)(5) and (13) of the act of December 20, 1983 (P.L. 260, No. 72) (63 P.S. § 1606(a)(5) and (13)).

Respondent shall file a written answer to the Order to Show Cause within 30 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 (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. 17-858. Filed for public inspection May 19, 2017, 9:00 a.m.]

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**Physicians Mutual Insurance Company; Rate Increase Filing for LTC Form P105PA (PHYS-130967780)**

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 54% over 3 years on 16 policy holders with the following individual LTC policy form number: P105PA.

Unless formal administrative action is taken prior to August 3, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-859. Filed for public inspection May 19, 2017, 9:00 a.m.]

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**Physicians Mutual Insurance Company; Rate Increase Filing for LTC Form P125PA (PHYS-130961887)**

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 164% over 3 years on eight policy holders with the following individual LTC policy form number: P125PA.

Unless formal administrative action is taken prior to August 3, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-860. Filed for public inspection May 19, 2017, 9:00 a.m.]

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**Physicians Mutual Insurance Company; Rate Increase Filing for LTC Form P131PA (PHYS-130966614)**

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 222% over 3 years on 17 policy holders with the following individual LTC policy form number: P131PA.

Unless formal administrative action is taken prior to August 3, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-861. Filed for public inspection May 19, 2017, 9:00 a.m.]

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**Physicians Mutual Insurance Company; Rate Increase Filing for Several LTC Forms (PHYS-130966673)**

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 148% over 3 years on 122 policy holders with the following individual LTC policy form numbers: P103PA and P104PA.



Unless formal administrative action is taken prior to August 3, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-862. Filed for public inspection May 19, 2017, 9:00 a.m.]

### Physicians Mutual Insurance Company; Rate Increase Filing for Several LTC Forms (PHYS-130967859)

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 66% over 3 years on 44 policy holders with the following individual LTC policy form numbers: P145PA, P146PA, P147PA and P148PA.

Unless formal administrative action is taken prior to August 3, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-863. Filed for public inspection May 19, 2017, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code

§ 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-17-008, Dated April 7, 2017. Authorizes the interest arbitration award between the Commonwealth and the FOP Lodge # 85 (L4—Capitol Police) on March 10, 2017, covering the period July 1, 2015, through June 30, 2019.

Resolution No. CB-17-009, Dated April 26, 2017. Authorizes the Collective Bargaining Agreement between the Commonwealth and the FOP Lodge # 114 (K8—Conservation Police Officers, Game Commission) signed on March 21, 2017, covering the period July 1, 2016, through June 30, 2017.

Resolution No. CB-17-010, Dated April 26, 2017. Authorizes the Collective Bargaining Agreement between the Commonwealth and the FOP Lodge # 114 (K1—Conservation Police Officers, Fish and Boat Commission, rank-and-file) signed on March 21, 2017, covering the period July 1, 2016, through June 30, 2017.

Resolution No. CB-17-011, Dated April 26, 2017. Authorizes the Memorandum of Understanding between the Commonwealth and the FOP Lodge # 114 (K2—Assistant Regional Supervisors, Fish and Boat Commission, first-level supervisors) signed on March 21, 2017, covering the period July 1, 2016, through June 30, 2017.

Resolution No. CB-17-012, Dated April 26, 2017. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and the Independent State Store Union, Liquor Store Managers Unit. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016 through June 30, 2019.

Resolution No. CB-17-013, Dated April 26, 2017. Authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the Instructional Non-Tenured Unit (Hiram G. Andrews Center). The Collective Bargaining Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016 through June 30, 2019.

#### *Governor's Office*

Manual No. 530.15—Pennsylvania State Police Health Benefits Program Administrative Manual, Amended April 14, 2017.

Administrative Circular No. 17-04—Computation of Interest Penalties, Act 1982-266 Amended, Dated April 11, 2017.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 17-864. Filed for public inspection May 19, 2017, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Extension of the Fuel Cost Recovery Surcharge Special Permission 28207

Public Meeting held  
May 4, 2017

*Commissioners Present:* Gladys M. Brown, Chairperson;  
Andrew G. Place, Vice Chairperson; John F. Coleman,  
Jr.; Robert F. Powelson; David W. Sweet

*Extension of the Fuel Cost Recovery Surcharge Special  
Permission 28207; R-2009-2094616*

### Order

*By the Commission:*

Tristate Household Goods Conference, Inc. (Tristate), a tariff publishing agency, represents approximately 250 PUC household good carriers. Substantially large increases in the cost of diesel fuel, which were unanticipated, motivated Tristate to request the implementation of the Fuel Cost Recovery Surcharge. The Fuel Cost Recovery Surcharge Special Permission 28207 was approved in Public Meeting held April 17, 2003, and extended in subsequent Public Meetings. The extension was approved for one year unless changed, cancelled or extended. The current surcharge grants approval to temporarily increase the Tristate tariff to recover temporarily increased fuel costs when transporting household goods for moves more than 40 miles (weight and distance) and moves that are 40 miles or less (hourly) by the use of a Fuel Cost Recovery Surcharge. Tristate has filed a request to permit members of its conference to continue assessing a fuel cost recovery surcharge to defray the costs of diesel fuel.

The surcharge is determined by a formula which attempts to approximate the amount of fuel used on a particular trip and multiplies that amount by the increased cost of fuel, allowing the carrier to recover only the additional fuel charges incurred. The formula includes the following constant factors: (1) base price per gallon of fuel<sup>1</sup>; (2) average vehicle fuel consumption of 5 miles per gallon; and (3) a terminal factor which allows the carrier to recover the additional cost of fuel used in traveling to and from the carrier's terminal to the origin point of the move. The formula also includes one variable factor, the current month's diesel fuel price.<sup>2</sup>

Moves of 40 miles or less will be divided into 4 categories according to average mileage: 5 mile average for trips ranging from 1 to 10 miles, 15 mile average for trips ranging from 10 to 20 miles, 25 mile average for trips ranging from 20 to 30 miles, and 35 mile average for trips ranging from 30 to 40 miles. An example calculation for an 8 mile move is as follows<sup>3</sup>:

<sup>1</sup> The proposed base price is \$1.267, which was the price of a gallon of diesel fuel according to the Department of Energy report of Retail On-Highway Diesel Prices for the Central Atlantic Region as of February 15, 2002. Tristate proposes this as a base price since fuel prices have steadily increased from that date, and are subject to frequent spikes.

<sup>2</sup> This figure is determined by the Department of Energy's report of Retail On-Highway Diesel Prices for the Central Atlantic Region. The current month's diesel fuel price will be effective beginning the 15th day of each month through the 14th day of the subsequent month.

<sup>3</sup> All fuel surcharges shall be calculated and provided to the customer as part of the Estimate of Charges.

Origin of move to destination 8 miles	= 5 miles average
Terminal factor	= 40 miles
Total miles	= 45 miles
Average miles per gallon	= 5
Fuel used	= 9 gallons
DOE current Fuel Price as of 3/14/17	= \$2.77
Base fuel Price	= \$1.27
Fuel price difference	= \$1.50
Gallons × Fuel price difference	= 9 × \$1.50 = \$13.50

Moves of more than 40 miles will be calculated using actual mileage from the move's origin to destination and return. An example calculation for a 100 mile move is as follows:

Origin of move to destination	= 100 miles
Empty Return (dest. to origin)	= 100 miles
Terminal factor	= 40 miles
Total miles	= 240 miles
Average miles per gallon	= 5
Fuel used	= 48 gallons
DOE current Fuel Price as of 3/14/17	= \$2.77
Base fuel Price	= \$1.27
Fuel price difference	= \$1.50
Gallons × Fuel price difference	= 48 × \$1.50 = \$72.00

On March 31, 2017, Tristate filed a request to extend the Fuel Cost Recovery Surcharge. The request was filed in response to the volatile nature of the petroleum market. Although there were significant decreases in the past year, increased prices have resumed.

In support of the request for extension, Tristate has submitted data from the Department of Energy for the Central Atlantic Region. The average price of diesel fuel for the period of January 2016 to December 2016 was \$2.44 per gallon. The prices fluctuated between a low of \$2.19 per gallon and the high of \$2.69 per gallon.

The Federal Department of Transportation has responded to the escalating fuel costs for interstate transportation by approving a fuel surcharge on a similar sliding scale. The Federal Fuel Surcharge became effective May 15, 2000 and continues in effect.

Pursuant to 66 Pa.C.S. § 1301, the Commission is required to ensure that all rates charged by a public utility are just and reasonable. Additionally, the Commission is obligated to address industry-wide problems "without creating a chaotic rate structure impossible to manage or police." Emergency Fuel Surcharge, 47 Pa.P.U.C. 389, 391 (1974). The current surcharge addresses the problem of fuel cost volatility, while being just and reasonable in that carriers are compensated only for the additional cost of the fuel used.

Based on our review, it appears that the extension of the Fuel Cost Recovery Surcharge for transportation of household goods is necessary, is an appropriate means to address this regulatory problem and will result in just and reasonable rates. In order to prevent financial hardship, it is imperative that Pennsylvania household goods

carriers be afforded an opportunity to temporarily adjust rates to offset escalating fuel costs using the proposed extended Fuel Cost Recovery Surcharge and, accordingly, we shall allow the proposed extended surcharge to become effective for a period of one year unless changed, cancelled or further extended.

Therefore,

*It Is Ordered:*

1. That Tristate members rendering service under authority of this Commission shall charge a Fuel Cost Recovery Surcharge on transportation provided for over 40 mile charges and for 40 miles or less hourly charges in accordance with all other tariff rules of this Commission. The Fuel Cost Recovery Surcharge is to be extended effective May 8, 2017.

2. That the Extended Fuel Cost Recovery Surcharge shall be in effect for one year to May 8, 2018 unless changed, cancelled or further extended by the Commission.

3. That copies of this order shall be served by the Secretary to the Office of Consumer Advocate and Office of Small Business Advocate. The Secretary shall forward this Order to the *Pennsylvania Bulletin* for publication.

4. Each carrier shall post a copy of this Extended Fuel Cost Recovery Surcharge along with the original Fuel Cost Recovery Surcharge dated April 17, 2003 in a conspicuous place in the office and vehicles. In addition, each carrier shall include the surcharge as a separate line item of the Estimate of Charges provided to prospective shippers and on the Bill of Lading.

5. That the rates collected to the Extended Fuel Cost Recovery Surcharge are subject to refund in the event that any formal complaints are filed, within 30 days of the date of publication of this order, and are successful in challenging the surcharge.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 17-865. Filed for public inspection May 19, 2017, 9:00 a.m.]

## Review of Universal Service and Energy Conservation Programs

Public Meeting held  
April 6, 2017

*Commissioners Present:* Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

*Review of Universal Service and Energy Conservation Programs; M-2017-2596907*

### Opinion and Order

*By the Commission:*

By this Opinion and Order, we are initiating a comprehensive review of the entire Universal Service and Energy Conservation model. As discussed in more detail herein, because the Universal Service and Energy Conservation Programs are intertwined regarding design, budgeting, administration, reporting, and evaluation, we find that it is appropriate to incorporate the Commission's current work on Low-Income Usage Reduction Programs (LIURPs) and energy affordability matters into this comprehensive review.

The Public Utility Code (Code), requires the Commission to continue, at a minimum, the policies, practices, and services that were in existence as of the effective date of the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212, and the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801—2815. 66 Pa.C.S. §§ 2203(7) and 2802(10). Universal Service Programs are subject to the administrative oversight of the Commission, which must ensure that the utilities run the programs in a cost-effective manner and that services are appropriately funded and available in each utility distribution territory. 66 Pa.C.S. §§ 2203(8) and 2804(9). The portfolio of Universal Service Programs generally includes Customer Assistance Programs (CAPs), LIURPs, Customer Assistance and Referral Evaluation Services (CARES), and Hardship Funds. These services are primarily provided to low-income customers;<sup>1</sup> however, some programs, such as CARES, may be available to non-low-income customers who meet certain requirements.

These programs, as outlined in each utility's Universal Service and Energy Conservation Plan, are intertwined regarding design, budgeting, administration, reporting, and evaluation. Accordingly, we believe it is appropriate to incorporate the Commission's current work regarding LIURP and energy affordability matters into a comprehensive review of the entire Universal Service and Energy Conservation model. We have recently begun the process of reviewing two aspects of the Universal Service and Energy Conservation Programs: (1) LIURP and (2) energy affordability. Specifically, we issued a Secretarial Letter on December 16, 2016, at Docket No. L-2016-2557886, seeking informal stakeholder input on a number of questions regarding our existing LIURP Regulations at 52 Pa. Code §§ 58.1—58.18.<sup>2</sup> The feedback we have received is intended to inform a possible future LIURP rulemaking. Additionally, at the March 16, 2017 Public Meeting, we adopted a Joint Motion directing the Commission's Bureau of Consumer Services (BCS) to initiate a study to determine what constitutes an affordable energy burden for Pennsylvania's low-income households and, based on this analysis, whether any changes in the Commission's CAP Policy Statement, 52 Pa. Code §§ 69.261—69.267, or other Universal Service and Energy Conservation Program guidelines are necessary to bring these programs into alignment with any affordability recommendations.<sup>3</sup>

Considering our recent action as part of a broader evaluation of Universal Service and Energy Conservation policies, we believe it is important to ensure that we receive ample stakeholder feedback throughout all of the steps of this process. These programs affect all ratepayers, whether through direct assistance to qualifying customers or through a surcharge that funds Universal Service Programs. As such, the feedback of stakeholders representing all interests, from low-income customers to consumer interest advocates to utilities, is necessary to ensure any outcomes are cost-effective and in the public interest. Only through collaboration can we address all relevant issues and balance the needs of all stakeholders.

To initiate this comprehensive review, the Commission's Law Bureau shall develop for this Commission's review a report on the statutory, regulatory, and policy frameworks

<sup>1</sup> Low-income customers are residential customers with household incomes at or below 150% of the Federal Poverty Income Guidelines (FPIG). 52 Pa. Code § 54.72.

<sup>2</sup> See Initiative to Review and Revise the Existing Low-Income Usage Reduction Program (LIURP) Regulations at 52 Pa. Code §§ 58.1—58.18, Docket No. L-2016-2557886 (Secretarial Letter issued December 16, 2016).

<sup>3</sup> See Joint Motion of Vice Chairman Andrew G. Place and Commissioner David W. Sweet, Docket No. M-2017-2587711 (Adopted March 16, 2017).



of existing Universal Service Programs and the steps required to initiate any proposed changes. This report will be due within thirty days of the entry date of this Opinion and Order and will be released publicly at this docket.

Additionally, we are providing interested stakeholders with the opportunity to file comments on priorities, concerns, and suggestions for amending and improving any or all aspects of the Universal Service and Energy Conservation Programs. Such comments may include, but are not limited to, issues of program design, implementation, costs, cost recovery, administration, reporting, and evaluation. The comments may also address the contents of the Law Bureau report. These comments should be submitted within ninety days of the entry date of this Opinion and Order.

Further, BCS shall coordinate a stakeholder meeting to allow interested parties to provide feedback on the filed comments and on any other priorities, concerns, or suggested changes pertaining to the Universal Service and Energy Conservation Programs. This stakeholder meeting will be held within sixty days of the due date for filing the aforementioned comments. BCS may also reconvene the Universal Service Working Group (USWG),<sup>4</sup> as needed, to solicit additional stakeholder feedback. Notice of the stakeholder meeting, including any reconvening of the USWG, shall be published in the *Pennsylvania Bulletin* to ensure broader outreach to any parties that may not have previously been involved in the USWG. BCS is responsible for chairing any collaborative convened.

Following the stakeholder meeting held by BCS, interested parties may file reply comments to address not only the previously-filed comments, but also any issues discussed at the stakeholder meeting. These reply comments should be filed within thirty days of the stakeholder meeting. BCS, in consultation with the Law Bureau, is directed to prepare a report for this Commission that summarizes the feedback provided in the comments and reply comments, as well as any feedback provided at the stakeholder meeting. The report should also provide a summary of all options proposed by stakeholders. This report will be submitted within forty-five days of the due date of the reply comments and will be released publicly.

We will consider the feedback and results of the review of our LIURP Regulations and energy burden levels, as well as the reports from Law Bureau and BCS that are part of the instant comprehensive review, in making a determination regarding appropriate future actions, such as an en banc hearing, an Advanced Notice of Proposed Rulemaking, or a revised Policy Statement; *Therefore,*

*It Is Ordered That:*

1. The Commission's Law Bureau submit a report to the Commission within thirty (30) days of the entry date of this Opinion and Order, outlining the statutory, regulatory, and policy frameworks of existing Universal Service and Energy Conservation Programs and the processes required to initiate any proposed changes to these existing statutory, regulatory, and policy frameworks.

2. Interested parties may submit written comments at this docket, within ninety (90) days of the entry date of this Opinion and Order, outlining their priorities, con-

<sup>4</sup> We initiated the USWG in 2009, with a directive to develop recommendations to coordinate residential universal service programs under the Commission's jurisdiction and to further coordinate those programs with other state assistance programs, such as the Weatherization Assistance Program administered by the Pennsylvania Department of Community and Economic Development. See Universal Service Coordination Work Group, Docket No. M-2009-2107153 (Order entered June 11, 2009). We note that any reconvening of the USWG will not constitute a renewal of its previous directives.

cerns, and suggested changes to the Universal Service and Energy Conservation programs, consistent with this Opinion and Order.

3. The Commission's Bureau of Consumer Services coordinate a stakeholder meeting, to be held within sixty (60) days of the due date of the written comments, as set forth in Ordering Paragraph No. 2, above, to allow interested parties to provide feedback on the filed comments and on any other priorities, concerns, or suggested changes pertaining to the Universal Service and Energy Conservation Programs.

4. Interested parties may file written reply comments at this docket, within thirty (30) days of the stakeholder meeting, addressing any issues in the previously-filed comments, as well as any issues discussed at the stakeholder meeting.

5. Within forty-five (45) days of the due date of the reply comments referenced in Ordering Paragraph No. 4, above, the Commission's Bureau of Consumer Services, in consultation with the Commission's Law Bureau, prepare a report summarizing all filed comments and any feedback from the stakeholder meeting. The report should also provide a summary of all options proposed by stakeholders.

6. The Commission's Secretary's Bureau place a copy of all comments filed at Docket Nos. L-2016-2557886 and M-2017-2587711 on this docket.

7. This Opinion and Order be served on the following: electric distribution companies, natural gas distribution companies and city-owned natural gas utilities with universal service and energy conservation program requirements; the Commission's Bureau of Investigation and Enforcement; the Office of Consumer Advocate; the Office of Small Business Advocate; the Industrial Energy Consumers of Pennsylvania, Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, Penn Power Users Group, Philadelphia Area Industrial Users Group, PP&L Industrial Customer Alliance and West Penn Power Industrial Intervenor (collectively, Industrial Customer Groups); the Pennsylvania Utility Law Project; the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania; the Energy Association of Pennsylvania; the Dollar Energy Fund; Community Legal Services; the Community Action Association of Pennsylvania; the Tenant Union Representative Network; the Commission on Economic Opportunity; the Action Alliance of Senior Citizens of Greater Philadelphia; the Pennsylvania Department of Community and Economic Development; and the Pennsylvania Department of Human Services.

8. This Opinion and Order be published in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 17-866. Filed for public inspection May 19, 2017, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to



public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 5, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2017-2602093. William Rodriguez, t/a La Ballena Transport** (833 West Diamond Avenue, Hazleton, PA 18201) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points within a 5-air-mile radius of the City of Hazleton, in the County of Luzerne, and return.

**A-2017-2602140. Lee Allan Cisney** (260 Locust Street, New Holland, Lancaster County, PA 17557) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2017-2603136. Paradise Limos, LLC** (101 Creeksview Drive, P.O. Box 387, Paradise, Lancaster County, PA 17562) for the right to transport as a common carrier, by motor vehicle, persons in limousine service, from points in Lancaster County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2017-2602352. Packer Up Moving, LLC** (110 Leslie Circle, Bellefonte, Centre County, PA 16823) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in Centre County to points in Pennsylvania.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-867. Filed for public inspection May 19, 2017, 9:00 a.m.]

**Transfer Indirect Control**

**A-2017-2603154, A-2017-2603226, A-2017-2603227, A-2017-2603228, A-2017-2603229 and A-2017-2603230. Broadview Networks, Inc., Broadview NP Acquisition Corp., BridgeCom International, Inc., ATX Licensing, Inc., A.R.C. Networks, Inc., Eureka Telecom, Inc., Broadview Networks Holdings, Inc. and Windstream Holdings, Inc.** Joint application of Broadview Networks, Inc., Broadview NP Acquisition Corp., BridgeCom International, Inc., ATX Licensing, Inc., A.R.C. Networks, Inc., Eureka Telecom, Inc., Broadview Networks Holdings, Inc. and Windstream Holdings, Inc. for approval to transfer indirect control of authorized telecommunications providers.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utili-

ties) on or before June 5, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Broadview Networks, Inc.; Broadview NP Acquisition Corp.; BridgeCom International, Inc.; ATX Licensing, Inc.; A.R.C. Networks, Inc.; Eureka Telecom, Inc.; Broadview Networks Holdings, Inc.; Windstream Holdings, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Charles E. Thomas, III, Esquire, Charles E. Thomas, Jr., Esquire, Thomas, Niesen & Thomas, LLC, Suite 600, 212 Locust Street, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-868. Filed for public inspection May 19, 2017, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Request for Bids

The Philadelphia Parking Authority (PPA) will be releasing Bid No. 17-07, Repair Lintels at PPA Impound and Maintenance Facility, on Friday, May 26, 2017. Information and important dates for this solicitation can be obtained from the web site [www.philapark.org](http://www.philapark.org) or by calling Mary Wheeler, Manager of Contract Administration, at (215) 683-9665.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-869. Filed for public inspection May 19, 2017, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project No. 17-061.S, RFP for On Call Engineering Services for PRPA Facilities, until Monday, June 19, 2017, at 2 p.m. The mandatory preproposal meeting will be held on Tuesday, June 6, 2017, at 10 a.m. Questions are due in writing on Friday, June 9, 2017, by 12 p.m. All time extensions and other information for this project can be obtained from web site [www.philaport.com/procurement](http://www.philaport.com/procurement).

JEFF THEOBALD,  
*Executive Director*

[Pa.B. Doc. No. 17-870. Filed for public inspection May 19, 2017, 9:00 a.m.]

## STATE BOARD OF DENTISTRY

**Indefinite Suspension of the License of Gregg Stewart Rothstein; Doc. No. 1447-46-16; File No. 16-46-05789**

On November 8, 2016, the State Board of Dentistry (Board) indefinitely suspended, retroactive to August 4, 2016, the license of Gregg Stewart Rothstein, license no. DS035130, last known of Richboro, Bucks County, and ordered him to pay \$525 for costs incurred by the Commonwealth for the failure to attend the required mental/physical examination.

Individuals may obtain a copy of the adjudication by writing to Kerry E. Maloney, Board Counsel, State Board of Dentistry, P.O. Box 69523, Harrisburg, PA 17106-9523.

This adjudication and order represents the Board final 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 the appeals is the previously-named Board counsel.

JOHN F. ERHARD, III, DDS,  
*Chairperson*

[Pa.B. Doc. No. 17-871. Filed for public inspection May 19, 2017, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v. Tara Leigh Hoisington, RN; File No. 14-51-14250; Doc. No. 0719-51-15**

On March 28, 2017, Tara Leigh Hoisington, RN, Pennsylvania license No. RN531993, last known of Orlando, FL, had her registered nursing license indefinitely suspended until she can prove to the State Board of Nursing (Board) that she is fit to safely practice professional nursing with reasonable skill and safety and was assessed a \$500 civil penalty based on receiving disciplinary action by the proper licensing authority of another state and failure to report same to the Board.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, 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.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-872. Filed for public inspection May 19, 2017, 9:00 a.m.]

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Sarah Galloway, RN, Respondent; File No. 16-51-09413; Doc. No. 1538-51-16**

*Notice to Sarah Galloway, RN:*

On August 12, 2016, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Professional Nursing Law, Act of May 22, 1951, P.L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

### Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-873. Filed for public inspection May 19, 2017, 9:00 a.m.]

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-874. Filed for public inspection May 19, 2017, 9:00 a.m.]

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Deshalatrece Jean Harris, LPN, Respondent; File No. 13-51-07121; Doc. No. 0468-51-15**

*Notice to Deshalatrece Jean Harris, LPN:*

On March 20, 2015, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Practical Nurse Law, Act of March 2, 1956, P.L. (1955) 1211, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

**Notice**

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Brittany Ann Pierdomenico, LPN, Respondent; File No. 15-51-07391; Doc. No. 0060-51-17**

*Notice to Brittany Ann Pierdomenico, LPN:*

On January 12, 2017, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Practical Nurse Law, Act of March 2, 1956, P.L. (1955) 1211, No. 1 ("Act"), as amended. Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

**Notice**

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-875. Filed for public inspection May 19, 2017, 9:00 a.m.]

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Heidi Jane Walker, RN, CMW, Respondent; File No. 15-51-06732; Doc. No. 2290-51-15**

*Notice to Heidi Jane Walker, RN, CMW:*

On December 21, 2015, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Practical Nurse Law, Act of March 2, 1956, P.L. (1955) 1211, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process upon you by publication.

**Notice**

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to

mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-876. Filed for public inspection May 19, 2017, 9:00 a.m.]





