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PENNSYLVANIA BULLETIN

Volume 46

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Agencies in this issue

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The Courts

Commonwealth Financing Authority

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Development

Department of Education

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Department of Health

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Legislative Reference Bureau

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Pennsylvania Public Utility Commission

Philadelphia Parking Authority

State Conservation Commission

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

No. 498, May 2016

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following meetings to be held at the Crowne Plaza Hotel, 23 South Second Street, Harrisburg, PA and at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA:

Wednesday, June 1, 2016	6:30 p.m.	Dinner Meeting Crowne Plaza Hotel 23 South Second Street Harrisburg, PA
Thursday, June 2, 2016	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. 16-856. Filed for public inspection May 20, 2016, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 3, 5, 7, 9, 13, 15, 16, 17, 19,
27 AND 33]

Proposed Amendments to Chapters 13 and 15 and Adoption of New Chapter 16

In 2015, the Appellate Court Procedural Rules Committee published a recommendation in concept to reorganize Chapter 15 and to create a new Chapter 16, with the goal of limiting Chapter 15 to traditional administrative agency appeals, certain other enumerated appeals from similar adjudications or other actions, and original jurisdiction actions against the Commonwealth. After consideration of the comments, the Committee is now publishing for comment a revised proposal designed to achieve the intended reorganization by amending Chapters 13 and 15, adding Chapter 16, and making conforming amendments to rules in other chapters.

The proposed restructuring of Chapter 15 removes the rules that do not apply to appeals of administrative agency action, original jurisdiction actions cognizable in an appellate court in the nature of actions in equity, replevin, mandamus or *quo warranto*, or for declaratory judgment, or upon writs of certiorari or prohibition, and appeals of certain other enumerated adjudications. Actions initiated under Chapter 15 as proposed would retain the existing name “petition for review.”

The Committee is proposing to move three procedures that currently use the term “petition for review” from Chapter 15 to Chapter 13: (1) denials of requests to amend an order to certify it for interlocutory appeal; (2) denials of requests to certify an order as less than all claims or parties as final; and (3) orders finding a claim of double jeopardy frivolous. In purpose, content, and process, these are more similar to petitions for permission to appeal under Pa.R.A.P. 1311 than to direct appeals under Chapter 15. New Chapter 16 would apply to judicial review of all government unit action or inaction not otherwise permitted under Chapters 9, 11, 13 or reorganized Chapter 15, and would include certain existing initiating documents that under present practice are called “petitions for review” under Chapter 15 or another chapter, but that are ancillary and/or preliminary to appellate review, including: (1) review of bail orders under Pa.R.A.P. 1762; (2) review of special prosecution orders under Pa.R.A.P. 3331; and (3) review of out-of-home-placement of minors under Pa.R.A.P. 1770. Actions initiated under Chapter 16 would be called “petitions for specialized review.” The residuary function previously assigned to Chapter 15 (i.e., that actions not initiated under some other chapter of the Rules of Appellate Procedure must fall within Chapter 15) would be assigned to new Chapter 16.

The Committee invites all interested persons to submit comments, suggestions, or objections.

Comments should be provided to:

Appellate Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 6200
P.O. Box 62635
Harrisburg, Pennsylvania 17106-2635
FAX: (717) 231-9551
appellaterules@pacourts.us

All communications in reference to the proposal should be received by June 20, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any emailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

An Explanatory Comment precedes the proposed amendments and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court
Procedural Rules Committee*

HONORABLE RENÉE COHN JUBELIRER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

Action—Any action or proceeding at law or in equity.

Argument—Where required by the context, the term includes submission on briefs.

Administrative Office—The Administrative Office of Pennsylvania Courts.

Appeal—Any petition or other application to a court for review of subordinate governmental determinations. The term includes an application for *certiorari* under 42 Pa.C.S. § 934 (writs of *certiorari*) or under any other provision of law. Where required by the context, the term includes proceedings on petition for review **and petition for specialized review**.

Official Note: Under these rules a “subordinate governmental determination” includes an order of a [**lower**] trial court. The definition of “government unit” includes courts, and the definition of “determination” includes action or inaction by (and specifically an order entered by) a court or other government unit. In general, any appeal now extends to the whole record, with like effect as upon an appeal from a judgment entered upon the verdict of a jury in an action at law and the scope of

review of an order on appeal is not limited as on broad or narrow *certiorari*. See 42 Pa.C.S. § 5105(d) [**(scope of appeal)**].

Appellant—Includes petitioner for review.

Appellate court—The Supreme Court, the Superior Court, or the Commonwealth Court.

Appellee—Includes a party named as respondent in a petition for review.

Application—Includes a petition or a motion.

Appropriate security—Security [**which**] **that** meets the requirements of [**Rule 1734 (appropriate security)**] **Pa.R.A.P. 1734**.

Children's fast track appeal—Any appeal from an order involving dependency, termination of parental rights, adoptions, custody, or paternity. See 42 Pa.C.S. §§ 6301, *et seq.*; 23 Pa.C.S. §§ 2511, *et seq.*; 23 Pa.C.S. §§ 2101, *et seq.*; 23 Pa.C.S. §§ 5301, *et seq.*; 23 Pa.C.S. §§ 5102, *et seq.*

Clerk—Includes prothonotary.

Counsel—Counsel of record.

Determination—Action or inaction by a government unit which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.

Docket [Entries] entries—Includes the schedule of proceedings of a government unit.

General rule—A rule or order promulgated by or pursuant to the authority of the Supreme Court.

Government unit—The Governor and the departments, boards, commissions, officers, authorities, and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes a board of arbitrators whose determination is subject to review under 42 Pa.C.S. § 763(b) [**(awards of arbitrators)**].

Judge—Includes a justice of the Supreme Court.

[**Lower court—The court from which an appeal is taken or to be taken. With respect to matters arising under Chapter 17 (effect of appeals; supersedeas and stays) the term means the trial court from which the appeal was first taken.**]

Matter—Action, proceeding, or appeal. The term includes a petition for review or **petition for specialized review**.

Order—Includes judgment, decision, decree, sentence, and adjudication.

Petition for allowance of appeal—

(a) A petition under [**Rule 1112 (appeals to the Supreme Court by allowance)**] **Pa.R.A.P. 1112**; or

(b) a statement pursuant to [**Rule 2119(f) (discretionary aspects of sentence)**] **Pa.R.A.P. 2119(f)**. See 42 Pa.C.S. § 9781.

Petition for permission to appeal—A petition under [**Rule 1311 (interlocutory appeals by permission)**] **Pa.R.A.P. 1311**.

Petition for review—A petition under [**Rule 1511 (manner of obtaining judicial review of governmental determinations)**] **Chapter 15**.

Petition for specialized review—A petition under **Chapter 16**.

President judge—When applied to the Supreme Court, the term means the Chief Justice of Pennsylvania.

Proof of service—Includes acknowledgment of service endorsed upon a pleading.

Quasijudicial order—An order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.

Reargument—Includes, in the case of applications for reargument under Chapter 25 [**(post-submission proceedings)**], reconsideration and rehearing.

Reconsideration—Includes reargument and rehearing.

Reproduced [Record] record—That portion of the record which has been reproduced for use in an appellate court. The term includes any supplemental reproduced record.

Rule of court—A rule promulgated by a court regulating practice or procedure before the promulgating court.

Trial court—**The court from which an appeal is first taken or to be taken.**

Verified [Statement] statement—A document filed with a clerk under these rules containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904 [**(unsworn falsification to authorities)**].

Official Note: Based on 42 Pa.C.S. § 102 [**(definitions)**]. The definition of “determination” is not intended to affect the scope of review provided by 42 Pa.C.S. § 5105(d) [**(scope of appeal)**] or other provision of law.

Rule 105. Waiver and Modification of Rules.

(a) *Liberal construction and modification of rules.*—These rules shall be liberally construed to secure the just, speedy, and inexpensive determination of every matter to which they are applicable. In the interest of expediting decision, or for other good cause shown, an appellate court may, except as otherwise provided in [**Subdivision**] **paragraph** (b) of this rule, disregard the requirements or provisions of any of these rules in a particular case on application of a party or on its own motion and may order proceedings in accordance with its direction.

(b) *Enlargement of time.*—An appellate court for good cause shown may upon application enlarge the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after the expiration of such time, but the court may not enlarge the time for filing a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, [**or**] a petition for review, or a petition for specialized review.

Official Note: 42 Pa.C.S. § 5504 [**(judicial extension of time)**] provides that the time limited by, *inter alia*, Chapter 55D [**(appeals)**] of the Judicial Code shall not be extended by order, rule, or otherwise, except that the time limited may be extended to relieve fraud or its

equivalent, but [**that there shall**] **there will** be no extension of time as a matter of indulgence or with respect to any criminal proceeding. However, under 42 Pa.C.S. § 5571(a) [**(appeals generally)**] statutory time limits under Chapter 55D do not apply to appeals to or other judicial review by the Supreme, Superior, or Commonwealth Courts.

[**Subdivision**] **Paragraph** (b) of this rule is not intended to affect the power of a court to grant relief in the case of fraud or breakdown in the processes of a court.

DOCUMENTS GENERALLY

Rule 120. Entry of Appearance.

[**(a)**] *Filing*.—Any counsel filing papers required or permitted to be filed in an appellate court must enter an appearance with the prothonotary of the appellate court unless that counsel has been previously noted on the docket as counsel pursuant to [**Rules**] Pa.R.A.P. 907(b), 1112(f), 1311(d) [**or**], 1514(d) **or** 1602(d). New counsel appearing for a party after docketing pursuant to Rules 907(b), 1112(f), 1311(d), [**or**] 1514(d) **or** 1602(d) shall file an entry of appearance simultaneous with or prior to the filing of any papers signed by new counsel. The entry of appearance shall specifically designate each party the attorney represents and the attorney shall file a certificate of service pursuant to [**Subdivision (d) of Rule 121 and Rule**] **paragraph (d) of Pa.R.A.P. 121 and Pa.R.A.P. 122**. Where new counsel enters an appearance on behalf of a party currently represented by counsel and there is no simultaneous withdrawal of appearance, new counsel shall serve the party that new counsel represents and all other counsel of record and **shall** file a certificate of service.

Official Note: [**See Subdivision (b) of Rule 907, Subdivision (f) of Rule 1112, Subdivision (d) of Rule 1311 and Subdivision (d) of Rule 1514.**]

For admission *pro hac vice*, see Pa.B.A.R. 301.

Rule 121. Filing and Service.

(a) *Filing*.—Papers required or permitted to be filed in an appellate court shall be filed with the prothonotary. Filing may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules, filing shall not be timely unless the papers are received by the prothonotary within the time fixed for filing. If an application under these rules requests relief which may be granted by a single judge, a judge in extraordinary circumstances may permit the application and any related papers to be filed with that judge. In that event the judge shall note thereon the date of filing and shall thereafter transmit such papers to the clerk.

A *pro se* filing submitted by a prisoner incarcerated in a correctional facility is deemed filed as of the date it is delivered to the prison authorities for purposes of mailing or placed in the institutional mailbox, as evidenced by a properly executed prisoner cash slip or other reasonably verifiable evidence of the date that the prisoner deposited the *pro se* filing with the prison authorities.

(b) *Service of all papers required*.—Copies of all papers filed by any party and not required by these rules to be served by the prothonotary shall, concurrently with their filing, be served by a party or person acting on behalf of that party or person on all other parties to the matter. Service on a party represented by counsel shall be made on counsel.

(c) *Manner of service*.—Service may be:

(1) by personal service, which includes delivery of the copy to a clerk or other responsible person at the office of the person served, but does not include inter-office mail;

(2) by first class, express, or priority United States Postal Service mail;

(3) by commercial carrier with delivery intended to be at least as expeditious as first class mail if the carrier can verify the date of delivery to it;

(4) by facsimile or e-mail with the agreement of the party being served as stated in the certificate of service.

Service by mail is complete on mailing.

(d) *Proof of service*.—Papers presented for filing shall contain an acknowledgement of service by the person served [,] or proof of service certified by the person who made service. Acknowledgement or proof of service may appear on or be affixed to the papers filed. The clerk may permit papers to be filed without acknowledgement or proof of service but shall require such to be filed promptly thereafter.

(e) *Additional time after service by mail and commercial carrier*.—Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon that party (other than an order of a court or other government unit) and the paper is served by United States mail or by commercial carrier, three days shall be added to the prescribed period.

Official Note:

[**Subdivision**] **Paragraph (a)**—The term “related papers” in [**subdivision**] **paragraph (a)** of this rule includes any appeal papers required [**under Rule 1702 (stay ancillary to appeal)**] by Pa.R.A.P. 1702 as a prerequisite to an application for a stay or similar relief.

In 2008, the term “paperbooks” was replaced with “briefs and reproduced records” throughout these rules. The reference to the deemed filing date for paperbooks when first class mail was used that was formerly found in [**subdivision**] **paragraph (a)** is now found in Rule 2185 regarding filing briefs and in Rule 2186 regarding filing reproduced records.

As to *pro se* filings by persons incarcerated in correctional facilities, see *Commonwealth v. Jones*, [**549 Pa. 58,**] 700 A.2d 423 (Pa. 1997); *Smith v. Pa. Bd. of Prob. & Parole*, [**546 Pa. 115,**] 683 A.2d 278 (Pa. 1996); *Commonwealth v. Johnson*, 860 A.2d 146 (Pa. Super. 2004) (**overruled in part on other grounds**).

[**Subdivision**] **Paragraph (c)**—An acknowledgement of service may be executed by an individual other than the person served, [**e.g.**] **for example**, by a clerk or other responsible person.

[**Subdivision**] **Paragraph (d)**—With respect to appearances by new counsel following the initial docketing of appearances pursuant to [**subdivision**] **paragraph (d)** of this rule, please note the requirements of [**Rule 120 (entry of appearance)**] Pa.R.A.P. 120.

[**Subdivision**] **Paragraph (e)**—[**Subdivision**] **Paragraph (e)** of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or [**re-argument**] **reargument**, since under these rules the time for filing such papers runs from the

entry and service of the related order, nor to the filing of a petition for review **or a petition for specialized review**, which [**is**] **are** governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or [**re-argument**] **reargument**) in the local county (generally in the county [**court house**] **courthouse**; otherwise in a post office), thus eliminating a major problem under the prior practice. The amendments to [**Rules**] **Pa.R.A.P.** 903(b), 1113(b), and 1512(a)(2) clarified that [**subdivision**] **paragraph** (e) does apply to calculating the deadline for filing cross-appeals, cross-petitions for allowance of appeal and additional petitions for review **or specialized review**.

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN IN GENERAL

Rule 301. Requisites for an Appealable Order.

(a) *Entry upon docket below.*

(1) Except as provided in [**paragraph (2) of this subdivision**] **subparagraph (2) of this paragraph**, no order of a court shall be appealable until it has been entered upon the appropriate docket in the [**lower**] **trial** court. Where under the applicable practice below an order is entered in two or more dockets, the order has been entered for the purposes of appeal when it has been entered in the first appropriate docket.

(2) In a criminal case in which no post-sentence motion has been filed, a judgment of sentence is appealable upon the imposition of sentence in open court.

(b) *Separate document required.*—Every order shall be set forth on a separate document.

(c) *Nonappealable orders.*—Except as provided in [**subdivision**] **paragraph** (a)(2), a direction by the lower court that a specified judgment, sentence or other order shall be entered, unaccompanied by actual entry of the specified order in the docket, does not constitute an appealable order. Any such order shall be docketed before an appeal is taken.

(d) *Entry of appealable orders.*—Subject to any inconsistent general rule applicable to particular classes of matters, the clerk of the [**lower**] **trial** court shall, on *praecipe* of any party (except a party who by law may not *praecipe* for entry of an adverse order), forthwith prepare, sign, and enter an appropriate order, judgment, or final decree in the docket, evidencing any action from which an appeal lies either as of right or upon permission to appeal or allowance of appeal **or by petition for specialized review**.

(e) *Emergency appeals.*—Where the exigency of the case is such as to impel an immediate appeal and the party intending to appeal an adverse action is unable to secure the formal entry of an appealable order pursuant to the usual procedures, the party may file in the [**lower**] **trial** court and serve a *praecipe* for entry of an adverse order, which action shall constitute entry of an appealable order for the purposes of these rules. The interlocutory or final nature of the action shall not be affected by this [**subdivision**] **paragraph**.

Official Note: See [**Rules of Appellate Procedure**] **Pa.R.A.P.** 311 authorizing interlocutory appeals as of right, 312 authorizing interlocutory appeals by permis-

sion, 313 authorizing appeals from collateral orders, and 341 to [**843**] **343** authorizing appeals from final orders.

See also [**Rules of Appellate Procedure**] **Pa.R.A.P.** 903 governing time for filing notice of appeal, 1113 governing time for filing petition for allowance of appeal, 1311(b) governing time for filing petition for permission for appeal, [**and**] 1512 governing time for filing petition for review, **and 1602(a) governing time for filing specialized petition for review.**

The 1986 Amendment to [**Rule 301 states**] **Pa.R.A.P. 301 stated** that no order shall be appealable until entered in the docket and [**deletes**] **deleted** reference to reduction of an order to judgment as a prerequisite for appeal in every case. This deletion does not eliminate the requirement of reduction of an order to judgment in an appropriate case. Due to the variety of orders issued by courts in different kinds of cases, no single rule can delineate the requirements applicable in all cases. [**The bar is cautioned that if**] **If** the applicable practice or case law requires that an order be reduced to judgment or final decree before it becomes final, that requirement must still be met before the order can be appealed, **and parties are cautioned that an appellate court may remand or take other steps under Pa.R.A.P. 902 if the prerequisites are not satisfied. Pa.R.C.P. 3021 sets forth the orders that the prothonotary is to enter in the judgment index and Pa.R.C.P. 227.4 provides a mechanism for parties to praecipe for judgment in certain circumstances. See also Pa.R.C.P. 236 and 237.**

[**An appeal may be remanded or subject to other appropriate action of the appellate court when the order is such that it may be reduced to judgment or final decree and entered in the docket but such action has not been taken. Rule 902. Examples of orders which may be remanded under Rule 902 when the order appealed from has not been reduced to judgment or final decree include:**

1. **an order denying a motion for a new trial or judgment notwithstanding the verdict after a trial by jury, *Dennis v. Smith*, 288 Pa. Super 185, 431 A.2d 350 (1981);**

2. **an order dismissing exceptions to the decision after a trial without jury, *Black Top Paving Co., Inc. v. John Carlo, Inc.*, 292 Pa. Super. 404, 437 A.2d 756 (1981); and**

3. **an order dismissing exceptions to the decree nisi in an equity action, *Kopchak v. Springer*, 292 Pa. Super. 441, 437 A.2d 756 (1981).**

An appeal will also be quashed where the order appealed from is interlocutory and the appeal is not authorized by Rule 311 governing interlocutory appeals as of right or Rule 312 governing interlocutory appeals by permission. Examples of interlocutory orders include:

1. **an order granting a petition for appointment of an arbitrator, *Cassidy v. Keystone Ins. Co.*, 297 Pa. Super. 421, 443 A.2d 1193 (1982); and**

2. **an order relating to alimony pendente lite, and interim counsel fees and expenses is not appealable. *Fried v. Fried*, Pa., 501 A.2d 211 (1985).**

Subdivision (a) extends former Supreme Court Rule 19A and former Commonwealth Court Rule 29A to the Superior Court. The second sentence of

the subdivision codifies *Stotsenburg v. Frost*, 465 Pa. 187, 348 A.2d 418 (1975).

The requirement of Subdivision (b) for a separate document is patterned after Fed. Rules Civ. Proc. 58, as interpreted in *United States v. Indrelunas*, 93 S.Ct. 1562, 411 U.S. 216, 36 L.Ed.2d 202 (1973), so as to render certain the date on which an order is entered for purposes of computing the running of the time for appeal. See also *Bankers Trust Co. v. Mallis*, 98 S.Ct. 1117, 435 U.S. 381, 55 L.Ed.2d.357 (1978) (requirement of separate document may be waived by appellee). This requirement is intended to control over an inconsistent civil (including orphans' court) or criminal procedural rule, since such rules are not primarily concerned with the appellate process.

Subdivision (c) sets forth the frequently overlooked requirement for an appealable order that an order must be docketed before it may be appealed. The subdivision also sets forth the rule that an appeal is premature where the Court directs that a judgment sentence or order be entered in the docket and the prothonotary fails to do so. *Friedman v. Kasser*, 293 Pa. Super. 294, 438 A.2d 1001 (1981). Moreover, an order of Court then directing that a complaint as set forth will be dismissed upon the passage of time or occurrence or failure of an event is not appealable; only a subsequent order of dismissal would be appealable. See *Ayre v. Mountaintop Area Joint San. Auth.*, 58 Pa. Cmwlth. 510, 427 A.2d 1294 (1981).

This rule does not supersede rules such as Pa. R. Civ. Proc. 237 which impose additional requirements or procedures in connection with filing a praecipe for a final order.

Subdivision (d) provides a remedy for the appellant where no appealable order has been entered on the docket, and is similar to Pa. R. Civ. P. 227.4. The exception refers to cases such as certain matrimonial matters, where it has been held that the defendant is not entitled to cause an adverse decision to be formally entered as judgment. See, e.g., *Mirarchi v. Mirarchi*, 226 Pa. Super. 53, 311 A.2d 698 (1973).

The filing in the lower court required by Subdivision (e) may under Rule 121(a) (filing) be made with a judge of the lower court in connection with an application under Chapter 17 (effect of appeals, supersedeas and stays).]

The filing in the trial court required by paragraph (e) may be accompanied by an application to the trial court for relief such as a stay or supersedeas under Chapter 17.

See Pa.R.A.P. [108 and Explanatory Comment—2007 thereto] 108(d), Pa.R.A.P. 903(c)(3), and Pa.R.Crim.P. [462] 462(G), 720, and 721 governing criminal appeals.

Explanatory Comment—1976

Language clarified to conform to *Stotsenburg v. Frost*, 465 Pa. 187, 348 A.2d 418 (1975).

INTERLOCUTORY APPEALS

Rule 313. Collateral Orders.

(a) *General [Rule] rule.*—An appeal may be taken as of right from a collateral order of [an administrative agency or lower court] a trial court or other government unit.

(b) *Definition.*—A collateral order is an order separable from and collateral to the main cause of action where the right involved is too important to be denied review and the question presented is such that if review is postponed until final judgment in the case, the claim will be irreparably lost.

[*Official Note:* Rule 313 is a codification of existing case law with respect to collateral orders. See *Pugar v. Greco*, 483 Pa. 68, 73, 394 A.2d 542, 545 (1978) (quoting *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)). Examples of collateral orders include orders denying pre-trial motions to dismiss based on double jeopardy in which the court does not find the motion frivolous, *Commonwealth v. Brady*, 510 Pa. 336, 508 A.2d 286, 289—91 (1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court does not make a finding of frivolousness); if the trial court finds the motion frivolous, the defendant may secure review only by first filing a petition for review under Pa.R.A.P. 1573. See *Commonwealth v. Orie*, 22 A.3d 1021 (Pa. 2011). Other examples of collateral orders are an order denying a petition to permit the payment of death taxes, *Hankin v. Hankin*, 338 Pa. Super. 442, 487 A.2d 1363 (1985); and an order denying a petition for removal of an executor, *Re: Estate of Georgianna*, 312 Pa. Super. 339, 458 A.2d 989 (1983), *aff'd*, 504 Pa. 510, 475 A.2d 744. Thorough discussions of the collateral order doctrine as it has been applied by Pennsylvania appellate courts are found in the following sources: Darlington, McKeon, Schuckers and Brown, 1 Pennsylvania Appellate Practice Second Edition, §§ 313:1—313:201 (1994) and Byer, *Appealable Orders under the Pennsylvania Rules of Appellate Procedures in Practice and Procedures in Pennsylvania Appellate Courts* (PBI No. 1994-869); Pines, *Pennsylvania Appellate Practice: Procedural Requirements and the Vagaries of Jurisdiction*, 91 Dick.L.Rev. 55, 107—115 (1986).

If an order falls under Rule 313, an immediate appeal may be taken as of right simply by filing a notice of appeal. The procedures set forth in Rules 341(c) and 1311 do not apply under Rule 313.]

Official Note: If an order meets the definition of a collateral order, it is appealed by filing a notice of appeal.

Pa.R.A.P. 313 is a codification of existing case law with respect to collateral orders. See *Pugar v. Greco*, 394 A.2d 542, 545 (Pa. 1978) (quoting *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)).

Pennsylvania appellate courts have found a number of classes of orders to fit the collateral order definition. Collateral order cases are collected and discussed in Darlington, McKeon, Schuckers and Brown, *Pennsylvania Appellate Practice 2015-2016 Edition*, §§ 313:1—313:201. Examples include an order denying a petition to permit the payment of death taxes, *Hankin v. Hankin*, 487 A.2d 1363 (Pa.

Super. 1985), and an order denying a petition for removal of an executor, *Re: Estate of Georgianna*, 458 A.2d 989 (Pa. Super. 1983), *aff'd*, 475 A.2d 744 (Pa. 1984), and an order denying a pre-trial motion to dismiss on double jeopardy grounds if the trial court does not also make a finding that the motion to dismiss is frivolous. *See Commonwealth v. Brady*, 508 A.2d 286, 289-91 (Pa. 1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court does not make a finding of frivolousness); *Commonwealth v. Orié*, 22 A.3d 1021 (Pa. 2011). An order denying a pre-trial motion to dismiss on double jeopardy grounds that also finds that the motion to dismiss is frivolous is not appealable as of right as a collateral order, but may be appealable by permission under Pa.R.A.P. 1311(a)(3).

FINAL ORDERS

Rule 341. Final Orders; Generally.

(a) *General [Rule] rule*.—Except as prescribed in paragraphs (d) and (e) of this rule, an appeal may be taken as of right from any final order of a government unit or trial court.

(b) *Definition of [Final Order] final order*.—A final order is any order that:

- (1) disposes of all claims and of all parties; or
- (2) (Rescinded).
- (3) is entered as a final order pursuant to paragraph (c) of this rule.

(c) *Determination of finality*.—When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the trial court or other government unit may enter a final order as to one or more but fewer than all of the claims and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims and parties shall not constitute a final order. In addition, the following conditions shall apply:

(1) The trial court or other government unit is required to act on an application for a determination of finality under paragraph (c) within 30 days of entry of the order. During the time an application for a determination of finality is pending the action is stayed.

(2) A notice of appeal may be filed within 30 days after entry of an order as amended unless a shorter time period is provided in Pa.R.A.P. 903(c). Any denial of such an application [**shall be reviewable only for abuse of discretion pursuant to Chapter 15**] is reviewable only through a petition for permission to appeal under Pa.R.A.P. 1311.

(3) Unless the trial court or other government unit acts on the application within 30 days of entry of the order, the trial court or other government unit shall no longer consider the application and it shall be deemed denied.

[(4) **The time for filing a petition for review will begin to run from the date of entry of the order denying the application for a determination of finality or, if the application is deemed denied, from the 31st day. A petition for review may be filed within 30 days of the entry of the order denying the**

application or within 30 days of the deemed denial unless a shorter time period is provided by Pa.R.A.P. 1512(b).]

(d) *Superior Court and Commonwealth Court [Orders] orders*.—Except as prescribed by Pa.R.A.P. 1101 no appeal may be taken as of right from any final order of the Superior Court or of the Commonwealth Court.

(e) *Criminal [Orders] orders*.—An appeal may be taken by the Commonwealth from any final order in a criminal matter only in the circumstances provided by law.

Official Note: Related Constitutional and [Statutory Provisions] statutory provisions—Section 9 of Article V of the Constitution of Pennsylvania provides that “there shall be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court.” The constitutional provision is implemented by 2 Pa.C.S. § 702, 2 Pa.C.S. § 752, and 42 Pa.C.S. § 5105.

Criminal [Law Proceedings] law proceedings—Commonwealth [Appeals] appeals—Orders that do not dispose of the entire case that were formerly appealable [under Pa.R.A.P. 341] by the Commonwealth in criminal cases [as heretofore provided by law, but which do not dispose of the entire case, are now] are under Pa.R.A.P. 341 appealable as interlocutory appeals as of right under paragraph (d) of Pa.R.A.P. 311.

Final [Orders—Pre- and Post-1992] orders—pre- and post-1992 Practice—The 1992 amendment generally [eliminates] eliminated appeals as of right under Pa.R.A.P. 341 from orders [not ending] that do not end the litigation as to all claims and as to all parties. [Formerly, there was case law that orders not ending the litigation as to all claims and all parties are final orders if such orders have the practical consequence of putting a litigant out of court.] Prior to 1992, there were cases that deemed an order final if it had the practical effect of putting a party out of court, even if the order did not end the litigation as to all claims and all parties.

A party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order, *see K.H. v. J.R.*, 826 A.2d 863, 870-71 (Pa. 2003) (following trial); *Betz v. Pneumo Abex LLC*, 44 A.3d 27, 54 (Pa. 2012) (summary judgment). Where, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed. *Commonwealth v. C.M.K.*, 932 A.2d 111, 113 & n.3 (Pa. Super. 2007) (quashing appeal taken by single notice of appeal from order on remand for consideration under Pa.R.Crim.P. 607 of two persons’ judgments of sentence).

The 1997 amendments to paragraphs (a) and (c), substituting the conjunction “and” for “or,” are not substantive. The amendments merely clarify that by definition any order [which] that disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

Rescission of subparagraph (b)(2)—Former subparagraph (b)(2) provided for appeals of orders defined as final by statute. The 2015 rescission of subparagraph

(b)(2) eliminated a potential waiver trap created by legislative use of the adjective “final” to describe orders that were procedurally interlocutory but nonetheless designated as appealable as of right. Failure to appeal immediately an interlocutory order deemed final by statute waived the right to challenge the order on appeal from the final judgment. Rescinding subparagraph (b)(2) eliminated this potential waiver of the right to appeal. If an order designated as appealable by a statute disposes of all claims and of all parties, it is appealable as a final order pursuant to Pa.R.A.P. 341. If the order does not meet that standard, then it is interlocutory regardless of the statutory description. Pa.R.A.P. 311(a)(8) provides for appeal as of right from an order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims or of all parties and, thus, is interlocutory[;]. Pa.R.A.P. 311(g) addresses waiver if no appeal is taken immediately from such interlocutory order.

One of the further effects of the rescission of subparagraph (b)(2) is to change the basis for appealability of orders that do not end the case but grant or deny a declaratory judgment. See *Nationwide Mut. Ins. Co. v. Wickett*, 763 A.2d 813, 818 (Pa. 2000); *Pa. Bankers Ass’n v. Pa. Dep’t. of Banking*, 948 A.2d 790, 798 (Pa. 2008). The effect of the rescission is to eliminate waiver for failure to take an immediate appeal from such an order. A party aggrieved by an interlocutory order granting or denying a declaratory judgment, where the order satisfies the criteria for “finality” under *Pennsylvania Bankers Association*, may elect to proceed under Pa.R.A.P. 311(a)(8) or wait until the end of the case and proceed under subparagraph (b)(1) of this rule.

An arbitration order appealable under 42 Pa.C.S. § 7320(a) may be interlocutory or final. If it disposes of all claims and all parties, it is final, and, thus, appealable pursuant to Pa.R.A.P. 341. If the order does not dispose of all claims and parties, that is, the order is not final, but rather interlocutory, it is appealable pursuant to Pa.R.A.P. 311. Failure to appeal an interlocutory order appealable as of right may result in waiver of objections to the order. See Pa.R.A.P. 311(g).

Paragraph (c)—Determination of [Finality] finality—Paragraph (c) permits an immediate appeal from an order dismissing less than all claims or parties from a case only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Factors to be considered under paragraph (c) include, but are not limited to:

- (1) whether there is a significant relationship between adjudicated and unadjudicated claims;
- (2) whether there is a possibility that an appeal would be mooted by further developments;
- (3) whether there is a possibility that the court or government unit will consider issues a second time; and
- (4) whether an immediate appeal will enhance prospects of settlement.

The failure of a party to apply to the government unit or trial court for a determination of finality pursuant to paragraph (c) shall not constitute a waiver and the matter may be raised in a subsequent appeal following the entry of a final order disposing of all claims and all parties.

Where the government unit or trial court refuses to amend its order to include the express determination that an immediate appeal would facilitate resolution of the

entire case and refuses to enter a final order, a petition for [**review under Chapter 15**] **permission to appeal under Pa.R.A.P. 1311** of the unappealable order of denial is the exclusive mode of review [**to determine whether the case is so egregious as to justify prerogative appellate correction of the exercise of discretion by the lower tribunal. See, e.g., Pa.R.A.P. 1311, Official Note**]. The filing of such a petition [**for review**] does not prevent the trial court or other government unit from proceeding further with the matter pursuant to Pa.R.A.P. 1701(b)(6). Of course, as in any case, the appellant [**could**] **may** apply for a discretionary stay of the proceeding below.

Subparagraph (c)(2) provides for a stay of the action pending determination of an application for a determination of finality. If **the application is denied, and** a petition for [**review**] **permission to appeal** is filed challenging the denial, a stay or *supersedeas* will issue only as provided under Chapter 17 of these rules.

In the event that a trial court or other government unit enters a final order pursuant to paragraph (c) of this rule, the trial court or other government unit may no longer proceed further in the matter, except as provided in Pa.R.A.P. 1701(b)(1)—(5).

[**The following is a partial list of orders previously interpreted by the courts as appealable as final orders under Pa.R.A.P. 341 that are no longer appealable as of right unless the trial court or government unit makes an express determination that an immediate appeal would facilitate resolution of the entire case and expressly enters a final order pursuant to Pa.R.A.P. 341(c):**

- (1) **an order dismissing one of several causes of action pleaded in a complaint but leaving pending other causes of action;**
- (2) **an order dismissing a complaint but leaving pending a counterclaim;**
- (3) **an order dismissing a counterclaim but leaving pending the complaint that initiated the action;**
- (4) **an order dismissing an action as to less than all plaintiffs or as to less than all defendants but leaving pending the action as to other plaintiffs and other defendants;**
- (5) **an order granting judgment against one defendant but leaving pending the complaint against other defendants; and**
- (6) **an order dismissing a complaint to join an additional defendant or denying a petition to join an additional defendant or denying a petition for late joinder of an additional defendant.**

The 1997 amendment adding subparagraph (c)(3) provided for a deemed denial where the trial court or other government unit fails to act on the application within 30 days.]

CHAPTER 5. PERSONS WHO MAY TAKE OR PARTICIPATE IN APPEALS

IN GENERAL

Rule 502. Substitution of Parties.

(a) *Death of a party.*—If a party dies after a notice of appeal or petition for review is filed or while a matter is otherwise pending in an appellate court, the personal representative of the deceased party may be substituted

as a party on application filed by the representative or by any party with the prothonotary of the appellate court. The application of a party shall be served upon the representative in accordance with the provisions of [**Rule 123 (applications for relief)] Pa.R.A.P. 123**. If the deceased party has no representative, any party may suggest the death on the record and proceedings shall then be had as the appellate court may direct. If a party against whom an appeal may be taken or a petition for review may be filed dies after entry of an order below but before a notice of appeal or petition for review is filed, an appellant may proceed as if death had not occurred. After the notice of appeal or petition for review is filed, substitution shall be effected in the appellate court in accordance with this [**subdivision] paragraph**. If a party entitled to appeal or petition for review shall die before filing a notice of appeal or petition for review, the notice of appeal or petition for review may be filed by his personal representative, or, if he has no personal representative, by his counsel, within the time prescribed by these rules. After the notice of appeal or petition for review is filed, substitution shall be effected in the appellate court in accordance with this [**subdivision] paragraph**.

(b) *Substitution in other cases or for other causes.*—If substitution of a party in an appellate court is necessary in connection with a petition for allowance of appeal [**or**], a petition for permission to appeal, a **petition for specialized review**, or in connection with any [**other**] matter other than a notice of appeal or petition for review, or if substitution of a party in an appellate court is necessary for any reason other than death, substitution shall be effected in accordance with the procedure prescribed in [**Subdivision] paragraph (a)** of this rule.

(c) *Death or separation from office of public officer.*—When a public officer is a party to an appeal or other matter in an appellate court in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the matter does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

Official Note: [**Pa.R.Civ.P. 2351 to 2375] Pa.R.C.P. 2351 to 2374** relate to substitution of parties in the courts of common pleas, but this rule, which is patterned after [**Fed. Rules App. Proc. 43(a), (b) and (c)(1)] Fed.R.App.P. 43**, covers the subject in the appellate courts for the first time.

FORMA PAUPERIS

Rule 553. Application in Appellate Court.

(a) *General rule.*—A party who has been denied relief under [**Rule 552 (application to lower court for leave to appeal in forma pauperis)] Pa.R.A.P. 552**, or who has been unable to file an application under such rule because the matter is an original action in the appellate court, or a petition for review **or petition for specialized review** proceeding relating to a government unit other than a court, or for any other reason, may apply to the appellate court for leave to proceed *in forma pauperis* in the appellate court.

(b) *Form and procedure.*—An application under this rule shall be governed by [**Rule] Pa.R.A.P. 552** so far as it may be applied.

Official Note: [**See former Supreme Court Rule 61(d), which required an affidavit (verified statement) in all cases.**] Unlike the prior rule, this rule makes clear that [**the**] an application may be [**renewed**] made in the appellate court **even if it has been denied in the trial court**.

CHAPTER 7. COURTS TO WHICH APPEALS SHALL BE TAKEN IN GENERAL

Rule 701. Interlocutory Orders.

An appeal authorized by law from an interlocutory order [**in a matter**] shall be taken to, [**and**] petitions for permission to appeal from an interlocutory order [**in a matter**], and **petitions for specialized review** shall be filed in[,] the appellate court having jurisdiction of final orders in such matters.

Official Note: Based on 42 Pa.C.S. § 702(a) [**(appeals authorized by law)**].

Rule 702. Final Orders.

(a) *General rule.*—An appeal authorized by law from a final order shall be taken to, and petitions for allowance of appeal from a final order shall be filed in, the appellate court vested by law with jurisdiction over appeals from such order.

(b) *Matters tried with capital offenses.*—If an appeal is taken to the Supreme Court under [**Rule 1941 (review of death sentences)] Pa.R.A.P. 1941**, any other appeals relating to sentences for lesser offenses imposed on a defendant as a result of the same criminal episode or transaction and tried with the capital offense shall **also** be taken to the Supreme Court.

(c) *Supervision of special prosecutions or investigations.*—All petitions for **specialized review** under Rule [**3331 (review of special prosecutions or investigations)] 1611** shall be filed in the Supreme Court.

Official Note: [**Because of frequent legislative modifications it is not desirable to attempt at this time to restate appellate court jurisdiction in these rules. However, the**] The Administrative Office of Pennsylvania Courts publishes from time to time at 204 Pa. Code § 201.2 an unofficial chart of the Unified Judicial System showing the appellate jurisdiction of the several courts of this Commonwealth, and it is expected that the several publishers of these rules will include a copy of the current version of such chart in their respective publications.

[**Subdivisions] Paragraphs (b) and (c)** are based upon 42 Pa.C.S. § 722(1) [**(direct appeals from courts of common pleas)**]. Under [**Rule 751 (transfer of erroneously filed cases)] Pa.R.A.P. 751**, an appeal from a lesser offense improvidently taken to the Superior Court or the Commonwealth Court will be transferred to the Supreme Court for consideration and decision with the capital offense.

Under [**Rule 701 (interlocutory orders)] Pa.R.A.P. 701**, the jurisdiction described in [**Subdivision] paragraph (c)** extends also to interlocutory orders. See [**Rule**

102 (definitions)] Pa.R.A.P. 102 where the term “appeal” includes proceedings on petition for review **and petitions for specialized review**. Ordinarily [**Rule] Pa.R.A.P. 701** will have no application to matters within the scope of [**Subdivision] paragraph (b)**, since that [**subdivision] paragraph** is contingent upon entry of a final order in the form of a sentence of death; the mere possibility of such a sentence is not [**intended to give the] a basis for** Supreme Court direct appellate jurisdiction over interlocutory orders in homicide and related cases [**since generally a death sentence is not imposed], because it is the imposition of the sentence of death that triggers Supreme Court direct review. See 42 Pa.C.S. § 9711(h).**

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 901. Scope of Chapter.

This chapter applies to all appeals from a trial court to an appellate court except:

(1) An appeal by allowance taken under 42 Pa.C.S. § 724 [**(allowance of appeals from Superior and Commonwealth Courts)]. See [Rule 1112 (appeals by allowance)] Pa.R.A.P. 1112.**

(2) An appeal by permission taken [**under 42 Pa.C.S. § 702(b) (interlocutory appeals by permission)] pursuant to Pa.R.A.P. 1311. [See Rule 1311 (interlocutory appeals by permission).]**

(3) An appeal [**which may be]** taken by petition for **specialized review pursuant to [Rule 1762(b)(2), which governs applications relating to bail when no appeal is pending] Chapter 16.**

[**(4) An appeal which may be taken by petition for review pursuant to Rule 1770, which governs out of home placement in juvenile delinquency matters.**

(5) [**(4) Automatic review of sentences pursuant to 42 Pa.C.S. § 9711(h) [(review of death sentence)]. See [Rule 1941 (review of death sentences)] Pa.R.A.P. 1941.**

[**(6) An appeal which may be taken by petition for review pursuant to Rule 3331 (review of special prosecutions or investigations).**

(7) **An appeal which may be taken only by a petition for review pursuant to Rule 1573, which governs review when a trial court has denied a motion to dismiss on the basis of double jeopardy as frivolous.]**

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1311. Interlocutory Appeals by Permission.

(a) *General rule.*—An appeal may be taken by permission [**under 42 Pa.C.S. § 702(b) (interlocutory appeals by permission) from any interlocutory order of a lower court or other government unit. See Rule 312 (interlocutory appeals by permission).] from an interlocutory order:**

(1) **certified under 42 Pa.C.S. § 702(b) or for which certification pursuant to 42 Pa.C.S. § 702(b) was denied, see Pa.R.A.P. 312;**

(2) for which certification pursuant to Pa.R.A.P. 341(c) was denied; or

(3) that determined that a defendant’s motion to dismiss on the basis of double jeopardy is frivolous.

(b) *Petition for permission to appeal.*—Permission to appeal from an interlocutory order [**containing the statement prescribed by 42 Pa.C.S. § 702(b)] listed in paragraph (a)** may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order in the [**lower] trial court or other government unit with proof of service on all other parties to the matter in the [lower] trial court or other government unit and on the government unit or clerk of the [lower] trial court, who shall file the petition of record in such [lower] trial court. An application for an amendment of an interlocutory order to set forth expressly either the statement specified in 42 Pa.C.S. § 702(b) or the one in Pa.R.A.P. 341(c) shall be filed with the [lower] trial court or other government unit within 30 days after the entry of such interlocutory order, and permission to appeal may be sought within 30 days after entry of the order as amended. Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied. If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Rule 121(a) [(filing)] on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the [lower] trial court or other government unit and shall be either enclosed with the petition or separately mailed to the prothonotary. **The petitioner must file the original and one copy.** Upon actual receipt of the petition for permission to appeal, the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give written notice of the docket number assignment in person or by first class mail to the government unit or clerk of the [lower] trial court, to the petitioner, and to the other persons named in the proof of service accompanying the petition.**

(c) *Fee.*—The petitioner upon filing the petition for permission to appeal shall pay any fee therefor prescribed by Chapter 27 [**(fees and costs in appellate courts and on appeal)].**

(d) *Entry of appearance.*—Upon the filing of the petition for permission to appeal, the prothonotary of the appellate court shall note on the record as counsel for the petitioner the name of counsel, if any, set forth in or endorsed upon the petition for permission to appeal, and, as counsel for other parties, counsel, if any, named in the

proof of service. The prothonotary shall upon *praecipe* of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note: [Based on 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). See note to Rule 903 (time for appeal). Compare 42 Pa.C.S. § 5574 (effect of application for amendment to qualify for interlocutory appeal).] Pa.R.A.P. 1311 originally implemented only 42 Pa.C.S. § 702(b). The accompanying note provided that an order refusing to certify an order as meeting the requirements of 42 Pa.C.S. § 702(b) was reviewed by filing of a petition for review under Chapter 15. The rule was amended in 2016 to expand the use of a petition for permission to appeal to requests for review of interlocutory orders that were not certified for immediate review pursuant to 42 Pa.C.S. § 702(b) or Pa.R.A.P. 341(c) and of interlocutory orders that found a criminal defendant's claim that further proceedings would cause the defendant to be placed in double jeopardy to be frivolous.

See the Official Note to [Rule 1112 (appeals by allowance)] Pa.R.A.P. 1112 for an explanation of the procedure when Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified is used.

[Where the administrative agency or lower court refuses to amend its order to include the prescribed statement, a petition for review under Chapter 15 of the unappealable order of denial is the proper mode of determining whether the case is so egregious as to justify prerogative appellate correction of the exercise of discretion by the lower tribunal. If the petition for review is granted in such a case, the effect (as in the Federal practice under 28 U.S.C. § 1292(b)) is the same as if a petition for permission to appeal had been filed and granted, and no separate petition for permission to appeal need be filed.

The 1997 amendment to subdivision (b) provides for a deemed denial where the trial court or other governmental unit fails to act on the application within 30 days. Under such circumstances, a party may need to file a *praecipe* for entry of the deemed denial pursuant to Rule 301(d).

With regard to subdivision (d) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Entry of Appearance and Appointment of Counsel; In Forma Pauperis).]

With respect to appearances by new counsel following the initial docketing of appearances pursuant to [Subdivision] paragraph (d) of this rule, please note the requirements of [Rule] Pa.R.A.P. 120.

Rule 1312. Content of the Petition for Permission to Appeal.

(a) *General rule.*—The petition for permission to appeal need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(1) A statement of the basis for the jurisdiction of the appellate court.

(2) The text of the order in question, or the portions thereof sought to be reviewed [including the statement by the lower court or other government unit that the order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the matter], and the date of its], the text of any order ruling on any subsequent request for certification, the date of their entry in the trial court or other government unit [below]. If the [order is] order(s) are voluminous, it may, if more convenient, be appended to the petition.

(3) A concise statement of the case containing the facts necessary to an understanding of the [controlling questions of law determined by the order of the lower] basis for the order of the trial court or other government unit.

(4) The [controlling] proposed questions [of law] presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition, or fairly comprised therein, will ordinarily be considered by the court in the event permission to appeal is granted.

(5) A concise statement of the reasons [why a substantial ground exists for a difference of opinion on the questions and why an immediate appeal may materially advance the termination of the matter.] for an immediate appeal:

(i) For a petition for permission to appeal an order certified pursuant to 42 Pa.C.S. § 702(b), a statement of the reasons why the order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an appeal from the order may materially advance the ultimate termination of the matter;

(ii) For a petition for permission to appeal an order for which certification pursuant to 42 Pa.C.S. § 702(b) was denied or deemed denied, a statement of reasons why the order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an appeal from the order may materially advance the ultimate termination of the matter and why the refusal of certification was an abuse of the trial court's or other government unit's discretion;

(iii) For a petition for permission to appeal an order for which certification pursuant to Pa.R.A.P. 341(c) was denied or deemed denied, the petition must contain a statement of reasons why an immediate appeal would facilitate resolution of the entire case and why the refusal of certification was an abuse of the trial court's or other government unit's discretion;

(iv) For a petition for permission to appeal pursuant to Pa.R.A.P. 1311(a)(3), the petition must set forth why the claim of double jeopardy is colorable. The filing of a petition for permission to appeal a finding of frivolousness will not automatically stay the proceedings before the trial court, but a petitioner may file an application for a stay in the trial

or appellate court pending the determination of the petition for permission to appeal, or the trial or appellate court may issue a stay *sua sponte*.

(6) There shall be appended to the petition a copy of any opinions delivered relating to the order sought to be reviewed, as well as all opinions of [lower] trial courts or other government units in the case, and, if reference thereto is necessary to ascertain the grounds of the order, opinions in companion cases. If whatever is required by this paragraph to be appended to the petition is voluminous, it may, if more convenient, be separately presented.

(7) There shall be appended to the petition the verbatim texts of the pertinent provisions of constitutional provisions, statutes, ordinances, regulations, or other similar enactments which the case involves, and the citation to the volume and page where they are published, including the official edition, if any.

(b) *Caption and parties.*—All parties to the proceeding in the [lower] trial court or other government unit other than petitioner shall be named as respondents, but respondents who support the position of the petitioner shall meet the time schedule for filing papers which is prescribed in this chapter for the petitioner, except that any response by such respondents to the petition shall be filed as promptly as possible after receipt of the petition.

(c) *No supporting brief.*—All contentions in support of a petition for permission to appeal shall be set forth in the body of the petition as prescribed by [Paragraph] subparagraph (a)(5) of this rule. Neither the briefs below nor any separate brief in support of a petition for permission to appeal will be received, and the prothonotary of the appellate court will refuse to file any petition for permission to appeal to which is annexed or appended any brief below or supporting brief.

(d) *Essential requisites of petition.*—The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

(e) *Multiple petitioners.*—Where permitted by [Rule 512 (joint appeals)] Pa.R.A.P. 512, multiple petitioners may file a single petition for permission to appeal [may be filed].

[*Official Note:* Based on former Commonwealth Court Rule 114. Subdivision (a)(2) of this rule makes clear that the order of the tribunal below must contain a statement that the order involves a controlling question of law as to which there is a difference of opinion.

Interlocutory appeals as of right may be taken by filing a notice of appeal under Chapter 9 (appeals from lower courts), rather than by petition under this rule. See Rule 311 (interlocutory appeals as of right).]

Rule 1316. Incorrect Use of Petition for Permission to Appeal [or Petition for Review].

(a) *General Rule.*—The appellate court shall treat a request for discretionary review of an order [which] that is immediately appealable as a notice of appeal [under the following circumstances:] if the party has filed a timely petition for permission to appeal pursuant to Pa.R.A.P. 1311.

[(1) where a party has filed a timely petition for permission to appeal pursuant to Pa.R.A.P. 1311; or

(2) where a party has filed a timely petition for review from a trial court's refusal of a timely application pursuant to Pa.R.A.P. 1311 to amend the order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b).]

(b) *Additional Requirements.*—The appellate court may require any additional actions necessary to perfect the appeal.

Official Note: This [Rule] rule requires the appellate court to treat a timely, but erroneous, petition for permission to appeal pursuant to Pa.R.A.P. 1311 from an order which is, in fact, immediately appealable as of right, as a timely notice of appeal. *See, for example, Commonwealth v. Shull*, 811 A.2d 1 (Pa.Super. 2002). This [Rule] rule supersedes *Thermo-Guard, Inc. v. Cochran*, 596 A.2d 188, 192 (Pa. Super. 1991), which stated, as *dictum*, that “[... in the future,] where a petition for permission to appeal seeking review of a final order, appealable as of right, or of an interlocutory order made appealable as of right ... is filed, this court should simply deny the petition.” [Also, pursuant to subdivision (a)(2) of this Rule, where the trial court refuses an application to amend an order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b), and that order was in fact appealable as of right, the appellate court shall treat a Chapter 15 petition for review of the trial court's refusal to amend as a notice of appeal.]

Use of the term “notice of appeal” in this [Rule] rule is not intended to preclude treatment of the petition for permission to appeal as a petition for review if the proper method of appeal as of right would be a petition for review addressed to the Commonwealth Court's appellate jurisdiction found at 42 Pa.C.S. § 763.

Rule 1323. Denial of Permission to Appeal.

If the petition for permission to appeal is denied, the prothonotary of the appellate court shall immediately give written notice in person or by first class mail of entry of the order denying permission to appeal to the government unit or clerk of the [lower] trial court and to each party who has appeared in the appellate court. A party wishing to seek review of the denial in the Supreme Court must file a timely petition for allowance of appeal.

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

IN GENERAL

Rule 1501. Scope of Chapter.

(a) *General rule.*—Except as otherwise prescribed by [Subdivisions] paragraphs (b) and (c) of this rule, this chapter applies to judicial review of the following government unit actions or inactions:

(1) Appeals from an administrative agency (within the meaning of Section 9 of Article V of the Constitution of Pennsylvania) to an appellate court or pursuant to 42 Pa.C.S. § 763(b).

(2) Appeals to an appellate court pursuant to 2 Pa.C.S. § 702 [(appeals), 42 Pa.C.S. § 5105 (right to appellate review) or any other statute providing for

judicial review of a determination of a government unit] or 42 Pa.C.S. § 5105.

(3) Original jurisdiction actions heretofore cognizable in an appellate court by actions in the nature of equity, replevin, mandamus or quo warranto or for declaratory judgment, or upon writs of certiorari or prohibition.

(4) [**Matters designated by general rule, e.g., review of orders refusing to certify interlocutory orders for immediate appeal, release prior to sentence, appeals**] Appeals under Section 17(d) of Article II of the Constitution of Pennsylvania [**and review of special prosecutions or investigations**].

(5) Appeals pursuant to Supreme Court general rule, for example 42 Pa.C.S. § 725.

(b) *Appeals governed by other provisions of rules.*—This chapter does not apply to any appeal within the scope of:

(1) Chapter 9 [**(appeals from lower courts)**].

(2) Chapter 11 [**(appeals from Commonwealth Court and Superior Court)**].

(3) Chapter 13 [**(interlocutory appeals by permission)**], except that the provisions of this chapter and ancillary provisions of these rules applicable to practice and procedure on petition for review [**, so far as they may be applied,**] shall be applicable [**:(a) where required by the Note to Rule 341 and the Note to Rule 1311; and (b)**] after permission to appeal has been granted from a determination which, if final, would be subject to judicial review pursuant to this chapter.

(4) [**Rule 1941 (review of death sentences).**] Chapter 16.

(5) Pa.R.A.P. 1941.

(c) *Unsuspending statutory procedures.*—This chapter does not apply to any appeal pursuant to the following statutory provisions, which are not suspended by these rules:

(1) [**Section 137 of Title 15 of the Pennsylvania Consolidated Statutes (Court to pass upon rejection of documents by Department of State).**] 15 Pa.C.S. § 137.

(2) The Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, as amended, 25 P.S. §§ 2600—3591.

(d) *Jurisdiction of courts unaffected.*—This chapter does not enlarge or otherwise modify the jurisdiction and powers of the Commonwealth Court or any other court.

[**Official Note:** This chapter applies to review of any “determination” of a “government unit” as defined in Rule 102 assuming, of course, that the subject matter of the case is within the jurisdiction of a court subject to these rules (see Subdivision (d) of this rule). A “determination” means “action or inaction by a government unit which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.” The term “government unit” is all inclusive and means “the Governor and the departments, boards, commissions, officers, authorities and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and

any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes a board of arbitrators whose determination is subject to review under 42 Pa.C.S. § 763(b) (awards of arbitrators).” The term “administrative agency” is not defined in these rules, although the term is used in these rules as a result of its appearance in Section 9 of Article V of the Constitution of Pennsylvania.

Subdivision (a)(4) was added in 2004 to recognize the references in various appellate rules and accompanying notes to petition for review practice. For example, the Notes to Rules 341 and 1311 direct counsel to file a petition for review of a trial court or government agency order refusing to certify an interlocutory order for immediate appeal. Similarly, Rule 1762 directs the filing of a petition for review when a party seeks release on bail before judgment of sentence is rendered, see Rule 1762(b), and Rule 1770 directs the filing of a petition for review when a juvenile seeks review of placement in a juvenile delinquency matter. A petition for review is also the proper method by which to seek judicial review pursuant to Rule 3321 (regarding legislative reapportionment commission) and Rule 3331 (regarding special prosecutions or investigations). The 2004 and 2012 amendments clarify the use of petitions for review in these special situations.

Subdivision (b) of this rule is necessary because otherwise conventional appeals from a court (which is included in the scope of the term “government unit”) to an appellate court would fall within the scope of this chapter under the provisions of Paragraph (a)(2) of this rule.

Subdivision (c) expressly recognizes that some statutory procedures are not replaced by petition for review practice. Thus, matters brought pursuant to Section 137 of the Associations Code governing judicial review of documents rejected by the Department of State or pursuant to the Election Code are controlled by the applicable statutory provisions and not by the rules in Chapter 15. See 15 Pa.C.S. § 137; Act of June 3, 1937, P.L. 1333, as amended 25 P.S. §§ 2600—3591.

In light of Subdivision (d), where the court in which a petition for review is filed lacks subject matter jurisdiction (e.g., a petition for review of a local government question filed in the Commonwealth Court), Rules 741 (waiver of objections to jurisdiction), 751 (transfer of erroneously filed cases) and 1504 (improvident petitions for review) will be applicable. See also 42 Pa.C.S. § 5103.

The 2004 amendments are made to petition for review practice to address the evolution of judicial responses to governmental actions. As indicated in the Note to Rule 1502, when the Rules of Appellate Procedure were initially adopted, there was a “long history in the Commonwealth . . . of relatively complete exercise of the judicial review function under the traditional labels of equity, mandamus, certiorari and prohibition.” While such original jurisdiction forms of action are still available, their proper usage is now the exception rather than the rule because appellate proceedings have become the norm. Thus, the need to rely on Rule 1503 to convert an appellate proceeding to an original jurisdiction action and vice versa arises less often.

Moreover, the emphasis on a petition for review as a generic pleading that permits the court to simultaneously consider all aspects of the controversy is diminished. The primary concern became making the practice for appellate proceedings more apparent to the occasional appellate practitioner. Accordingly, the rules have been amended to more clearly separate procedures for appellate proceedings from those applicable to original jurisdiction proceedings.

The responsibility of identifying the correct type of proceeding to be used to challenge a governmental action is initially that of counsel. Where precedent makes the choice clear, counsel can proceed with confidence. Where the choice is more problematic, then counsel should draft the petition for review so as to satisfy the directives for both appellate and original jurisdiction proceedings. Then the court can designate the proper course of action regardless of counsel's earlier assessment.]

Official Note: This chapter applies to appeals of administrative agency action, original jurisdiction actions cognizable in an appellate court in the nature of actions in equity, replevin, mandamus or *quo warranto* or for declaratory judgment, or upon writs of *certiorari* or prohibition, and appeals of other actions as enumerated in paragraph (a). The document that initiates the case under Chapter 15 is called a petition for review. Judicial review of all other government unit actions or inactions not otherwise permitted under Chapters 9, 11, 13 or 15, is available under Chapter 16; the document that initiates the case under Chapter 16 is called a petition for specialized review. The "residuary" initiating document function previously assigned to Chapter 15 is now assigned to Chapter 16.

Rule 1502. Exclusive Procedure.

The appeal and the original jurisdiction actions of equity, replevin, mandamus and *quo warranto*, the action for a declaratory judgment, and the writs of *certiorari* and prohibition [are abolished insofar as they relate to matters within the scope of a petition for review under this chapter] are replaced by the petition for review. [The petition for review, insofar as applicable under this chapter, shall be the exclusive procedure for judicial review of a determination of a government unit.]

[**Official Note:** This chapter recognizes that the modern label "appeal" has little significance in connection with judicial review of governmental determinations in light of the long history in this Commonwealth of relatively complete exercise of the judicial review function under the traditional labels of equity, mandamus, *certiorari* and prohibition. If the simple form of notice of appeal utilized in Chapter 9 (appeals from lower courts) were extended to governmental determinations without any requirement for the filing of motions for post-trial relief, a litigant who incorrectly selected the appeal label, rather than the equity, mandamus, replevin, or prohibition, etc. label, would probably suffer dismissal, because the court would be reluctant to try a proceeding in the nature of equity, mandamus, replevin, or prohibition, etc. in the absence of a proper pleading adequately framing the issues.

The solution introduced by these rules is to substitute a new pleading (the petition for review) for all of the prior types of pleading which seek relief from a governmental determination (including governmental inaction). Where the reviewing court is required or permitted to hear the matter *de novo*, the judicial review proceeding will go forward in a manner similar to an equity or mandamus action. Where the reviewing court is required to decide the questions presented solely on the record made below, the judicial review proceeding will go forward in a manner similar to appellate review of an order of a lower court. However, experience teaches that governmental determinations are so varied in character, and generate so many novel situations, that on occasion it is only at the conclusion of the judicial review process, when a remedy is being fashioned, that one can determine whether the proceeding was in the nature of equity, mandamus, prohibition, or statutory appeal, etc. The petition for review will eliminate the wasteful and confusing practice of filing multiple "shotgun" pleadings in equity, mandamus, prohibition, statutory appeal, etc., and related motions for consolidation, and will permit the parties and the court to proceed directly to the merits unencumbered by procedural abstractions.

Rule 1551 (scope of review) makes clear that the change in manner of pleading does not change the scope or standard of review of governmental determinations or otherwise affect the substantive rights of the parties.]

It should be noted that a petition for review in the nature of mandamus or prohibition will lie against a [lower] trial court (which is a "government unit"), since such relief is not available under the rules cited in [Rule] Pa.R.A.P. 1501(b).

See 42 Pa.C.S. § 708(e) [(single form of action)], which provides as follows:

(e) *Single form of action.*—Where pursuant to general rules review of a determination of a government unit may be had by a petition for a review or another single form of action embracing the appeal and actions in the nature of equity, mandamus, prohibition, *quo warranto*, or otherwise, the jurisdiction of the appellate court shall not be limited by the provisions of 1 Pa.C.S. § 1504 [(relating to statutory remedy preferred over common law)], but such provisions to the extent applicable shall limit the relief available.

Rule 1503. Improvident Appeals or Original Jurisdiction Actions.

If [an appeal is taken from an order of a government unit, or if a complaint in the nature of equity, replevin, mandamus, or *quo warranto*, or a petition for a declaratory judgment or for a writ in the nature of *certiorari* or prohibition is filed against a government unit or one or more of the persons for the time being conducting its affairs objecting to a determination by any one or more of them] a filing should be labeled a petition for review, but is not, this alone shall not be a ground for dismissal. The [papers whereon the improvident matter was commenced] filing shall be regarded and acted upon as a petition for review [of such governmental determina-

tion] and as if filed at the time the improvident [matter was commenced] filing was made. The court may require that the [papers] filing be clarified by amendment or be supplemented.

Official Note: Based on 42 Pa.C.S. § 708 [(improvident administrative appeals and other matters)].

Rule 1504. Improvident Petitions for Review.

If a [petition for review is filed against any person, where] filing in a court is labeled as a petition for review but the proper mode of relief is an original jurisdiction action in equity, replevin, mandamus or quo warranto, or a petition for a declaratory judgment or for a writ of certiorari or prohibition, this alone shall not be a ground for dismissal[, but the papers whereon the improvident matter was commenced]. The filing shall be regarded and acted upon as a complaint or other proper process [commenced against such person] and as if filed at the time the improvident [matter was commenced] filing was made. The court may require that the [papers] filing be clarified by amendment.

Official Note: Based on 42 Pa.C.S. § 102 [(definitions) (which includes petition for review proceedings within the statutory definition of “appeal”)] and 42 Pa.C.S. § 708(b) [(appeals)]. When the moving party files a clarifying amendment, the amendment will operate to specify that one form of action which the party elects to proceed on.

PETITION FOR REVIEW

Rule 1511. Manner of Obtaining Judicial Review of Governmental Determinations.

Review under this chapter shall be obtained by filing a petition for review with the prothonotary of the appellate court within the time allowed by [Rule 1512 (time for petitioning for review)] Pa.R.A.P. 1512. Failure of a petitioner for review to take any step other than the timely filing of a petition for review does not affect the validity of the review proceeding, but is grounds only for such action as the appellate court deems appropriate, which may include dismissal of the review proceeding.

Rule 1512. Time for Petitioning for Review.

(a) *Appeals authorized by law.*—Except as otherwise prescribed by [subdivision] paragraph (b) of this rule:

(1) A petition for review of a quasijudicial order, or an order appealable under 42 Pa.C.S. § 763(b) [(awards of arbitrators)] or under any other provision of law, shall be filed with the prothonotary of the appellate court within 30 days after the entry of the order.

(2) If a timely petition for review of such an order is filed by a party, any other party may file a [petition] cross-petition for review within 14 days of the date on which the first petition for review was served, or within the time otherwise prescribed by [subdivision] subparagraph (a)(1) of this rule, whichever period last expires.

(b) *Special appellate provisions.*—A petition for review of:

(1) A determination of the Department of Community and Economic Development in any matter arising under [the Local Government Unit Debt Act,] 53 Pa.C.S. §§ 8001—[8271,] 8285 shall be filed within 15 days after entry of the order or the date the determination is deemed to have been made, when no order has been entered.

(2) A determination governed by [Rule 1571 (determinations of the Board of Finance and Revenue)] Pa.R.A.P. 1571 shall be filed within the appropriate period therein specified.

[(3) A determination governed by Rule 3331 (review of special prosecutions or investigations) shall be filed within ten days after the entry of the order sought to be reviewed.

(4) (3) A determination of a Commonwealth agency under [section 1711.1(g) of the Commonwealth Procurement Code,] 62 Pa.C.S. § 1711.1(g)[,] shall be filed within 15 days of the mailing date of a final determination denying a protest.

[(5) A determination governed by Rule 1770 (review of dispositional order for out of home placement in juvenile delinquency matters) shall be filed within ten days of the order sought to be reviewed.]

(c) *Original jurisdiction actions.*—A petition for review of a determination of a government unit **within the scope of Chapter 15** but not within the scope of [Subdivisions] paragraphs (a) or (b) of this rule may be filed with the prothonotary of the appellate court within the time, if any, limited by law.

Official Note: The note to [Rule 903 (time for appeal)] Pa.R.A.P. 903 addresses the development of the standard [30 day] 30-day appeal period. [Rule] Pa.R.A.P. 102 defines a “quasijudicial order” as “an order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.”

[Subdivision] Paragraph (c) relates to matters addressed to the original jurisdiction of an appellate court. For example, equitable matters are governed by existing principles of laches, etc. Other matters, such as petitions for review raising issues formerly cognizable by action in mandamus or *quo warranto*, etc., are governed by the time limits, if any, applicable under the prior procedure. See generally 42 Pa.C.S. §§ 1702 [(regarding the Supreme Court’s rulemaking procedures)], 1722(c) [(Time limitations)], 5501—5574 [(Limitations of time)].

Rule 1513. Petition for Review.

(a) *Caption and parties on appeal.*—In an appellate jurisdiction petition for review, the aggrieved party or person shall be named as the petitioner [and, unless

the government unit is disinterested, the government unit and no one else]. The government unit shall be named as the respondent. If the government unit is disinterested, all real parties in interest [, **and not the government unit,**] shall **also** be named as respondents.

(b) *Caption and parties in original jurisdiction actions.*—The government unit and any other indispensable party shall be named as respondents. Where a public act or duty is required to be performed by a government unit, it is sufficient to name the government unit, and not its individual members, as respondent.

(c) *Form.*—Any petition for review shall be divided into consecutively numbered paragraphs. Each paragraph shall contain, as nearly as possible, a single allegation of fact or other statement. [**When petitioner seeks review of an order refusing to certify an interlocutory order for immediate appeal, numbered paragraphs need not be used.**]

(d) *Content of appellate jurisdiction petition for review.*—An appellate jurisdiction petition for review shall contain:

[1.] (1) a statement of the basis for the jurisdiction of the court;

[2.] (2) the name of the party or person seeking review;

[3.] (3) the name of the government unit that made the order or other determination sought to be reviewed;

[4.] (4) reference to the order or other determination sought to be reviewed, including the date the order or other determination was entered;

[5.] (5) a general statement of the objections to the order or other determination, but the omission of an issue from the statement shall not be the basis for a finding of waiver if the court is able to address the issue based on the certified record;

[6.] (6) a short statement of the relief sought; and

[7.] (7) a copy of the order or other determination to be reviewed, which shall be attached to the petition for review as an exhibit.

No notice to plead or verification is necessary.

Where there were other parties to the proceedings conducted by the government unit, and such parties are not named in the caption of the petition for review, the petition for review shall also contain a notice to participate, which shall provide substantially as follows:

If you intend to participate in this proceeding in the (Supreme, Superior, or Commonwealth, as appropriate) Court, you must serve and file a notice of intervention under Pa.R.A.P. 1531 [**of the Pennsylvania Rules of Appellate Procedure**] within 30 days.

(e) *Content of original jurisdiction petition for review.*—A petition for review addressed to an appellate court's original jurisdiction shall contain:

[1.] (1) a statement of the basis for the jurisdiction of the court;

[2.] (2) the name of the person or party seeking relief;

[3.] (3) the name of the government unit whose action or inaction is in issue and any other indispensable party;

[4.] (4) a general statement of the material facts upon which the cause of action is based;

[5.] (5) a short statement of the relief sought; and

[6.] (6) a notice to plead and verification either by oath or affirmation or by verified statement.

(f) *Alternative objections.*—Objections to a determination of a government unit and the related relief sought may be stated in the alternative, and relief of several different types may be requested.

Official Note: [**The 2004 amendments to this rule clarify what must be included in a petition for review addressed to an appellate court's appellate jurisdiction and what must be included in a petition for review addressed to an appellate court's original jurisdiction. Where it is not readily apparent whether a "determination" (defined in Pa.R.A.P. 102 as "[a]ction or inaction by a government unit") is reviewable in the court's appellate or original jurisdiction, compliance with the requirements of paragraphs (d) and (e) is appropriate.**]

Paragraphs (a) and (b) reflect the provisions of Pa.R.A.P. 501, Pa.R.A.P. 503, [**Section 702 of the Administrative Agency Law,**] 2 Pa.C.S. § 702 [**(Appeals)**], and Pa.R.C.P. [**No.**] 1094 [**(regarding parties defendant in mandamus actions)**].

Government units that are usually disinterested in appellate jurisdiction petitions for review of their determinations include:

- the Board of Claims,
- the Department of Education (with regard to teacher tenure appeals from local school districts pursuant to [**section 1132 of the Public School Code of 1949,**] 24 P.S. § 11-1132),
- the Environmental Hearing Board,
- **the Office of Open Records,**
- the State Charter School Appeal Board,
- the State Civil Service Commission, and
- the Workers' Compensation Appeal Board.

The provision for joinder of indispensable parties in original jurisdiction actions reflects the last sentence of [**section 761(c) of the Judicial Code,**] 42 Pa.C.S. § 761(c), providing for the implementation of ancillary jurisdiction of the Commonwealth Court by general rule.

Paragraphs (d) and (e) reflect the differences in proceeding in a court's original and appellate jurisdiction, while preserving the need for sufficient specificity to permit the conversion of an appellate document to an original jurisdiction pleading and vice versa should such action be necessary to assure proper judicial disposition. [**See also the notes to Pa.R.A.P. 1501 and 1502.**] **Where it is not readily apparent whether a "determination" under Pa.R.A.P. 1501 is reviewable in the court's appellate or original jurisdiction, compliance with the requirements of both paragraphs (d) and (e) is appropriate.**

[Official Note—2014]

The 2014 amendments to Pa.R.A.P. 1513(d) relating to the general statement of objections in an appellate jurisdiction petition for review are intended to preclude a finding of waiver if the court is able, based on the certified record, to address an issue not within the issues stated in the petition for review but included in the statement of questions involved and argued in a brief. The amendment neither expands the scope of issues that may be addressed in an appellate jurisdiction petition for review beyond those permitted in Pa.R.A.P. 1551(a) nor affects Pa.R.A.P. 2116's requirement that "[n]o question will be considered unless it is stated in the statement of questions involved [in appellant's brief] or is fairly suggested thereby."

Rule 1514. Filing and Service of the Petition for Review.

(a) *Filing with the prothonotary.*—The petition for review, with proof of the service that is required by [**Subdivision**] paragraph (c) of this rule, shall be filed with the prothonotary of the appellate court in person or by first class, express, or priority United States Postal Service mail.

If the petition for review is filed by first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of [**Rule 121(a) (filing)**] Pa.R.A.P. 121(a) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817, Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary.

Upon actual receipt of the petition for review, the prothonotary shall immediately:

(1) stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this [**subdivision**] paragraph, shall constitute the date of filing;

(2) assign a docket number to the petition for review; and

(3) give written notice of the docket number assignment in person or by first class mail to the government unit that made the determination sought to be reviewed, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

(b) *Fee.*—The petitioner, upon filing the petition for review, shall pay any fees therefor as set by law or general rule.

(c) *Service.*—A copy of the petition for review shall be served by the petitioner in person or by certified mail on both the government unit that made the determination sought to be reviewed and the Attorney General of Pennsylvania. [**In matters involving the Commonwealth, the petitioner shall similarly serve a copy upon the Attorney General of Pennsylvania.**] Where there is more than one respondent, the petitioner shall separately serve each one. All other parties before the government unit that made the determination sought to

be reviewed shall be served as prescribed by [**Rule 121(b) (service of all papers required)**] Pa.R.A.P. 121.

(d) *Entry of appearance.*—Upon the filing of the petition for review, the prothonotary shall note on the docket as counsel for the petitioner the name of counsel, if any, set forth in or endorsed upon the petition for review, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall, upon praecipe of any such counsel for other parties, filed within 30 days after filing of the petition, strike off or correct the record of appearances. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note: See the Official Note to [**Rule 1112 (appeals by allowance)**] Pa.R.A.P. 1112 for an explanation of the procedure when Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified is used.

The petition for review must be served on the government unit that made the determination in question. [**Rule 102 defines "government unit" as including "any court or other officer or agency of the unified judicial system." Thus, a petition for review of a trial court order must be served on the judge who issued the order.**]

Service on the Attorney General shall be made at: Strawberry Square, Harrisburg, PA 17120.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to [**Subdivision**] paragraph (d) of this rule, please note the requirements of [**Rule**] Pa.R.A.P. 120.

Rule 1515. (Rescinded).

Official Note: [**Rule**] Pa.R.A.P. 1515 formerly provided for an answer to a petition for review addressed to an appellate court's original jurisdiction. Answers to such petitions are now discussed in [**Rule**] Pa.R.A.P. 1516.

Rule 1516. Other Pleadings Allowed.

(a) *Appellate jurisdiction petitions for review.*—No answer or other pleading to an appellate jurisdiction petition for review is authorized, unless the petition for review is filed pursuant to [**the Notes to Rules 341 or 1311 (seeking review of a trial court or other government unit's refusal to certify an interlocutory order for immediate appeal), Rule 1573 (review of orders finding an assertion of double jeopardy frivolous), Rule 1762 (regarding release in criminal matters), Rule 1770 (regarding placement in juvenile delinquency matters), Rule 3321 (regarding appeals from decisions of the Legislative Reapportionment Commission) or Rule 3331 (regarding review of special prosecutions and investigations)**] Pa.R.A.P. 3321. Where an answer is authorized, the time for filing an answer shall be as stated in [**Rule**] Pa.R.A.P. 123(b).

(b) *Original jurisdiction petitions for review.*—Where an action is commenced by filing a petition for review addressed to the appellate court's original jurisdiction, the pleadings are limited to the petition for review, an answer thereto, a reply if the answer contains new matter or a counterclaim, a counter-reply if the reply to a counterclaim contains new matter, [**a preliminary objection**]

preliminary objections, and [an answer] answers thereto. Every pleading filed after an original jurisdiction petition for review shall be filed within 30 days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading is endorsed with a notice to plead.

Official Note: [The 2004, 2012, and 2013 amendments made clear that, with limited exceptions, no answer or other pleading to a petition for review addressed to an appellate court's appellate jurisdiction is proper.] With regard to original jurisdiction proceedings, practice is patterned after [Rules of Civil Procedure 1017(a) (Pleadings Allowed) and 1026 (Time for Filing, Notice to Plead)] Pa.R.C.P. 1017(a) and 1026. The ten additional days in which to file a subsequent pleading are in recognition of the time required for agency coordination where the Commonwealth is a party. [See Rule 1762(b)(2) regarding bail applications. See Rule 1770 regarding placement in juvenile delinquency matters.]

Rule 1517. Applicable Rules of Pleading.

Unless otherwise prescribed by these rules, the practice and procedure under this chapter relating to pleadings in original jurisdiction petition for review practice shall be in accordance with the appropriate Pennsylvania Rules of Civil Procedure, so far as they may be applied.

[**Official Note:** See Rule 1762(b)(2) regarding bail applications. See Rule 1770 regarding placement in juvenile delinquency matters. See also Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1531. Intervention.

(a) *Appellate jurisdiction petition for review proceedings.* A party to a proceeding before a government unit that resulted in a quasijudicial order may intervene as of right in a proceeding under this chapter relating to such order by filing a notice of intervention (with proof of service on all parties to the matter) with the prothonotary of the appellate court within 30 days after notice of the filing of the petition for review. The notice of intervention may be in substantially the following form:

[(CAPTION)]
NOTICE OF INTERVENTION

Notice is hereby given that A.B., a party below, hereby intervenes in this matter.

(s) _____

(Address and telephone number)

After 30 days after notice of filing of an appellate petition for review, permission to intervene may be sought by application pursuant to [Rule] Pa.R.A.P. 123.

(b) *Original jurisdiction petition for review proceedings.* A person not named as a respondent in an original jurisdiction petition for review[,] who desires to intervene in a proceeding under this chapter, may seek leave to intervene by filing an application for leave to intervene (with proof of service on all parties to the matter) with the prothonotary of the court. The application shall contain a concise statement of the interest of the applicant and the grounds upon which intervention is sought.

Official Note: A nonparty may file a brief as of right under [Rule 531 (participation by amicus curiae)]

Pa.R.A.P. 531 and, therefore, intervention is not necessary in order to participate in the appellate court where the petition for review is filed. However, except as provided in [Rule 521(b) (status of Attorney General) and Rule 522(b) (status of Court Administrator)] Pa.R.A.P. 521(b) and Rule 522(b), the mere filing of a brief does not confer party status. Where, for example, a nonparty to a petition for review proceeding in the Commonwealth Court desires to be in a position to seek further review in the Supreme Court of Pennsylvania or the Supreme Court of the United States of an order of the Commonwealth Court disposing of the petition for review, the nonparty should intervene or seek leave to intervene in the Commonwealth Court at the outset, [since under Rule 501 (any aggrieved party may appeal)] because under Pa.R.A.P. 501, party status is a prerequisite to the right to further review.

[See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1532. Special and Summary Relief.

(a) *Special relief.*—At any time after the filing of a petition for review, the court may, on application, order the seizure of property, dispose of seized property, issue a preliminary or special injunction, appoint a temporary receiver, or grant other interim or special relief required in the interest of justice and consistent with the usages and principles of law.

(b) *Summary relief.*—At any time after the filing of a petition for review in an appellate or original jurisdiction matter, the court may on application enter judgment if the right of the applicant thereto is clear.

Official Note: [Subdivision] Paragraph (a) provides examples of specific types of interim relief that may be sought using the procedures set forth in [Rule 123 (application for relief)] Pa.R.A.P. 123. Thus, multiple forms of relief, including those in the alternative, may be combined in the same application, even though separate actions might otherwise be necessary under the Pennsylvania Rules of Civil Procedure. Compare [Rule 106 (original jurisdiction matters);] Pa.R.A.P. 106 with 42 Pa.C.S. § 708(e) [(single form of action)].

[Subdivision] Paragraph (b) authorizes immediate disposition of a petition for review, similar to the type of relief envisioned by the Pennsylvania Rules of Civil Procedure regarding judgment on the pleadings and peremptory and summary judgment. However, such relief may be requested before the pleadings are closed where the right of the applicant is clear.

[See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

The 1997 amendment to subdivision (b) is analogous to the 1996 amendment to Pa.R.C.P. 1098. The deletion of the last sentence of Rule 1532(b) is intended to eliminate the requirement of filing a motion to open or vacate the order granting summary relief. Under prior practice, a party was required to file a motion to open or vacate the order granting summary relief before an appeal could be taken. An order denying an application for summary relief is not appealable as of right.]

Rule 1541. Certification of the Record.

Upon notice from the appellate court of the filing of a petition for review addressed to the appellate jurisdiction

of an appellate court, the government unit shall prepare and transmit the record as provided by Chapter 19 [**preparation and transmission of record and related matters**] .

[**Official Note: Rule 102 defines “government unit” to include “any court or other officer or agency of the unified judicial system.” Thus, if the order to be reviewed was filed by a trial court, that court shall certify the record. This occurs when the petition for review was filed pursuant to Rule 1762, 1770, 3321 or 3331, or the note to Rules 341 or 1311.**

See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1542. Evidentiary Hearing.

In any matter addressed to the appellate court’s original jurisdiction[,] where it appears that a genuine issue as to a material fact has been raised by the pleadings, depositions, answers to interrogatories, stipulations of fact, admissions on file, and supporting verified statements, if any, the court on its own motion or on application of any party shall, after notice to the parties, hold an evidentiary hearing for the development of the record.

Official Note: In view of [**Rule 106 (original jurisdiction matters) and Rule 1532 (special and summary relief)**] Pa.R.A.P. 106 and Pa.R.A.P. 1532, motions for judgment on the pleadings, Pa.R.C.P. 1034, summary relief and summary judgment, Pa.R.C.P. [**1035**] **1035.1—1035.5**, will be available where a petition for review invoking the appellate court’s original jurisdiction has been filed. The procedure under this rule is intended to be flexible, although it **remains** subject to the control of the appellate court [**by**] either **by** rule of court adopted pursuant to [**Rule 104(a)(3) (rules of court)**] Pa.R.A.P. 104(a)(3) or by order.

[See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1543. (Rescinded).

[**Official Note:** See 42 Pa.C.S. § 5104 (trial by jury).

See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1551. Scope of Review.

(a) *Appellate jurisdiction petitions for review.*—Review of quasijudicial orders shall be conducted by the court on the record made before the government unit. [**No question**] **Only questions raised before the government unit** shall be heard or considered [**by the court which was not raised before the government unit**], except:

- (1) Questions involving the validity of a statute.
- (2) Questions involving the jurisdiction of the government unit over the subject matter of the adjudication.
- (3) Questions [**which**] **that** the court is satisfied [**that**] the petitioner could not by the exercise of due diligence have raised before the government unit. If, upon hearing before the court, the court is satisfied that any such additional question within the scope of this paragraph should be [**so**] raised, it shall remand the record to the government unit for further consideration of the additional question.

The court may in any case remand the record to the government unit for further proceedings if the court deems them necessary.

(b) *Original jurisdiction petitions for review.*—The court shall hear and decide original jurisdiction petitions for review in accordance with law. This chapter is not intended to modify, enlarge, or abridge the rights of any party to an original jurisdiction petition for review.

[**Official Note:** Subdivision (a) is a generalization of former Pa.R.C.P. 8 and makes no change in substance except to provide that procedural issues not raised below are waived—unless excused under Paragraph (a)(3). Compare Rule 302 (requisites for reviewable issue).

Subdivision (b) is based on Section 10(c) of Article V of the Constitution of Pennsylvania, which prevents this chapter from enlarging the substantive rights of the petitioner or abridging the substantive rights of the government unit named in the petition. Under the new practice, the appellate judge should inquire: “Assuming that this case had been properly brought before me by a complaint in equity (or in mandamus, replevin, quo warranto, etc., or by two or more of such actions properly consolidated for hearing and disposition) containing the factual allegations of the petition for review, to what relief, if any, would the moving party have been entitled under the prior practice?” This rule makes clear that the moving party is entitled to the same relief, and no more, under the new practice, since only the procedural requirement for separately labeled papers has been eliminated.

For example, where a party joins both a challenge to the action of a government unit in the nature of an appeal and a challenge to the composition of the government unit in the nature of quo warranto, the latter challenge will come too late under the standards of *State Dental Council and Examining Board v. Pollock*, 457 Pa. 264, 318 A.2d 910 (1974). Similarly, where a petition for review in the nature of prohibition is filed in the Supreme Court to attack an unappealable order of a lower court, in a case where relief would not have been available on an application for a writ of prohibition under the standards of *Carpentertown Coal and Coke Co. v. Laird*, 360 Pa. 94, 61 A.2d 426 (1948) and subsequent cases, the change in the label of the papers to a petition for review will not affect the result, and the petition will be dismissed.

See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1561. Disposition of Petition for Review.

(a) *Appellate jurisdiction petitions for review.*—The court may affirm, modify, vacate, set aside, or reverse any order brought before it for review, and it may remand the matter and direct the entry of such appropriate order, or require such further proceedings as may be just under the circumstances.

(b) *Original jurisdiction petitions for review.*—Where the petition for review raises questions that formerly were determinable in an action in equity, replevin, mandamus, or quo warranto, or for a declaratory judgment or upon a petition for a writ of certiorari or prohibition, or in another similar plenary action or proceeding, the court may grant the relief heretofore available in any such plenary action or proceeding.

(c) *Money damages.*—Money damages arising out of tort or contract claims may not be granted under this chapter (except on review of determinations of the Board of Claims or similar agencies), but relief granted under [**Subdivision**] **paragraph** (b) of this rule may include any damages to which the petitioner is entitled which are claimed in the petition, which are ancillary to the matter, and which may be granted by a court.

[**(d) Review of detention.**—**Except as prescribed by Rule 1762(b)(2), which governs applications relating to bail when no appeal is pending, or by Rule 3331 (review of special prosecutions or investigations), review in the nature of criminal habeas corpus or post conviction relief may not be granted under this chapter.**]

Official Note: [**Subdivision**] **Paragraph** (a) is based on 42 Pa.C.S. § 706 [**(disposition of appeals)**].

[**Subdivision**] **Paragraph** (b) is based on 42 Pa.C.S. § 708(e) [**(single form of action)** (), which provides that 1 Pa.C.S. § 1504 [**(statutory remedy preferred over common law)**] does not limit the jurisdiction of a court over a petition for review proceeding, but to the extent applicable [**shall limit**] **limits** the relief available and 42 Pa.C.S. § 5105(d)(2) [**(scope of appeal)**]. Under 42 Pa.C.S. § 102 [**(definitions)**], statutory references to “appeal” include proceedings on petition for review. The [**subdivision**] **paragraph** is intended to make clear that the petition for review is a generic pleading [**which**] **that** will permit the court to consider simultaneously all aspects of the controversy.

[**Subdivision**] **Paragraph** (c) is intended to make clear that the petition for review does not encompass trespass or assumpsit actions, but that an appeal may reach tort or contract matters adjudicated by a government unit as contemplated by Section 2(h) of the Judiciary Act Repealer Act [(), 42 P.S. § 20002(h)()]. As to ancillary statutory damages, *see* 42 Pa.C.S. § 8303 [**(action for performance of a duty required by law)**].

[**Subdivision** (d) is intended to make clear that the scope of this chapter is essentially civil in nature. The application of the petition for review to questions of release prior to sentence in criminal matters and in questions arising out of special prosecutions or investigations is merely a recognition of the technical need for a plenary filing to bring the question within the appellate jurisdiction of the appropriate court.]

See Rule 1762(b)(2) regarding bail applications.]
REVIEW OF DETERMINATIONS OF THE BOARD OF FINANCE AND REVENUE

Rule 1571. Determinations of the Board of Finance and Revenue.

(a) *General rule.*—Review of a determination of the Board of Finance and Revenue shall be governed by this chapter and ancillary provisions of these rules, except as otherwise prescribed by this rule.

(b) *Time for petitioning for review.*—A petition for review of a determination of the Board of Finance and Revenue shall be filed:

(1) Within 30 days after entry of an order of the Board which does not expressly state that it is interlocutory in nature.

(2) Within 30 days after entry of an order of the Board adopting a determination by the Department of Revenue or other government unit made at the direction of the Board respecting any matter pending before the Board.

(3) Where the Board is required by statute to act finally on any matter pending before it within a specified period after the matter is filed with the Board and has not done so, at any time between:

(i) the expiration of such specified period; and

(ii) 30 days after service of actual notice by the Board stating that it has failed to act within such period.

(c) *Form.*—The petition for review shall contain:

(1) a statement of the basis for the jurisdiction of the court;

(2) the name of the party seeking review;

(3) a statement that the Board of Finance and Revenue made the determination sought to be reviewed;

(4) reference to the order or other determination sought to be reviewed; and a general statement of the objections to the order or other determination.

The petition for review need not be verified and shall not contain or have endorsed upon it notice to plead. A petition for review of a taxpayer or similar party shall name the “Commonwealth of Pennsylvania” as respondent and a petition for review filed by the Commonwealth of Pennsylvania shall name all real parties in interest before the Board as respondents.

(d) *Service.*—In the case of a petition for review filed by a taxpayer or similar party, **the petitioner shall serve** a copy of the petition [**shall be served**] on the Board of Finance and Revenue and on the Attorney General [**by the petitioner**] in accordance with [**Rule**] **Pa.R.A.P. 1514(c)**. All other parties before the Board shall be served as prescribed by [**Rule 121(b) (service of all papers required)**] **Pa.R.A.P. 121(b)**.

(e) *Answer.*—An answer may not be filed to a petition for review of a determination of the Board of Finance and Revenue. The Commonwealth may raise any question on review, [**although no cross petition**] **even if no cross-petition** for review has been filed by it, and may introduce any facts in support of its position [**if 20 days written notice is given to the petitioner prior to trial of the**] **so long as it provides the petitioner with written notice 20 days prior to trial of its intention of raising [such] new questions or presenting new facts.**

(f) *Record.*—No record shall be certified to the court by the Board of Finance and Revenue. After the filing of the petition for review, the parties shall take appropriate steps to prepare and file a stipulation of such facts as may be agreed to and to identify the issues of fact, if any, which remain to be tried. *See* [**Rule 1542 (evidentiary hearing)**] **Pa.R.A.P. 1542**.

(g) *Oral argument.*—Except as otherwise ordered by the court on its own motion or on application of any party, after the record is closed, the matter may be listed for argument before or submission to the court.

(h) *Scope of review.*—[**Rule 1551(a) (appellate jurisdiction petitions for review)**] **Pa.R.A.P. 1551(a)** shall be applicable to review of a determination of the Board of Finance and Revenue except that:

(1) A question will be heard and considered by the court if it was raised at any stage of the proceedings below and thereafter preserved.

(2) To the extent provided by the applicable law, the questions raised by the petition for review shall be determined on the record made before the court. See [**Subdivision**] paragraph (f) of this rule.

(i) *Exceptions*.—Any party may file exceptions to an initial determination by the court under this rule within 30 days after the entry of the order to which exception is taken. Such timely exceptions shall have the effect, for the purposes of [**Rule 1701(b)(3) (authority of lower court or agency after appeal)**] Pa.R.A.P. 1701(b)(3), of an order expressly granting reconsideration of the determination previously entered by the court. Issues not raised on exceptions are waived and cannot be raised on appeal.

Official Note: [**Subdivision**] Paragraph (b) represents an exercise of the power conferred by 42 Pa.C.S. § 5105(a) [**(right to appellate review)**] to define final orders by general rule. The following [**statutes expressly require**] statute expressly requires the Board of Finance and Revenue to act within six months in certain cases:

Section 1103 of The Fiscal Code [**(72 P.S. § 1103)**], Act of April 9, 1929 (P.L. 343), 72 P.S. § 1103.

[**Act of December 5, 1933, (Sp. session 1933-34), (P.L. 38, No. 6), known as the Spirituous and Vinous Liquor Tax Law, § 5 (47 P.S. § 749).**]

Act of January 14, 1952 (1951 P.L. 1965, No. 550), known as the Fuel Use Tax Act, § 7 (72 P.S. § 2614.7).

Sections 234 (sales and use tax), 341 (personal income tax), and 2005 (malt beverage tax), act of March 4, 1971 (P.L. 6, No. 2), known as The Tax Reform Code of 1971 (72 P.S. §§ 7234, 7341, 9005).]

Section 2005 (malt beverage tax) of The Tax Reform Code of 1971, Act of March 4, 1971 (P.L. 6), 72 P.S. § 9005.

The following statute requires the Board of Finance and Revenue to act within twelve months in certain tax refund matters:

Section 3003.5 of the Tax Reform Code of 1971, Act of March 4, 1971 [**, P.L. 6, No. 2**] (P.L. 6), 72 P.S. § 10003.5. [**Section 3003.5 was added by Section 41 of the Act of June 16, 1994, P.L. 279, No. 48.**]

The following statutes are covered by Section 1103 of The Fiscal Code [**(petition to Board of Finance and Revenue for review)**]:

[**Sections 809 (various insurance taxes) and 1001 (miscellaneous settlements, e.g., under the act of May 17, 1921 (P.L. 789, No. 285), known as The Insurance Department Act of 1921, § 212 (40 P.S. § 50) (retaliatory insurance taxes) of The Fiscal Code (72 P.S. §§ 809 and 1001).**]

Act of June 22, 1931 (P.L. 694, No. 255) § 4 (72 P.S. § 2186) (motor carriers-trackless trolley carriers).

Act of June 22, 1935 (P.L. 414, No. 182), known as the State Personal Property Tax Act, § 18(b) (72 P.S. § 3250-11a(b)) (corporate loans tax). See Act of April 25, 1929 (P.L. 669, No. 288), § 1.

Act of May 23, 1945 (P.L. 893, No. 360), known as the Co-operative Agricultural Association Corporate Net Income Tax Act, § 6 (72 P.S. § 3420-26).

Act of January 24, 1966 (P.L. (1965) 1509, No. 531), § 11 (40 P.S. § 1006.11) (surplus lines tax).]

Sections 809 (various insurance taxes) and 1001 (miscellaneous settlements, for example, under Section 212 of The Insurance Department Act of 1921, Act of May 17, 1921 (P.L. 789), 40 P.S. § 50) of the Fiscal Code, Act of April 9, 1929 (P.L. 343), 72 P.S. §§ 809 and 1001.

Section 6 of the Co-operative Agricultural Association Corporate Net Income Tax Act, Act of May 23, 1945 (P.L. 893), 72 P.S. § 3420-26.

Sections 407 (corporate net income tax), 603 (capital stock—franchise tax), 702 (bank and trust company shares tax), 802 (title insurance [**and trust**] companies shares tax), 904 (insurance premiums tax), 1102 (utilities gross receipts tax), 1111-C (realty transfer tax), and 1503 (mutual thrift institutions tax) of the Tax Reform Code of 1971 [(**, Act of March 4, 1971 (P.L. 6), 72 P.S. §§ 7407, 7603, 7702, 7802, 7904, 8102, 8111-C, and 8503**)] .

75 Pa.C.S. § 9616(f) (motor carriers road tax).

The basis of jurisdiction of the court under this rule will ordinarily be 42 Pa.C.S. § 763 [**(direct appeals from government agencies)**]. [**Subdivision**] Paragraph (c) is not intended to change the practice in connection with the review of orders of the Board of Finance and Revenue insofar as the amount of detail in the pleadings is concerned. What is required is that the petitioner raise **in the petition for review** every legal issue [**in the petition for review which**] that the petitioner wishes the court to consider. The legal issues raised need only be specific enough to apprise the respondent of the legal issues being contested [**e.g.**] for example, “valuation,” “manufacturing,” “sale for resale,” etc.). See generally *House of Pasta, Inc. v. Commonwealth*, [**37 Pa. Cmwlth. Ct. 317,**] 390 A.2d 341 (Pa. Cmwlth. 1978).

[**Subdivision**] Paragraph (e) is based on Section 1104(e) of The Fiscal Code, which was suspended absolutely by these rules, and subsequently repealed.

[**Subdivision**] Paragraph (f) is based on 2 Pa.C.S. § 501(b)(1) [**(scope of subchapter)**] and 2 Pa.C.S. § 701(b)(1) [**(scope of subchapter)**], which exclude tax matters from the on-the-record review requirements of 2 Pa.C.S. § 704 [**(disposition of appeal)**].

[**Subdivision**] Paragraph (h) is based on Section 1104(d) of The Fiscal Code, which was suspended absolutely by these rules and subsequently repealed, and is intended as a continuation of the prior law, except, of course, that the separate specification of objections has been abolished by these rules.

[**Subdivision**] Paragraph (i) is intended to make clear that the failure to file exceptions will result in waiver by a petitioner of any issues previously presented to the Commonwealth Court.

See also [**Rule 1782 (security on review in tax matters)**] Pa.R.A.P. 1782.

[REVIEW OF DETERMINATIONS BY A COURT OF
COMMON PLEAS THAT A CLAIM OF DOUBLE
JEOPARDY IS FRIVOLOUS]

Rule 1573. [Review of Orders in Which the Court Finds an Assertion of Double Jeopardy Frivolous] (Rescinded).

[(a) *General rule.*—Any party seeking review of a frivolousness determination by a court of common pleas under Pennsylvania Rule of Criminal Procedure 587 shall file a petition for review in the appellate court having jurisdiction over the matter. Review of a frivolousness determination under Pennsylvania Rule of Criminal Procedure 587 shall be governed by this chapter and ancillary provisions of these rules, except as otherwise prescribed by this rule. The time for filing is provided for in Pa.R.A.P. 1512(a)(1).

(b) *Contents.*—The contents of the petition for review are not governed by Pa.R.A.P. 1513. Instead, the petition for review need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(i) A statement of the basis for the jurisdiction of the appellate court.

(ii) The text of the order in question, and the date of its entry in the trial court. If the order is voluminous, it may, if more convenient, be appended to the petition.

(iii) A concise statement of the case containing the facts necessary to an understanding of the frivolousness issue(s) presented.

(iv) The question(s) presented, expressed in the terms and circumstances of the case but without unnecessary detail.

(v) A concise statement of the reasons why the trial court erred in its determination of frivolousness.

(vi) There shall be appended to the petition a copy of any opinions relating to the order sought to be reviewed, including findings of fact and conclusions of law in support of the frivolousness determination, as well as a copy of any transcripts or other record documents necessary to the appellate court's review.

(vii) There shall be appended to the petition the verbatim texts of the pertinent provisions of constitutional provisions, statutes, ordinances, regulations or other similar enactments which the case involves.

(viii) There shall be appended to the petition any briefs filed in the trial court in support of the motion to dismiss.

(c) *Caption and parties.*—The parties in the trial court shall be named as parties in the appellate court. If there are multiple defendants but the order for which review is sought adjudicates the motion of only a single defendant, only that defendant may file a petition for review.

(d) *No supporting brief.*—All contentions in support of a petition shall be set forth in the body of the petition as prescribed by subparagraph (b)(v) of this rule. No separate brief in support of the peti-

tion for review will be received, and the prothonotary of the appellate court will refuse to file any petition for review to which is annexed or appended any brief other than the briefs filed in the trial court.

(e) *Essential requisites of petition.*—The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

(f) *Effect of filing petition.*—The filing of a petition for review shall not automatically stay the proceedings before the trial court. A petitioner may file an application for a stay in the trial or appellate court pending the determination of the petition for review, or the trial or appellate court may issue a stay *sua sponte*.

(g) *Answer to petition for review.*—If the Commonwealth does not intend to file an answer under this rule, it shall, within the time fixed by these rules for filing an answer, file a letter stating that it does not intend to file an answer to the petition for review. The failure to file an answer will not be construed as concurrence in the petition for review. The appellate court may, however, direct the Commonwealth to file an answer.

(h) Pa.R.A.P. 1531—1571 do not apply to petitions for review filed under this rule. Pa.R.A.P. 1514 does apply, except that no copy of the petition needs to be served upon the Attorney General.

(i) *Grant of petition for review and transmission of record.*—If the petition for review is granted, the prothonotary of the appellate court shall immediately give written notice of the entry of the order to the clerk of the trial court and to each party who has appeared in the appellate court. The grant of the petition for review shall operate as a stay of all trial court proceedings. The clerk of the trial court shall docket the notice in the same manner as a notice of appeal and shall mail that notice to all parties to the trial court proceeding. The certified record shall be transmitted and filed in accordance with Chapter 19 (preparation and transmission of the record and related matters). The times fixed by those provisions for transmitting the record shall run from the date of the entry of the order granting the petition for review. No party needs to file a separate notice of appeal.

(j) *Denial of petition for review.*—If the petition for review is denied, the prothonotary of the appellate court shall immediately give written notice of the order to the clerk of the trial court and to each party who has appeared in the appellate court.

Official Note: The trial court's determination and the procedure for determining a motion to dismiss on double jeopardy grounds is set forth in Pa.R.Crim.P. 587. If a trial court denies such a motion without expressly finding that the motion is frivolous, the order is immediately appealable by means of a notice of appeal under Pa.R.A.P. 313. If, however, the trial court finds the motion to be frivolous, appellate review can be secured only if the appellate court grants a petition for review. See *Commonwealth v. Orie*, 22 A.3d 1021 (Pa. 2011); *Commonwealth v. Brady*, 510 Pa. 336, 508 A.2d 286 (1986). If the Superior Court does not grant the

petition for review, the defendant may file a petition for allowance of appeal with the Supreme Court.

Where the petition for review of the determination of frivolousness is granted, the grant automatically initiates a separate appeal on the merits from the order denying the pretrial motion seeking dismissal of criminal charges on double jeopardy grounds.

A party may seek (or a court may *sua sponte* issue) a stay of the trial court proceedings pending review of the frivolousness determination. Otherwise, the trial court may proceed while the petition for review is pending. See Pa.R.A.P. 1701(d). Where the petition for review of the determination of frivolousness is granted, the grant automatically stays further proceedings in the trial courts.]

Official Note: Pa.R.A.P. 1573 formerly provided for review of orders in which the court finds an assertion of double jeopardy frivolous. The substance of the rule is now found in Pa.R.A.P. 1311.

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

CHAPTER 16. SPECIALIZED REVIEW

IN GENERAL

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SPECIFIC PETITIONS FOR SPECIALIZED REVIEW

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1613.	Petition for Specialized Review under the Abortion Control Act.

IN GENERAL

Rule 1601. Scope of Chapter.

This chapter provides a petition procedure for appellate review of certain discrete issues. Generally these matters are ancillary and/or preliminary to appellate review under Chapters 9, 11, 13, or 15, but the chapter also is intended to provide the method for initiating any form of appellate review that does not fall within those chapters.

The procedure applicable under this chapter is provided in Pa.R.A.P. 1602—1605, unless otherwise prescribed by statute or rule relating to a particular category of petition for specialized review.

Official Note: Judicial review of government unit actions or inactions not otherwise permitted under Chapters 9, 11, 13 or 15, including those enumerated in Pa.R.A.P. 1601, is available under Chapter 16; the document that initiates the case under Chapter 16 is called a petition for specialized review. The “residuary” initiating document function previously assigned to Chapter 15 is now assigned to Chapter 16.

Rule 1602. Filing.

(a) *Time for filing.*—A petition for specialized review shall be filed with the prothonotary of the appellate court within 30 days after the entry of the order sought to be reviewed. The petition shall be deemed filed on the date mailed if the petitioner complies with the requirements set forth in paragraph (b).

(b) *Deemed received on date of mailing.*—If the petition for specialized review is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified.

The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the lower court or other government unit and shall be either enclosed with the petition or separately mailed to the prothonotary. Upon actual receipt of the petition for specialized review the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this paragraph, shall constitute the date of filing, which date shall be shown on the docket.

The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition and give written notice of the docket number assignment in person or by first class mail to the government unit or clerk of the lower court, to the petitioner and to the other persons named in the proof of service accompanying the petition.

(c) *Fee.*—The petitioner, upon filing the petition for specialized review, shall pay any fee therefor prescribed by Chapter 27.

(d) *Entry of appearance.*—Upon the filing of the petition for specialized review, the prothonotary of the appellate court shall note on the record as counsel for the petitioner the name of counsel, if any, set forth in or endorsed upon the petition for specialized review, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

Rule 1603. Form and Content.

(a) *Caption and parties.*—All parties to the proceeding in the trial court or other government unit other than the petitioner shall be named as respondents.

(b) *Title.*—If the petition for specialized review is filed pursuant to Pa.R.A.P. 1610—1613, the title of the petition shall include a reference to the specific rule invoked.

(c) *Content.*—The petition for specialized review need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(1) a statement of the basis for the jurisdiction of the appellate court.

(2) the name of the party or person seeking review.

(3) the text of the order in question, and the date of its entry. If the order is voluminous, it may, if more convenient, be appended to the petition. If the petition seeks review of a deemed denial, it should so state.

(4) a concise statement of the case containing the facts necessary to an understanding of the issue(s) presented.

(5) the question(s) presented, expressed in the terms and circumstances of the case but without unnecessary detail.

(6) a concise statement of the reasons why the lower court or other government unit erred.

(7) a copy of any opinions relating to the order sought to be reviewed, including findings of fact and conclusions of law, as well as a copy of any other record documents necessary to the appellate court's review.

(d) *Supporting brief.*—No supporting brief is permitted or required; the petition for specialized review shall present all contentions and arguments relied on with accuracy, brevity, and clarity.

(e) *Length.*—A petition for specialized review shall not exceed 9,000 words. A petition for specialized review that does not exceed 20 pages when produced by a word processor or typewriter shall be deemed to meet the 9,000 word limit. In all other cases, the attorney or the unrepresented filing party shall include a certification that the petition complies with the word count limit. The certificate may be based on the word count of the word processing system used to prepare the brief.

Rule 1604. Service.

A copy of the petition for specialized review shall be served by the petitioner on the trial court or other government unit that made the determination sought to be reviewed. In matters involving the Commonwealth, the petitioner shall similarly serve a copy upon the Attorney General of Pennsylvania. All parties before the trial court or other government unit shall be served in accordance with Pa.R.A.P. 121(b).

Rule 1605. Response to Petition.

(a) *Time for filing.*—A party may file and serve a response to a petition for specialized review within 30 days of service of the petition. The response shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized.

(b) *Content.*—The response, which need not be set forth in numbered paragraphs in the manner of a pleading, shall set forth any procedural, substantive, or other argument or ground why the relief requested should be denied and shall comply with the length limitation and the other provisions of Pa.R.A.P. 1603 to the extent applicable. No separate motion to dismiss a petition for specialized review will be received. A party entitled to file a response under this rule who does not intend to do so shall, within the time fixed by these rules for filing a response, file a letter stating that a response to the petition for specialized review will not be filed. The failure to file a response will not be construed as concurrence in the petition for specialized review.

Rule 1606. Further Review.

A party wishing to seek review in the Supreme Court of a final order of an intermediate appellate court on a petition for specialized review must file a timely petition for allowance of appeal.

SPECIFIC PETITIONS FOR SPECIALIZED REVIEW

Rule 1610. Review of Bail Orders.

Where the trial court enters an order under Pa.R.A.P. 1762(b) granting or denying release or modifying the conditions of release before sentence, a party may seek review of that order by filing a petition for specialized

review in the appellate court that would have jurisdiction over the appeal from the judgment of sentence.

Official Note: See Pa.R.A.P. 1762(a) and Pa.R.A.P. 1762(e).

Rule 1611. Review of Special Prosecution Orders.

(a) *General rule.*—Within ten days after the entry of the order sought to be reviewed, a petition for specialized review may be filed in the Supreme Court of Pennsylvania seeking review of the following orders:

(1) An order relating to the supersession of a district attorney by an Attorney General or by a court, or to the appointment, supervision, administration or operation of a special prosecutor.

(2) An order relating to the convening or discharge of an investigating grand jury or otherwise affecting its existence.

(3) An order entered in connection with the supervision, administration, or operation of an investigating grand jury or otherwise directly affecting an investigating grand jury or any investigation conducted by it.

(4) An order enforcing or refusing to enforce a subpoena issued by or otherwise affecting the existence or operation of any investigating committee of the General Assembly.

(5) An order of the type specified in subparagraphs (1) through (4) of this paragraph which contains a statement by the lower court pursuant to 42 Pa.C.S. § 702(b). Chapter 13 shall not be applicable to such an order.

Seven copies of any filings under this rule shall be filed with the original. Pa.R.A.P. 3309 shall not be applicable to an order reviewable under this rule.

(b) *Opinion and record.*—The Supreme Court on its own initiative may direct that the lower court comply with Pa.R.A.P. 1925 or that the record be otherwise corrected or supplemented.

(c) *Distribution and disposition.*—Upon receipt of the last filing that a party is entitled to make under this rule, the filings shall be distributed by the Prothonotary to the Supreme Court for its consideration. The Supreme Court may thereafter dispose of the petition or set it down for argument.

(d) *Interlocutory matters.*—The interlocutory or final nature of an order shall not be affected by this rule and, unless independent grounds appear for the review of an interlocutory order, the interlocutory nature of the order will be a sufficient reason for denying the petition. The denial of a petition shall be deemed a disposition on the merits unless otherwise ordered or unless the petition expressly seeks permission to appeal from an interlocutory order and asserts no other basis of jurisdiction on appeal.

(e) *Remand of record.*—Unless otherwise ordered:

(1) A certified copy of the judgment of the Supreme Court and the opinion of the court, if one has been filed, shall be transmitted to the lower court forthwith upon entry, notwithstanding the pendency of any application for reargument or other proceeding affecting the judgment. This transmission shall be in lieu of the remand of the record.

(2) Such transmission shall operate to vacate any order theretofore entered pursuant to Chapter 17.

Official Note: This rule is intended to provide a simple and expeditious method for Supreme Court super-

vision of special prosecutions and investigations, for example orders of the supervising judge of an investigating grand jury, findings of contempt (whether civil or criminal) by witnesses called before such a grand jury, etc. Pa.R.A.P. 702(c) and 42 Pa.C.S. § 722(5) vest jurisdiction over such matters in the Supreme Court. However, this rule is not applicable to review of investigating grand jury issues that collaterally arise in a plenary criminal prosecution initiated by complaint, information, or indictment. This rule requires that review be sought within ten days. Essentially the procedure is analogous to the review of a bail order under Pa.R.A.P. 1762. There is no delay for certification of the record, oral argument is ordinarily not available, and the matter is ready for final disposition by the Supreme Court immediately upon completion of the briefing schedule.

The term “investigating grand jury” in paragraph (a) includes a “multicounty investigating grand jury” convened under 42 Pa.C.S. § 4544. The “independent grounds” referred to in paragraph (d) include grounds for relief in the nature of mandamus, prohibition, etc. and cases where the order is reviewable under the standards of 42 Pa.C.S. § 702(b).

Failure to petition for specialized review under this rule from an interlocutory order will ordinarily not constitute a waiver of objections to the order because, except as prescribed by Pa.R.A.P. 311(g)(1)(ii), there is no requirement under these rules that a party seek available interlocutory relief.

Under Pa.R.A.P. 1702(a), the Supreme Court or a justice thereof will not entertain an application for relief under Pa.R.A.P. 1781 in connection with a special prosecution or investigation order until a petition for specialized review has been filed under this rule.

Rule 1612. Review of Out-of-Home Placement in Juvenile Delinquency.

(a) *General rule.*—If a court under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, enters an order after an adjudication of delinquency of a juvenile pursuant to Pa.R.J.C.P. 409(A)(2) and 515, which places the juvenile in an out-of-home overnight placement in any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile, the juvenile may file a petition for specialized review. The petition shall be filed within ten days of the order.

(b) *Content.*—A petition for specialized review under paragraph (a) shall contain: (i) a specific description of any determinations made by the juvenile court; (ii) the matters complained of; (iii) a concise statement of the reasons why the juvenile court abused its discretion in ordering the out-of-home placement; (iv) the proposed terms and conditions of an alternative disposition for the juvenile; and (v) a request that the official court reporter for the juvenile court transcribe the notes of testimony as required by paragraph (g) of this rule. The cover page of the petition shall contain an endorsement in bold letters identifying the petition for specialized review as seeking expedited review of out-of-home placement in a juvenile delinquency matter. Any order(s) and opinion(s) relating to the out-of-home placement and the transcript of the juvenile court’s findings shall be attached as appendices. The petition shall be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay.

(c) *Scope of review.*

(1) The reviewing court shall not consider any challenge to the juvenile court’s selection of a specific agency

or specific institution as the site of the out-of-home placement and instead may consider only a challenge to the fact that the placement is out-of-home.

(2) The reviewing court shall not consider any challenge to the underlying adjudication of delinquency.

(d) *Response.*—Any response shall be filed within ten days of service of the petition, and no other pleading is authorized.

(e) *Service.*—A copy of the petition for specialized review and any answer thereto shall be served on the judge of the juvenile court and the official court reporter for the juvenile court. All parties in the juvenile court shall be served in accordance with Pa.R.A.P. 121.

(f) *Opinion of juvenile court.*—Upon receipt of a copy of a petition for specialized review under paragraph (a), if the judge who made the disposition of the out-of-home placement did not state the reasons for such placement on the record at the time of disposition pursuant to Pa.R.J.C.P. 512(D), the judge shall file of record a brief statement of the reasons for the determination or where in the record such reasons may be found, within five days of service of the petition for specialized review.

(g) *Transcription of Notes of Testimony.*—Upon receipt of a copy of a petition for specialized review under paragraph (a), the court reporter shall transcribe the notes of testimony and deliver the transcript to the juvenile court within five business days. If the transcript is not prepared and delivered in a timely fashion, the juvenile court shall order the court reporter to transcribe the notes and deliver the notes to the juvenile court, and may impose sanctions for violation of such an order. If the juvenile is proceeding *in forma pauperis*, the juvenile shall not be charged for the cost of the transcript.

(h) *Non-waiver of objection to placement.*—A failure to seek review under this rule of the out-of-home placement shall not constitute a waiver of the juvenile’s right to seek review of the placement in a notice of appeal filed by the juvenile from a disposition after an adjudication of delinquency.

Official Note: This rule provides a mechanism for the expedited review of an order of out-of-home placement entered pursuant to Pa.R.J.C.P. 515. Pa.R.J.C.P. 512(D) requires the judge who made the disposition of an out-of-home placement to place the reasons for the out-of-home placement on the record at the time of the disposition, and paragraph (f) of this rule is applicable only in the exceptional circumstance where the judge who made the disposition of an out-of-home placement fails to comply with Pa.R.J.C.P. 512(D). The Juvenile Act, 42 Pa.C.S. § 6352, sets forth the considerations for a dispositional order following an adjudication of delinquency and the alternatives for disposition. The standard for review of a dispositional order is an abuse of discretion. *See In the Interest of A.D.*, 771 A.2d 45 (Pa. Super. 2001) (*en banc*).

Rule 1613. Petition for Specialized Review under the Abortion Control Act.

See Chapter 38. The procedures set forth in Pa.R.A.P. 1602—05 do not apply.

**CHAPTER 17. EFFECT OF APPEALS;
SUPERSEDEAS AND STAYS
IN GENERAL**

Rule 1701. Effect of Appeal Generally.

(a) *General rule.*—Except as otherwise prescribed by these rules, after an appeal is taken or review of a

quasijudicial order is sought, the trial court or other government unit may no longer proceed further in the matter.

(b) *Authority of a trial court or [agency] other government unit after appeal.*—After an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may:

(1) Take such action as may be necessary to preserve the status quo, correct formal errors in papers relating to the matter, cause the record to be transcribed, approved, filed, and transmitted, grant leave to appeal *in forma pauperis*, grant *supersedeas*, and take other action permitted or required by these rules or otherwise ancillary to the appeal or petition for review proceeding.

(2) Enforce any order entered in the matter, unless the effect of the order has been superseded as prescribed in this chapter.

(3) Grant reconsideration of the order which is the subject of the appeal or petition, if:

(i) an application for reconsideration of the order is filed in the trial court or other government unit within the time provided or prescribed by law; and

(ii) an order expressly granting reconsideration of such prior order is filed in the trial court or other government unit within the time prescribed by these rules for the filing of a notice of appeal or petition for review of a quasijudicial order with respect to such order, or within any shorter time provided or prescribed by law for the granting of reconsideration.

A timely order granting reconsideration under this paragraph shall render inoperative any such notice of appeal or petition for review of a quasijudicial order theretofore or thereafter filed or docketed with respect to the prior order. The petitioning party shall and any party may file a *praecipe* with the prothonotary of any court in which such an inoperative notice or petition is filed or docketed and the prothonotary shall note on the docket that such notice or petition has been stricken under this rule. Where a timely order of reconsideration is entered under this paragraph, the time for filing a notice of appeal or petition for review begins to run anew after the entry of the decision on reconsideration, whether or not that decision amounts to a reaffirmation of the prior determination of the trial court or other government unit. No additional fees shall be required for the filing of the new notice of appeal or petition for review.

(4) Authorize the taking of depositions or the preservation of testimony where required in the interest of justice.

(5) Take any action directed or authorized on application by the appellate court.

(6) Proceed further in any matter in which a non-appellable interlocutory order has been entered, notwithstanding the filing of a notice of appeal or a petition for review of the order.

(c) *Limited to matters in dispute.*—Where only a particular item, claim, or assessment adjudged in the matter is involved in an appeal, or in a petition for review proceeding relating to a quasijudicial order, the appeal or petition for review proceeding shall operate to prevent the trial court or other government unit from proceeding further with only such item, claim, or assessment, unless otherwise ordered by the trial court or other government unit or by the appellate court or a judge thereof as necessary to preserve the rights of the appellant.

(d) [*Certain*] *Original jurisdiction petitions for review.*—The filing of [a] an original jurisdiction petition for review [(except a petition relating to a quasijudicial order)] shall not affect the power or authority of the government unit to proceed further in the matter, but the government unit shall be subject to any orders entered by the appellate court or a judge thereof pursuant to this chapter.

(e) *Petitions for specialized review*—The filing of a petition for specialized review under Chapter 16 shall not affect the power or authority of the trial court or other government unit to proceed further in the matter, but the provisions of this chapter relating to *supersedeas* of the order of the trial court or other government unit shall apply.

Official Note: The following statutory provisions relate to *supersedeas* generally:

42 Pa.C.S. § 702(c) (*supersedeas*) provides that, except as otherwise prescribed by general rule, a petition for permission to appeal under that section shall not stay the proceedings before the [lower] trial court or other government unit, unless the [lower] trial court or other government unit or the appellate court or a judge thereof shall so order. See also [Rule 1313 (effect of filing petition)] Pa.R.A.P. 1313.

42 Pa.C.S. § 5105(e) (*supersedeas*) provides that an appeal shall operate as a *supersedeas* to the extent and upon the conditions provided or prescribed by law, and that unless a *supersedeas* is entered, no appeal from an order concerning the validity of a will or other instrument or the right to the possession of or to administer any real or personal property shall suspend the powers or prejudice the acts of the appointive judicial officer, personal representative, or other person acting thereunder.

[Subdivision] Paragraph (a) codifies a well-established principle. See [e.g.], for example, *Merrick Estate*, [432 Pa. 450, 454,] 247 A.2d 786, 787 (Pa. 1968); *Corace v. Balint*, [418 Pa. 262, 275-76,] 210 A.2d 882, 889 (Pa. 1965). [Rule] Pa.R.A.P. 5102 saves the provisions of Section 426 of the Pennsylvania Workmen's Compensation Act [() (77 P.S. § 871[)]), which permit a rehearing by the agency under certain circumstances during the pendency of an appeal. [Rule 311(h) (further proceedings in lower court)] Pa.R.A.P. 311(h) provides that [Subdivision] paragraph (a) is not applicable where an appeal as of right is taken from interlocutory orders relating to attachments, **custodianships, receiverships, and injunctions, [etc., thus making clear that the procedure for seeking appellate review of these collateral matters does not impair the power of the lower court to continue with the case proper]** and that when such matters are appealed, the trial court may nonetheless proceed with the underlying case.

[Subdivision] Subparagraph (b)(1) sets forth an obvious power of the [lower] trial court or [agency] other government unit under these rules to take actions to preserve the *status quo* and to clarify or correct an order or verdict. The power to clarify or correct does not extend to substantive modifications. *Pa. Indus. Energy Coalition v. [Pennsylvania] Pa. PUC*, 653 A.2d 1336, 1344-45 (Pa. Cmwlth. 1995), *aff'd*, [543

Pa. 307,] 670 A.2d 1152 (**Pa. 1996**). Examples of permissible actions to preserve the status quo are those “auxiliary to the appellate process, such as a supersedeas or injunction.” *Id.* Examples of permissible corrections are “non-substantial technical amendments to an order, changes in the form of a decree, and modification of a verdict to add prejudgment interest.” *Id.* at 1344. “Such actions have no effect on the appeal or petition for review and cannot prompt a new appealable issue.” *Id.* at 1345.

Among the permissible “corrections” is the addition or modification of contractual or statutory prejudgment interest, which is an element of contract damages. In such cases, the award of such interest is mandatory and not discretionary. *TruServ Corp. v. Morgan’s Tool & Supply Co. Inc.*, [___ **Pa. ___**,] 39 A.3d 253, 264 (**Pa. 2012**). Accordingly, even though the amount of a verdict is changed by the addition of prejudgment interest, the verdict has been “corrected” and not “modified.”

The Supreme Court has held that, so long as a motion for attorneys’ fees has been timely filed, a trial court may act on that motion under [**subdivision**] **subparagraph** (b)(1) even after an appeal has been taken. *Samuel-Bassett v. Kia Motors Am., Inc.*, [**613 Pa. 371,**] 34 A.3d 1, 48 (**Pa. 2011**). Thus, unlike the court actions discussed in [**Pa. Indus.**] **Pennsylvania Industrial Energy Coalition**, an award of attorneys’ fees constitutes a separately appealable order that would be reviewable upon filing of a timely separate notice of appeal, measured from the date the fee award order was entered.

Generally an appeal does not operate as a *supersedeas* of an order of a government [**agency action**] unit.

[**Subdivision**] **Subparagraph** (b)(3) is intended to [**handle**] **address** the troublesome question of the effect of an application for reconsideration on the appeal process. [**The rule** (1) **permits the trial court or other government unit to grant reconsideration if action is taken during the applicable appeal period, which is not intended to include the appeal period for cross appeals, or, during any shorter applicable reconsideration period under the practice below, and (2) eliminates the possibility that the power to grant reconsideration could be foreclosed by the taking of a “snap” appeal. The better procedure under this rule will be for a party seeking reconsideration to file an application for reconsideration below and a notice of appeal, etc. If the application lacks merit the trial court or other government unit may deny the application by the entry of an order to that effect or by inaction. The prior appeal paper will remain in effect, and appeal will have been taken without the necessity to watch the calendar for the running of the appeal period. If the trial court or other government unit fails to enter an order “expressly granting reconsideration” (an order that “all proceedings shall stay” will not suffice) within the time prescribed by these rules for seeking review, Subdivision (a) becomes applicable and the power of the trial court or other government unit to act on the application for reconsideration is lost.] By statute, a trial court has only 30 days from the entry of a final order to “modify or rescind” its order. 42 Pa.C.S. § 5505; *see also Key Automotive Equip. Specialists v. Abernethy*, 636 A.2d 1126, 1129 (**Pa. Super. 1994**) (recognizing that the statute does not apply to limit reconsideration of interlocutory orders). Under this rule, an express determination**

by a trial court or other government unit within 30 days that it is reconsidering its earlier order satisfies the statutory requirement; the trial court or other government unit does not need to grant the relief sought in the application for reconsideration within the 30 days. The 30-day period protects against the risk that someone could take a “snap” appeal and foreclose reconsideration, but, because the clock is running on the appeal period and the period for reconsideration simultaneously, filing the notice of appeal at the same time as or shortly after the motion for reconsideration will protect against waiver of the appeal if the trial court or other government unit fails to act.

[**Subdivision**] **Subparagraph** (b)(3) provides that: “(W)here a timely order of reconsideration is entered under this paragraph, the time for filing a notice of appeal or petition for review begins to run anew after entry of the decision on reconsideration.” Pursuant to Pa.R.C.P. 1930.2, [**effective July 1, 1994, where**] if reconsideration from a domestic relations order has been timely granted, a reconsidered decision or an order directing additional testimony must be entered within 120 days of the entry of the order granting reconsideration or the motion shall be deemed denied. *See* Pa.R.C.P. 1930.2(c), (d), and (e). The date from which the appeal period will be measured following a reconsidered decision in a domestic relations matter is governed by Pa.R.C.P. 1930.2(d) and (e).

[**Under the 1996 amendments to the Rules of Criminal Procedure governing post-sentence practice, see Pa.R.Crim.P. 720 and 721, reconsideration of a decision on a defendant’s post-sentence motion or on a Commonwealth motion to modify sentence must take place within the time limits set by those rules, and the judge may not vacate sentence or “grant reconsideration” pursuant to subdivision (b)(3) in order to extend the time limits for disposition of those motions. The amendments to Pa.R.Crim.P. 720 and new Pa.R.Crim.P. 721 resolve questions raised about the interplay between this subdivision and post-trial criminal practice. See, e.g., Commonwealth v. Corson, 444 A.2d 170 (Pa. Super, 1982).]**

Pa.R.Crim.P. 720 and 721 set fixed times for reconsideration of a decision on a defendant’s post-sentence motion or on a Commonwealth motion to modify sentence, and reconsideration of a deemed denial is prohibited. The judge may not vacate sentence or “grant reconsideration” pursuant to subdivision (b)(3) in order to extend the time limits for disposition of those motions.

Paragraphs (d) and (e) explain that original jurisdiction petitions for review and petitions for specialized review do not come within Pa.R.A.P. 1701; accordingly, any stay or *supersedeas* must be sought under other provisions of Chapter 17.

Rule 1702. Stay Ancillary to Appeal.

(a) *General rule.*—Applications for relief under this chapter will not be entertained by an appellate court or a judge thereof until after a notice of appeal has been filed in the [**lower court and docketed in the appellate court**] trial court or a petition for review or petition for specialized review has been filed.

(b) *Proceedings on petition for allowance of [or] appeal, petition for permission to appeal, or petition for specialized review.*—Applications for relief under this chapter may be made without the prior filing of a petition for allowance of appeal [or], petition for permission to appeal, or petition for specialized review, but the failure to effect timely filing of such a petition, or the denial of such a petition, shall automatically vacate any ancillary order entered under this chapter. In such a case, the clerk of the court in which the ancillary order was entered shall, on *praecipe* of any party to the matter, enter a formal order under this rule vacating such ancillary order.

(c) *Supreme Court review of appellate court supersedeas and stay determinations.*—No appeal, petition for allowance of appeal [or], petition for review, or petition for specialized review need be filed in the Supreme Court in connection with [a reapplication under Rule 3315 (review of stay orders of appellate courts)] an application under Pa.R.A.P. 3315.

Official Note: [Based on former Superior Court Rule 53 and Commonwealth Court Rule 112A, which required the taking of an appeal prior to an application for supersedeas or other interlocutory order. Subdivision (b) is new and is added in recognition of the fact that the drafting of a petition for allowance of appeal or a petition for permission to appeal in the form required by these rules may not be possible prior to the time when an application for supersedeas may have to be made in the appellate court in order to avoid substantial harm.] In any instance in which a party seeks a stay or supersedeas from a trial court or government unit, that party can seek relief from the appellate court that has jurisdiction of the matter and can seek review of that intermediate appellate court's decision from the Supreme Court.

Rule 1704. Application in a Capital Case for a Stay of Execution or for Review of an Order Granting or Denying a Stay of Execution.

Prior notice of the intent to file an application in a capital case for a stay or review of an order granting or denying a stay of execution shall be provided to the Prothonotary of the Pennsylvania Supreme Court, if prior notice is practicable.

The application for stay or review shall set forth the following:

1. The date the warrant issued; the date and nature of the order that prompted the issuance of the warrant; and the date the execution is scheduled, if a date has been set;
2. Whether any direct or collateral challenges to the underlying conviction are pending, and, if so, in what court(s) or tribunal(s);
3. Whether any other applications for a stay of the pending execution have been filed, and, if so, in what court(s) or tribunal(s), when, and the status of the application(s);
4. The grounds for relief and the showing made to the trial court of entitlement to a stay under 42 Pa.C.S. § 9545(c), if applicable;
5. A statement certifying that emergency action is required and setting forth a description of the emergency.

All dockets, pleadings, and orders that are referred to in 1—5 above must be attached to the application. If any of the information provided in the application changes while the motion is pending, the party seeking the stay or review must file with the Pennsylvania Supreme Court written notice of the change within 24 hours.

No notice of appeal [or], petition for review, or petition for specialized review needs to be filed in order to file an application under this rule.

STAY IN CRIMINAL MATTERS

Rule 1762. Release in Criminal Matters.

(a) *Bail when an appeal is pending.*—Applications relating to bail when an appeal is pending shall ordinarily first be presented to the [lower court,] trial court and shall be governed by the Pennsylvania Rules of Criminal Procedure. If the [lower] trial court denies relief, a party may seek relief in the appellate court by filing an application, pursuant to [Rule] Pa.R.A.P. 123, ancillary to the pending appeal.

(b) *Bail when no appeal is pending.*—Applications relating to bail when no appeal is pending:

(1) Applications relating to bail when no appeal is pending shall first be presented to the [lower court,] trial court and shall be governed by the Pennsylvania Rules of Criminal Procedure.

(2) An order relating to bail shall be subject to review pursuant to Chapter [15 (judicial review of governmental determinations)] 16. [Any answer shall be in accordance with Rule 1516 (other pleadings allowed), and no other pleading is authorized. Rule 1517 (applicable rules of pleading) and Rule 1531 (intervention) through 1551 (scope of review) shall not be applicable to a petition for review filed under this paragraph.

(c) *Content.* An application for relief under subdivision (a) or a petition for review under subdivision (b) shall set forth specifically and clearly the matters complained of and a description of any determinations made by the lower court. Any order and opinions relating to the bail determination shall be attached as appendices.

(d) *Service.* A copy of the application for relief or the petition for review and any answer thereto shall be served on the judge of the lower court. All parties in the lower court shall be served in accordance with Rule 121(b) (service of all papers required). The Attorney General of Pennsylvania need not be served in accordance with Rule 1514(c) (service), unless the Attorney General is a party in the lower court.

(e) [(c)] *Entry of Bail.*—Bail shall be entered in the [lower] trial court pursuant to the Pennsylvania Rules of Criminal Procedure.

[(f)] (d) *Extradition matters.*—Relief relating to bail in extradition matters shall be governed by the procedures prescribed by this rule.

[(g)] (e) *Opinion of [lower] trial court.*—Upon receipt of a copy of an application for relief under [subdivision] paragraph (a) or a petition for specialized review under [subdivision] paragraph (b) that does not include an explanation for the bail determination, the judge who made the bail determination [below] being

reviewed shall forthwith file of record a brief statement of the reasons for the determination or where in the record such reasons may be found.

[*Official Note:* Prior to sentence, Rule 1702 (stay ancillary to appeal) is satisfied by the filing of a plenary petition for review of the order of the lower court granting or denying release. After sentence a separate plenary filing is no longer necessary because the application for release pending appeal may be made as a matter ancillary to the appeal from the order imposing sentence.

The reference in Subdivision (c) to the rulings complained of is not intended to suggest that the appellate court may ignore objective standards for release such as those established by Pa.R.Crim.P. 530.]

[REVIEW OF DISPOSITIONAL ORDER FOR OUT OF HOME PLACEMENT IN JUVENILE DELINQUENCY MATTERS]

Rule 1770. [Review of Out of Home Placement in Juvenile Delinquency Matters] (Rescinded).

[(a) *General rule.* If a court under the Juvenile Act, 42 Pa.C.S. § 6301 et seq., enters an order after an adjudication of delinquency of a juvenile pursuant to Rules of Juvenile Court Procedure 409(A)(2) and 515, which places the juvenile in an out of home overnight placement in any agency or institution that shall provide care, treatment, supervision or rehabilitation of the juvenile (“Out of Home Placement”), the juvenile may seek review of that order pursuant to a petition for review under Chapter 15 (judicial review of governmental determinations). The petition shall be filed within ten days of the said order.

(b) *Content.* A petition for review under subdivision (a) shall contain: (i) a specific description of any determinations made by the juvenile court; (ii) the matters complained of; (iii) a concise statement of the reasons why the juvenile court abused its discretion in ordering the Out of Home Placement; (iv) the proposed terms and conditions of an alternative disposition for the juvenile; and (v) a request that the official court reporter for the juvenile court transcribe the notes of testimony as required by subdivision (g) of this Rule. Any order(s) and opinion(s) relating to the Out of Home Placement and the transcript of the juvenile court’s findings shall be attached as appendices. The petition shall be supported by a certificate of counsel to the effect that it is resented in good faith and not for delay.

(c) *Objection to specific agency or institution, or underlying adjudication of delinquency, is not permitted.*

(1) A petition for review under subdivision (a) shall not challenge the specific agency or specific institution that is the site of the Out of Home Placement and instead shall be limited to the Out of Home Placement itself.

(2) A petition for review under subdivision (a) shall not challenge the underlying adjudication of delinquency.

(d) *Answer.* Any answer shall be filed within ten days of service of the petition, and no other plead-

ing is authorized. Rule 1517 (applicable rules of pleading) and Rule 1531 (intervention) through 1551 (scope of review) shall not be applicable to a petition for review filed under subdivision (a).

(e) *Service.* A copy of the petition for review and any answer thereto shall be served on the judge of the juvenile court and the official court reporter for the juvenile court. All parties in the juvenile court shall be served in accordance with Rule 121(b) (service of all papers required). The Attorney General of Pennsylvania need not be served in accordance with Rule 1514(c) (service), unless the Attorney General is a party in the juvenile court.

(f) *Opinion of juvenile court.* Upon receipt of a copy of a petition for review under subdivision (a), if the judge who made the disposition of the Out of Home Placement did not state the reasons for such placement on the record at the time of disposition pursuant to Rule of Juvenile Court Procedure 512 (D), the judge shall file of record a brief statement of the reasons for the determination or where in the record such reasons may be found, within five days of service of the petition for review.

(g) *Transcription of Notes of Testimony.* Upon receipt of a copy of a petition for review under subdivision (a), the court reporter shall transcribe the notes of testimony and deliver the transcript to the juvenile court within five business days. If the transcript is not prepared and delivered in a timely fashion, the juvenile court shall order the court reporter to transcribe the notes and deliver the notes to the juvenile court, and may impose sanctions for violation of such an order. If the juvenile is proceeding in forma pauperis, the juvenile shall not be charged for the cost of the transcript. Chapter 19 of the Rules of Appellate Procedure shall not otherwise apply to petitions for review filed under this Rule.

(h) *Non-waiver of objection to placement.* A failure to seek review under this rule of the Out of Home Placement shall not constitute a waiver of the juvenile’s right to seek review of the placement in a notice of appeal filed by the juvenile from a disposition after an adjudication of delinquency.

Official Note: This Rule provides a mechanism for the expedited review of an order of Out of Home Placement entered pursuant to Rule of Juvenile Court Procedure 515. Rule of Juvenile Court Procedure 512(D) requires the judge who made the disposition of an Out of Home Placement to place the reasons for an Out of Home Placement on the record at the time of the disposition, and subdivision (f) of this Rule is only applicable in the exceptional circumstance where the judge who made the disposition of an Out of Home Placement fails to comply with Rule of Juvenile Court Procedure 512(D). The Juvenile Act, 42 Pa.C.S. § 6352, sets forth the considerations for a dispositional order following an adjudication of delinquency and the alternatives for disposition. The standard for review of a dispositional order is an abuse of discretion. See *In the Interest of A.D.*, 771 A.2d 45 (Pa. Super. 2001) (en banc).]

Official Note: Pa.R.A.P. 1770 formerly provided for a petition for review of an out of home placement in juvenile delinquency matters. The substance of that rule is now found in Pa.R.A.P. 1612.

STAY PENDING ACTION ON PETITION FOR REVIEW

Rule 1781. Stay Pending Action on Petition for Review or Petition for Specialized Review.

(a) *Application to government unit.*—Application for a stay or *supersedeas* of an order or other determination of any government unit pending review in an appellate court on petition for review or **petition for specialized review** shall ordinarily be made in the first instance to the government unit.

(b) *Contents of application for stay or supersedeas.*—An application for stay or *supersedeas* of an order or other determination of a government unit, or for an order granting an injunction pending review, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the government unit for the relief sought is not practicable, or that application has been made to the government unit and denied, with the reasons given by it for the denial, or that the action of the government unit did not afford the relief [**which**] **that** the applicant had requested. The application shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute, the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts, if any, of the record as are relevant to the relief sought.

(c) *Notice and action by court.*—Upon such notice to the government unit as is required by [**Rule 123 (applications for relief)**] **Pa.R.A.P. 123**, the appellate court, or a judge thereof, may grant an order of stay or *supersedeas*, including the grant of an injunction pending review or relief in the nature of peremptory mandamus, upon such terms and conditions, including the filing of security, as the court or the judge thereof may prescribe. Where a statute requires that security be filed as a condition to obtaining a *supersedeas*, the court shall require adequate security.

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1911. Request for Transcript.

(a) *General rule.*—The appellant shall request any transcript required under this chapter in the manner and make any necessary payment or deposit therefor in the amount and within the time prescribed by Rules 5000.1 *et seq.* of the Pennsylvania Rules of Judicial Administration [**(court reporters)**].

(b) [**Cross appeals**] *Cross-appeals.*—Where a [**cross appeal**] **cross-appeal** has been taken [**the cross appellant**], **the cross-appellant** shall also have a duty to pay for and cause the transcript to be filed and shall share the initial expense equally with all other appellants.

(c) *Form.*—The order for transcript may be endorsed on, incorporated into, or attached to the notice of appeal or other document and shall be in substantially the following form:

(Caption)

A (notice of appeal) (petition for review) (**petition for specialized review**) (other appellate paper, as appropri-

ate) having been filed in this matter, the official court reporter is hereby ordered to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Signature

(d) *Effect of failure to comply.*—If the appellant fails to take the action required by these rules and the Pennsylvania Rules of Judicial Administration for the preparation of the transcript, the appellate court may take such action as it deems appropriate, which may include dismissal of the appeal.

Official Note: The 1997 amendment changes the word “order” to “request” in order to clarify that an order of court is not necessary. See Pa.R.J.A. 5000.5 and [**1997 amendment to Rule**] **Pa.R.A.P. 904(c)**. If a request for a transcript on appeal is made in open court, the appellant must nevertheless prepare and serve a written order for transcript, so that the district court administrator and the appellate court are aware of the order. Local rules contemplated by Pa.R.J.A. 5000.6 should be consulted as to the officer or other person who is to receive and hold any security deposit (up to one-half the estimated charge) required by the court reporter. It is the responsibility of the appellant to contact the court reporter to ascertain whether a deposit will be required and the amount thereof, and to make the deposit. The court reporter is under no obligation to proceed in the absence of a required deposit, and under Pa.R.J.A. 5000.11(b) is under no obligation to certify and file the transcript in the absence of full payment or adequate security therefor. While delay in payment, and any resulting delay in certification and filing of the transcript, does not automatically affect the validity of the appeal, under [**Subdivision (d)**] **paragraph (d)**, the appellate court may impose other sanctions in an appropriate case. Compare [**Rule 902 (manner of taking appeal)** and **Rule 2101 (conformance with requirements)**] **Pa.R.A.P. 902 with Pa.R.A.P. 2101**. This rule and [**Rule**] **Pa.R.A.P. 1922** are “another arrangement for delivery” under Pa.R.J.A. 5000.11(a), since it is undesirable for the official appellate transcript to pass outside of the control of court officials.

CHAPTER 27. FEES AND COSTS IN APPELLATE COURTS AND ON APPEAL

FEES

Rule 2702. Multiple Parties.

Where a joint notice of appeal is filed in the [**lower court,**] **trial court** or docketed in the appellate court, or a joint petition for allowance of appeal is filed under [**Rule 512 (joint appeals)**] **Pa.R.A.P. 512**, or a joint petition for review is filed under [**Rule**] **Pa.R.A.P. 512** or otherwise, or a joint petition for permission to appeal is filed under [**Rule 1312(e) (multiple petitioners),** or] **Pa.R.A.P. 1312(e)**, or a **joint petition for specialized review is filed, or where** any other filing under these rules is effected jointly as permitted by these rules, only one fee is payable, regardless of the number of parties to the filing.

Official Note: This rule abolishes the “number of appellants times number of appellees” practice [**heretofore**] **previously** followed in the computation of appellate filing fees.

ARTICLE III. MISCELLANEOUS PROVISIONS
CHAPTER 33. BUSINESS OF THE SUPREME
COURT

ORIGINAL MATTERS

Rule 3307. Applications for Leave to File Original Process.

(a) *Scope.*—This rule applies only to matters within the original jurisdiction of the Supreme Court under 42 Pa.C.S. § 721 [(original jurisdiction)] which are not in the nature of mandamus or prohibition ancillary to matters within the appellate jurisdiction of the Supreme Court. Applications for relief pursuant to or ancillary to the appellate jurisdiction of the Supreme Court, including relief which may be obtained in the Supreme Court by petition for review or petition for specialized review, are governed by Article I [(preliminary provisions) and Article II (appellate procedure)] and Article II and may be filed without an application under this rule. See also [Rule 3309 (applications for extraordinary relief)] Pa.R.A.P. 3309.

(b) *General rule.*—The initial pleading in any original action or proceeding shall be prefaced by an application for leave to file such pleading, showing service upon all parties to such action or proceeding. The matter will be docketed when the application for leave to file is filed with the Prothonotary of the Supreme Court. The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter, if known, and shall be either enclosed with the application or separately mailed to the prothonotary. Appearances shall be filed as in other original actions. An adverse party may file an answer no later than 14 days after service of the application. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the application will not be filed. Upon receipt of the answer to the application, or a letter stating that no answer will be filed, from each party entitled to file such, the application, pleadings, and answer to the application, if any, shall be distributed by the [Prothonotary] prothonotary to the Supreme Court for its consideration.

(c) *Disposition of application.*—The Supreme Court may thereafter grant or deny the application or set it down for argument. Additional pleadings may be filed, and subsequent proceedings had, as the Supreme Court may direct. If the application is denied, the matter shall be transferred to the appropriate court by the [Prothonotary] prothonotary in the same manner and with the same effect as matters are transferred under [Rule 751 (transfer of erroneously filed cases)] Pa.R.A.P. 751.

[*Official Note:* Based on U.S. Supreme Court Rule 9. Presumably this rule will seldom be in-

voked, since questions concerning the scope of the original jurisdiction of the Supreme Court may usually be avoided by filing the action in a lower court which clearly has subject matter jurisdiction, and immediately thereafter making application for transfer to the Supreme Court under Rule 3309 (applications for extraordinary relief).]

[REVIEW OF SPECIAL PROSECUTIONS OR INVESTIGATIONS]

Rule 3331. [Review of Special Prosecutions or Investigations] (Reserved).

[(a) *General rule.*—Within the time specified in Rule 1512(b)(3) (special provisions), any of the following orders shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations):

(1) An order relating to the supersession of a district attorney by an Attorney General or by a court or to the appointment, supervision, administration or operation of a special prosecutor.

(2) An order relating to the convening or discharge of an investigating grand jury or otherwise affecting its existence.

(3) An order entered in connection with the supervision, administration or operation of an investigating grand jury or otherwise directly affecting an investigating grand jury or any investigation conducted by it.

(4) An order enforcing or refusing to enforce a subpoena issued by or otherwise affecting the existence or operation of any investigating committee of the General Assembly.

(5) An order of the type specified in Paragraphs (1) through (4) of this subdivision which contains a statement by the lower court pursuant to 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). Chapter 13 (interlocutory appeals by permission) shall not be applicable to such an order.

The petition shall conform to Rule 123(a) (contents of application for relief) and any answer to the petition shall conform to Rule 1516(a) (general rule). A party entitled to file an answer under this rule who does not intend to do so shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the petition for review will not be filed. Rule 1517 (applicable rules of pleading) through Rule 1551 (scope of review) shall not be applicable to a petition for review filed under this rule. Seven copies of any papers filed under this rule shall be filed with the original. Rule 3309 (applications for extraordinary relief) shall not be applicable to an order reviewable under this rule.

(b) *Briefs and record.* The petitioner may file and serve a brief in support of the petition for review with the petition for review. Any other party may file and serve an answer and supporting brief within 14 days of service of the petition. Each party shall append to the petition or answer as much of the record below as the party desires to bring to the attention of the court. The Supreme Court on its own initiative may direct that the lower court comply with Rule 1925 (opinion in support of order) or that the record be otherwise corrected or supplemented.

(c) *Distribution and disposition.* Upon receipt of the last paper that a party is entitled to file under this rule, the papers filed under this rule shall be distributed by the Prothonotary to the Supreme Court for its consideration. The Supreme Court may thereafter dispose of the petition or set it down for argument.

(d) *Interlocutory matters.* The interlocutory or final nature of an order shall not be affected by this rule and, unless independent grounds appear for the review of an interlocutory order, the interlocutory nature of the order will be a sufficient reason for denying the petition. The denial of a petition shall be deemed a disposition on the merits unless otherwise ordered or unless the petition expressly seeks permission to appeal from an interlocutory order and asserts no other basis of jurisdiction on appeal.

(e) *Remand of record.* Unless otherwise ordered:

(1) A certified copy of the judgment of the Supreme Court and the opinion of the court, if one has been filed, shall be transmitted to the lower court forthwith upon entry, notwithstanding the pendency of any application for reargument or other proceeding affecting the judgment. This transmission shall be in lieu of the remand of the record.

(2) Such transmission shall operate to vacate any order theretofore entered pursuant to Chapter 17 (effect of appeals; supersedeas and stays).

Official Note: This rule is intended to provide a simple and expeditious method for Supreme Court supervision of special prosecutions and investigations, e.g. orders of the supervising judge of an investigating grand jury, findings of contempt (whether civil or criminal) by witnesses called before such a grand jury, *etc.* Rule 702(c) (supervision of special prosecutions or investigations) and 42 Pa.C.S. § 722(5) (direct appeals from courts of common pleas) vest jurisdiction over such matters in the Supreme Court. However, this rule is not applicable to review of investigating grand jury issues that collaterally arise in a plenary criminal prosecution initiated by complaint, information or indictment. Rule 1512(b)(3) (special provisions) requires that review be sought within ten days. Essentially the procedure is analogous to the review of a bail order under Rule 1762 (release in criminal matters). There is no delay for certification of the record, oral argument is ordinarily not available, and the matter is ready for final disposition by the Supreme Court immediately upon completion of the briefing schedule. The term “investigating grand jury” in Subdivision (a) includes a “multicounty investigating grand jury” convened under 42 Pa.C.S. § 4544 (convening multicounty investigating grand jury). The “independent grounds” referred to in Subdivision (d) include grounds for relief in the nature of mandamus, prohibition, *etc.* and cases where the order is reviewable under the standards of 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). Failure to petition for review under this rule from an interlocutory order will ordinarily not constitute a waiver of objections to the order since, except as prescribed by Rule 311(g)(1)(ii) (Waiver of objections), there is no requirement under these rules that a party seek available interlocutory relief.

Under Rule 1702(a) (stay ancillary to appeal), the Supreme Court or a justice thereof will not entertain an application for relief under Rule 1781 (stay pending action on petition for review) in connection with a special prosecution or investigation order until a petition for review has been filed under this rule.]

Official Note: Pa.R.A.P. 3331 formerly provided for a petition for review of orders relating to special prosecutions or investigations. The substance of the rule is now found in Pa.R.A.P. 1611.

EXPLANATORY COMMENT

There have been a number of documents that have been categorized as “petitions for review” over the years that are currently addressed in Chapter 15 but are neither traditional administrative agency appeals nor original jurisdiction actions against the Commonwealth.

As originally structured, Chapter 15 provided the procedure for obtaining judicial review of action or inaction of a “government unit” not otherwise available through a notice of appeal under Chapter 9, a petition for allowance of appeal under Chapter 11, or a petition for permission to appeal under Chapter 13. Since 1976 when Chapter 15 was adopted, most of the appellate court filings that utilize Chapter 15 have been, as intended, either traditional administrative agency appeals or original jurisdiction actions when an appellate court has jurisdiction.

The definition of “government unit” is broad enough, however, to encompass “courts.” Thus, under the current practice addressed by the proposed amendments, a Chapter 15 “petition for review” is the means by which a variety of other types of orders can be appealed. These other types of petitions for review involve discretionary review and the expedited review of certain court orders.

Petitions for review under Pa.R.A.P. 341(c), 1311(Note), and 1573 seek discretionary review and present only the question of whether to permit an appeal from an interlocutory order that is not appealable as of right. Thus, they are more procedurally similar to a petition for permission to appeal than an appeal. For that reason, the Committee proposes amending Chapter 13 to include each of these three.

Other petitions for review involve appellate review using specialized procedures, such as review of bail orders under Pa.R.A.P. 1762, review of special prosecution orders under Pa.R.A.P. 3331, and review of out-of-home-placement of minors under Pa.R.A.P. 1770. The Committee is proposing to place these requests for review in Chapter 16.

As a result of these changes, Chapter 15 will be limited. Chapter 15 will apply only to administrative agency appeals, certain other enumerated appeals, and original jurisdiction actions when an appellate court has jurisdiction. Judicial review of all other action or inaction of a “government unit” not otherwise available through Chapters 9, 11, 13 or reorganized Chapter 15, will now be in Chapter 16. Thus, the petition for specialized review becomes the mechanism for appealing orders that are not appealable under Chapters 9, 11, 13, or 15.

As a general principle, the proposed amendments to Chapters 13 and 15 and the adoption of new Chapter 16 do not alter existing procedures, but make those procedures easier to find. There are, however, a few clarifications that the Committee is incorporating into the proposed rules. The most significant of these clarifications is adoption of a single standard of review for granting

discretionary review of an interlocutory order. Under existing practice, the standard of review for a Pa.R.A.P. 341(c) petition for review is “abuse of discretion,” but the description of a Pa.R.A.P. 1311(Note) petition for review refers to “so egregious as to justify prerogative appellate correction.” The Committee proposes that “abuse of discretion” be the appropriate standard for both.

[Pa.B. Doc. No. 16-857. Filed for public inspection May 20, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Bail Conditions; No. MD-29-2016

And Now, this 3rd day of May, 2016, It is hereby Ordered and Decreed that the existing Rule 303(i) is amended and shall be entirely replaced by New Rule 303(i) in accordance with the following language effective 30 days after publication in the *Pennsylvania Bulletin*.

New Rule 303(i). Failure to Appear.

(1) *Rule *303(i). Failure to Appear.* Upon failure of the defendant to appear at arraignment or pre-trial conference scheduled in accordance with Local Rule of Court, defendant's bail shall be revoked and a bench warrant shall be issued.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-858. Filed for public inspection May 20, 2016, 9:00 a.m.]

ERIE COUNTY

Rescission and Replacement of all Rules Governing Actions for Custody of Minor Children; Doc. No. 90031-2016

Order

And Now, to wit, this 4th day of May, 2016, it is hereby Ordered that the following Erie County Local Rules of Civil Procedure governing actions for custody of minor children are adopted. The adoption of Rules 1915.1 through 1915.27 rescinds and replaces all existing local rules and administrative orders governing actions for custody of minor children in Erie County. In accordance with Pa.R.C.P. 239, these rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

JOHN J. TRUCILLA,
President Judge

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.1. Scope.

These rules shall govern the practice and procedure in all actions for any type of custody initiated in Erie County, Pennsylvania. These rules shall be read in conjunction with and supplement the state rules as set forth in Pa.R.C.P. Nos. 1915.1—1915.25. In the event of any

conflict between these rules and the state rules, the Pennsylvania Rules shall control.

Rule 1915.3. Commencement of Action. Complaint. Order.

(a) An original verified complaint, substantially in the form provided by Pa.R.C.P. No. 1915.15(a), and two copies per party shall first be presented to the Custody Conciliation Office prior to being filed at the Prothonotary's Office.

(b) The custody conciliation office will assign a time and date for the conciliation conference, and attach the order provided for in Pa.R.C.P. 1915.3(b) to the original and all copies. The moving party shall then file the original pleading with the Prothonotary, and serve the responding party or parties as provided in the Pennsylvania Rules of Civil Procedure.

(c) The custody office shall not reject any complaint for custody or modification of custody submitted for assignment of a conciliation time and date, except as provided for in subsection (d). It is the responsibility of a party objecting to jurisdiction, venue, service, standing or any other legal defect, to file and serve the proper responsive pleading, and to request a stay by the court, if appropriate, pursuant to Local Rule 1915.5.

(d) Grandparents and all other third parties shall file according to the procedure set forth in Local Rule 1915.6 unless there is no open case involving the minor child or children.

Rule 1915.3-2. Criminal or Abuse History. Hearing.

In addition to the requirements of Pa.R.C.P. 1915.3-2, a party may raise consideration of criminal convictions or abuse history pursuant to 23 Pa.C.S. Section 5329. The party raising a Section 5329 objection shall present a motion pursuant to Local Rule 1915.13 requesting a hearing to determine whether a party, or household member, poses a threat to a child and/or whether a party, or household member, is in need of counseling.

Rule 1915.4-1. Hearing Procedure. Bypass Custody Conciliation Conference.

(a) Erie County shall utilize a custody conciliation conference as an initial non-record proceeding as set forth at Local Rule 1915.4-3.

(b) A party may present a motion to bypass the custody conciliation conference to the duty judge during motion court pursuant to Local Rule 1915.13. A motion to bypass the custody conciliation may be granted in cases wherein:

- (1) there are complex questions of law, fact or both; or
- (2) there are serious allegations affecting the child's welfare.

Rule 1915.4-3. Custody Conciliation Conference. Proceedings.

(a) Except as provided for at Local Rule 1915.17, all custody complaints and petitions for modification shall be initially referred to the Office of Custody Conciliation of Erie County, Pennsylvania for a custody conciliation conference before a custody conciliation officer.

(b) The Conciliation Conference is not a hearing but an opportunity for parents to reach agreement early in the custody process. No evidence or testimony is presented. Ordinarily, conferences shall not last more than one hour. The objectives of the Conciliation Conference are:

- (1) To facilitate immediate agreement and the entry of consent orders where the nature of the parties' dispute is minor and can be resolved quickly without the need for trial;

(2) To identify those cases not appropriate for resolution within the context of the conciliation process; and

(3) To identify the need for referral to outside professionals or agencies and to provide the parties with information and other assistance needed to accomplish such referral.

(c) All agreements reached at a Conciliation Conference, whether a full or partial agreement, shall be reduced to a Consent Agreement and shall be signed by the parties immediately upon conclusion of the proceeding. If the parties partially agree or agree to reschedule the custody conciliation conference, an interim order containing the agreed upon terms of the parties may be submitted to the duty judge for approval of the court. The parties' consent to an interim order shall not constitute the waiver to a de novo trial for any issue.

(d) If no agreement is reached at the conciliation conference, the case shall be promptly referred by the Custody Conciliation Office to Family Court Administration for trial. The conciliation officer shall prepare a summary report detailing the parties' respective positions, which shall be filed and submitted to the court and the parties.

(e) The Custody Conciliation Officer may refer custody matters directly to the Court if appropriate.

(f) *Participation in Conciliation Process:*

(1) *Children and Third Parties:* Children and third parties, other than attorneys, shall not be present for or participate in custody conferences. Exceptions may be made at the discretion of the Court.

(2) Parties must participate in conferences in a cooperative manner and at all times adhere to the directives of the person conducting the conference.

(3) Prior to agreeing to a custody order, a party may consult with her or his attorney, and a reasonable opportunity to do so will be provided by the conciliator.

(g) An attorney who attends a Conciliation Conference with a client will participate consistent with the following standards:

(1) The manner and scope of participation in conferences shall be determined by the conciliator;

(2) Attorneys shall fully cooperate with the efforts of the custody conciliator to facilitate the agreement of the parties;

(3) Counsel shall at all times behave in a professional manner and refrain from engaging in hostile or antagonistic conduct directed toward any conference participant;

(4) Attorneys shall advise their clients in a manner not disruptive of the conciliation process which may require consulting with the client outside the conference room;

(5) Attorneys shall not engage in legal argument, except that counsel may advise of legal issues relevant to the formation of an interim or consent order;

(6) Counsel shall not attempt to question the other party, present evidence or engage in conduct characteristic of any adversarial proceedings;

(h) At any time during the conciliation process the conciliator may terminate the proceedings and refer the case to court.

Rule 1915.4-4. Pre-trial Procedures. Status Conference.

A pre-trial status conference in an initial custody or modification proceeding may be scheduled before a judge

at the request of a party by praecipe or sua sponte by the court pursuant to Pa.R.C.P. No. 1915.4-4, with copies of the praecipe served to the assigned judge. The purpose of the status conference is to define matters to be raised before the court at the de novo trial, including all legal and factual issues, and to address unique evidentiary issues.

Rule 1915.5. Question of Jurisdiction, Venue or Standing. Preliminary Objections.

A party raising preliminary objections in accordance with Pa.R.C.P. No. 1915.5 shall, prior to filing, present the preliminary objections to Family Court Administration for assignment to a judge and scheduling of a date and time for a hearing. Thereafter, the moving party shall file the original pleading with the Prothonotary and serve the objections and notice of hearing in accordance with the Pennsylvania Rules of Civil Procedure.

Rule 1915.6. Joinder of Parties.

Grandparents and all other third parties seeking any type of custody of a minor child with an open custody docket before this court shall present a Motion to Intervene to the duty judge at Motion Court. Notice to all responding parties must be provided pursuant to Local Rule 440, and certificate of notice must be attached to the motion. If the motion raises contested issues, the duty judge may issue a Rule to Show Cause. The signed Rule to Show Cause Order shall be presented to Family Court Administration for assignment to a judge and scheduling of a date and time. Thereafter, the moving party shall file the original pleading with the Prothonotary and provide for service pursuant to the Pennsylvania Rules of Civil Procedure.

Rule 1915.12. Civil Contempt for Disobedience of Custody Order. Petition.

In addition to the requirements of Pa.R.C.P. No. 1915.12, the original contempt petition with notice and order, and a photo copy, shall be presented to Family Court Administration for assignment to a judge and for scheduling of a date and time for the contempt hearing. Thereafter, the moving party shall file the original pleading with the Prothonotary and provide for service pursuant to the Pennsylvania Rules of Civil Procedure.

Rule 1915.13. Special Relief.

Motions for Special Relief shall be presented to the duty judge during Motion Court. The motion must allege, with specificity, the need for the court to enter interim or special relief. Notice to all responding parties must be provided pursuant to Local Rule 440, and certificate of notice must be attached to the motion. If the motion raises contested issues, the duty judge may issue a Rule to Show Cause. The signed Rule to Show Cause Order shall be presented to Family Court Administration for assignment to a judge and scheduling of a date and time. Thereafter, the moving party shall file the original pleading with the Prothonotary and provide for service pursuant to the Pennsylvania Rules of Civil Procedure.

Rule 1915.17. Relocation.

(a) A party proposing to relocate with a minor child shall follow the procedures set forth at Pa.R.C.P. 1915.17.

(b) If the non-relocating party has no objection to relocation and no objection to modification of the custody order consistent with the relocating party's proposal for revised custody schedule, the parties may obtain an order approving the proposal for revised custody schedule by

presenting a Petition to Confirm Relocation with the agreed upon custody order before the duty judge at Motion Court.

(c) If the non-relocating party files a counter-affidavit objecting to either the relocation or to modification of the order, any party may either:

(1) obtain an expedited full hearing on the proposed relocation by presenting copies of the relocation notice, the counter-affidavit, the complaint for custody or petition for modification, whichever is applicable, and a request for hearing to Family Court Administration.

or

(2) may waive their right to an expedited hearing and participate in a custody conciliation conference by obtaining a time and date from the custody conciliation office in addition to following the filing requirements of Pa.R.C.P. No. 1915.17. Thereafter, the moving party shall file the original pleading with the Prothonotary and provide for service pursuant to the Pennsylvania Rules of Civil Procedure.

(d) If the non-relocating party was properly served notice of proposed relocation and has failed to timely object, the party proposing relocation, in addition to following the requirements of Pa.R.C.P. No. 1915.17(e), shall present a Petition to Confirm Relocation with a proposed order including the information set forth at 23 Pa.C.S. Section 5337(c)(3) to the duty judge at Motion Court. Thereafter, the moving party shall file the original pleading with the Prothonotary and provide for service pursuant to the Pennsylvania Rules of Civil Procedure.

Rule 1915.26. Children Cope with Divorce.

(a) All parties participating in custody proceedings must attend the Children Cope With Divorce program. A copy of the brochure providing information on the program must be included in all complaints involving parties that have not previously attended the program.

(b) Subsequent proceedings and the entry of any order or decree shall not be delayed because of the lack of participation in the Children Cope With Divorce program.

(c) Any party seeking to waive the costs of participating in the Children Cope With Divorce program shall present an appropriate motion before the duty judge at Motion Court.

Rule 1915.27. Cancellation of Custody Proceedings.

(a) A scheduled custody conciliation conference may not be cancelled without the written consent of the parties, or leave of court. If a responding party does not consent to cancel a conciliation conference, a motion to cancel may be presented in motion court by the requesting party with proper notice pursuant to Local Rule 440.

(b) If none of the parties appear for a scheduled custody conciliation conference, the conciliation officer will prepare and send a proposed Order to the duty judge that indicates the custody conciliation conference is cancelled, and that the pleading is dismissed without prejudice.

(c) If any one party fails to appear for a scheduled custody conciliation conference and all parties have been served, the appearing party or parties may:

- (1) reschedule the custody conciliation conference; or
- (2) request an immediate referral for a de novo trial; or
- (3) request dismissal of the pleading without prejudice.

If the appearing party or parties request to reschedule the custody conciliation conference, the appearing party or parties are responsible for serving notice of the rescheduled conference. If the appearing party requests an immediate referral for a de novo trial, the case shall be promptly referred by the Custody Conciliation Office to Family Court Administration for scheduling of a trial.

(d) If the complaint or petition has not been served, the conciliation conference may be rescheduled at the request of the appearing party or parties. The custody conciliation office will prepare a new notice and order to be filed and served by the appearing party or parties, along with the petition and complaint and other documents required to be filed with the complaint.

(e) A scheduled de novo trial shall not be cancelled without leave of court. A motion to cancel the de novo trial shall be presented to the judge assigned to the custody trial. If all parties agree to the trial's cancellation, signed consent of the parties shall be attached to the motion.

[Pa.B. Doc. No. 16-859. Filed for public inspection May 20, 2016, 9:00 a.m.]

WASHINGTON COUNTY

Crime Victim's Compensation Fund and Victim Witness Services Fund; No. 2016-1

Administrative Order

And Now, this 28th day of April, 2016 it is hereby *Ordered and Decreed* that, pursuant to § 18 P.S. 11.1101, this Court *Approves* the increased assessment of the Crime Victim's Compensation Fund and Victim Witness Services Fund to a total of \$75, unless otherwise ordered by this Court. This cost shall be imposed at both the Magisterial District Courts and the Court of Common Pleas of this Judicial District not withstanding any statutory provision to the contrary.

It is *Ordered* that pursuant to § 18 P.S. 11.1101(b), disposition of this assessment shall be as follows:

(1) Thirty-five dollars of the costs imposed where the accused pleaded guilty or nolo contendere, or was placed in a diversionary program, plus 30% of the costs imposed which exceed \$60 shall be paid into the Crime Victim's Compensation Fund; and

(2) Twenty-five dollars of the costs imposed where the accused pleaded guilty or nolo contendere, or was placed in a diversionary program, plus 70% of the costs imposed which exceed \$60 shall be paid into the Victim Witness Services Fund.

The costs paid under § 18 P.S. 11.1101(b)(2) that exceed \$60 shall be returned by the Pennsylvania Commission on Crime and Delinquency to the County of Washington for victim witness services.

It is *Ordered* that this Administrative Order shall be effective thirty (30) days after the publication thereof in the *Pennsylvania Bulletin*, and shall govern all matters then pending.

It is further *Ordered* that, in accordance with Pa.R.Crim.P. 105, the District Court Administrator shall:

(a) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts;

(b) Distribute two (2) certified copies hereof to and one (1) CD-ROM copy that complies with the requirement of Pa. Code § 13.11(b), to the Legislative Reference Bureau for publication in *Pennsylvania Bulletin*;

(c) File one (1) certified copy hereof with the Criminal Procedural Rules Committee;

(d) File one (1) certified copy with the Clerk of Courts;

(e) Cause a copy hereof to be published in the *Washington County Bar Journal* once a week for two successive weeks at the expense of the County of Washington; and

(f) Supervise the distribution hereof to all Judges of this Court and the Magisterial District Judges of the County of Washington.

By the Court

KATHERINE B. EMERY,
President Judge

[Pa.B. Doc. No. 16-860. Filed for public inspection May 20, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 7]

Posting Requirements for Extension

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), amends § 7.22 (relating to application).

Summary

There was a conflict between the Board's regulations and the Liquor Code with regard to the posting time for notices about an application for extension of licensed premises. Specifically, section 403(g) of the Liquor Code (47 P.S. § 4-403(g)) provides that the notice must be posted for 30 days and the regulation in § 7.22 formerly required that the notice must be posted for 15 days. This final-form rulemaking amends § 7.22 to match section 403(g) of the Liquor Code.

The act of December 9, 2002 (P.L. 1653, No. 212) amended section 403(g) of the Liquor Code by increasing the time period for the posting of a notice from 15 days to 30 days.

Section 7.22 requires that applicants for an extension of the licensed premises post a notice that an application has been filed. Section 7.22 formerly provided that the notice must be posted for 15 days. The 15-day posting period was consistent with the former language of section 403(g) of the Liquor Code.

Although section 403(g) of the Liquor Code references applications for a new license or a license being transferred to a new location, and not the extension of a license, Commonwealth Court has held that "an extension was in effect a transfer to a new location." *Ulana v. Pennsylvania Liquor Control Bd.*, 484 A.2d 859, 862 (Pa. Cmwlth. 1984). While the *Ulana* case does not deal with the length a notice must be posted, the Board has followed the Commonwealth Court's analysis, and therefore the posting time in section 403(g) of the Liquor Code for a new license or a transfer of a license has been applied to extensions of the license.

The disparity between section 403(g) of the Liquor Code and § 7.22 sometimes resulted in frustration and confusion for applicants. Some applicants believed that the notice could be taken down at the expiration of the 15-day period, and that the application can then be approved. However, because of the language in section 403(g) of the Liquor Code, that is not the case.

In addition, those parties who wish to file a protest (protestants) to the application have 30 days from the posting of the notice to do so under § 17.13 (relating to protests/intervention procedure). Thus, there was confusion or misunderstanding on the part of protestants when a notice is removed (erroneously) after only 15 days.

This final-form rulemaking will resolve these misunderstandings by requiring that a notice of an application for extension of the licensed premises must be posted for at least 30 days.

Affected Parties

As of July 14, 2015, there are 15,112 active licenses that could be potentially affected by this final-form rulemaking if they decide to expand their premises. Since this final-form rulemaking simply aligns the posting period with that which is required under section 403(g) of the Liquor Code, licensees will not be adversely affected.

Paperwork Requirements

This final-form rulemaking is not expected to affect legal, accounting or consulting procedures and should not require additional reporting, recordkeeping or other paperwork.

Fiscal Impact

This final-form rulemaking is not expected to have fiscal impact on the regulated community, the Commonwealth or local governments. Therefore, a fiscal impact is not anticipated.

Effective Date

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

Public Comments

Comments should be addressed to Rodrigo Diaz, Chief Counsel, or Norina Blynn, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 15, 2015, the Board submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 6269 (October 24, 2015), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on April 20, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 21, 2016, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

Order

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 7, are amended by amending § 7.22 to read as set forth at 45 Pa.B. 6269.

(b) The Board shall certify this order and 45 Pa.B. 6269 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

TIM HOLDEN,
Chairperson

(*Editor's Note:* See 46 Pa.B. 2384 (May 7, 2016) for IRRC's approval order.)

Fiscal Note: Fiscal Note 54-83 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 16-861. Filed for public inspection May 20, 2016, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 93 AND 111]

Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapters 93 and 111 (relating to boat registration and numbering; and special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2017.

B. *Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendment to § 93.3 (relating to application for boat registration) is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The proposed amendment to § 93.102 (relating to application procedure and contents of applications for certificates of title) is published under the statutory authority of section 5325 of the code (relating to rules and regulations). The proposed amendment to § 111.9 (relating to Bucks County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals. On February 25, 2016, the Commission's Boating Advisory Board considered the proposals and recommended that the Commission approve the publication of a proposed rulemaking.

E. *Summary of Proposals*

(1) On April 27, 2012, the United States Coast Guard (Coast Guard) amended 33 CFR Parts 173, 174, 181 and 187 regarding numbering undocumented vessels and reporting boat accidents. These changes: align and modernize terminology used in the Standard Numbering System (SNS), the Vessel Identification System and accident reporting; require verification of vessel hull identification numbers; require SNS vessel owners to provide personally identifiable information; and provide flexibility for states and territories in administering these regulations. Together, the changes are intended to improve boating safety efforts, enhance law enforcement capabilities, clarify requirements for stakeholders and promote the Coast Guard strategic goals of maritime safety and security. States have until January 1, 2017, to implement these changes.

Since 2012, the Commission has been working on effecting the necessary changes to its systems to be in compliance with the amended Coast Guard regulations. Significant changes needed to be coded into the registration and titling system and its accompanying database. Coordination with the Department of Revenue was required to revise the REV-336 Instruction for Application for Pennsylvania Boat Registration and/or Boat Title form.

The majority of the required updates reflect nomenclature and vessel data category grouping changes and are considered housekeeping. Among these changes is standardizing how all states will now define "vessel type." Hull material has been expanded to include rubber/vinyl/canvas instead of referring to this class of hull material as "other." The Coast Guard also relabeled data categories. What was previously referred to as propulsion type is now called engine drive type. This category, which identifies a boat's engine drive, includes inboard, outboard, pod drive, stern drive and other. In addition, the Coast Guard refined how states categorize the manner in which a boat will be operated. The Coast Guard now restricts a boat's reported usage as pleasure, commercial passenger, livery/rental, commercial fishing, dealer and other commercial operation.

While these required changes are administrative in nature, the Commission must also collect and provide to the Coast Guard personally identifiable information that uniquely ties a boat to an owner. This will be accomplished by creating a unique identification number for each boat owner by collecting and then combining the vehicle driver's license of the owner with his date of birth. This unique identifier once entered into the system will match the boat's hull identification number with a single individual instead of simply linking it to a name. This will greatly benefit law enforcement when dealing with lost or stolen boats.

The Commission proposes to amend §§ 93.3 and 93.102 to read as set forth in Annex A.

(2) In 1997, the Commission enacted several regulations on the Delaware River to mirror New Jersey law. One of those regulations was the slow, no wake zone on Paunacussing Creek from the mouth to the vicinity of Green Hill Road from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

A recent review of this regulation found that the law was not enacted in New Jersey and is not being enforced by either state. In discussions with the New Jersey State Police, the agency with jurisdiction, the Commission learned that New Jersey has no desire to add this requirement to its boating law. Based on New Jersey's decision and the fact that this Commonwealth has not enforced this regulation in recent history, the Commission proposes to delete it.

The Commission proposes to amend § 111.9 to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impacts on the Commonwealth or its political subdivi-

sions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-270. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.3. Application for boat registration.

(a) *New registration.* Application for a boat registration for a new boat or a used boat that was not previously registered in this Commonwealth shall conform with the following:

(1) *Forms.* The owner of a boat desiring registration shall apply on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Fish and Boat Commission, Division of Licensing and Registration.

(2) *Required information.* The applicant shall provide the following information on the application (REV-336) for a boat registration:

(i) The name, mailing address, residence address, phone number, county and zip code of the owner. If there is more than one owner, the principal owner shall be listed first.

(ii) If the owner is an individual, the driver's license number, if any. If the owner is a manufacturer, jobber or dealer, the tax identification number.

[(ii)] (iii) The name of the person from whom the boat was purchased.

[(iii)] (iv) The State registration number, if any, currently assigned to the boat.

(v) The make and model.

[(iv)] (vi) The hull material, such as [,] wood, steel, aluminum, plastic [or], fiberglass, **rubber/vinyl/canvas** or other.

[(v)] (vii) The full Hull Identification Number (HIN).

[(vi)] (viii) The [**make, model and**] year built, if known.

[(vii)] (ix) The length of the boat in feet and inches.

(x) The type of boat, such as air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.

[(viii)] (xi) The type of [**propulsion**] engine drive, such as [,] outboard, inboard, sterndrive, **pod drive** or [**unpowered**] other.

[(ix)] (xii) The type of fuel, such as [,] gas, diesel, **electric** or other.

(xiii) The type of propulsion, such as propeller, waterjet, air thrust, manual, sail or other.

[(x)] (xiv) The temporary validation [**decal number**] expiration date, if one was issued.

[(xi)] (xv) The primary [**usage**] operation such as [,] pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, **charter fishing, commercial fishing, other commercial operation**, and the like.

[(xii)] (xvi) A certificate of ownership. For initial registration in this Commonwealth this shall be supported by title, bill of sale, a complete Form PFBC-734 "Affidavit of Purchase/Ownership" or other positive proof of ownership.

[(xiii)] (xvii) The date the applicant completed the form.

[(xiv)] (xviii) The signature of the owners and certification, under penalty of law, that they are the owners of the boat and that the information contained in the application is true and correct.

[(xv)] (xix) Complete Sales and Use Tax information.

[(xvi)] (xx) The date of birth of the primary registrant **and coregistrant**.

(3) *Manufacturers, jobbers or dealers.* Paragraph [(2)(iv)—(x) and (xvi) do] (2)(vi)—(xiv) and (xx) **does** not apply to manufacturers, jobbers or dealers.

(4) *Boat rental business.* Paragraph [(2)(viii) and (ix)] (2)(xi) and (xii) does not apply to a boat rental business if a motor is not rented with the boat.

* * * * *

Subchapter B. TITLING OF BOATS

§ 93.102. Application procedure and contents of applications for certificates of title.

(a) Boat owners shall apply for a certificate of title on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Commission at the address listed on the application.

(b) The applicant shall provide the following information on the application (REV-336) for a title:

(1) The name, mailing address, residence address, phone number and zip code of the owner. If there are co-owners, the applicants shall provide information relating to both owners and indicate whether the boat is owned as joint tenants with right of survivorship or as tenants in common.

(2) The date of birth of the primary purchaser and the co-owner.

(3) The name of the person from whom the boat was purchased.

(4) The State registration number, if any, currently assigned to the boat.

(5) The hull material, such as wood, steel, aluminum, plastic, fiberglass, rubber/vinyl/canvas or other.

(6) The full Hull Identification Number (HIN).

(7) The make, model and year built, if known.

(8) The length of the boat in feet and inches.

(9) The type of boat, such as air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.

[(9)] (10) The type of [propulsion] engine drive, such as[,] outboard, inboard, sterndrive, pod drive or [unpowered] other.

[(10)] (11) The type of fuel, such as[,] gas, diesel, electric or [unpowered] other.

(12) The type of propulsion, such as propeller, waterjet, air thrust, manual, sail or other.

[(11)] (13) The primary [usage] operation such as[,] pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, charter fishing, commercial fishing, other commercial operation, and the like.

[(12)] (14) For boats with outboard internal combustion motors, the serial number, the manufacturer's name and the horsepower rating. If there are two motors, the applicant shall provide information for both motors.

[(13)] (15) The names and addresses of each lienholder (in the order of priority).

[(14)] (16) The date of lien encumbrance.

[(15)] (17) The date the applicant completed the form.

[(16)] (18) The signature of the owner.

[(17)] (19) Complete Sales and Use Tax information.

* * * * *

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.9. Bucks County.

* * * * *

(d) Delaware River.

(1) Boats are limited to slow, no wake speed in [the following areas:] Franklin Cove.

[(i) Franklin Cove.

(ii) From the mouth of Paunacussing Creek, approximately 3,000 feet to a point in the vicinity of Green Hill Road, effective from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.]

(2) Boats are limited to slow, no wake speed while passing through the following bridge spans:

* * * * *

[(3) The requirements in this subsection that affect waters of joint jurisdiction with New Jersey are effective May 1, 1997.

(4)] (3) The mooring of boats within 100 feet of the marina boat dock in Franklin Cove is prohibited.

[Pa.B. Doc. No. 16-862. Filed for public inspection May 20, 2016, 9:00 a.m.]

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2017.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Foster Joseph Sayers Lake is located in Centre County and currently managed under § 65.11 (relating to panfish enhancement) for black and white crappie (9-inch minimum size limit and 20 fish/day creel limit). While there has been an increase in the trap net catch of legal-size crappie post panfish enhancement regulations, the proportion of legal-size fish is still relatively low at approximately 8%. The majority of adult fish are in the 7-inch and 8-inch length groups, just under the legal size limit. Age and growth analyses for crappie indicate an overall reduction in growth rates, especially for these size groups. Angler use, harvest and opinion surveys conducted at the lake indicate high angler effort directed towards crappie with high catch rates but reduced harvest under panfish enhancement regulations. In addition, angler satisfaction has slowly declined with both the number and size of crappie caught.

The current status of the crappie fishery is not satisfactory to many anglers and may be improved through an alternate regulation. Sayers Lake is one of the most productive reservoirs in this Commonwealth and has the ability to produce a higher quality crappie fishery than currently exists.

The Commission proposes that the daily creel limit be reduced from 20 fish/day to 10 fish/day and proposes a change in the number of fish both over and under 9

inches that can be harvested to better manage the population from overexploitation while also being acceptable to anglers. The proposed amendment will allow anglers to harvest 10 crappies/day, of which no more than 5 crappies may be greater than or equal to 9 inches in length. For example, anglers will be able to harvest 10 crappies less than 9 inches, or 9 crappies less than 9 inches and 1 crappie greater than or equal to 9 inches, or 8 crappies less than 9 inches and 2 crappies greater than or equal to 9 inches, and so on. Under this proposed amendment, anglers will have a reasonable expectation of harvesting 10 crappies/day should they choose to do so, while still providing some additional protection to the larger fish in the population. This is not the case under the current regulation. The creel limit reduction from 20 fish to 10 fish is designed to prevent an overharvest given the number of anglers that are expected to harvest fish under a less restrictive length limit.

In anticipation of a proposed change, Commission staff interviewed 111 ice anglers on January 30, 2016, to obtain their feedback. A significant majority (74%) were in favor of a new regulation. A public information session was also held on February 23, 2016, at Bald Eagle State Park to gain additional angler input. Attendees were split between regulation options and preferred those that allowed more crappies to be harvested. Following the meeting, Commission staff conducted data reviews and modeling of the various regulatory options and arrived at the proposed amendment. This will allow an increased opportunity for harvest while providing sufficient protection for an increased number of fish to reach quality size exceeding 9 inches.

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impacts on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-271. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
Blair, Huntingdon, Juniata, Mifflin and Perry	Juniata River and its tributaries	Rock bass—Daily creel limit is 10; open year-round; no minimum size limit.
Centre	Foster Joseph Sayers Lake	Crappie—10 fish daily creel limit of which no more than 5 fish may be greater than or equal to 9 inches in length.
Centre and Mifflin	Penns [Creed] Creek, from the confluence of Elk Creek downstream 7 miles to 600 meters downstream of Swift Run	Open to fishing year-round. All tackle types are permitted. From 8 a.m. on the first Saturday after April 11 through Labor Day—the daily creel limit for trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed. From the day after Labor Day until 8 a.m. on the first Saturday after April 11, no trout may be killed or possessed. Inland regulations apply to all other species. This miscellaneous special regulation will remain in effect until December 31, 2020.
	* * * * *	

[Pa.B. Doc. No. 16-863. Filed for public inspection May 20, 2016, 9:00 a.m.]

NOTICES

COMMONWEALTH FINANCING AUTHORITY

Request for Statements of Qualifications

The Commonwealth Financing Authority (Authority) gives notice of its request for statements of qualifications (SOQ) from law firms interested in providing bond counsel and related legal services to the Authority. Information regarding the SOQ is contained in the SOQ request, a copy of which can be found at <http://www.newpa.com/programs-funding/commonwealth-financing-authority-cfa/>.

Questions regarding the SOQ may be directed to Scott Dunkelberger at scdunkelbe@pa.gov. The Authority will accept SOQs by mail only. Interested law firms must submit the SOQ by the close of business on June 1, 2016, to Laurie Henry, Commonwealth Financing Authority, c/o the Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

SCOTT D. DUNKELBERGER,
Executive Director

[Pa.B. Doc. No. 16-864. Filed for public inspection May 20, 2016, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 10, 2016.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-22-2016	First Citizens Community Bank Mansfield Tioga County	1157 West Branch Parkway Winfield Union County	Opened
4-25-2016	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	One West Chocolate Avenue Hershey Dauphin County	Opened
4-25-2016	PeoplesBank, A Codorus Valley Company York York County	211 Mount Carmel Road Parkton Baltimore County, MD	Opened
5-2-2016	Univest Bank & Trust Co. Souderton Montgomery County	1642 Fairmount Avenue Philadelphia Philadelphia County	Opened
5-3-2016	Coatesville Savings Bank Coatesville Chester County	625 Robert Fulton Highway Quarryville Lancaster County (Limited Service Facility)	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-29-2016	First Commonwealth Bank Indiana Indiana County	4750 Clairton Boulevard Pittsburgh Allegheny County	Closed
4-26-2016	Northwest Bank Warren Warren County	36 West Main Street Rochester Monroe County, NY	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-26-2016	Northwest Bank Warren Warren County	28550 Westlake Village Drive Westlake Cuyahoga County, OH	Closed
4-26-2016	Northwest Bank Warren Warren County	5835 Forbes Avenue Pittsburgh Allegheny County	Closed
4-26-2016	Northwest Bank Warren Warren County	1900 River Road Clearfield Clearfield County	Closed
4-26-2016	Northwest Bank Warren Warren County	2220 South Queen Street York York County	Closed
4-26-2016	Northwest Bank Warren Warren County	5800 Peach Street Erie Erie County	Closed
4-26-2016	Northwest Bank Warren Warren County	1524 West College Avenue State College Centre County	Closed
4-26-2016	Northwest Bank Warren Warren County	1055 Baltimore Street Hanover York County	Closed
4-26-2016	Northwest Bank Warren Warren County	1613 Bald Eagle Street Sligo Clarion County	Closed
4-26-2016	Northwest Bank Warren Warren County	102 East State Street Pleasantville Venango County	Closed
4-26-2016	Northwest Bank Warren Warren County	770 Cumberland Street Lebanon Lebanon County	Closed
4-26-2016	Northwest Bank Warren Warren County	1 West Chocolate Avenue Hershey Dauphin County	Closed
4-26-2016	Northwest Bank Warren Warren County	2483 Stiegel Pike Schaefferstown Lebanon County	Closed
4-26-2016	Northwest Bank Warren Warren County	53 Main Street Lawrenceville Tioga County	Closed
4-26-2016	Northwest Bank Warren Warren County	1379 Bucktail Road St. Mary's Elk County	Closed
4-26-2016	Northwest Bank Warren Warren County	401 State Street Erie Erie County	Closed
4-26-2016	Northwest Bank Warren Warren County	922 Columbia Avenue Lancaster Lancaster County	Closed
4-26-2016	Northwest Bank Warren Warren County	1784 Main Street Marianna Washington County	Closed
4-26-2016	Northwest Bank Warren Warren County	1265 West Chestnut Street Washington Washington County	Closed
4-26-2016	Northwest Bank Warren Warren County	120 North 4th Street Wrightsville York County	Closed
4-26-2016	Northwest Bank Warren Warren County	807 West Avenue Elyria Lorain County, OH	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-26-2016	Northwest Bank Warren Warren County	26376 John Road Olmstead Falls Cuyahoga County, OH	Closed
4-26-2016	Northwest Bank Warren Warren County	2470 Longstone Lane Marriottsville Howard County, MD	Closed

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-3-2016	Healthcare First Credit Union Johnstown Cambria County Merger of Altoona Regional Health System Federal Credit Union, Altoona, with and into Healthcare First Credit Union, Johnstown. As a result of the merger, the following branch offices of Altoona Regional Health System Federal Credit Union became branch offices of Healthcare First Credit Union: 620 Howard Avenue Altoona Blair County 2786 Route 764 Duncansville Blair County	Effective

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-865. Filed for public inspection May 20, 2016, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Substantial Amendment to the 2014—2018 Consolidated Plan and 2016 Action Plan; National Housing Trust Fund Method of Distribution; Public Meeting

Notice is given of the public comment period to review the proposed substantial amendment to the Commonwealth's 2014—2018 Consolidated Plan and Action Plan for Federal Fiscal Year (FY) 2016. The public comment period is from May 22, 2016, through June 21, 2016.

Annually the Department of Community and Economic Development (Department) prepares the Action Plan which outlines the Method of Distribution for Federal funding received by the Department. This Federal funding includes the new National Housing Trust Fund (HTF). The 2016 Action Plan for these funds was finalized and submitted to the United States Department of Housing and Urban Development (HUD) for review on April 16, 2016. The Department is proposing changes to the Method of Distribution to include the HTF, which according to the Pennsylvania Citizen Participation Plan for the Consolidated Plan constitute a significant change in the distribution of funds under the program and thus necessitate a substantial amendment to the original Action Plan.

On May 4, 2016, HUD announced funding for the Commonwealth under the HTF enacted as part of the

Housing and Economic Recovery Act of 2008 (Pub.L. No. 110-289) to provide funding for housing for very low and extremely low income households. HUD has announced funding for the Commonwealth in the amount of \$3,862,285 for FY 2016.

The substantial amendment to the Action Plan and supporting documentation are available for a 30-day public comment period and can be viewed on the Department's web site at <http://newpa.com/>. The text is available to sight- and hearing-impaired persons using technological assisted devices on the Department's web site at the previously listed link. A translation into Spanish will also be available on the Department's web site for citizen comment. The final version of the substantial amendment will be submitted to HUD no later than July 5, 2016.

Persons who would like to provide written comment on the draft substantial amendment to the 2016 Action Plan may e-mail comments to RA-DCEDcdcbg&homequestions@pa.gov or mail to the attention of Megan Snyder, Department of Community and Economic Development, Center for Compliance Monitoring and Training, 400 North Street, 4th Floor, Harrisburg, PA 17120. Comments must be received before 4 p.m. on June 21, 2016.

Public Meeting

The public meeting for the substantial amendment will be conducted electronically on the Internet on Thursday, June 9, 2016. Access to the discussion on the Internet will occur between 1 p.m. to 2 p.m. This more widely available computer access will replace the onsite public meeting. The format will be more accessible than an in-person meeting because those who wish to make comment or

discuss policy may participate directly from their electronic device or from a computer located at their public library.

Any individual or organization may give testimony or comments on the Internet about the proposed changes to the HTF Method of Distribution for 2016 funding. The Commonwealth encourages public participation in this process.

Anyone who wants to participate must register in advance. Contact Megan L. Snyder at (717) 720-7404 to receive registration instructions for the Internet meeting at least 24 hours prior to the meeting date. If support is required during the meeting, call (717) 787-5327. The meeting will be shortened if there is no one to testify or there is minimal response.

Persons with a disability or limited English proficiency who wish to participate in the public meeting should contact Megan L. Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD at (717) 346-0308 to discuss how the Department can accommodate their needs.

Written Comments

Written testimony, instead of Internet testimony, must be submitted by 4 p.m. on Tuesday, June 21, 2016. Persons who would like to provide written comment on the draft substantial amendment to the 2014–2018 Consolidated Plan or the 2016 Action Plan may e-mail comments to RA-DCEDcdbg&homequestions@pa.gov or mail to the attention of Megan L. Snyder, Department of Community and Economic Development, Center for Community Financing, 400 North Street, 4th Floor, Harrisburg, PA 17120.

DENNIS M. DAVIN,
Secretary

(Editor's Note: See 46 Pa.B. 2643 (May 21, 2016) for a related notice from the Housing Finance Agency.)

[Pa.B. Doc. No. 16-866. Filed for public inspection May 20, 2016, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Pittsburgh Technical Institute to Merge with the Center for Excellence in Education and to Amend Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Pittsburgh Technical Institute to merge with the Center for Excellence in Education and to amend its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27–35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-8228 or write to the previous address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

PEDRO A. RIVERA,
Secretary

[Pa.B. Doc. No. 16-867. Filed for public inspection May 20, 2016, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Applications 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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0064033 (Sewage)	Vraj Temple STP 15 Manor Road Schuylkill Haven, PA 17972	Schuylkill County Wayne Township	Unnamed Tributary to Lower Little Swatara Creek (7-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0261670— SEW	Fredericksburg Sewer & Water Authority Little Swatara Creek STP PO Box 161 113 East Main Street Fredericksburg, PA 17026-0161	Lebanon County Bethel Township	Little Swatara Creek— 7D	Y
PA0247570— SEW	Fredericksburg Sewer & Water Authority Monroe Valley STP PO Box 161 113 East Main Street Fredericksburg, PA 17026-0161	Lebanon County Swatara Township	Swatara Creek—7D	Y
PA0084191— SEW	Peters Township Municipal Authority 5000 Steele Avenue PO Box 19 Lemasters, PA 17231-0019	Franklin County Peters Township	West Branch Conocochea 13C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0083984— SEW	Ltd Ranch House Family Inc. 133 Old Trail Road Duncannon, PA 17020	Perry County Watts Township	Susquehanna River 6C	Y
PA0052400— SEW	Irish Creek Village LLC 552 Irish Creek Road Morhsville, PA 19541-9333	Berks County Centre Township	Irish Creek 3B	Y
PA0247651— SW	United Parcel Service Inc. Lewistown Facility 1821 S. 19th Street Harrisburg, PA 17104	Mifflin County Armagh Township	UNT Kishacoquillas Creek 12A	Y
PA0023442— SEW	Wrightsville Borough Municipal Authority 301 Water Street PO Box 187 Wrightsville, PA 17368	York County Wrightsville Township	Susquehanna River 7I	Y
PA0088188— SEW	Gratz Borough Municipal Authority 125 North Center Street Gratz, PA 17030	Dauphin County Gratz Township	UNT Wiconisco Creek 6C	Y
PA0009458— SEW	Pittsburgh Glass Works 30 Isabella Street Pittsburgh, PA 152212	Blair County Tipton Village Antis Township	Little Juniata River 11A	Y
PA0083143— IW	Saxton Borough Municipal Authority 707 Ninth Street Saxton, PA 16678-1099	Bedford County Saxton Township	Raystown Br Jun R 11D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0254355 (Sewage)	Comanche 9 Single Residence STP 1776 Lambersville Road Stoystown, PA 15563	Somerset County Indian Lake Borough	Clear Run (18-E)	Yes

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

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

PA0033880, Sewage, SIC Code 4952, **Boyertown Area School District**, 1131 Montgomery Avenue, Boyertown, PA 19512-1299. Facility Name: New Hanover Upper Frederick Elementary School STP. This existing facility is located in New Hanover Township, **Montgomery County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly Report</i>	<i>Daily Maximum Report</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	XXX	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Sep 1 - May 31	XXX	XXX	6.0	XXX	XXX	9.0
Jun 1 - Aug 31	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Sep 1 - May 31	XXX	XXX	5.0	XXX	XXX	XXX
Jun 1 - Aug 31	XXX	XXX	5.0	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Total Residual Chlorine (TRC)						
Sep 1 - May 31	XXX	XXX	XXX	0.5	XXX	1.0
Jun 1 - Aug 31	XXX	XXX	XXX	0.5	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	0.834	XXX	XXX	10.0	XXX	20
Total Suspended Solids	0.834	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen	0.250	XXX	XXX	3.0	XXX	6
Total Phosphorus	0.125	XXX	XXX	1.5	XXX	3

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP When Municipal Sewers Available
- E. Chlorine Optimization
- F. Dry Stream Discharge
- G. Operator Notification
- H. Fecal Coliform Reporting

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.

PA0053538 Amendment No. 2, Storm Water, SIC Codes 2833, 2834, 2836, **Merck Sharp & Dohme Corp.**, 770 Sumneytown Pike, West Point, PA 19486. Facility Name: Merck Sharp & Dohme West Point PA. This existing facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Existing Activity: Amendment of an NPDES permit for an existing discharge of storm water from three detention basins. Detention Basin 4 drains through Outfall 001 to an unnamed intermittent tributary to Wissahickon Creek. Detention Basin 2 drains through Outfall 002 to an unnamed intermittent tributary to Towamencin Creek. Detention Basin 3 drains through Outfall 003 to an unnamed intermittent tributary to Wissahickon Creek. The amendment deletes monitoring requirements for acrylamide and chemical additives, and increases monitoring frequency for phosphorus.

The receiving streams, unnamed tributaries to Wissahickon Creek and unnamed tributary to Towamencin Creek, are located in State Water Plan watersheds 3-F and 3-E, respectively, and are classified for Trout Stocking, Migratory Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0053180, Sewage, SIC Code 4952, **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936. Facility Name: Eureka WWTP. This existing facility is located in Montgomery Township, **Montgomery County**.

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

The receiving stream(s), Little Neshaminy Creek, is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.4 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	Report	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.025	XXX	0.083
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30	400	600	XXX	20	30	40
May 1 - Oct 31	200	300	XXX	10	15	20
					Wkly Avg	
Biochemical Oxygen Demand (BOD ₅)					Wkly Avg	
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	600	900	XXX	30	45	60
					Wkly Avg	
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N						
Nov 1 - Jun 30	Report	XXX	XXX	Report	XXX	XXX
Jul 1 - Oct 31	180	XXX	XXX	9.0	XXX	18
Ammonia-Nitrogen						
Nov 1 - Apr 30	80	XXX	XXX	4.0	XXX	8
May 1 - Oct 31	40	XXX	XXX	2.0	XXX	4
Total Kjeldahl Nitrogen	Report	XXX	Report	XXX	XXX	XXX
			Avg Mo			
Total Phosphorus						
Nov 1 - Mar 31	26.0	XXX	XXX	1.3	XXX	2.6
Apr 1 - Oct 31	13.0	XXX	XXX	0.65	XXX	1.3
Dichlorobromomethane (Permit Effective Date through End of Year 3)	XXX	XXX	XXX	Report	Report	XXX
Chloroform (Permit Effective Date through End of Year 3)	XXX	XXX	XXX	Report	Report	XXX
Dichlorobromomethane (Beginning of Year 4 through Permit Expiration Date)	XXX	XXX	XXX	0.0011	0.0017	XXX
Chloroform (Beginning of Year 4 through Permit Expiration Date)	XXX	XXX	XXX	0.011	0.0172	XXX
Toxicity, Chronic—Ceriodaphnia						
Survival (TUc)	XXX	XXX	XXX	XXX	1.1	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	1.1	XXX
Toxicity, Chronic—Pimephales						
Survival (TUc)	XXX	XXX	XXX	XXX	1.1	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	1.1	XXX

The proposed effluent limits for Outfalls 002 and 003 are based on an average storm event.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

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

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

- No stormwater to sanitary sewers
- Necessary property rights
- Proper sludge disposal
- Chlorine minimization
- Notification of designation of responsible operator
- Fecal coliform reporting
- Operation and maintenance plan
- Whole effluent toxicity testing requirements
- Toxics Reduction Evaluation
- Stormwater requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

PA0057991, Sewage, SIC Code 4952, **Rothstein Tract Homeowners Association**, 1355 Pebble Hill Road, Doylestown, PA 18901. Facility Name: Rothstein Tract STP. This existing facility is located in Doylestown Township, **Bucks County**.

Description of Existing Activity: Application for the renewal of an NPDES permit to discharge treated sewage from a five-lot subdivision located at 1355 Pebble Hill Road.

The receiving stream(s), Neshaminy Creek, is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	XXX	XXX	XXX	25	XXX	50
May 1 - Oct 31	XXX	XXX	XXX	15	XXX	30
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- No Stormwater to Sewers
- Obtain Property Rights
- Proper Sludge Disposal
- Abandon STP when Public Sewer Available
- Chlorine Minimization
- Designated Responsible Operator

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.

PA0030970, Sewage, SIC Code 8221, **Cheyney University of Pennsylvania**, 1837 University Circle, Cheyney, PA 19319-0200. Facility Name: Cheyney University STP. This existing facility is located in Thornbury Township, **Delaware 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), Chester Creek, is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.27 MGD.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	56.3	XXX	XXX	25	XXX	50
Influent	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	67.6	XXX	XXX	30	XXX	60
Total Suspended Solids Influent	XXX	XXX	XXX	Report	XXX	Report
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	16.8	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	5.6	XXX	XXX	2.5	XXX	5
Total Phosphorus						
Nov 1 - Mar 31	4.5	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	2.3	XXX	XXX	1.0	XXX	2
Total Copper	XXX	XXX	XXX	Report	XXX	Report
Ultraviolet Light Dosage (mW/cm ²)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Avg		

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

Proposed Part C Conditions:

I. Other Requirements

A. No Stormwater

B. Acquire Necessary Property Rights

C. Proper Sludge Disposal

D. Abandon STP When Municipal Sewers Available

E. Notification of Designation of the Responsible Operator

F. Remedial Measures if Unsatisfactory Effluent

G. I-Max Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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

PA0027090, Sewage, SIC Code 4952, **Lackawanna River Basin Sewer Authority**, PO Box 280, Olyphant, PA 18447-0280. Facility Name: Throop Plant. This existing facility is located in Throop Borough, **Lackawanna 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), Lackawanna River, is located in State Water Plan watershed 5-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 10.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.09	XXX	0.3
CBOD ₅	1,251	1,877	XXX	15.0	22.5	30.0
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	2,502	3,753	XXX	30.0	45.0	60.0
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	375	XXX	XXX	4.5	XXX	9.0
Nov 1 - Apr 30	1,126	XXX	XXX	13.5	XXX	27.0
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Copper	1.2	1.8	XXX	0.014	0.022	XXX
					Daily Max	
Total Zinc	Report	Report	XXX	Report	Report	XXX
					Daily Max	
Total Iron	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Dichlorobromomethane	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
				Avg Yearly		
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX
				Avg Yearly		
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
				Avg Yearly		

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 (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	127,852			
Net Total Phosphorus	Report	17,047			

The proposed effluent limits for Outfall 028 are based on a design flow of 0.00 MGD (stormwater).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Kjeldahl—N	XXX	XXX	XXX	XXX	Report	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:

- Combined sewer overflow, pretreatment, Wet testing, and Chesapeake nutrient requirements

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 not in effect.

PA0070483, Industrial Waste, SIC Code 4953, **Grand Central Sanitary Landfill, Inc.**, 910 West Pennsylvania Avenue, Pen Argyl, PA 18072. Facility Name: Grand Central Sanitary Landfill. This existing facility is located in Plainfield Township, **Northampton County**.

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

The receiving streams, Little Bushkill Creek and Waltz Creek, are located in State Water Plan watershed 01F. Little Bushkill Creek is classified for High Quality Waters—Cold Water Fishes and Waltz Creek is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.100 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
True Color (Pt-Co Units)	XXX	XXX	XXX	100	XXX	XXX
CBOD ₅	20	XXX	XXX	25	XXX	75
Total Suspended Solids	Report	Report	XXX	27	88	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	1,000	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrite-Nitrate as N						
May - Sept	Report	Report	XXX	Report	Report	XXX
Total Nitrogen						
May - Sept	Report	Report	XXX	Report	Report	XXX
Ammonia-Nitrogen	2.5	XXX	XXX	3.0	XXX	6.0
Total Kjeldahl Nitrogen						
May - Sept	Report	Report	XXX	Report	Report	XXX
Total Phosphorus						
May - Sept	Report	Report	XXX	Report	Report	XXX
Total Boron	4.5	7.1	XXX	5.5	8.5	XXX
Total Zinc	Report	Report	XXX	0.11	0.20	XXX
Phenol	Report	Report	XXX	0.015	0.026	XXX
a-Terpineol	Report	Report	XXX	0.016	0.033	XXX
Benzoic Acid	Report	Report	XXX	0.071	0.12	XXX
p-Cresol	Report	Report	XXX	0.014	0.025	XXX

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrite-Nitrate as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Barium	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Cyanide	XXX	XXX	XXX	XXX	Report	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly	Daily Maximum	
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Magnesium	XXX	XXX	XXX	XXX	Report	XXX
Total Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Selenium	XXX	XXX	XXX	XXX	Report	XXX
Total Silver	XXX	XXX	XXX	XXX	Report	XXX
Total Organic Carbon	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Stormwater Outfalls 004, 005, 007, 008, 009 and 011 are based on a design flow of n/a MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrite-Nitrate as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Barium	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Cyanide	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Magnesium	XXX	XXX	XXX	XXX	Report	XXX
Total Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Selenium	XXX	XXX	XXX	XXX	Report	XXX
Total Silver	XXX	XXX	XXX	XXX	Report	XXX
Total Organic Carbon	XXX	XXX	XXX	XXX	Report	XXX

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

- Requirements Applicable to Stormwater Outfalls

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 not in effect.

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

PA0020826, Sewage, SIC Code 4952, **Dover Township**, 2480 W Canal Road, Dover, PA 17315. Facility Name: Dover Township STP. This existing facility is located in Dover Township, **York County**.

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

The receiving stream(s), Little Conewago Creek, is located in State Water Plan watershed 7-F 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 8.0 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	667	1,000	XXX	10	15	20
Nov 1 - Apr 30	1,334	2,000	XXX	20	30	40
Weekly Avg.						
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

NOTICES

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids	2,000	3,000 Weekly Avg.	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	100	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	300	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	133	XXX	XXX	2.0	XXX	4.0

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

<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 ³	Report	146,117	XXX	XXX	XXX	XXX
Net Total Phosphorus ³	Report	19,482	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 Requirements
- Whole Effluent Toxicity Testing Requirements
- Stormwater Monitoring Requirements

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

The EPA Waiver is not in effect.

PA0247642, Sewage, SIC Code 6514, **Clay Manor Homeowner's Association**, 11 E Manor Drive, Lititz, PA 17543. Facility Name: Clay Manor Homeowner's Association STP. This existing facility is located in Elizabeth Township, **Lancaster 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, Middle Creek, is located in State Water Plan watershed 7-J 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 0.011 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Total Monthly	Total Annual		Average Monthly	Maximum	
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N (lbs)	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (lbs)	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen (lbs)	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (lbs)	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX

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

The EPA Waiver is in effect.

PA0081213, Sewage, SIC Code 4952, **Clay Township Supervisors**, 870 Durlach Road, Stevens, PA 17578. Facility Name: Hopeland Village STP. This existing facility is located in Clay Township, **Lancaster 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, Unnamed Tributary to Middle Creek, is located in State Water Plan watershed 7-J 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 0.035 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.14	XXX	0.46
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	7.3	12 Wkly Avg	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	8.8	13 Wkly Avg	XXX	30	45	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Other Annual Final Effluent	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	3.1	XXX	XXX	10.5	XXX	21.0
May 1 - Oct 31	1.0	XXX	XXX	3.5	XXX	7.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	0.6	XXX	XXX	2.0	XXX	4.0
Total Phosphorus (Total Load, lbs) (lbs)						
Other Annual Final Effluent	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

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

The EPA Waiver is in effect.

PA0087271, Industrial, SIC Code 4941, **East Petersburg Borough**, 6040 Main Street, PO Box 176, East Petersburg, PA 17520. Facility Name: Koser Road Spring Facility. This existing facility is located in Manheim Township, **Lancaster County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0023 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	75
					Daily Max	

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

The EPA Waiver is in effect.

PA0247715, Sewage, SIC Code 8361, **Greater Gettysburg Development Company, LLC**, 601 Mason Dixon Road, Gettysburg, PA 17325. Facility Name: Gettysburg Commons STP. This existing facility is located in Straban Township, **Adams 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, Unnamed Tributary of Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.270 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	25	XXX	XXX	10.0	XXX	20
Total Suspended Solids	25	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	7.5	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	2.5	XXX	XXX	1.0	XXX	2
Total Phosphorus	0.75	XXX	XXX	0.3	XXX	0.6

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual	Monthly	Monthly Average	Maximum	
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

<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>	
Net Total Nitrogen ³	Report	5,479	XXX	XXX	XXX	XXX
Net Total Phosphorus ³	Report	274	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.

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.

PA0247715, Sewage, SIC Code 8361, **Greater Gettysburg Development Company, LLC**, 601 Mason Dixon Road, Gettysburg, PA 17325. Facility Name: Gettysburg Commons STP. This existing facility is located in Straban Township, **Adams 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, Unnamed Tributary of Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.270 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	25	XXX	XXX	10.0	XXX	20
Total Suspended Solids	25	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	7.5	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	2.5	XXX	XXX	1.0	XXX	2
Total Phosphorus	0.75	XXX	XXX	0.3	XXX	0.6

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 ³	Report	5,479	XXX	XXX	XXX	XXX
Net Total Phosphorus ³	Report	274	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.

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.

PA0020834, Sewage, SIC Code 4952, **Greencastle Borough Authority**, 60 N Washington Street, Greencastle, PA 17225-1230. Facility Name: Greencastle STP. This existing facility is located in Greencastle Borough, **Franklin County**.

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

The receiving stream(s), Unnamed Tributary to Conococheague Creek, is located in State Water Plan watershed 13-C and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.95 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.19	0.64 Daily Max	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	198.0	317.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	237.0	356.0	XXX	30.0	45.0	60
Total Dissolved Solids	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	74.63	XXX	XXX	9.42	XXX	18.84
May 1 - Oct 31	24.88	XXX	XXX	3.14	XXX	6.28
Sulfate, Total	Report	Report	XXX	Report	XXX	XXX
Chloride	Report	Report	XXX	Report	XXX	XXX
Bromide	Report	Report	XXX	Report	XXX	XXX

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Monthly	Annual	Monthly	Monthly Average	Maximum	Instant. Maximum
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	17,351.0	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	2,314.0	XXX	XXX	XXX	XXX

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

- Chesapeake Bay nutrients requirements
- eDMR use requirement
- Solids management
- Stormwater prohibition
- Optimization of chlorine usage
- Hauled-in waste restriction

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

The EPA Waiver is not in effect.

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

PA0026301-Amendment No. 2, Sewage, SIC Code 4952, **Erie City Sewer Authority & City of Erie**, 68 Port Access Road, Erie, PA 16507. Facility Name: Erie City STP. This existing facility is located in the City of Erie, **Erie County**.

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

The receiving stream, Lake Erie, is located in State Water Plan watershed 15 and is classified for warm water fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001(long submerged outfall) & 001A (short submerged outfall) are based on a design flow of 68.6 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/l)		Instant. Maximum
	Average Monthly	Average Weekly		Geometric Mean	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
				Avg Mo		
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
E. Coli (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	126	XXX	575

(The interim bacteria limits are being removed since the final limits are applicable)

The proposed effluent limits for Suboutfall 101 are based on a design flow of 68.6 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
					Max	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	14,303	22,885	XXX	25	40	50
Total Suspended Solids	17,164	25,746	XXX	30	45	60
Total Phosphorus	572	XXX	XXX	1.0	XXX	XXX
Mercury, Total (ng/L)	Report	XXX	XXX	13	XXX	32

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

- Chapter 95.4 time extension for meeting the final Mercury water quality based limit.

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

The EPA Waiver is not in effect.

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

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

WQM Permit No. 5416401, Sewage, **Saint Clair Sewer Authority Schuylkill County**, 16 S 3rd Street, Saint Clair, PA 17970-1207.

This proposed facility is located in St. Clair Borough, **Schuylkill County**.

Description of Proposed Action/Activity: Addition of Bar Screen to CSO Outfall # 008 headwall pipe outlet.

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

WQM Permit No. 3683415, Amendment, Sewerage, **City of Lancaster**, 120 North Duke Street, PO Box 1599, Lancaster, PA 17608-1599.

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

Description of Proposed Action/Activity: Seeking permit approval for the improvements to the AWWTP DO Control and BNR Improvements.

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

WQM Permit No. 5616400, Hillcrest Saylor Dairy LLC, 3684 Kingwood Road, Rockwood, PA 15557-7802.

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

Description of Proposed Action/Activity: The applicant proposes to build a reception pit to serve a proposed heifer barn at Hillcrest Saylor Dairy Farm.

WQM Permit No. 6516401, Sewage, **Sewickley Township Municipal Sewer Authority Westmoreland County**, 312 Sewickley Avenue, Herminie, PA 15637-1439.

This proposed facility is located in Sewickley Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of sewer lines, pump station and STP.

WQM Permit No. 0216401, Sewage, **Mccandless Township Sanitary Authority Allegheny County**, 418 Arcadia Drive, Pittsburgh, PA 15237.

This proposed facility is located in McCandless Township, **Allegheny County**.

Description of Proposed Action/Activity: construction and operation of the Sample Valley pump station, force main and sanitary sewers.

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

WQM Permit No. 6216402, Sewage, **Benjamin L. Eckstrom**, 12014 Route 957, Sugar Grove, PA 16350-3830.

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

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

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

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

Lackawanna County Conservation Dist, 1038 Montdale Road, Suite 109, Scott Twp., PA 18447

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023516003	Pennsylvania Department of Transportation 55 Keystone Industrial Park Dunmore, PA 18512	Lackawanna	Covington Township	Langan Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023916006	Martin P. Mariano Mariano Rentals 72 Edwards Drive Bloomsburg, PA 17815	Lehigh	South Whitehall Township	Little Cedar Creek (HQ-CWF, MF)

Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010005R	Wlodzierz Jaskiewicz 12 Jaskiewicz Way White Haven, PA 18661	Luzerne	Rice Township	Big Wapwallopen Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033616004	David S and Lydia B. King 1854 Susquehannock Drive Drumore, PA 17518-9737	Lancaster	Drumore Township	Susquehanna River (WWF) UNT Susquehanna River (HQ-CWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041416008	Columbia Gas of PA, Inc. 4000 Energy Drive Bridgeville, PA 15017	Centre	Patton Township Benner Township	UNT Buffalo Run, HQ-CWF, UNT-Big Hollow, CWF

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI046016001	Leroy Troester, Jr. 175 Cannon Road Mifflinburg, PA 17841	Union	Buffalo Twp	UNT to Buffalo Creek, CWF

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

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050216005	Uber Advanced Technologies Center, 3011 Smallman Street Pittsburgh, PA 15201	Allegheny County	City of Pittsburgh	Allegheny River (WWF)
PAI056516002	Export Fuel Company, Inc. 231 York Lane Export, PA 15632	Westmoreland County	Salem Township	Thorn 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.

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Bellaire Farms, LLC 225 Oberholtzer Road Elizabethtown, PA 17022	Lancaster	28.6	262.55	Broilers	NA	N
Bleacher Farms, LLC 1206 Breneman Road Conestoga, PA 17516	Lancaster	80.6	465.57	Layers	NA	R

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

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

Application No. 1416503—Construction Public Water Supply.

Applicant	Spring Township Water Authority
Township/Borough	Spring Township
County	Centre
Responsible Official	Doug Weikel, Chairman Spring Township Water Authority 1309 Blanchard Street Belleville, PA 16823
Type of Facility	Public Water Supply
Consulting Engineer	Andrew H. Johnson, P.E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Application Received	May 6, 2016
Description of Action	Development of a new groundwater well, construction of a new well building featuring booster pumps and a gas chlorine feed system, access road and miscellaneous appurtenances.

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

Permit No. 6316501, Public Water Supply.

Applicant	Authority of the Borough of Charleroi 3 McKean Avenue PO Box 211 Charleroi, PA 15022
[Township or Borough]	Charleroi Borough
Responsible Official	Edward J. Golanka, General Manager Authority of the Borough of Charleroi 3 McKean Avenue PO Box 211 Charleroi, PA 15022
Type of Facility	Water system
Consulting Engineer	Chester Engineers 1555 Coraopolis Heights Road Moon Township, PA 15108
Application Received Date	April 27, 2016
Description of Action	Installation of a TTHM removal ventilation system at the Reservoir # 1 water storage tank.

Permit No. 6316502 , Public Water Supply.	
Applicant	Authority of the Borough of Charleroi 3 McKean Avenue PO Box 211 Charleroi, PA 15022
[Township or Borough]	Charleroi Borough
Responsible Official	Edward J. Golanka, General Manager Authority of the Borough of Charleroi 3 McKean Avenue PO Box 211 Charleroi, PA 15022
Type of Facility	Water system
Consulting Engineer	Chester Engineers 1555 Coraopolis Heights Road Moon Township, PA 15108
Application Received Date	April 27, 2016
Description of Action	Installation of a TTHM removal ventilation system at the Reservoir # 2 water storage tank.

Permit No. 6316503, Public Water Supply.

Applicant	Authority of the Borough of Charleroi 3 McKean Avenue PO Box 211 Charleroi, PA 15022
[Township or Borough]	Twilight Township
Responsible Official	Edward J. Golanka, General Manager Authority of the Borough of Charleroi 3 McKean Avenue PO Box 211 Charleroi, PA 15022
Type of Facility	Water system
Consulting Engineer	Chester Engineers 1555 Coraopolis Heights Road Moon Township, PA 15108
Application Received Date	April 27, 2016
Description of Action	Installation of a TTHM removal system at the Speers water storage tank.

Permit No. 6316504, Public Water Supply.

Applicant	Authority of the Borough of Charleroi 3 McKean Avenue PO Box 211 Charleroi, PA 15022
[Township or Borough]	Fallowfield Township
Responsible Official	Edward J. Golanka, General Manager Authority of the Borough of Charleroi 3 McKean Avenue PO Box 211 Charleroi, PA 15022

Type of Facility Water system
 Consulting Engineer Chester Engineers
 1555 Coraopolis Heights Road
 Moon Township, PA 15108
 Application Received April 27, 2016
 Date
 Description of Action Installation of a TTHM removal
 system at the Fallowfield
 (Truman Road) 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. 0216509MA, Minor Amendment.

Applicant **Hampton Shaler Water Authority**
 PO Box 66
 3101 McCully Road
 Allison Park, PA 15101
 [Township or Borough] Shaler Township
 Responsible Official Samuel Scarfone,
 Executive Director
 Hampton Shaler Water Authority
 PO Box 66
 3101 McCully Road
 Allison Park, PA 15101
 Type of Facility Water system
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205
 Application Received April 27, 2106
 Date
 Description of Action Painting of the Eade Avenue
 Tank No. 3.

Application No. 0216510MA, Minor Amendment.

Applicant **Borough Tarentum**
 318 2nd Avenue
 Tarentum, PA 15084
 [Township or Borough] Tarentum Borough
 Responsible Official Michael Gutonski,
 Borough Manager
 Borough Tarentum
 318 2nd Avenue
 Tarentum, PA 15084
 Type of Facility Water system
 Consulting Engineer Gibson-Thomas Engineering
 Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650
 Application Received May 3, 2016
 Date
 Description of Action Painting of Tank No. 2.

Application No. 021651MA, Minor Amendment.

Applicant **West View Water Authority**
 210 Perry Highway
 Pittsburgh, PA 15229
 [Township or Borough] Franklin Park and
 Marshall Township
 Responsible Official Joseph A. Dinkel, Executive
 Director of Operations
 West View Water Authority
 210 Perry Highway
 Pittsburgh, PA 15229
 Type of Facility Water system
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024
 Application Received April 26, 2016
 Date
 Description of Action Installation of approximately 500
 feet of 8-inch and 1,280 feet of
 6-inch diameter waterline and
 appurtenances along Sunny Hill
 Road.

Application No. 1116502MA, Minor Amendment.

Applicant **Greater Johnstown Water Authority**
 640 Franklin Street
 PO Box 1407
 Johnstown, PA 15901
 [Township or Borough] Southmont Borough
 Responsible Official Michael Kerr, Manager
 Greater Johnstown Water
 Authority
 640 Franklin Street
 PO Box 1407
 Johnstown, PA 15901
 Type of Facility Water system
 Consulting Engineer Gibson-Thomas Engineering
 Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650
 Application Received April 20, 2016
 Date
 Description of Action Construction of the Shady Lane
 pressure reducing vault.

WATER ALLOCATIONS

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

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

WA3-906A, Water Allocations. West Kittanning Municipal Authority, 229 Arthur Street, Kittanning, PA 16201, Armstrong County. The applicant is requesting the right to purchase 165,000 gallons of water per day, peak month, from the Kittanning Suburban Joint Water Authority.

WA4-692B, Water Allocations. **New Sewickley Township Municipal Authority**, 233 Miller Road, Rochester, PA 15047, **Beaver County**. The applicant is requesting the right to purchase 230,000 gallons of water per day, peak month, from the Ambridge Water Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form,

contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

Canizares Residence, 105 Ottawa Trail, Tobyhanna Township, **Monroe County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Ms. Marie Canizares, 7803 Horrocks Street, Philadelphia, PA 19152, submitted a Notice of Intent to Remediate. A release of heating oil impacted soils at the site. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in the *Pocono Record* on April 8, 2016.

Dibose Residence, 214 Church Street, Bangor Borough, **Northampton County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Ms. Lori Dibose, 214 Church Street, Bangor, PA 18013, submitted a Notice of Intent to Remediate. A release of fuel oil # 2 occurred when a furnace malfunctioned at the site. The Notice of Intent to Remediate was published in the *Pocono Record* on April 25, 2016.

MUNICIPAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGM056. Ecorich, LLC, 13 Spencer Court, Morris Plains, NJ 07950-2723. This application is for a new General Permit for the beneficial use of compost generated from the captive use of a purchased, self-contained, mechanical, wet waste recycling machine used in food service facilities. The application was determined to be administratively complete by Central Office on May 2, 2016.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGM053" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**REGISTRATION FOR RESIDUAL WASTE
GENERAL PERMITS**

Registration(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

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

General Permit Application Number WMGR097R031. CRS Reprocessing LLC, 569 Industrial Drive, Lewisberry, PA 17339 in **York County**. General Permit Number WMGR097 authorizes research and development projects. The proposed project is for reclamation of silicon powder generated during slicing of silicon ingots into wafers to be used by the solar and semiconductor industry. The application for registration was deemed administratively complete by Central Office on May 9, 2016.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR097R031" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

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

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

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

Permit Application No. 101494. Waste Management of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is for Closure/Post-Closure Plan Revisions and a one-year extension for final capping activities (to November 2018) for Tullytown Resource Recovery Facility, a municipal waste landfill located in Falls Township and Tullytown Borough, **Bucks County**. The application was received by the Southeast Regional Office on May 5, 2016.

AIR QUALITY

**PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS**

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

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

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

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

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

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

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

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

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

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

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

39-00006D: American Craft Brewery, 7880 Penn Drive, Breinigsville, PA 18031-1508. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a Plan Approval # 39-00006D to American Craft Brewery, 7880 Penn Drive, Breinigsville, PA 18031-1508, for their plant located in Upper Macungie Township, **Lehigh County**. The facility currently has Title V Permit No. 39-00006. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 39-00006D is for the construction and operation of an additional ISEP System (melt beverage filtering system). The facility will add an additional ISEP System to the process thereby modifying the process used to produce CMB, resulting in the ability to process more CMB at the facility. However, the ISEP System is not an emissions unit and will not result in any direct emissions of regulated New Source Review (NSR) pollutants. The proposed modification will affect several emissions units located upstream and downstream of the proposed ISEP System.

The proposed ISEP system will result in increase of 2.08 TPY of VOC emissions for the facility from the affected upstream and downstream process equipment. The company's proposal to use good management practices for operation and maintenance of the associated equipment constitutes BAT for this type of operations.

A review of the information submitted by the company indicates that the proposed project will meet all applicable State and Federal air quality requirements. Based upon these findings, DEP plans to approve the application and issue a permit for the facility.

In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-

00006D and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

36-05152D: Kellogg USA Inc. (2050 State Road, Lancaster, PA 17604) for the construction of a new SLY Inc., Model STJ-1511-10, baghouse to control the air emissions from the packing area for Lines 12, 14 and 23 at the East Hempfield plant located in East Hempfield Township, **Lancaster County**. The expected increase in facility potential emissions as a result of the changes proposed is: 0.10 tpy of PM₁₀. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

11-00536: CPV Fairview, LLC (50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184) in accordance with 25 Pa. Code §§ 127.44—127.46, for intent to issue plan approval for construction and temporary operation of a 1,020 MW (nominal) combined-cycle electric generating station known as the CPV Fairview Energy Center ("facility") to be located at 2862 William Penn Avenue, Johnstown, PA 15909, in Jackson Township, **Cambria County**. The facility will include two (2) GE 7HA.02 combustion turbines in a 2-on-1 combined-cycle arrangement equipped with heat recovery steam generators (HRSG) with supplemental 425 MMBtus/hr fired duct burners controlled by selective catalytic reduction and oxidation catalysts. The combustion turbine fuels will be natural gas and an ethane blend (25% ethane and 75% natural gas, by volume), with ultra-low sulfur diesel (ULSD) fuel as back-up. The duct burners will utilize natural gas and the ethane blend only. Ancillary sources

at the facility will include one (1) 92.4 MMBtus/hr natural gas-fired auxiliary boiler with ultra-low NO_x burners and flue gas recirculation, two (2) 1,500 ekW ULSD-fired emergency generator engines, one (1) 422-bhp ULSD-fired emergency fire pump engine, one (1) natural gas-fired dew point heater with maximum heat input of 12.8 MMBtus/hr, one (1) natural gas-fired dew point heater with maximum heat input of 3.2 MMBtus/hr, one (1) 1,000,000-gallon ULSD storage tank, and a 12-cell mechanical draft wet cooling tower with high-efficiency drift eliminator. Fugitive emissions sources will include eight (8) sulfur hexafluoride insulated circuit breakers; natural gas and ethane blend metering, regulating, and associated piping components (valves, flanges, relief valves, and sampling connections, etc.); and plant roadways.

Annual potential to emit from the facility will not equal or exceed 241 tons of nitrogen oxides (NO_x), 141 tons of carbon monoxide (CO), 33 tons of sulfur oxides (SO_x), 67 tons of volatile organic compounds (VOC), 11 tons of total hazardous air pollutants (HAPs), 1 ton of formaldehyde (HCHO), 137 tons of particulate matter (PM, filterable and condensable), 137 tons of particulate matter with an aerodynamic diameter less than 10 microns (PM₁₀, filterable and condensable), 136 tons of particulate matter with an aerodynamic diameter less than 2.5 microns (PM_{2.5}, filterable and condensable), 20 tons of sulfuric acid mist (H₂SO₄), 125 tons of ammonia, and 3,562,300 tons of greenhouse gases (GHGs) as carbon dioxide equivalents (CO₂e).

CPV's application for plan approval is subject to the Prevention of Significant Deterioration (PSD) requirements of 40 CFR 52.21, Nonattainment New Source Review (NSR) requirements of 25 Pa. Code Chapter 127 Subchapter E, and the requirement to meet Best Available Technology (BAT) pursuant to 25 Pa. Code § 127.1. The Department has determined that each proposed source at the facility meets best available control technology (BACT), lowest achievable emission rate (LAER), and BAT requirements.

The proposed sources are subject to the following New Source Performance Standards (NSPS): 40 CFR Part 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE), and 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines. The sources are also subject to the following National Emissions Standards for Hazardous Air Pollutants: 40 CFR Part 63 Subpart ZZZZ—National

Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The authorization is also subject to the applicable regulations of 25 Pa. Code Article III related to Air Resources. The plan approval has been conditioned to ensure compliance with all applicable rules and regulations and includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. Once compliance with the plan approval is demonstrated, the applicant will subsequently apply for a Title V Operating Permit in accordance with 25 Pa. Code Subchapter G.

In accordance with the Prevention of Significant Deterioration (PSD) regulations in 40 CFR 52.21 and 25 Pa. Code § 127.83, CPV Fairview, LLC has conducted an air quality analysis which utilized dispersion modeling. CPV Fairview's air quality analysis satisfies the requirements of the PSD regulations and is consistent with the U.S. Environmental Protection Agency's (EPA) Guideline on Air Quality Models (40 CFR Part 51, Appendix W) and the EPA's air quality modeling policy and guidance. In accordance with 40 CFR 52.21(k), CPV Fairview's air quality analysis demonstrates that the proposed emissions the facility would not cause or contribute to air pollution in violation of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter less than or equal to 2.5 micrometers in diameter (PM_{2.5}), or particulate matter less than or equal to 10 micrometers in diameter (PM₁₀). CPV Fairview's air quality analysis demonstrates that the proposed emissions from the facility would not cause or contribute to air pollution in violation of the increments for NO₂, PM_{2.5}, or PM₁₀.

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

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

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

Table 1—Degree of Class II Increment Consumption from Operation of CPV Fairview's Facility

Pollutant	Averaging Period	Degree of Class II Increment Consumption		Class II Increment
		micrograms per cubic meter	% of Class II Increment	micrograms per cubic meter
NO ₂	Annual	< 0.98616	< 3.95%	25
PM _{2.5}	24-Hour	< 8.55262	< 95.03%	9
	Annual	< 0.31552	< 7.89%	4
PM ₁₀	24-Hour	< 14.01413	< 46.72%	30
	Annual	< 0.40392	< 2.38%	17

Table 2—Degree of Class I Increment Consumption from Operation of CPV Fairview's Facility

Pollutant	Averaging Period	Degree of Class I Increment Consumption		Class I Increment
		micrograms per cubic meter	% of Class I Increment	micrograms per cubic meter
NO ₂	Annual	< 0.00713	< 0.29%	2.5
PM _{2.5}	24-Hour	< 0.00001	< 0.01%	2
	Annual	< 0.00533	< 0.54%	1
PM ₁₀	24-Hour	< 0.22516	< 2.82%	8
	Annual	< 0.00535	< 0.14%	4

In accordance with 40 CFR 52.21(l)(2), where an air quality model specified in the EPA's Guideline on Air Quality Models is inappropriate, the model may be modified on a case-by-case basis. Written approval of the EPA Regional Administrator must be obtained for the use of a modified model. In addition, the use of a modified model must be subject to notice and opportunity for public comment under procedures developed in accordance with 40 CFR 52.21(q). CPV Fairview's air quality analysis for nitrogen dioxide (NO₂) utilized the Ozone Limiting Method (OLM), which is currently implemented as a non-regulatory-default option within the EPA's recommended near-field dispersion model, the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD). In accordance with the recommendations under subsection 3.2 of the EPA's Guideline on Air Quality Models, the Department submitted a request to EPA Region III for approval of the use of the OLM in CPV Fairview's air quality analysis for NO₂ on January 6, 2016. The EPA Regional Administrator approved the Department's request on March 14, 2016. Pursuant to 25 Pa. Code §§ 127.44 and 127.83, and 40 CFR 52.21(l)(2) and (q), notice is hereby given that the Department is expressly soliciting written comments on the use of the OLM in CPV Fairview's air quality analysis for NO₂.

A person may oppose the proposed plan approval by filing a written protest with the Department or may submit written comments through Devin P. Tomko via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; via email to dtomko@pa.gov; or via fax to 412-442-4194. 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 (11-00536) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

CPV Fairview's plan approval application, the Department's Air Quality review memorandum, and the proposed Air Quality plan approval for the facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the 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 the facility, a person may contact Phil Bouse at pbouse@pa.gov or 412-442-4000.

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

Notice is also hereby given pursuant to 25 Pa. Code §§ 127.44, 127.45, and 127.48 that the Pennsylvania

Department of Environmental Protection (DEP) will hold a public conference and hearing on Tuesday, June 21, 2016, at 6:00 PM at Jackson Township Fire Hall, 176 Adams Avenue, Mineral Point, PA 15942.

The hearing is to accept testimony concerning the DEP's intent to issue plan approval 11-00536 to CPV Fairview, LLC (CPV) for the construction and temporary operation of a proposed 1,020 MW (nominal) combined-cycle electric generating station known as the CPV Fairview Energy Center in Jackson Township, Cambria County. Separate notice of intent to issue the plan approval was concurrently published in the *Pennsylvania Bulletin* to solicit public comments. Appointments may be made to review the DEP files on this case by contacting the DEP Southwest Regional Office File Review Coordinator at 412-442-4000.

In accordance with 25 Pa. Code §§ 127.48 and 127.49, the DEP will accept and record testimony concerning CPV's application. Persons wishing to present testimony at the hearing should contact DEP Southwest Regional Office Community Relations Coordinator John Poister at 412-442-4203 before 12:00 PM on June 21, 2016. Individuals who do not register may also present testimony the day of the hearing. Organizations are encouraged to designate one witness to present testimony on behalf of the organization. Persons unable to attend the conference and hearing may submit three copies of a written statement and exhibits within 10 days thereafter to the Pennsylvania Department of Environmental Protection, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written statement must contain the name, address, and telephone number of the person submitting the statement and identification of the proposed plan approval (11-00536).

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact John Poister or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

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

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328

24-009H: Domtar Paper Company, LLC (100 Center Street, Johnsonburg, PA 15845) for modifications to the existing Boiler Nos. 81 & 82 at their facility in Johnsonburg Borough, **Elk County**. This is a Title V facility.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 24-009H to Domtar Paper Company,

LLC for modifications to the existing Boiler Nos. 81 & 82 at their facility in Johnsonburg Borough, Elk County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The Department is re-publishing this notice to clarify the total emissions expected from this project. Disregard any prior *Pennsylvania Bulletin* notices for this project.

Plan Approval No. 24-009H is for modifications to the existing Boiler Nos. 81 & 82 (Source ID's 040, 041) in order to combust 100% natural gas as an alternate operating scenario. Based on the information provided by the applicant and DEP's own analysis, total potential emissions from the subject source(s) will be 233.8 tons of nitrogen oxides (NO_x), 140.4 tons of carbon monoxide (CO), 16.8 tons of particulate matter, 12.2 tons of volatile organic compounds (VOC), 1.4 ton of sulfur dioxide (SO₂), and 4.2 tons of total hazardous air pollutants (HAP) per year under the alternate operating scenario. The Plan Approval will contain testing, monitoring, reporting, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Additionally, the Plan Approval will contain applicable provisions of 40 CFR 63 Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers and Process Heaters). Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 24-009H and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Christina S. Nagy, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

61-208A: Specialty Fabrication and Powder Coating Company (P.O. Box 790, Franklin, PA 16323) The Department intends to issue a plan approval to Specialty Fabrication and Powder Coating Company, for the construction and operation of a new paint process at their facility located in Sugarcreek Township, **Venango County**. An existing paint process will be removed in conjunction with this project.

Emissions from the surface coating process will be controlled through application technology and a booth exhaust media filter (pad style). SFPC will utilize high

volume low pressure (HVLP) gun technology assisted by electrostatic deposition. It is estimated the transfer efficiency achieved will exceed 85%. The condition of the filter used to control particulate from the booth will be monitored via pressure drop readings. This project also includes the installation of a makeup air heater unit and a batch oven, each used to assist in the drying of recently coated material. The makeup air heater unit will also assist in the application process keeping the operating temperature in the intended range of the coating product. Emissions from the facility will increase by an additional 0.1 tpy of VOC, 1.76 tpy of NO_x, 1.47 tpy of CO, and 0.13 tpy of PM. The current emission rate limits of the permit will not be increased. This facility will remain a natural minor facility not subject to Title V.

The Plan Approval will contain testing, recordkeeping, emission restriction, monitoring, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [61-208A: Specialty Fabrication and Powder Coating Company] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Christina Nagy, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6411.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

PLAN APPROVAL

PUBLIC HEARINGS

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

*Contact: Mark R. Gorog, P.E., Environmental Engineer
Manager—Telephone: 412-442-4150*

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44, 127.45, and 127.48 that the Pennsylvania

Department of Environmental Protection (DEP) will hold a public conference and hearing on Tuesday, June 21, 2016, at 6:00 PM at Jackson Township Fire Hall, 176 Adams Avenue, Mineral Point, PA 15942.

The hearing is to take testimony concerning the DEP's intent to issue plan approval 11-00536 to CPV Fairview, LLC (CPV) for the construction and temporary operation of a proposed 1,020 MWs (nominal) combined-cycle electric generating station known as the CPV Fairview Energy Center in Jackson Township, Cambria County. Separate notice of intent to issue the plan approval was concurrently published in the *Pennsylvania Bulletin* to solicit public comments. Appointments may be made to review the DEP files on this case by contacting the DEP Southwest Regional Office File Review Coordinator at 412-442-4000.

In accordance with 25 Pa. Code §§ 127.48 and 127.49, the DEP will accept and record testimony concerning CPV's application. Persons wishing to present testimony at the hearing should contact DEP Southwest Regional Office Community Relations Coordinator John Poister at 412-442-4203 before 12:00 PM on June 21, 2016. Individuals who do not register may also present testimony the day of the hearing. Organizations are encouraged to designate one witness to present testimony on behalf of the organization. Persons unable to attend the conference and hearing may submit three copies of a written statement and exhibits within 10 days thereafter to the Pennsylvania Department of Environmental Protection, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written statement must contain the name, address and telephone number of the person submitting the statement and identification of the proposed plan approval (11-00536).

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 should contact John Poister or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

OPERATING PERMITS

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

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

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

54-00005: Wheelabrator Frackville Energy, Inc., (475 Morea Road, Frackville, PA 17931-2340) The Department intends to issue a renewal Title V Operating Permit for a power generating facility in Mahanoy Township, **Schuylkill County**. The facility sources include: one (1) 547 MMBtu/hr fluidized bed boiler, four (4) storage tanks, two (2) limestone silos, two (2) ash silos, one (1) hydrated lime silo, two (2) culm bunkers, one (1) coal bin, one (1) ash silo unloading station, one (1) underground feed dumping system, one (1) auxiliary diesel boiler feedwater pump, one (1) auxiliary diesel generator, one (1) diesel fire pump, and two (2) facility haul roads. Actual emissions reported in year 2015 from the facility were as follows: Carbon Monoxide (CO)—136.33 tpy, Lead—0.003 tpy, Nitrogen Oxides (NO_x)—320.40 tpy, Particulate Matter (PM₁₀)—16.95 tpy, Particulate Matter (PM_{2.5})—13.30 tpy, Sulfur Oxides (SO_x)—369.02 tpy, and Volatile Organic Compounds (VOC)—4.30 tpy. The proposed renewal Title V Operating Permit contains all applicable requirements

including Federal and State regulations. The facility is also subject to Phase II acid rain requirements under Title IV of the Clean Air Act. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

66-00001: Proctor and Gamble Paper Products Co. (P.O. Box 32, State Route 87 South, Mehoopany, PA 18629) The Department intends to issue a Title V Operating Permit renewal for operation in Washington Township, **Wyoming County**. The sources on site include natural gas fired boilers, a paper fines fired boiler, a natural gas fired combustion turbine, diesel fired pumps, emergency generators, and miscellaneous space heaters. Additional processes include papermaking machines, pulp preparation, printing processes, converting lines, diaper lines, wastewater treatment processes, and a parts washer. Control equipment at the facility includes multi-cyclones, venturi scrubbers, settling chambers, a thermal oxidizer, baghouses, and drum filters. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. The proposed operating permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

24-00012: Graftech USA LLC (800 Theresia Street, Saint Marys, PA 15857-1831) for renewal of the Title V Operating Permit. The facility is located in the City of Saint Marys, **Elk County**. The facility's emitting sources include: 1) Coke Unloading; 2) Storage, Preheaters, Screening, Crushing; 3) Pitch Impregnation; 4) Mixer, Feeder, Scale; 5) 48' Extrusion Press System; 6) Burn Off Oven; 7) L.G. Coke Screening; 8) Liquid Pitch Storage & Distribution; 9) Air/Vegetable Oil Quench System; 10) Pitch Storage; 11) Coke Handling, 12) Sixteen Carbottom Furnaces; 13) Longitudinal Graphitizers; 14) Sagger Sand Handling System; 15) Parts Cleaners; 16) Graphite Bagging System; 17) Machining Operations; 18) Petroleum Coke Flour Mill; 19) 153 HP Cummins Natural Gas Emergency Engine; 20) 115 HP Natural Gas Emergency Generator Engine; 21) 67 HP Diesel Fueled Emergency Engine for Fire Pump; and, 22) 105 HP Natural Gas Emergency Generator. The emergency generators are subject to 40 CFR Part 60, Subpart JJJJ and 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart JJJJ and ZZZZ have been included in the permit. The facility is a major facility due to its potential to emit of VOC and oxides of Sulfur. The facility reported the following emissions for 2015: Oxides of Nitrogen 8.6 Tons per year (TPY); Particulate Matter less than 10 Micron 22.74 TPY; Oxides of Sulfur 224.18 TPY; Volatile Organic Compounds 33.77 TPY. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is also subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 CFR Part 64. Appropriate permit conditions to address the applicable CAM requirements were previously included in the permit.

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

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

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

46-00268: Colorcon, Inc. (275 Ruth Road, Harleysville, PA 19438) for a renewal of State Only (Synthetic Minor) Operating Permit No. 46-00268 for an emergency generator set at the facility located in Lower Salford Township, **Montgomery County**.

No changes have occurred at the facility since the State Only Operating Permit (SOOP) was last modified in 2013. The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

09-00004: Oliver-Tolas Healthcare Packaging, Inc. (905 Pennsylvania Boulevard, Feasterville, PA 19053), for a State Only, Synthetic Minor Operating Permit Renewal in Lower Southampton Township, **Bucks County**. Oliver-Tolas creates and supplies printing for flexible medical device packaging. The facility operates rotogravure, flexographic, and letterpress printing operations, and cold cleaning machines. The primary pollutant of concern is volatile organic compounds (VOC) from the printing and cleaning processes which have the potential to exceed major thresholds. The company has elected to take appropriate operating and emission restrictions to limit VOC emissions to below 24.9 tons per year and maintain a synthetic minor operating status. The facility has added one cold cleaning unit to facility since their operating permit was last issued in 2011. Monitoring, record keeping and reporting requirements are included in the permit to address applicable limitations.

46-00127: Verizon Pennsylvania, Inc.—Fort Washington (1050 Virginia Drive, Fort Washington, PA 19034) for a renewal of State Only (Synthetic Minor) Operating Permit, for two emergency generator sets at the facility located in Upper Dublin Township, **Montgomery County**.

Since the State Only Operating Permit (SOOP) was last renewed in 2010, no physical changes have occurred at the facility. However, since this time, the engines of the emergency generator sets have become subject to the requirements of 40 CFR Part 63, Subpart ZZZZ. All applicable requirements of this regulation will be included in the renewal SOOP.

The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

46-00128: Verizon Pennsylvania, Inc.—Jenkintown (100 Greenwood Avenue, Jenkintown, PA 19046) for a renewal of State Only (Synthetic Minor) Operating Permit No. 46-00128, for an emergency generator set at the facility located in Jenkintown Borough, **Montgomery County**.

Since the State Only Operating Permit (SOOP) was last renewed in 2010, no physical changes have occurred at the facility. However, since this time, the engine of the emergency generator set has become subject to the requirements of 40 CFR Part 63, Subpart ZZZZ. All applicable requirements of this regulation will be included in the renewal SOOP.

The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

44-05013: Glenn O. Hawbaker, Inc. (711 East College Ave., Pleasant Gap, PA 16823) to issue a State Only Operating Permit for operation of a non-metallic mineral processing plant and asphalt plant at their Naginey Quarry in Armagh Township, **Mifflin County**. The 2015 actual emissions of the facility were 1.1 tons of CO, 0.46 ton of NO_x, 0.63 ton of PM₁₀, 0.49 ton of SO_x, and 0.27 ton of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations, including 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

36-03147: A & M Composting Inc. (2022 Mountain Road, Manheim, PA 17545) to issue a State Only Operating Permit for the composting facility located in Penn Township, **Lancaster County**. The potential emissions from the facility are estimated at 6.0 tpy of VOCs and 56.2 tpy of Ammonia. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the

applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

Coal Applications Received

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

Permit No. 11110101 and NPDES PA0263141. KB Coal, Inc., 163 Colonial Avenue, Mt. Carmel, PA 17851 renewal for reclamation only of a bituminous surface mine in Clearfield Township, **Cambria County**, affecting 28 acres. Receiving streams: unnamed tributaries to Clearfield Creek and unnamed tributaries to Indian Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 25, 2016.

Permit No. 56100101 and NPDES No. PA0262951. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Paint Township, **Somerset County** affecting 117 acres. Receiving streams: unnamed tributaries to/and Stonycreek 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: April 29, 2016.

Permit No. 56060105 and NPDES No. PA024997. Rosebud Mining Co., 301 Market Street, Kittanning, PA 16201, renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 120.1 acres. Receiving streams: unnamed tributaries to/and Quemahoning Reservoir to the Stoney Creek River to the Conemaugh River classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority. Application received: May 2, 2016.

Permit No. 11970201 and NPDES No. PA0234648, Maple Coal Co., 254 Interpower Drive, Colver, PA 15927, commencement, operation and restoration of a bituminous surface mine to change the land use from wildlife habitat to unmanaged natural habitat in Barr and Blacklick Townships, **Cambria County**, affecting 47.1 acres. Receiving stream: unnamed tributary to/and Elk Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 29, 2016.

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

SMP 17070112 and NPDES PA0256661. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Revision to an existing bituminous surface and auger mine to change the post-mining land use from forestland to pastureland located in Bell and Gaskill Townships, **Clearfield** and **Jefferson Counties** affecting 295.0 acres. Receiving stream(s): Unnamed Tributaries to Bear Run and Unnamed Tributaries to Whiskey Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 27, 2016.

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

65010102 and NPDES Permit No. PA0202967. Coal Loaders, Inc. (210 E. Main St., P.O. Box 556, Ligonier, PA 15658). Renewal application for continued mining to an existing bituminous surface mine, located in Fairfield Township, **Westmoreland County**, affecting 146.8 acres. Receiving streams: unnamed tributaries to Hypocrite Creek (TSF) and an unnamed tributary to Hannas Run (CWF), classified for the following use: TSF and CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 2, 2016.

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

Permit No. 19860101R6. Jac-Mar Coal Co. t/a L & E Coal, (PO Box 353, Cresco, PA 18326), renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County** affecting 190.0 acres, receiving stream: Big Mine Run, classified for the following use: cold water fishes. Application received: April 26, 2016.

Permit No. 54060102R2. Kuperavage Enterprises, Inc., (PO Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine and coal refuse disposal operation in Blythe Township, **Schuylkill County** affecting 66.0 acres, receiving stream: Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: April 28, 2016.

Permit No. 54861303R6. Bear Gap Coal Company, (PO Box 64, Spring Glen, PA 17978), renewal of an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 2.8 acres, receiving stream: Mahanoy Creek, classified for the following use: cold water fishes. Application received: May 6, 2016.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0213225 (Mining Permit No. 56950111), Sherpa Mining Contractors, Inc., 337 Benny Road Hooversville, PA 15936, renewal of an NPDES permit for treatment of water from a post-mining discharge on a surface coal mine in Shade Township, **Somerset County**, affecting 458.4 acres. Receiving stream: unnamed tributary to Shade Creek, classified for the following use: Cold Water Fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: April 8, 2016.

The outfalls listed below discharge to an unnamed tributary to Shade Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
007 (Treatment Pond 3)	N
010 (Sediment Pond 5)	N

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

<i>Outfalls: 007 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.2	2.4	3.0
Aluminum (mg/l)	0.9	1.8	2.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.5 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 010 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>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			

Noncoal NPDES Draft Permits

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

NPDES Permit No. PA0223506 on Surface Mining Permit No. 45950301. Bill Barry Excavating, Inc., (174 Quarry Lane, Cresco, PA 18326), renewal of an NPDES Permit for a sandstone, shale sand quarry operation in Barrett Township, **Monroe County**, affecting 152.0 acres. Receiving stream: unnamed tributary to Cranberry Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: August 26, 2013.

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(s) listed below discharge to unnamed tributary to Cranberry Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D.

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, draw-

ings 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.

E07-463: PennDOT Engineering District 9-0, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648-108 in Frankstown Township, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To (1) widen and construct roadway improvements along 1-mile of SR 2022 and SR 1011 between (40° 28' 17.45", -78° 17' 3.93") and (40° 28' 30.09", -78° 16' 23.83") in and along the floodway and floodplain of Canoe Creek

(HQ-CWF, MF), (2) relocate 621-linear feet of UNT Canoe Creek (HQ-CWF, MF), (3) remove existing culvert and install and maintain a 113-linear foot 8-foot × 6-foot box culvert with baffles, 1 foot uniform depression and R-7 scour protection in UNT Canoe Creek (HQ-CWF, MF), (4) remove existing culvert and install and maintain a 66-linear foot 8-foot × 6-foot box culvert with baffles, 1 foot uniform depression and R-7 scour protection in UNT Canoe Creek (HQ-CWF, MF), (5) remove existing bridge and install and maintain a 76-foot × 56-foot 9.75-inch bridge over Canoe Creek (HQ-CWF, MF), (6) remove existing culvert and install and maintain a 93 linear foot 42-inch diameter culvert with 6-inch uniform depression in UNT Frankstown Brach Juniata River (WWF, MF), (7) install six (6) 15 or 18 inch diameter outfalls to UNT Canoe Creek (HQ-CWF, MF), (8) install one (1) temporary 18-inch diameter outfall to UNT Canoe Creek (HQ-CWF, MF), (9) remove two (2) outfall to UNT Canoe Creek (HQ-CWF, MF), (10) install one (1) 18-inch diameter outfall to Canoe Creek (HQ-CWF, MF), (11) install six (6) 15 or 18 inch diameter outfalls to UNT Frankstown Brach Juniata River (WWF, MF), (12) remove one (1) outfall to UNT Frankstown Brach Juniata River (WWF, MF), (13) install four (4) 18 inch diameter outfalls to Frankstown Brach Juniata River (WWF, MF), (14) install two (2) temporary causeway during construction in Canoe Creek (HQ-CWF, MF), (15) install a 24-inch diameter and 42-inch diameter culvert for two temporary stream crossings in UNT Canoe Creek (HQ-CWF, MF), (16) permanently impact 0.02 acre of Exceptional Value (EV) PEM and PSS wetlands and temporarily impact 0.02 acre of EV PEM wetlands, 0.01 acre of EV PSS wetlands, and 0.05 acre of EV PEM/PSS/PFO wetlands, for the purpose of improving transportation safety and roadway standards. A total of 315 linear feet of compensatory stream mitigation in Mary Anns Creek (HQ-CWF, MF) located in Canoe Creek State Park.

E22-624: Steelton Borough Authority, 123 North Front Street, Steelton, PA 17113, Steelton Borough, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

Steelton Borough Authority proposes to install a chlorine contact tank and related facilities at its existing water treatment plant. The work will occur within the 100-year floodplain of the Susquehanna River (WWF, MF) disturbing approximately 0.31 of an acre. The 43-foot diameter chlorine contact tank and appurtenances will measure approximately 1,452 ft². (Steelton Quadrangle 40° 14' 1.5" N, 76° 50' 54" W). There are no wetlands located in the project area. The issuance of this permit will not constitute approval of a Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

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

E03-468, PennDOT District 10-0, 2550 Oakland Avenue Indiana, PA 15701, Kiskiminetas Township, **Armstrong County**, Pittsburgh ACOE District.

The applicant is proposing to:

Remove the existing 25.4' wide SR 2050 bridge with a minimum underclearance of 5.5' and construct and maintain a replacement 28.4' wide replacement bridge with a minimum underclearance of 5.8' in the same location over Rattling Run (CWF) with a drainage area of 3.83 square miles. In addition, place and maintain fill in 146' of an Unnamed Tributary to Rattling Run (CWF) with a drain-

age area less than 100 acres, construct and maintain 146' of replacement channel, construct and maintain roadway associated stormwater outfalls, and temporarily impact 207' of stream for the purpose of constructing these encroachments. This project is located just east of the intersection of SR 2050 and SR 2051 (Vandergrift PA Quadrangle; Latitude: 40° 34' 21"; Longitude: -79° 31' 43") in Kiskiminetas Township, Armstrong County.

E03-469, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, Parks Township, **Armstrong County**, Pittsburgh ACOE District.

The applicant is proposing to:

Remove the existing 27.82' wide, 24.72' single span, SR 2036 bridge with a minimum underclearance of 5.16' and construct and maintain a replacement 31.63' wide, 38.14' single span replacement bridge with a minimum underclearance of 6.83' in the same location over Carnahan Run (WWF) with a drainage area of 4.16 square miles. In addition, place and maintain fill in 130' of an Unnamed Tributary to Carnahan Run (WWF) located along the western approach road with a drainage area less than 100 acres, construct and maintain 111' of replacement channel, construct and maintain roadway associated stormwater outfalls, and temporarily impact 216' of stream for the purpose of constructing these encroachments. This project is located approximately 0.6 mile west of the intersection of SR 2036 and SR 2044 (Leechburg PA Quadrangle; Latitude: 40° 38' 13"; Longitude: -79° 30' 56.3") in Parks Township, Armstrong County.

E04-353, PennDOT District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, New Sewickley Township and Conway Borough, **Beaver County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Remove the existing T-575 Crows Run Road 66.3' long 36" diameter pipe culvert conveying a UNT to Crows Run (WWF) with a drainage area less than 100 acres; construct and maintain a 57.8' long 24" diameter replacement culvert in the same location; place and maintain fill in 155' of this same UNT.

2. Place and maintain fill in 4,869' of Crows Run (WWF) with a drainage area of 13.62 square miles; construct and maintain a relocated replacement 4,405' long channel.

3. Place and maintain fill in 13' of a second UNT to Crows Run (WWF) with a drainage area less than 100 acres to accommodate the relocation of Crows Run.

4. Place and maintain fill in a third UNT to Crows Run (WWF) with a drainage area less than 100 acres; construct and maintain a relocated replacement 164' long channel. Remove an existing 39.1' long 18" diameter pipe conveying this same UNT; construct and maintain a replacement 54.9' long 54" diameter pipe upstream of the existing pipe.

5. Remove the existing T-575 Crows Run Road 40' long 48" pipe conveying Pine Run (WWF) with a drainage area of 0.67 square miles; construct and maintain a downstream replacement 38.5' long 7.5' by 12' concrete box culvert with a minimum underclearance of 6.5'. Construct and maintain an additional 117.5' of open channel in Pine Run downstream of the box culvert to accommodate the relocation of Crows Run.

6. Remove the existing T-575 Crows Run Road 34.2' long 12" diameter pipe conveying a fourth UNT to Crows

Run (WWF) with a drainage area less than 100 acres; construct and maintain a downstream replacement 55.1' long 30" diameter pipe culvert. Construct and maintain an additional 54' of open channel in the UNT downstream of the pipe culvert to accommodate the relocation of Crows Run.

7. Remove the existing 39.8' long 12" diameter pipe culvert conveying a fifth UNT to Crows Run (WWF) with a drainage area less than 100 acres; construct and maintain a replacement 57.7' long 30" diameter pipe culvert in the same location.

8. Place and maintain fill in 63' of a sixth UNT to Crows Run (WWF) with a drainage area less than 100 acres to accommodate the relocation of Crows Run. Remove the existing T-738 Romigh Road parallel 40.3' long 48" diameter pipe culverts conveying this same UNT; construct and maintain a 58' long 43" by 68" elliptical concrete pipe culvert in the same location; place and maintain fill in 23' of this same UNT; construct and maintain a 19' long replacement channel.

9. Remove the existing 16' wide bridge with a minimum underclearance of 7.5' carrying T-738 Romigh Road over Crows Run (WWF) with a drainage area of 13.62 square miles; construct and maintain an upstream replacement 27' wide bridge with a minimum underclearance of 9.8'.

10. Construct and maintain a new SR 2004 single-span 48.6' wide bridge with a minimum underclearance of 29.9' over Snake Run (WWF) with a drainage area of 3.24 square miles; construct and maintain an additional 49' of open channel in Snake Run to accommodate the relocation of Crows Run.

11. Remove the existing 18' wide single-span T-606 Park Quarry Road Bridge with a minimum underclearance of 11' carrying Crows Run (WWF) with a drainage area of 13.62 square miles; construct and maintain a replacement 27.5' wide single-span bridge with a minimum underclearance of 13' in the same location.

12. In addition install and maintain road associated stormwater outfalls, permanently impact 0.04 acre of PEM/POW wetland, and temporarily impact 0.04 acre of PEM/POW wetland and 1,736' of stream for the construction of these encroachments. Wetland and stream mitigation will be constructed onsite.

These encroachments are associated with the SR 2004 Freedom Road Upgrade project, which includes roadway improvements and realignments extending east from the existing intersection of SR 65 and SR 2004 Crows Run Road for 1.34 mile to 400 feet east of the intersection of SR 2004 and T-606 Park Quarry Road (Baden, PA Quadrangle; Beginning Latitude: 40° 40' 14.4"; Longitude: -80° 14' 39.2"; Ending Latitude: 40° 40' 55"; Longitude: -80° 13' 17.8") in New Sewickley Township and Conway Borough, Beaver County.

E04-355, PennDOT District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, New Sewickley Township and Koppel Borough, **Beaver County**, Pittsburgh ACOE District.

The applicant is proposing to:

Remove the existing SR 351, two lane, 30.75 ft total width, 12 span, steel bridge having a total length of 1,206 ft, and having a navigational channel normal pool elevation clearance of approximately 26 ft; and to construct and maintain adjacent to and downstream and to the south of the existing bridge a 4 span, two lane, 44.5 ft width replacement bridge having a total length of 1,240

ft, and having a navigational channel normal pool elevation clearance of approximately 26 ft over the Beaver River (WWF) with a drainage area of 3,113 square miles. In addition the project includes 550 ft of temporary stream encroachments for construction and demolition that includes half width causeways, and encroachments associated with modification or replacement of stormwater facilities from the road alignment adjustment and new bridge. The PennDOT improvement and relocation project extends between Koppel Borough to the west and North Sewickley Township to the east (Beaver Falls Quadrangle, Latitude: 40° 31' 37" and Longitude: -79° 50' 46") in Beaver County.

E32-490-A3, Homer City Generation, LP, 1750 Power Plant Rd, Homer City, PA 15748-8009, Blacklick Township and Center Township, **Indiana County**, Pittsburgh ACOE District.

The applicant is proposing to:

Place and maintain fill in 9 wetlands (totaling 0.51 acre), 75 LF of an unnamed tributary of Muddy Run (CWF) identified as Tributary 0000, 57 LF of a second unnamed tributary of Muddy Run identified as Tributary 44033, 157 LF of a third unnamed tributary of Muddy Run identified as Tributary 44033J-2, and 97 LF of a fourth unnamed tributary of Muddy Run identified as Tributary 64693A (all of which have drainage areas less than 100 acres), and to excavate 4 wetlands (totaling 0.10 acre) to create a stormwater management pond, for the purpose of expanding an existing ash disposal site. The project is located approximately 0.8 mile southwest of the intersection of Long Road and Coal Road in Center and Blacklick Townships (Pittsburgh ACOE District, Indiana, PA quadrangle, N 4.4", W 13.3", Latitude: 40° 31' 24", Longitude: -79° 13' 11") As mitigation for wetland impacts, the applicant proposes to construct an on-site, 0.7 acre wetland along Muddy Run (CWF).

E32-512, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, Brush Valley Township, **Indiana County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Remove the existing SR 56, 23' span by 8.5' underclearance bridge; construct and maintain 90 feet upstream a replacement 43' long by 24' span by 8.5' underclearance with 1' depression box culvert carrying Little Brush Creek (CWF) with a drainage area of 4.37 square miles;

2. Remove an existing SR 56, 67' long 30" RCP culvert carrying an unnamed tributary to Little Brush Creek (CWF); construct and maintain contiguous 72' long 34" by 53" SR 56 RCP culvert, 50' of relocated stream, and 33' long 34" by 53" driveway RCP culvert, with a drainage area of 119 acres;

3. In addition, place and maintain fill in 0.06 acre of PEM/PSS wetland; construct and maintain roadway associated stormwater outfalls; and temporarily impact 398' of stream and 0.03 acre of PEM wetland for the purpose of constructing these encroachments. Stream mitigation will take place onsite. Wetland mitigation will take place offsite at the Indiana County Cindric Wetland Bank.

This work is associated with the SR 56 Improvement Project, beginning approximately one half mile southeast of the intersection of SR 259 and SR 56 and extending southeast one quarter mile along SR 56 (Brush Valley Quadrangle, Latitude 40° 31' 36.06", Longitude -79° 3' 33.22"); in Brush Valley Township, Indiana County.

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

E5829-109: Bridgewater Township, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Bridgewater Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 68 lineal feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 51' 31", Longitude: -75° 49' 05"),

2) a 10 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 3,163 square feet (0.07 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 31", Longitude: -75° 49' 06"),

3) a 10 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 2,397 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 30", Longitude: -75° 48' 45").

The project consists of constructing approximately 1.01 mile of 10" steel natural gas gathering line located in Bridgewater Township, Susquehanna County. The project will result in 68 lineal feet of temporary stream impacts and 5,560 square feet (0.13 acre) of temporary wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

E5929-060: SWEPI LP, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143, Delmar Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 5,132 square feet of an exceptional value palustrine scrub-shrub (EV-PSS) wetland (Tiadaghton, PA Quadrangle 41°40'44"N, 77°23'11"W);

2) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 388 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°40'48"N, 77°23'06"W);

3) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 386 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°40'50"N, 77°23'03"W);

4) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 12,865 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°40'53"N, 77°22'58"W);

5) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 613 square feet of a palustrine emergent (PEM) wetland (Tiadaghton, PA Quadrangle 41°40'57"N, 77°22'53"W);

6) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 2,488 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°40'59"N, 77°22'51"W);

7) a temporary road crossing using a wood mat bridge impacting 291 square feet of an exceptional value palustrine forested (EV-PFO) wetland impacting 291 square feet (Tiadaghton, PA Quadrangle 41°40'59"N, 77°22'49"W);

8) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 15,940 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Tiadaghton, PA Quadrangle 41°41'08"N, 77°22'44"W);

9) a temporary road crossing using a 20 foot long, 48 inch diameter corrugated metal pipes and a 10 inch diameter natural gas gathering line impacting 51 linear feet of an unnamed tributary to East Branch Stony Fork (CWF) (Tiadaghton, PA Quadrangle 41°41'09"N, 77°22'42"W);

10) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 114 square feet of an exceptional value palustrine scrub-shrub (EV-PSS) wetland (Tiadaghton, PA Quadrangle 41°41'10"N, 77°22'41"W);

11) a 10 inch diameter natural gas gathering line impacting 1,251 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°41'12"N, 77°22'40"W);

12) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 591 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°41'14"N, 77°22'38"W);

13) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 1,087 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°41'16"N, 77°22'36"W);

14) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 3,414 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°41'17"N, 77°22'35"W);

15) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 420 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°41'19"N, 77°22'34"W);

16) a temporary road crossing using a 20 foot long, 12 inch diameter corrugated metal pipe and a 10 inch diameter natural gas gathering line impacting 63 linear feet of an unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°41'30"N, 77°22'20"W);

17) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe and a 10 inch diameter natural gas gathering line impacting 66 linear feet an unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°41'31"N, 77°22'19"W);

18) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 938 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Antrim, PA Quadrangle 41°41'32"N, 77°22'15"W);

19) a temporary road crossing using a wood mat bridge and a 10 inch diameter natural gas gathering line impacting 3,518 square feet of an exceptional value palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'35"N, 77°22'02"W);

20) a temporary road crossing using a 20 foot long, 21 inch diameter corrugated metal pipe and a 10 inch diameter natural gas gathering line impacting 88 linear feet an unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°41'38"N, 77°21'51"W);

21) a temporary road crossing using a wood mat bridges and a 10 inch diameter natural gas gathering line impacting 7,294 square feet of an exceptional value palustrine scrub-shrub (EV-PSS) wetland (Antrim, PA Quadrangle 41°41'36"N, 77°21'55"W);

22) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe and a 10 inch diameter natural gas gathering line impacting 66 linear feet of an unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°41'40"N, 77°21'45"W);

23) a temporary road crossing using a wood mat bridges and a 10 inch diameter natural gas gathering line impacting 971 square feet of an exceptional value palustrine scrub-shrub/forested (EV-PSS/PFO) wetland (Antrim, PA Quadrangle 41°41'40"N, 77°21'44"W);

24) a temporary road crossing using a wood mat bridges and a 10 inch diameter natural gas gathering line impacting 3,999 square feet of an exceptional value palustrine scrub-shrub/emergent (EV-PSS/PEM) wetland (Antrim, PA Quadrangle 41°41'41"N, 77°21'43"W).

The project will result in 334 linear feet of temporary stream impacts, 39,597 square feet (0.91 acre) of temporary wetland impacts, and 22,100 square feet (0.51 acre) of permanent conversion wetland impacts all for the purpose of installing a natural gas gathering line in Delmar Township, Tioga County. The permittee will provide 0.89 acre of onsite compensatory wetland mitigation in Delmar Township, Tioga County.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6860

E25-08-001, National Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16501. Summit Well Abandonment Project in Summit Township, **Erie County**, Army Corps of Engineers Pittsburgh District (Erie South, PA Quadrangle N: 42.044722; W: -80.033411).

The applicant proposes to plug and abandon seven natural gas storage wells and their associated well lines. The project will also require creation of a permanent access road and improvement of several others.

Project Impacts Include:

0.55 acre of temporary impact to palustrine emergent (PEM) wetland; 0.62 acre of permanent impact to Palustrine Forested (PFO) Wetland and Palustrine Scrub Shrub(PSS) Wetland and will have 0.12 acre of temporary floodway impact to UNTs' to Walnut Creek. No permanent floodway impacts are being proposed.

National Fuel Gas is proposing to mitigate for PFO and PSS wetland impacts by replanting 0.64 acre of impacted wetlands.

WATER QUALITY CERTIFICATION REQUEST

Northwest Region: District Oil and Gas Operations, District Manager, 230 Chestnut Street, Meadville, PA 16335

On April 19, 2016 the Commonwealth of Pennsylvania ("Commonwealth") Department of Environmental Protection (DEP) received a request for Water Quality Certification under Section 401 of the Federal Clean Water Act, the Pennsylvania Dam Safety and Encroachments Act, and The Pennsylvania Clean Streams Law from National Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16501-1912 ("NFG") for the plugging and abandonment of storage wells referred to as National Fuel Gas Supply Corporation, Summit Well Abandonment Project ("Project"). The DEP File number for this request is WQ25-08-001. Pennsylvania's State Water Quality Certification is required for the US Army Corps of Engineers permit under Section 404 of the Federal Clean Water Act, and the Federal Energy Regulatory Commission ("FERC") certificate that will be filed by the applicant.

The project consist of plugging and abandonment of seven natural gas storage wells and associated well lines in Summit Township, Erie Pennsylvania (Erie South, PA Quadrangle N: 42° 2' 41"; W: -80° 2' 0.28"). The Project work will include seven project areas around Wells 1509, 1523, 1548, 1558, 1564, 1576, and 1583. The project will also require temporary workspace at the wells and cut and cap locations, the use of existing access roads and the creation of temporary and permanent access roads to access the wells.

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

Prior to final action on the proposed section 401 Water Quality Certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of this notice. Comments concerning the proposed 401 Water Quality Certification should be directed to Mr. S. Craig Lobins, DEP Northwest District Oil and Gas Manager, District Oil and Gas Operations, 230 Chestnut Street, Meadville, PA 16335; or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address, and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted within 30 days of this notice.

OIL AND GAS MANAGEMENT

Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh PA, 15222

E63-07-010: MarkWest Liberty Midstream & Resources, LLC, 4600 J. Barry Court, Suite 500, Canonsburg, PA 15317, Smith Township, **Washington County**, ACOE Pittsburgh District.

MarkWest Liberty Midstream & Resources, LLC is proposing to install the Harmon Creek D to Fox pipeline that will convey natural gas from the Harmon Creek D well pad (40° 24' 19.83", -80° 23' 24.11") to the Fox processing facility (40° 24' 6.62", -80° 21' 19.69"). The project is located within the Burgettstown and Clinton USGS 7 1/2 Minute Quadrangle Maps. The project will include installation of five 20-inch welded steel gathering lines approximately 12,600 feet in length. The project is a Joint Permit Application due to the crossing of a wetland which is greater than 10 acres on National Wetland Inventory maps. The project will result in two (2) wetland crossings and three (3) watercourse crossings, resulting in a total of 5,897 ft² of temporary wetland impacts and 260 linear feet of temporary stream impacts.

Each of the following crossings will be crossed by the five (5) pipes mentioned above using the open trench method:

<i>Wetland Crossing</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Wetland 10 Palustrine Emergent (PEM)	Lat: 40° 24' 13.38", Long: -80° 23' 21.82"	Temporary:	0.0562 acre
		Permanent:	0 acre

<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact UNT</i>	
74614 to Raccoon Creek (# 25564; WWF)	Lat: 40° 23' 51.16", Long: -80° 22' 37.6"	Temporary:	8 ft. by 90 ft. (720 ft ²)
		Permanent:	0 ln. ft.

Each of the following crossings will be crossed by horizontal directional drilling by the five (5) pipes mentioned above:

<i>Wetland Crossing</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Wetland 9 Palustrine Emergent (PEM), Palustrine Scrub-Shrub (PSS)	Lat: 40° 23' 51.30", Long: -80° 22' 9.67"	Temporary:	0.0792 acre
		Permanent:	0 acre

<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Raccoon Creek (# 25564, WWF)	Lat: 40° 23' 51.06", Long: -80° 22' 6.20"	Temporary:	50 ft. by 82 ft. (4,100 ft ²)
		Permanent:	0 ln. ft.
UNT 1 to Raccoon Creek (# 25564, WWF)	Lat: 40° 23' 51.36", Long: -80° 22' 0.34"	Temporary:	7 ft. by 88 ft. (616 ft ²)
		Permanent:	0 ln. ft.

E30-07-013: Alpha Shale Resources, LP, 400 Woodcliff Drive, Canonsburg, PA 15317 Project Location—Wayne Township, **Greene County**, ACOE Pittsburgh District.

Alpha Shale Resources, L.P., plans to construct and maintain a 15 feet wide by 291 feet long graveled access road off of an existing access road to DD-11 Well which is off of Oak Forest Road (State Route 3013). The proposed access road will be for access to a proposed 300 feet wide by 450 feet long Well Pad for the purpose of drilling deep gas wells. Stormwater runoff from the site will drain into unnamed tributaries to Tustin Run, Tustin Run, and one unnamed tributary to Bells Run. The aforementioned streams are designated as Warm Water Fishes per Pa. Code Chapter 93 and are located Dunkard Creek Watershed which is part of the Dunkard and Whitely Creeks PA State Water Plan. The planned construction activities associated with this site currently involves impacts to a total of 11,761.2 square feet of existing Wetlands and an Ephemeral Stream within its proposed limits of disturbance. A total of 21.7 Acres of land and earth disturbance will be used to construct this project site. Currently, there is no Active Well and/or Active Well permit associated with this project site location.

The project is a Joint Permit Application due to the proposed project not meeting the terms and conditions of a General Permit. The project will result in 143.5 linear feet of permanent stream impact and 0.267 acre of Permanent Wetland Impacts.

The attached table describes the total impact for the permanent impacts to UNT Tustin Run and its associated floodway:

<i>Wetland Impacts</i>	<i>Latitude/Longitude</i>	<i>Area of Permanent Impact (acres)</i>
Wetland G Palustrine Emergent (PEM)	39.788211 / -80.267682	0.01
Wetland H Palustrine Emergent (PEM)	39.787980 / -80.267171	0.123

<i>Wetland Impacts</i>	<i>Latitude / Longitude</i>	<i>Area of Permanent Impact (acres)</i>
Wetland I Palustrine Emergent (PEM)	39.787256 / -80.268300	0.143

<i>Stream Impacts</i>	<i>Latitude / Longitude</i>	<i>Area of Permanent Impacts</i>	
		<i>Stream Length (ft)</i>	<i>Floodway Impact (acres)</i>
UNT to Tustin Run (WWF)	39.788558 / -80.268472	143.5'	0.329

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0029530 (Sewage)	Palisades School District 39 Thomas Free Drive Kintnersville, PA 18930	Bucks County Nockamixon Township	Unnamed Tributary of Gallows Run (2-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0035009 (Sewage)	Lake-Lehman High School WWTP Old Route 115 Lehman, PA 18627	Luzerne County Lehman Township	Unnamed Tributary to East Fork Harvey Creek (5-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0216160 (Sewage)	Livingston Portal STP 46226 National Road Saint Clairsville, OH 43950-8742	Washington County South Strabane Township	Pigeon Creek (19-C)	Yes
PA0095362 (Sewage)	Laurelville Mennonite Church 941 Laurelville Lane Mt Pleasant, PA 15666	Westmoreland County Mount Pleasant Township	Jacobs Creek (19-D)	Y
PA0094099 (Sewage)	Camp Peniel STP 294 Peniel Drive Meyersdale, PA 15552	Somerset County Greenville Township	Miller Run (19-F)	Y
PA0001350 (Sewage)	Somerset Portal STP 46226 National Road Saint Clairsville, OH 43950	Washington County Somerset Township	Center Branch Pigeon Creek (19-C)	Yes
PA0097691 (Sewage)	Washington KOA Campground Richard D LeClair Washington, PA 15301	Washington County South Strabane Township	Unnamed Tributary of Chartiers Creek (20-F)	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0263575 (Sewage)	David J. Strader SRSTP 1075 Saxonburg Road Saxonburg, PA 16056	Butler County Clinton Township	Rocky Run (18-A)	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. PA0264407, Sewage, SIC Code 8800, **Nicholas Romeo**, 316 Logan Road, Valencia, PA 16059.

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

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

NPDES Permit No. PA0264393, Sewage, SIC Code 8800, **Joseph Jackman**, 9725 Wattsburg Road, Erie, PA 16509.

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

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

III. QM 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.

QM Permit No. 3516402, Sewage, SIC Code 4952, **Lackawanna River Basin Sewer Authority**, P.O. Box 280, Olyphant, PA 18447.

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

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

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

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

QM Permit No. , Sewage, **Shuppe Alexander**, PO Box 218, Dillner, PA 15327-0218.

This existing facility is located in Dunkard Township, **Greene County**.

Description of Proposed Action/Activity: Renew existing NPDES permit for Dunkard Valley Commons STP.

WQM Permit No. 0215407 A-1, Sewage, SIC Code 4952, **Pittsburgh Water Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222.

This existing facility is located in Pittsburgh City, **Allegheny County**.

Description of Proposed Action/Activity: The applicant proposes to construct 208 lineal feet of 84-inch diameter sewer line with inline storage capacity along Hayson Avenue. This sewer line is intended to relieve wet weather sewer backups to some houses and have 8-inch diameter channel for dry weather flow.

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

WQM Permit No. 1016401, Sewage, **Nicholas Romeo**, 316 Logan Road, Valencia, PA 16059.

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

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

WQM Permit No. 2516403, Sewage, **Joseph Jackman**, 9725 Wattsburg Road, Erie, PA 16509.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010916002	Brian Clymer 62 Brookville Hollow Road Stockton, NJ 08559	Bucks	Solebury Township	Paunacussing Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023516001	North Pocono School District 701 Church Street Moscow, PA 18444	Lackawanna	Moscow Borough	Van Brunt Creek (HQ-CWF, MF)
PAI026615001	Noxen DG, LLC 361 Summit Boulevard Birmingham, AL 35243	Wyoming	Monroe Township	Bowman's Creek (HQ-CWF, MF)
PAI023915017	Jaindl Land Company c/o David Jaindl 3150 Coffeetown Road Orefield, PA 18069	Lehigh	South Whitehall Township	Jordan Creek (TSF, MF) Little Cedar Creek (HQ-CWF, MF)
PAI023915018	Liberty Property, L.P. c/o Robert L. Kiel 74 West Broad Street Bethlehem, PA 18018	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056315009	North Strabane Township Municipal Authority 1929B Route 519 South Canonsburg, PA 15317	Washington County	North Strabane Township	Little Chartiers Creek (HQ-WWF)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities

PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Warminster Township Bucks County	PAG02000916003	JERC Partners VIII, LP 171 Route 173, Suite 201 Ashbury, NJ 08802	Unnamed Tributary to Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAG02000916019	Pennsbury School District 134 Yardley Avenue Fallsington, PA 19058	Rock Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warminster Township Bucks County	PAG02000915057(1)	Envision Land Use LLC 485 Devon Park Drive Suite 106 Wayne, PA 19087	Unnamed Tributary Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG02000916002	Francis X. White 210 Mohegan Street New Britain, PA 18901	Reading Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Conshohocken Borough Montgomery County	PAG02004615080	LS Realty Associates, LLC 10 Balligomingo Road Unit A-2 West Conshohocken, PA 19428	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Cheltenham Township Montgomery County	PAG02004615098	School District of Cheltenham Township 300 Ashbourne Road Elkins Park, PA 19027	Rock Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511503	Philadelphia Parks and Recreation One Parkway 1515 Arch Street Philadelphia, PA 19102	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Smithfield Township Monroe County	PAG02004515001	East Stroudsburg DG, LLC 361 Summit Boulevard Suite 110 Birmingham, AL 35243	UNT to Sambo Creek (CWF, MF)	Monroe County Conservation District 570-629-3060
City of Bethlehem and Freemansburg Borough Northampton County	PAG02004815025	PPL Electric Utilities Corporation Colleen Kester 2 North Ninth Street Allentown, PA 18101	Lehigh River (WWF, MF)	Northampton County Conservation District 610-746-1971

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Benner Township Centre County	PAG02001415010(1)	Penn State University 139J Physical Plant Bldg University Park, PA 16802	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Bald Eagle Twp Clinton County	PAG02001816002	UGI Utilities Inc, Attn: Chris Morris One UGI Center Wilkes-Barre, PA 18702	UNT to Bald Eagle Creek, WWF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
Borough of Milton Northumberland Cnty	PAG02004916003	Patton Commercial Real Estate, LLC Attn: Thierry Lindor 294 North Industrial Park Rd Milton, PA 17847	UNT West Branch Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Center Township Snyder County	PAG02005514010(1)	Nick Hackenberg Nick Hackenberg Poultry 61 Starlight Drive Middleburg, PA 17842	UNT to Dry Run, CWF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

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>
Center Township	PAG02000416008	Millcraft Investments 95 West Beau Street Suite 600 Washington, PA 15301	UNT to Rag Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Big Beaver Borough	PAG020004160010	Allison Park Contractors, Inc., 4383 Gibsonia Road Gibsonia, PA 15044	UNT to Clarks Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Cherryhill Township and Pine Township	PAG02003215013(1)	Indiana County Municipal Services Authority 602 Kolter Avenue Indiana, PA 15701	Penn Run (CWF), Rose Run (CWF), Laurel Run (CWF), Allen Run (CWF), and UNT to Yellow Creek (CWF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701-3571 (724) 471-4751

NOTICES

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<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>
Cecil Township	PAG02006315013	MMR Constructors 300 Bursa Drive Bridgeville, PA 15017	Chartiers Creek (WWF)	Washington County Conservation District Suite 105 2800 North Main Street Washington, PA 15301 (724) 705-7098
Centerville Borough	PAG02006315043	Center-West Joint Sewer Authority P.O. Box 542 West Brownsville, PA 15417	Monongahela River (WWF)	Washington County Conservation District Suite 105 2800 North Main Street Washington, PA 15301 (724) 705-7098
Carroll Township	PAG02006315050	PennDOT District 12-0 825 North Gallatin Avenue Extension Uniontown, PA 15401	UNT to Monongahela (WWF)	Washington County Conservation District Suite 105 2800 North Main Street Washington, PA 15301 (724) 705-7098
California Borough	PAG02006316004	CalTech 7 Partners, LP 3555 Washington Road McMurray, PA 15317	Pike Run (TSF)	Washington County Conservation District Suite 105 2800 North Main Street Washington, PA 15301 (724) 705-7098
Hempfield Township	PAG02006513052(1)	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672	UNT to Jacks Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
North Huntingdon Township	PAG02006514016(1)	RWS Land Company, Inc. 8958 Hill Drive North Huntingdon, PA 15642	UNT to Brush Creek (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
City of Latrobe	PAG02006515036	City of Latrobe 901 Jefferson Street P.O. Box 307 Latrobe, PA 15650	Loyalhanna Creek (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Penn Township	PAG02006515045	PJN Properties, LP 3824 Northern Pike Monroeville, PA 15146	Lyons Run (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

NOTICES

<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>
Hempfield Township	PAG02006515047	Berkshire Associates 985 Towne Square Drive Suite 200 Greensburg, PA 15601	Belson Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
New Stanton Borough and Hempfield Township	PAG02006515048	The Hempfield Township Municipal Authority 1146 Woodward Drive Greensburg, PA 15601	Wilson Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Mount Pleasant Township	PAG02006516001	Tower Access Group, LLC 108 Forbes Court Suite 1 Richmond, KY 40475	UNT to Brush Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
South Huntingdon Township	PAG02006516002	PTX XI, LLC 1563 Woodward Drive Extension Greensburg, PA 15601	UNT to Youghioghney River (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Sewickley Township	PAG02006516003	Municipal Sewage Authority of the Township of Sewickley 312 Sewickley Avenue Herminie, PA 15637	Sewickley Creek (WWF) & Kelly Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Canberry Township Butler County	PAG02001016008	Cranberry Inn LP c/o Robert D Berdanier 241 Bank Street Sewickley, PA 15143	Brush Creek WWF	Butler County Conservation District 724-284-5270
Center Township Butler County	PAG02001016009	Giles Holding Future LLC 101 Timothy Lane Butler, PA 16001	Crooked Run CWF and UNT Little Connoquenessing Creek CWF	Butler County Conservation District 724-284-5270
Summit Township Butler County	PAG02001016012	PTV IX LLC Attn: Austin Weinman CFO 1563 Woodward Drive Extension Greensburg, PA 15601	Bonnie Brook WWF	Butler County Conservation District 724-284-5270
City of Erie Erie County	PAG02002514005(1)	Erie Veterans Affairs Medical Center 135 East 38th Street Erie, PA 16504	UNT Lake Erie WWF; MF	Erie County Conservation District 814-825-6403
Summit Township Erie County	PAG02002515010(1)	PA Electric Company a First Energy Company 76 South Main Street Akron, OH 44308	Mill Creek WWF	Erie County Conservation District 814-825-6403
Summit Township Erie County	PAG02002516007	Hannibal Property Management LP 8100 Hawthorne Drive Erie, PA 16509	UNT Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403

<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>
Hempfield Township Mercer County	PAG02004316001	Greenville School District 6 Donation Road Greenville, PA 16125	Mathay Run WWF	Mercer County Conservation District 724-662-2242

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
South Park Township Allegheny County	PAR506101	USA South Hills Landfill Inc. 3100 Hill Road Library, PA 15129	Unnamed Tributary to Peters Creek—19-C	DEP South West Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Pittsburgh City Allegheny County	PAR206151	Barber Spring Company One McCandless Avenue Pittsburgh, PA 15201	Allegheny River—18-A WWF	DEP South West Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-7

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Exeter Township WTP Exeter Township Berks County	PAG073518	Exeter Township 4975 DeMoss Road Reading, PA 19606		DEP—SCRO—Clean Water Program 909 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4707
Fairview Twp Fairview Twp York County	PAG073519	Lower Allen Township Authority 120 Limekiln Road New Cumberland, PA 17070-2428		DEP—SCRO—Clean Water Program 909 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Capital Region Water WWTF Swatara Township Dauphin County	PAG08-3597	Capitol Region Water 212 Locust Street Ste 500 Harrisburg, PA 17101		DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be

filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4616509, Public Water Supply.

Applicant **PA American Water**
300 West Washington Street
Norristown, PA 19401

Township Norristown

County **Montgomery**

Type of Facility PWS

Consulting Engineer PA American Water
300 West Washington Street
Norristown, PA 19401

Permit to Construct Issued May 5, 2016

Operations Permit # 1516506 issued to: **Phillips Mushroom Farms**, 1011 Kaolin Road, Kennett Square, PA 19348, [(PWSID)] Kennett Township, **Chester County** on May 3, 2016 for the operation of 782-gallon retention tank and certification of 4-log treatment of viruses at Well PW-2 (Entry Point 101) facilities approved under construction permit # 1516506.

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

Permit No. 3816501, Public Water Supply.

Applicant **Spring Meadow Ranch Spring**

Municipality South Londonderry Township

County **Lebanon**

Responsible Official Diana 'Orley, Owner
1486 Mt. Wilson Road
Lebanon, PA 17042-3828

Type of Facility Installation of UV light disinfection units at four (4) residential houses and modification to an existing vended water dispensing unit.

Consulting Engineer Thomas W. Schreffler, P.E.
Light-Heigel & Associates Inc.
430 East Main Street
Palmyra, PA 17078

Permit to Construct Issued 4/15/2016

Permit No. 2216503, Public Water Supply.

Applicant **Steelton Borough Authority**

Municipality Steelton Borough

County **Dauphin**

Responsible Official Douglas E. Brown, Authority Secretary/Treasurer
123 N Front Street
Steelton, PA 17113

Type of Facility Modifications to the Authority's existing clearwell and installation of a new 260,000-gallon storage tank to act as additional clearwell volume. An associated booster pumping station will also be installed.

Consulting Engineer Joshua T. Fox, P.E.
Herbert, Rowland & Grubic, Inc.
369 East Park Drive
Harrisburg, PA 17111

Permit to Construct Issued 4/28/2016

Comprehensive Operation Permit No. 7220038 issued to: **Borough of Middletown (PWS ID No. 7220038)**, Middletown Borough, **Dauphin County** on 5/2/2016 for the operation of facilities approved under Construction Permit No. 2215504MA.

Operation Permit No. 3066584 issued to: **Niagra Bottling LLC (PWS ID No. 3066584)**, Hamburg Borough, **Berks County** on 5/2/2016 for facilities at Stoney Mountain Spring submitted under Application No. 0616501. Addition of Stoney Mountain Springs as a finished water Source of Supply for the existing bottling facilities.

Comprehensive Operation Permit No. 3060061 issued to: **KL MHC, LLC (PWS ID No. 3060061)**, Exeter Township, **Berks County** on 5/9/2016 for the transfer of the ownership and operation of Keystone East Mobile Home Park community water system PWSID No. 3060061 from current owner Keystone Mobile Homes, Inc. to KL MHC, LLC.

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

Permit No. 1415503—Partial Operation No. 1— Public Water Supply.

Applicant **Pennsylvania State University**

Township/Borough College Township

County **Centre**

Responsible Official Andrew D. Gutberlet, P.E.
Pennsylvania State University
139J Physical Plant Building
University Park, PA 16802

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued May 6, 2016

Description of Action Rehabilitation and increase in height of Water Tower 4 only.

Port Matilda Waterworks (Public Water Supply) Port Matilda Borough, **Centre County**: On April 10, 2016, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Port Matilda Waterworks, Port Matilda Borough, Centre County. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

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

Permit No. 0413507-A1, Public Water Supply.

Applicant **Municipal Authority of the Borough of Midland**
946 Railroad Avenue
Midland, PA 15059

[Borough or Township] Midland Borough

County **Beaver**

Type of Facility Water system upgrades

Consulting Engineer Widmer Engineering, Inc.
806 Lincoln Place
Beaver Falls, PA 15010

Permit to Construct Issued May 10, 2016

Operations Permit issued to: **Authority of the Borough of Charleroi**, 3 McKean Avenue, Charleroi, PA 15022, (PWSID # 5630039) Charleroi Borough, **Washington County** on May 9, 2016 for the operation of facilities approved under Construction Permit # 6313506.

Operations Permit issued to: **Monroeville Municipal Authority**, 219 Speelman Lane, Monroeville, PA 15146, (PWSID # 5020027) Monroeville Borough, **Allegheny County** on May 6, 2016 for the operation of facilities approved under Construction Permit # 0216513.

Operations Permit issued to: **Monroeville Municipal Authority**, 219 Speelman Lane, Monroeville, PA 15146, (PWSID # 5020027) Monroeville Borough, **Allegheny County** on May 6, 2016 for the operation of facilities approved under Construction Permit # 0213543.

Operations Permit issued to: **Monroeville Municipal Authority**, 219 Speelman Lane, Monroeville, PA 15146, (PWSID # 5020027) Monroeville Borough, **Allegheny County** on May 6, 2016 for the operation of facilities approved under Construction Permit # 0213536.

Operations Permit issued to: **Southwestern Cambria County Water Authority**, 79 Vogel Street, Johnstown, PA 15902, (PWSID # 4110041) Conemaugh Township, **Cambria County** on May 5, 2016 for the operation of facilities approved under Construction Permit # 1115504MA.

Permit No. 0215525MA, Minor Amendment.

Applicant **Borough Tarentum**
318 2nd Avenue
Tarentum, PA 15084

[Borough or Township] Tarentum Borough

County **Allegheny**

Type of Facility Tank No. 2 painting.

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

Permit to Construct Issued May 2, 2016

Permit No. 2616505MA-E, Minor Amendment.

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

[Borough or Township] New Stanton Borough

County **Westmoreland**

Type of Facility Park & Pool Road waterline

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

Permit to Construct Issued May 2, 2016

Permit No. 0214538MA-1E, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility Upper Lawrenceville waterline relay

Consulting Engineer Hatch, Mott, MacDonald
1600 West Carson Street
Pittsburgh, PA 15219

Permit to Construct Issued May 6, 2016

Permit No. 0216508MA-E, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility North Neville/Ellsworth waterline

Consulting Engineer Hatch, Mott, MacDonald
1600 West Carson Street
Pittsburgh, PA 15219

Permit to Construct Issued May 5, 2016

Permit No. 0216507MA-E, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility Lothrop waterline project

Consulting Engineer Hatch, Mott, MacDonald
1600 West Carson Street
Pittsburgh, PA 15219

Permit to Construct Issued May 5, 2016

Permit No. 3016504MA, Minor Amendment.

Applicant **Southwestern Pennsylvania Water Authority**
 PO Box 187
 1442 Jefferson Road
 Jefferson, PA 15344

[Borough or Township] Washington Township
 County **Greene**
 Type of Facility Locust Drive waterline
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024

Permit to Construct May 6, 2016
 Issued

Permit No. 6516501MA, Minor Amendment.

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

[Borough or Township] Burrell Township
 County **Indiana**
 Type of Facility Palmerton Road waterline
 Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct May 9, 2016
 Issued

Permit No. 0416501MA, Minor Amendment.

Applicant **Brighton Township Municipal Authority**
 1300 Brighton Road
 Beaver, PA 15009

[Borough or Township] Brighton Township
 County **Beaver**
 Type of Facility Tuscarawas Road waterline
 Consulting Engineer Lennon, Smith, Souleret
 Engineering, Inc.
 846 Fourth Avenue
 Coraopolis, PA 15108

Permit to Construct May 9, 2016
 Issued

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

Operation Permit issued to **Fryburg Water Company, PWSID No. 6160030**, Washington Township, **Clarion County**. Permit No. 365W12-T1-MA5 for the operation and monitoring of Well No. 1. This permit is conditioned to authorize maintenance cleaning of Well No. 1.

Cancellation of Permit issued to **Fryburg Water Company, PWSID No. 6160030**, Washington Township, **Clarion County** on May 6, 2016. This action represents the cancellation of Permit Number 365W12-T1-MA4 issued March 30, 2016. This action is a result of the issuance of Permit No. 365W12-T1-MA5, which supercedes and replaces 365W12-T1-MA4.

Permit No. 4311501-MA2, Public Water Supply.

Applicant **Reynolds Water Company**
 301 Arlington Drive
 Greenville, PA 16125

Township or Borough Pymatuning Township
 County **Mercer**
 Type of Facility Public Water Supply
 Consulting Engineer Thomas L. Thompson, P.E.
 Gannett Fleming, Inc.
 554 South Erie Street
 Mercer, PA 16137

Permit to Construct May 9, 2016
 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.

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

WA 67-62C, Water Allocations. York Water Company (PWS ID No. 7670100), York County. Modification Order request for Water Allocation WA 67-62C to acquire water rights directly from Lake Redman to serve as an emergency/redundant raw water source of supply. No increase in quantity is being requested beyond the existing allocated amount authorized by Water Allocation Permit WA 67-62C. Permittee Contact: Jeffrey R. Hines PE, President/Chief Executive Officer, The York Water Company, 130 East Market Street, PO Box 15089, York, PA 17405-7089. Consulting Engineer: Mark S. Snyder, P.E., The York Water Company, 130 East Market Street, PO Box 15089, York, PA 17405-7089. Permit Issued: 5/3/2016.

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

Change of Ownership

WA-323B. Succession to Water Rights. The Department has acknowledged that Northern Cambria Municipal Authority, **Cambria County**, has given notice that it succeeded to all rights and obligations under permit WA-323B, issued to the former the Borough of Barnesboro, Cambria County on May 19, 1984.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Harmony Township	P.O. Box 208, West Hickory, PA 16370	Forest

Plan Description: The approved plan provides for a municipality wide onlot Sewage Management Program (SMP). The SMP plans to focus primarily on public education in the first year with an inspection/remedial action schedule of 90 properties per year in successive years. An agreement has been executed between Har-

mony Township and the municipality's Sewage Enforcement Officer (SEO), whereby the Township delegates authority to the SEO to administer and track the SMP. A 10-year inspection plan is proposed based on need. Harmony Township will submit annual progress reports to the Department documenting the status of the SMP. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

Canizares Residence, 105 Ottawa Trail, Tobyhanna Township, **Monroe County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Ms. Marie Canizares, 7803 Horrocks Street, Philadelphia, PA 19152, submitted a Final Report concerning remediation of site soils contaminated with tert-

Butyl-Methyl-Ether, Benzene, Toluene, Ethylbenzene, Cumene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene and Naphthalene from a heating oil release. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Szoka Property, 7060 Little Creek Road, Lower Mount Bethel Township, **Northampton County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Ms. Michele Szoka, 6681 Little Creek Road, Bangor, PA 18013, submitted a Final Report concerning the remediation of site soils contaminated with tert-Butyl-Methyl-Ether, Benzene, Toluene, Ethylbenzene, Cumene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on May 9, 2016.

CVS Pharmacy Store # 1324, Route 61, Pottsville City, **Schuylkill County**. RT Environmental Services, Inc., 591 East Maiden Street, Washington, PA 15301, on behalf of Summit Realty Advisors, LLC, 201 South Maple Avenue, Suite 100, Ambler, PA 19002, submitted a Final Report concerning the remediation of site soils contaminated with Benzo(a)pyrene, Dibenzo(a,h)anthracene, Arsenic, and Lead. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on May 6, 2016.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Hazardous Waste Transporter License Issued

Active Environmental Technologies, Inc., 203 Pine Street, Mount Holly, NJ 08060. License No. PA-AH 0840. Effective May 04, 2016.

Eastern Environmental Industries, LLC, PO Box 486, Mifflinville, PA 18631. License No. PA-AH 0835. Effective May 05, 2016.

Hazardous Waste Transporter License Reissued

Aqua-Tex Transport, Inc., PO Box 1204, Hammonton, NJ 08037. License No. PA-AH S179. Effective May 10, 2016.

Clean Earth of North Jersey, Inc., 115 Jacobus Avenue, South Kearny, NJ 07032. License No. PA-AH 0797. Effective May 06, 2016.

Earth Technology II, LLC, PO Box 338, North Haven, CT 06473. License No. PA-AH 0691. Effective May 09, 2016.

Renewal Applications Received

Aqua-Tex Transport, Inc., PO Box 1204, Hammonton, NJ 08037. License No. PA-AH S179. Effective May 09, 2016.

David J. Winning Company, 5610 Aiken Road, Mckees Rocks, PA 15136. License No. PA-AH S100. Effective May 09, 2016.

Earth Technology II, LLC, PO Box 338, North Haven, CT 06473. License No. PA-AH 0691. Effective May 09, 2016.

R.E.D. Technologies, LLC, 10 Northwood Drive, Bloomfield, CT 06002. License No. PA-AH 0772. Effective May 09, 2016.

RESIDUAL WASTE GENERAL PERMITS

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone 412-442-4000.

General Permit Application No. WMGR101SW003. Kipin Industries, Inc., 4194 Green Garden Road, Aliquippa, PA 15001, for the Heights Plaza site located at 1001 Springhill Road Ext., Harrison Township, **Allegheny County**. For operation and beneficial use of a processing facility for steel slag, iron slag, and refractory bricks that were co-disposed with slag, reclaimed asphalt pavement material (RAP) in quantities greater than 10 cubic yards and uncontaminated brick, block and concrete from sidewalk and highway projects as a construction material. The permit was revoked by the South West Regional Office on May 5, 2016.

MODIFICATIONS OF RESIDUAL WASTE GENERAL PERMITS WMGR082

Permit Modification Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Number WMGR082 is for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag ("slag") as a construction material. The authorized processing is limited to magnetic separation of metallics and mechanical sizing and separation. Uses of slag as a construction material under this permit are limited to the following: as an ingredient in bituminous concrete; as aggregate; as base course; as subbase; and as antiskid material.

The general permit was amended to add the beneficial use of steel slag as an alkaline amendment at coal mining activity sites, abandoned mine lands as defined in 25 Pa. Code § 86.252, and in industrial site remediation or reclamation. The amendments also removed the limitation granted to only approve beneficial use of slag as a construction material to meet applicable Pennsylvania Department of Transportation (PennDOT) standards when a written statement is obtained from municipality or property owner is obtained indicating that the PennDOT standards are not applicable for the proposed project. General Permit Number WMGR082 was amended by Central Office on May 5, 2016.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**REGISTRATION FOR GENERAL
PERMIT—RESIDUAL WASTE**

Registration issuance Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Registration No. WMGR123NC029. Inflection Energy, LLC, 49 East Fourth Street, Suite 101, Williamsport, PA 17701. Registration to operate under General Permit No. WMGR123 for an oil and gas liquid waste beneficial use facility located at the Winter Transfer Facility in Upper Fairfield Township, **Lycoming County** in Montoursville, PA. The registration was issued by North Central Office on April 20, 2016.

Persons interested in obtaining more information about the general permit application may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

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

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

Permit No. 101237. Solid Waste Services Inc., Mascaro Transfer Station, 109 Wile Road, Souderton, PA 18964-2325. This permit application is for a 10-year permit renewal with minor modification of the solid waste permit No 101237 for the Mascaro Transfer Station. The permit renewal application is for the continuing operation of the existing Mascaro Transfer facility and the minor modification is for acceptance and transfer a maximum of 100 tons/day of single stream recyclable material (SSRM). Mascaro Transfer Station is a municipal waste transfer facility located in Franconia Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on April 25, 2016.

Permit No. 101699. Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067. This permit application is for the construction and operation of Fairless Landfill to be located on a brownfield site at the Keystone Industrial Port Complex (KIPC)—the former U.S. Steel Fairless Works. The Fairless Landfill consists of 330.5 acres of permit area, of which 197 acres will be for waste disposal with an estimated disposal capacity of 47,300,000 bank cubic yards. The Fairless Landfill is a new municipal waste landfill located in Falls Township, **Bucks County**. The permit was issued by the Southeast Regional Office on March 30, 2016.

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

GP3-46-0134: TAMCO Construction Inc., (539 E. Dark Hollow Road, Pipersville, PA 18947) On May 6, 2016 to install and operate a portable nonmetallic mineral processing plant at Allied Concrete and Supply West Point Site located in Upper Gwynedd Township, **Montgomery County**.

GP9-46-0087: TAMCO Construction Inc. (539 E. Dark Hollow Road, Pipersville, PA 18947) On May 6, 2016 to operate a diesel and No. 2 fuel-fired internal combustion engine at Allied Concrete and Supply West Point Site located in Upper Gwynedd Township, **Montgomery County**.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531

GP9-39-008A: Northledge LLC (930 East Market Street, Bethlehem, PA 18017) on May 06, 2015, for operation of diesel fired I.C Engines at the facility located in Whitehall Township, **Lehigh County**.

GP3-39-008A: Northledge LLC (930 East Market Street, Bethlehem, PA 18017) on May 06, 2016, for the operation of a portable stone crushing plant at the facility located in Whitehall Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110

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

GP1-22-03059: Icon Owner Pool 4 NE/MW LLC (4720 Gettysburg Road, Suite 402, Mechanicsburg, PA 17055) on April 29, 2016, for an existing natural gas-fired boiler, 14.65 MMBtus/hr, under GP1, at the facility located in the City of Harrisburg, **Dauphin County**. The general permit authorization was re-issued due to a change of ownership.

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

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

GP3-41-722: Glenn O Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 3, 2016, for the relocation of a 250 TPH McCloskey model R155 portable crushing unit under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) to the Minnier Quarry in McNett Township, **Lycoming County**.

GP11-41-722: Glenn O Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 3, 2016, to

relocate a 130 bhp CAT model 3054C diesel-fired engine under the General Plan Approval and General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) to the Minnier Quarry in McNett Township, **Lycoming County**.

GP3-19-206: Siri Sand & Stone LLC (PO Box 169, Watkins Glen, NY 14891) on April 8, 2016, for the relocation of a McClosky model i54 portable crushing unit under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) to the HRI Bloomsburg Plant in Hemlock Township, **Columbia 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.

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

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

67-05047C: Republic Services of PA, LLC (4400 Mt. Pisgah Road, York, PA 17406-8240) on May 3, 2016, for a landfill gas flare project at the Modern Landfill in Lower Windsor Township, **York County**. Plan Approval No. 67-05047C is modification to plan approval 67-05047B, without any facility's emissions increase, to relocate and consolidate the flares on the north side and shut down the south side flaring. It will authorize the continued installation of a new landfill gas (LFG) firing enclosed ground flare to control LFG, rated at 5,000 cfm approved under 67-05047B.

22-05012E: ArcelorMittal Steelton, LLC (215 S. Front Street, Steelton, PA 17113) on May 3, 2016, for a furnace modification project at the Steelton plant in Steelton Borough, **Dauphin County**. This Plan Approval will authorize modifications to Plan Approval No. 22-05012C, without any emissions increase, to retain the 35" Mill Reheat Furnaces 3 & 4 (Source ID 301). Source ID 301 was to be shut down as per previously issued Plan Approval 22-05012C. Also, rather than six of the Source ID 401 Soaking Pit Batteries being shut down per previously issued Plan Approval 22-05012C, only three will now be shut down. The creditable emissions decrease from the partial shutdown of Source ID 401 is being used for internal netting for the construction and operation of a new natural gas fired walking beam reheat furnace (WBF), Source ID 311.

06-05069Z: East Penn Manufacturing Co., Inc. (PO Box 147, Lyon Station, PA 19536) on May 2, 2016, for the installation in the Industrial Building of six formation (battery charging) systems controlled by mist eliminators and the installation of four battery finishing lines, to support battery production in the A-3 Building, at the lead-acid battery manufacturing facility in Richmond Township, **Berks County**.

36-05158A: Perdue AgriBusiness, LLC (PO Box 1537, Salisbury, MD 21802-1537) on May 5, 2016, for the construction of a grain elevator and a soybean oil extraction facility in Conoy Township, **Lancaster County**.

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

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

43-305F: Champion Carrier Corporation (2755 Kirila Road, Hermitage, PA 16148) on April 25, 2016, has issued a plan approval for the installation of a four (4) paint booths with panel filters at their facility in the City of Hermitage, **Mercer County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

14-00003F: Pennsylvania State University (101P Physical Plant Bldg, University Park, PA 16802) on May 4, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 7, 2016 to November 3, 2016, at their University Park Campus located in College Township and State College Borough, **Centre County**. The plan approval has been extended.

14-00003G: Pennsylvania State University (101P Physical Plant Bldg, University Park, PA 16802) on May 4, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 28, 2016 to November 24, 2016, at their University Park Campus located in College Township and State College Borough, **Centre County**. The plan approval has been extended.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

Contact: Thomas McGinley, New Source Review Chief—Telephone: 610-832-6242

09-00109: Bucks County SPCA (1665 Street Road, Lahaska, PA 18931) On May 6, 2016 for the revocation of the State-only Operating permit as the operation of a crematory has ceased at this facility located in Solebury Township, **Bucks County**.

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

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

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

39-00004: Mack Trucks, Inc., (7000 Alburts Road, Macungie, PA 18062) The Department issued a renewal Title V Operating Permit on December 30, 2015, for a motor vehicle manufacturing facility in Lower Macungie Township, **Lehigh County**.

45-00002: Westrock Converting Company, (Paper Mill Road, Delaware Water Gap, PA 18327) The Department issued a renewal Title V operating permit on February 29, 2016, for a paperboard manufacturing facility in Smithfield Township, **Monroe County**.

48-00015: Lehigh Heavy Forge Corp., (275 Emery Street, Bethlehem, PA 18015-2042) The Department issued a renewal Title V Operating Permit on December 30, 2015, for an iron and steel forgings facility in the City of Bethlehem, **Northampton County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

39-00081: Insulation Corporation of America (2571 Mitchell Avenue, Allentown, PA 18013) The Department issued a renewal State Only (Synthetic Minor) Operating Permit on January 13, 2016, to operate a plastics and foam products manufacturing facility in the City of Allentown, **Lehigh County**.

40-00019: Cascades Tissue Group PA, Inc. (901 Sathers Drive, Pittston, PA 18640-9589) The Department issued a State Only (Synthetic Minor) Operating Permit on May 2, 2016, for a paper products facility in Pittston Township, **Luzerne County**.

45-00003: NRG REMA, LLC (121 Champion Way, Canonsburg, PA 15317-5817) The Department issued a renewal State Only (Synthetic Minor) Operating Permit on March 16, 2016, for a combustion turbine located in Middle Smithfield Township, **Monroe County**.

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

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

28-05034: Grove US LLC (1565 Buchanan Trail East, Shady Grove, PA 17256) on May 2, 2016, for the chrome plating facility located in Quincy Township, **Franklin County**. The State-only permit was renewed.

07-05039: Chicago Rivet & Machine Co. (2728 Adams Avenue, Tyrone, PA 16686-8851) on May 3, 2016, for the fastener manufacturing facility located in Tyrone Borough, **Blair County**. The State-only permit was renewed.

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

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

12-00010: Pennsylvania Sintered Metals, Inc.—d/b/a PSM Brown Co. (2950 Whittimore Road, PO Box 308, Emporium, PA 15834-2032) on April 12, 2016, issued a state only operating permit for their facility in Emporium Borough, **Cameron County**. The facility's sources include electric-fired sintering furnaces, a sizing operation and a parts washer. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

18-00014: Jersey Shore Steel Co. (PO Box 5055, Jersey Shore, PA 17740) on May 5, 2016, issued a state only operating permit for their facility in Pine Creek Township, **Clinton County**. The facility's sources include a steel reheat furnace, scarfing booths, parts washers,

gasoline-fired welders and pumps and a blacksmith furnace. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940

42-00216: Catalyst Energy Kane Stripping Plant (424 S. 27th Street, Suite 304, Pittsburgh, PA 15203-2380) on May 3, 2016, issued a renewal State Only Operating Permit for the natural gas stripping plant located in Wetmore Township, **McKean County**. The facility is a Natural Minor. The primary sources at the facility include an inlet compressor (400 HP), storage tanks, an ethylene glycol dehydration unit with reboiler, and a refrigeration system. The facility is subject to 40 CFR Part 60 Subparts KKK and VV pertaining to Onshore Natural Gas Processing Plants and Leak Detection and Repair. The facility processes less than 10 mmcf/day of natural gas. Actual NO_x emissions from the facility for 2015 were approximately 2.5 TPY. Other criteria pollutants and HAPs were much less. In 2014, the facility reported emissions as follows: NO_x—10.94 TPY; CO 1.99 TPY; PM₁₀—0.22 TPY; SO_x 0.003 TPY; VOC 3.55 TPY and, HAPs—less than 1.0 TPY. The conditions of the previous plan approval and operating permit were incorporated into the renewal permit.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

46-00160: 300 Brookside Commercial, LP (300 Brookside Avenue, Ambler, PA 19002) On May 6, 2016 for an Administrative Amendment to State Only (Natural Minor) Operating Permit No. 46-00160 for a change in ownership of the facility from BASF Corporation to 300 Brookside Commercial, LP. The facility is located in Lower Gwynedd Township, **Montgomery County**.

15-00086: Darling Ingredients Inc. dba Bakery Feeds (97 Westbrook Drive, Honey Brook, PA 19344) On May 6, 2016 for its feed ingredients manufacturing facility located in Honey Brook Township, **Chester County**. On May 6, 2016 the State Only Operating Permit was modified to include the specifications for a functionally equivalent regenerative thermal oxidizer (RTO), to replace the existing unit and amended to include a change in ownership from Griffin Industries LLC dba Bakery Feeds to Darling Ingredients Inc dba Bakery Feeds.

15-00021: Glasgow Inc./Catanach Asphalt Plant and Quarry, (660 North Morehall Road, Malvern, PA 19355) On May 6, 2016 for the amendment of a State Only Operating Permit to incorporate the requirements of Plan Approval No. 15-0021A and to combine Source 105A with Source 101A. Glasgow is a stone crushing facility which operates under a State Only Operating Permit No. 15-00021 and is located in East Whiteland Township, **Chester County**.

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

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

36-05079: Chester County Solid Waste Authority (PO Box 476, Honey Brook, PA 19344-0476) on May 2, 2016, for the Lancaster Landfill located in Caernarvon Township, **Lancaster County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 36-05079D.

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

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

41-00046: Pennsylvania College of Technology (2245 Reach Road, Williamsport, PA 17701) On April 12, 2016, located in City of Williamsport, **Lycoming County**. The operating permit was amended to revise the responsible official for the facility. This Administrative Amendment is issued in accordance with the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

24-00134: ASM HOLDCO, Incorporated (229 West Creek Road, Saint Marys, PA 15857-3309) on April 29, 2015, issued an administrative amendment to the State Only Operating Permit for the facility located in Saint Marys City, **Elk County**. The amendment incorporates the change of ownership, tax ID, responsible official and permit contact. The operator is Contact Technologies, Inc.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

28-05002: US Department of Defense—Letterkenny Army Depot (One Overcash Avenue, Chambersburg, PA 17201). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emission increase of 0.00002 TPY PM₁₀ resulting from light sanding operations at the facility located in Greene/Letterkenny Townships, **Franklin County**. This is the fifth de minimis emission increase at the facility during the term of the current operating permit.

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

Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340

24-00016: Keystone Powdered Metal Company (251 State Street, St. Marys, PA 15857), the Department has reviewed a De minimis Emission Increase submittal from concerning a surface coating dip tank (rust preventative) at their facility in Saint Marys City, **Elk County**.

The facility currently operates under Title V operating permit 24-00016. The Department hereby approves the De minimis emission increase. This source is exempt from plan approval as it complies with 25 Pa. Code § 127.449. This is the first De minimis emission increase which has occurred since their current Operating Permit was issued on January 8, 2014. Emissions are estimated to increase by 0.2 tpy of VOC as a result of this project.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

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

GP5-14-310: Range Resources—Appalachia, LLC (100 Throckmorton Street, Suite 1200, Fort Worth, TX 76102), terminated General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) on May 4, 2016, for their Snow Shoe Compressor Station located in Boggs Township, **Centre County**. The facility emits all air contaminants below the exemption emission thresholds.

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. 32090102 and NPDES No. PA00262811. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Brush Valley Township, **Indiana County**, affecting 274.0 acres. Receiving streams: unnamed tributaries to/and Yellow Creek; unnamed tributaries to/and Ferrier Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 12, 2014. Permit issued: May 2, 2016.

Permit No. 56813104 and NPDES No. PA0599115. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County** affecting 344.7 acres. Receiving streams: unnamed tributaries to/and Tubs Run, classified

for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 21, 2014. Permit Issued: May 3, 2016.

Permit No. 56130102 and NPDES No. PA0269336, ELK Resources, Inc., 30 Pounds Road, West Lebanon, PA 15783, transfer of an existing bituminous surface and auger mine from Berwind Coal Sales Company, 509 15th Street, Windber, PA 15963, located in Shade Township, **Somerset County**, affecting 383.8 acres. Receiving streams: unnamed tributary to/and Miller Run and unnamed tributary to Dark Shade Creek classified for the following uses: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 12, 2016. Permit Issued: May 5, 2016.

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

Permit No. 17960101. RES Coal LLC (P.O. Box 228, Armagh, PA 15920). Renewal for reclamation only of an existing bituminous surface mine located in Morris Township, **Clearfield County** affecting 189.8 acres. Receiving stream(s): Hawk Run and two Unnamed Tributaries classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 29, 2016. Permit issued: April 29, 2016.

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

Permit No. 54160201. Locust Valley Coal Co., Inc., (PO Box 279, St. Clair, PA 17970), commencement, operation and restoration of an anthracite coal refuse reprocessing and preparation plant operation in Mahanoy Township, **Schuylkill County** affecting 291.0 acres, receiving stream: Mahanoy Creek. Application received: December 21, 2015. Permit issued: May 9, 2016.

Permit No. 54160201GP104. Locust Valley Coal Co., Inc., (PO Box 279, St. Clair, PA 17970), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54160201 in Mahanoy Township, **Schuylkill County**, receiving stream: Mahanoy Creek. Application received: December 21, 2015. Permit issued: May 9, 2016.

Permit No. 54-305-035GP12. Locust Valley Coal Co., Inc., (PO Box 279, St. Clair, PA 17970), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54160201 in Mahanoy Township, **Schuylkill County**. Application received: December 21, 2015. Permit issued: May 9, 2016.

Noncoal Permits Issued

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

25100303. McDonald Sand & Gravel, Inc. (11425 Neiger Road, Girard, PA 16417) Renewal of existing NPDES Permit No. PA0258997 in Springfield Township, **Erie County**. Receiving streams: Unnamed tributary to Crooked Creek. Application received: January 19, 2016. Permit issued: May 6, 2016.

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

Permit No. 58150814. Ryan P. Guiton, (1041 Irish Hill Road, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Rush and Middletown Townships, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Middle

Branch Wyalusing Creek. Application received: September 14, 2015. Permit issued: May 3, 2016.

Permit No. 58150814GP104. Ryan P. Guiton, (1041 Irish Hill Road, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58150814 in Rush and Middletown Townships, **Susquehanna County**, receiving stream: unnamed tributary to Middle Branch Wyalusing Creek. Application received: September 14, 2015. Permit issued: May 3, 2016.

Permit No. 58160801. Mary Rzepecki, (1051 Johnson Pond Road, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Meshoppen Creek Watershed. Application received: January 26, 2016. Permit issued: May 5, 2016.

Permit No. 58160801GP104. Mary Rzepecki, (1051 Johnson Pond Road, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58160801 in Bridgewater Township, **Susquehanna County**, receiving stream: unnamed tributary to Meshoppen Creek Watershed. Application received: January 26, 2016. Permit issued: May 5, 2016.

Permit No. 58150818. Daniel Stone Supply, LLC, (PO Box 144, Hop Bottom, PA 18824), commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Hop Bottom Creek Watershed to Martins Creek Watershed. Application received: December 28, 2015. Permit issued: May 9, 2016.

Permit No. 58150818GP104. Daniel Stone Supply, LLC, (PO Box 144, Hop Bottom, PA 18824), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58150818 in Brooklyn Township, **Susquehanna County**, receiving stream: unnamed tributary to Hop Bottom Creek Watershed to Martins Creek Watershed. Application received: December 28, 2015. Permit issued: May 9, 2016.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

Permit No. 38164104. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Brewster Warehouse in Union Township, **Lebanon County** with an expiration date of April 27, 2017. Permit issued: May 5, 2016.

Permit No. 67164103. M & J Explosives, LLC, (PO Box 1248, Carlisle, PA 17013), construction blasting for 216 Dew Drop Road in York Township, **York County** with an expiration date of May 1, 2017. Permit issued: May 5, 2016.

Permit No. 15164104. Schlouch, Inc., (P.O. Box 69, Blandon, PA 19510), construction blasting for Lifetime Fitness in Tredyffrin Township, **Chester County** with an expiration date of May 4, 2017. Permit issued: May 6, 2016.

Permit No. 15164105. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for New Garden Flying Field Expansion in New Garden Township, **Chester County** with an expiration date of May 31, 2017. Permit issued: May 6, 2016.

Permit No. 46154105. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Lifetime Fitness in Upper Dublin Township, **Montgomery County** with an expiration date of April 28, 2017. Permit issued: May 6, 2016.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511

E45-598. Stroud Township, 1211 North 5th Street, Stroudsburg, PA 18360. Stroud Township, **Monroe County,** Army Corps of Engineers Philadelphia District.

To construct and maintain an outfall structure in the floodway of Wigwam Run (HQ-CWF, MF) consisting of a 30-inch pipe, headwall, riprap apron and grass lined outfall channel. The project is located approximately 0.1 mile north of the Wigwam Park Road and SR 611 intersection (Saylorsburg, PA Quadrangle Latitude: 40°59'57"; Longitude: -75°15'32").

E40-774. Bernie Banas, 1207 Stonegate Road, Hummelstown, PA 17036. Harveys Lake Borough, **Luzerne County,** Army Corps of Engineers Baltimore District.

To construct and maintain a 340 sq. ft. addition to an existing boat dock and to relocate a 200 sq. ft. jet ski lift from the east side of the dock to the west side of the dock within the basin of Harveys Lake (HQ-CWF). The project is located approximately at Pole 227, Lakeside Drive (Harveys Lake, PA Quadrangle Latitude: 41°21'54.1"; Longitude: -76°2'59.8"). Subbasin: 5B.

E40-776. Harveys Lake Rowing Club, 44 Overbrook Road, Shavertown, PA 18708. Harveys Lake Borough, **Luzerne County,** Army Corps of Engineers Baltimore District.

To construct and maintain a 667 sq. ft. floating dock and a 373 sq. ft. cantilevered dock as additions to an existing 618 sq. ft. dock within the basin of Harveys Lake (HQ-CWF). The project is located approximately at Pole 217, Lakeside Drive (Harveys Lake, PA Quadrangle Latitude: 41°22'24.3"; Longitude: -76°2'46.1"). Subbasin: 5B.

E40-768. Earth Conservancy, Inc., 101 S. Main Street, Ashley, PA 18706. Hanover Township and Nanticoke City, **Luzerne County,** Army Corps of Engineers Baltimore District.

To fill and maintain 0.07 acre of PFO/PSS/PEM wetlands for the purpose of constructing Phase # 3 of the "Hanover 9 Site Reclamation" project. The permittee is required to provide 0.07 acre of replacement wetlands. The project is located approximately 0.6 mile south of the intersection of SR 29 and Sans Souci Parkway (Wilkes-Barre West, PA Quadrangle Latitude: 41°12'2.84"; Longitude: -75°58'52.18"). Subbasin: 5B.

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

E60-226. Union County, Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837. Great Stream Commons, in Gregg Township, **Union County,** ACOE Baltimore District (Allenwood, PA Quadrangle N: 41.18479; W: -76.900586).

To construct and maintain: 1) a 1,562 foot long 60-inch reinforced concrete pipe stream enclosure of an unnamed tributary to West Branch Susquehanna River, 2) cross-section and profile changes for 540 feet upstream of the inlet to the 60-inch enclosure, 3) 1,600 lineal feet of offsite stream restoration site in State Game Lands 252 on Spring Creek with 15 randomly placed boulders, 7 half single log vane deflectors, 8 single log vane deflectors, 29 multi log vane deflectors, 3 mud sill cribbing, 1 saw tooth

deflector, 1 throat log, and 2 toe log protection, 4) 18,628 square feet of wetland mitigation on the southern end of the subject property, in order to make a level construction site for a commercial/industrial building with the associated access drives, parking lots, and stormwater facilities, part of which will be in a mapped FEMA 100-year floodplain.

This project proposes to: 1) temporarily impact 2,200 linear feet of an unnamed tributary to West Branch Susquehanna River and 0 acre of wetland, 2) permanently impact 1,562 linear feet of an unnamed tributary to West Branch Susquehanna River and 0.42 acre of wetland, in a Warm Water Fishery drainage area.

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

E02-1708, The Municipal Authority of the Township of Robinson, 4200 Campbells Run Road, Pittsburgh, PA 15205, Moon Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

Operate and maintain the existing Findlay Transmission Line in the floodplain and on the left bank of Montour Run (TSF) and to construct, operate, and maintain a guide rail and meter and flow control valve vault in the floodplain and on the left bank of Montour Run (TSF) for the purpose of ensuring safe and reliable water supply from the existing Findlay Transmission Line. The project is located at the intersection of Park Manor Boulevard and Montour Run Road (Oakdale, PA Quadrangle N: 15.7 inches; W: 6 inches, Latitude: 40° 27' 31"; Longitude: -80° 10' 18"), in Moon Township, Allegheny County.

E02-1726, Findlay Township Municipal Authority, 1271 Route 30, P.O. Box 409, Clinton, PA 15026-1536, Findlay Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Place fill and permanently impact 2.71 acres of the floodplain of Potato Garden Run (WWF);
2. Place and maintain fill in 1.44 acre of PEM wetlands;
3. Construct and maintain a 12" diameter outfall pipe along Potato Garden Run (WWF);

The permanent impacts to wetlands will be mitigated at the site by constructing 1.44 acre of wetlands on-site. The impacts are for the purpose of constructing a 0.50 million gallon per day sewage treatment plant to replace the existing 0.15 million gallon per day sewage treatment plant known as the Potato Garden Wastewater Treatment Plant. The project is located at the intersection of Strouss Road and Potato Garden Run Road (Clinton, PA USGS topographic quadrangle; Latitude: 40° 28' 37"; Longitude: -80° 19' 12"; Sub-basin: 20D; Pittsburgh Corps District), in Findlay Township, Allegheny County.

E56-380, Joseph B. Fay Company, P.O. Box 66, Russellton, PA 15076, Summit Township, **Somerset County**, Pittsburgh ACOE District.

Has been given consent to:

Place and maintain fill in 600 feet of an unnamed tributary to the Casselman River (WWF) with a drainage area less than 100 acres for the purpose of disposing of approximately one million cubic yards of clean waste material associated with the construction of the 11 mile

long SR 6219 Section 20 project. Stream mitigation will occur offsite approximately two miles south of the impact location on Blue Lick Creek (CWF). This project is located approximately one mile north of Meyersdale (Meyersdale, PA Quadrangle, North 17 inches and West 5.25 inches; Latitude: 39° 50' 38" and Longitude: -79° 2' 16.6") in Summit Township, Somerset County, PA.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460

D15-370EA. Ed McFalls, Representative, Hershey's Mill Home Owners' Association, 1389 East Boot Road, West Chester, PA 19380, East Goshen Township, **Chester County**, USACOE Philadelphia District.

Project proposes to remove the Hershey Mills Dam No. 2 for the purpose of eliminating a threat to public safety and to restoring approximately 130 feet of stream channel to a free-flowing condition. The project is located across a tributary to Ridley Creek (HQ-TSF) (Malvern, PA Quadrangle, Latitude: 40.0049; Longitude: -75.5695).

WATER QUALITY CERTIFICATIONS REQUESTS

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

PUBLIC NOTICE OF FINAL STATE WATER QUALITY CERTIFICATION FOR FERC PIPELINE PROJECT

Water Quality Certification Required by Section 401 of the Clean Water Act for the UGI Sunbury Pipeline Project; FERC Docket No. CP15-525-000; PADEP File No. WQ04-001

WQ04-001. The proposed project starts at 1.5 mile north on Harriman Road from the intersection with Beaver Run Road (Sonestown, PA Quadrangle N: 41°, 15', 47.72"; W: 76°, 35', 13.37") and ends at Hummels Station, Old Trail Road, Shamokin Dam, PA 17876 (Sunbury, PA Quadrangle N: 40°, 50', 22.05"; W: 76°, 49', 36.52").

On July 1, 2015, UGI Sunbury, LLC filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-525-000). The FERC Environmental Assessment for the Project, which was issued on December 28, 2015, may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP15-525-000).

On January 8, 2016, UGI Sunbury, LLC requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project, as proposed, includes approximately 34.4 mile long, 20 inch pipeline for the purpose of transporting natural gas from its origin in Lycoming County to its terminal point at Hummels Station in Snyder County. The Project, as proposed, will require approximately 559.6 acres of earth disturbance. The following impacts per county are anticipated. In Lycoming County: The proposed project impacts include 126 linear feet of Unnamed

Tributary to Beaver Run—Cold Water Fishery, Little Muncy Creek—Cold Water Fishery, Unnamed Tributary to Little Muncy Creek—Cold Water Fishery, Unnamed Tributary to the Middle Branch of Chillisquaue Creek—Warm Water Fishery, German Run—Cold Water Fishery, Unnamed Tributary to German Run—Cold Water Fishery, Laurel Run—Cold Water Fishery, Unnamed Tributary to Laurel Run—Cold Water Fishery, 3.7 acres of floodway, 1.48 acre of temporary wetland impacts with 1.4 acre being in Exceptional Value Wetlands due to Wild Trout Waters, and 0.15 acre of Exceptional Value permanent impacts. In Montour County: The proposed project impacts include 153 linear feet of the West Branch of Chillisquaue Creek—Warm Water Fishery, Unnamed Tributary to the West Branch of Chillisquaue Creek—Warm Water Fishery, Unnamed Tributary to the Middle Branch of Chillisquaue Creek—Warm Water Fishery, County Line Branch—Warm Water Fishery, Limestone Run—Warm Water Fishery, Unnamed Tributary to Chillisquaue Creek—Warm Water Fishery, 8.9 acres of floodway, 0.59 acre of temporary wetland impacts with 0.02 acre being in Exceptional Value Wetlands, and 0.1 acre of permanent impacts. In Northumberland County: The proposed project impacts include 258.5 linear feet of the Chillisquaue Creek—Warm Water Fishery, Unnamed Tributary to Chillisquaue Creek—Warm Water Fishery, Unnamed Tributary to the West Branch of the Susquehanna River—Warm Water Fishery, 20.9 acres of floodway, 0.58 acre of temporary wetland impacts with 0.07 acre being in Exceptional Value Wetlands, and 0.32 acre of permanent impacts. In Union County: The proposed project impacts include 1,440 linear feet of the West Branch of the Susquehanna River—Warm Water Fishery, 7 acres of floodway, 0.22 acre of temporary wetland impacts with 0.0 acre being in Exceptional Value Wetlands, and 0.0 acre of permanent impacts. In Snyder County: The proposed project impacts include 69 linear feet of impacts to unnamed tributaries to the Susquehanna River—Warm Water Fishery, 1.75 acre of floodway, 0.02 acre of temporary wetland impacts with 0.0 acre being in Exceptional Value Wetlands, and 0.02 acre of permanent impacts.

PADEP published notice of its proposed state water quality certification in the *Pennsylvania Bulletin* on February 27, 2016, (Vol 46 Pa.B. No. 9) and received no comments from the public.

On May 6, 2016, PADEP issued Section 401 Water Quality Certification PADEP to UGI Sunbury, LLC for the UGI Sunbury Pipeline Project. PADEP certifies to UGI Sunbury, LLC that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided UGI Sunbury, LLC complies with the permitting programs, criteria and conditions established pursuant to State law:

1. *Discharge Permit*—UGI Sunbury, LLC shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—UGI Sunbury, LLC shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law

and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—UGI Sunbury, LLC shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by UGI Sunbury, LLC.

5. *Operation*—UGI Sunbury, LLC shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by UGI Sunbury, LLC.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP during such inspections of the Project.

7. *Transfer of Projects*—If UGI Sunbury, LLC intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, UGI Sunbury, LLC shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Northcentral Regional Office, David W. Garg, P.E., 208 West Third Street, Suite 101, Williamsport, PA 17701.

1. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that UGI Sunbury, LLC has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

2. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve UGI Sunbury, LLC from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

3. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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 Environmental Hearing Board within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

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

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0012515006-1	Sunoco Pipeline, LP	Washington County	Chartiers Township	Westland Run (WWF); UNT to Chartiers Creek (WWF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-2 # ESG15-019-0061—Oakland Township Centralized Freshwater Impoundment
 Applicant R.E. Gas Development
 Contact Mr. Michael Endler
 Address 600 Cranberry Woods Drive
 City Cranberry Township State PA Zip Code 16066
 County Butler Township(s) Oakland
 Receiving Stream(s) and Classification(s) Tributary 35263 to Thorn Creek (HQ WWF) Bonnie Brook (WWF)

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESX29-015-16-0007
 Applicant Name Chesapeake Appalachia LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford
 Township(s) Terry
 Receiving Stream(s) and Classification(s) UNT to N Branch Sugar Run (CWF, MF)
 Secondary—Sugar Run Ck

ESCGP-2 # ESX10-015-0055(02)
 Applicant Name Talisman Energy USA Inc
 Contact Person Joe Katruska
 Address 50 Pennwood Pl
 City, State, Zip Warrendale, PA 15086
 County Bradford
 Township(s) Columbia
 Receiving Stream(s) and Classification(s) UNT to Wolf Ck (TSF, MF)
 Secondary—Wolf Creek

ESCGP-2 # ESX11-081-0144(01)
 Applicant Name Anadarko E&P Onshore LLC
 Contact Person Steve Barondeau
 Address 33 W Third St, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) McHenry
 Receiving Stream(s) and Classification(s) Second Big Fork (HW-CWF)
 Secondary—Trout Run (HQ-CWF)

ESCGP-2 # ESX29-015-16-0018
 Applicant Name Chesapeake Appalachia LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840
 County Bradford
 Township(s) Terry
 Receiving Stream(s) and Classification(s) N Branch Sugar
 Run (CWF, MF)
 Secondary—Sugar Run Ck

ESCGP-2 # ESX29-117-16-0021
 Applicant Name SWEPI LP
 Contact Person Jason Shoemaker
 Address 2100 Georgetown Dr, Suite 400
 City, State, Zip Sewickley, PA 15143
 County Tioga
 Township(s) Chatham
 Receiving Stream(s) and Classification(s) Crooked Ck
 (WW)

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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 which 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483.

DAM SAFETY

Southwest Regional Office, Oil and Gas Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Project Description:

[Permit # 95-7-60915-7-A3]. Carol Baker (Chartiers Twp 16) Impoundment Modification.

Applicant: Range Resources-Appalachia LLC, 3000 Town Center Blvd, Canonsburg, PA 15317 proposes to modify Permit # 95-60915-7A2 to construct, operate and maintain an loadout facility to serve the Centralized Impoundment, which is used to collect, store and reuse wastewater for fracturing natural gas wells, Jefferies # 1 permit No. 37-125-27394 and other permitted wells listed in the application. Project is located off Arden Road in Chartiers Township, **Washington County** (USGS, PA Quadrangle: Canonsburg N: 40° 13' 50.6"; W: -80° 16' 22.1"). Project has disturbed 21.0 acres, with 2.23 acres redistributed. The stormwater runoff drains to Tributary 37110 of Chartiers Creek, a Warm Water Fishery, State Water Plan Basin 20F Ohio River.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16-36-005	Perdue Grain & Oilseed, LLC P.O. Box 1537 Salisbury, MD 21802-1537 Attn: Peter Heller	Lancaster	Conoy Township	2 ASTs storing hexane	40,000 gallons total

SPECIAL NOTICES

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

Southcentral Region: Waste Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

The Department of Environmental Protection (Department) approved the Perry County Municipal Solid Waste Management Plan Revision on May 9, 2016.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania 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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Larry Holley, Section Chief, Department of Environmental Protection, Bureau Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 or to Anthony Rathfon, Environmental Program Manager, Waste Management at the previous Regional Office.

[Pa.B. Doc. No. 16-868. Filed for public inspection May 20, 2016, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at www.elibrary.dep.state.pa.us. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Notice to Rescind Technical Guidance

DEP ID: 563-2000-203. **Title:** Noncoal Underground Mine Permit Applications. **Description:** The current technical guidance document is outdated and will be replaced with a new application package.

Contact: Questions regarding this action should be directed to Michael Plazek, Department of Environmental Protection, Bureau of Mining Programs, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-4841 or miplazek@state.pa.us.

Effective Date: May 21, 2016.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-869. Filed for public inspection May 20, 2016, 9:00 a.m.]

Federal Consistency under the Coastal Zone Management Act; Issuance of Pennsylvania State Programmatic General Permit-5 (PASPGP-5)

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16

U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department) Coastal Resources Management Program has received notice that the United States Army Corps of Engineers (USACE) Baltimore, Philadelphia and Pittsburgh Districts are jointly proposing the issuance of Pennsylvania State Programmatic General Permit-5 (PASPGP-5), effective July 1, 2016.

Special Public Notice No. SPN 16-22 discussing the issuance of PASPGP-5 can be viewed on the USACE Baltimore District's webpage at <http://www.nab.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>.

PASPGP-5 can be viewed in its entirety on the USACE Baltimore District's webpage at <http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx>.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), USACE has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Determination from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, (717) 772-2196 or RA-Fed_Consistency@pa.gov.

The Department will consider all comments received on or before June 6, 2016, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are urged to submit comments using the Department's online eComment system at www.ahs.dep.pa.gov/eComment. Written comments should be submitted by e-mail to ecomments@pa.gov or by mail to the Department of Environmental Protection, Interstate Waters Office, 400 Market Street, P.O. Box 8465, Harrisburg, PA 17101-8465.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-870. Filed for public inspection May 20, 2016, 9:00 a.m.]

Federal Consistency under the Coastal Zone Management Act; Maintenance Dredging at Shades Beach Launch Ramp

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that Harborcreek Township in Erie County (applicant) is proposing to conduct maintenance dredging at the Shades Beach Launch Ramp facility.

The applicant has been undertaking maintenance dredging at the Shades Beach Launch Ramp facility under a 10-year maintenance permit that expired on December 15, 2015. Approximately 300–2,400 cubic yards of organic and inorganic sediments have been recovered annually during typical dredging activities. Organic materials are disposed at an upland disposal facility and coarse inorganic material is disposed along the shoreline of Lake Erie east of the mouth of Eight Mile Creek in water depths no greater than -12 feet. The applicant will not conduct dredging activities between September 1 and April 30 of each year. The applicant will also conduct the final 2 years of a 10-year bathymetric monitoring program required under the original permit, 8 years of which have been completed. The requirements for further monitoring will be evaluated in coordination with the United States Army Corps of Engineers (USACE) and the Department at the conclusion of that study. The applicant is requesting a 10-year extension of the expired USACE permit along with its previous special conditions.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), Harborcreek Township has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, (717) 772-2196 or RA-Fed_Consistency@pa.gov.

The Department will consider all comments received on or before June 6, 2016, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are urged to submit comments using the Department's online eComment system at www.ahs.dep.pa.gov/eComment. Written comments should be submitted by e-mail to ecomments@pa.gov or by mail to the Department of Environmental Protection, Interstate Waters Office, 400 Market Street, P.O. Box 8465, Harrisburg, PA 17101-8465.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-871. Filed for public inspection May 20, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Advisory Health Board Meeting

The Advisory Health Board of the Department of Health (Department) will hold a public meeting to review the program of school health services that schools are required to provide under Article XIV of the Public School Code of 1949 (24 P.S. §§ 14-1401–14-1424) on Tuesday, May 31, 2016, from 1 to 1:30 p.m. The meeting will be held in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact Erik Huet, Executive Policy Specialist, Office of Policy at (717) 547-3311.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-872. Filed for public inspection May 20, 2016, 9:00 a.m.]

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101–448.904b). The following requests for exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551–571 (relating to general information; and ambulatory surgical facilities).

Facility Name

Allegheny Health Network Surgery
Center—Bethel Park, LLC

Regulation

28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery) (general surgeon, CPT Codes 49652, 49653, 49654, 49655, 49656 and 496547)
28 Pa. Code § 551.21 (gynecologists, CPT Codes 49320, 49322, 58661 and 58671)
28 Pa. Code § 551.21 (general surgeon, CPT Codes 47562, 47563 and 47564)

<i>Facility Name</i>	<i>Regulation</i>
Pinnacle Health Plan Management Center West	28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of “classification levels,” regarding Class B facilities and PS III patients
Reading Ambulatory Surgery Center, LP	28 Pa. Code § 553.3 (relating to governing body responsibilities) 28 Pa. Code § 553.31 (relating to administrative responsibilities) 28 Pa. Code § 555.3 (relating to requirements for membership and privileges) 28 Pa. Code § 567.2 (relating to committee responsibilities)

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-873. Filed for public inspection May 20, 2016, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Chambersburg Hospital	28 Pa. Code § 107.61 (relating to written orders)
Evangelical Community Hospital	28 Pa. Code § 107.2 (relating to medical staff membership)
Main Line Hospital Bryn Mawr	28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations)
St. Luke’s Hospital—Anderson Campus	28 Pa. Code § 107.61
St. Luke’s Miners Memorial Hospital	28 Pa. Code § 107.61
St. Luke’s Quakertown Hospital	28 Pa. Code § 107.61
Waynesboro Hospital	28 Pa. Code § 107.61

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>
Magee-Womens Hospital of UPMC Health System	2.2-3.4.5.4	Patient toilet rooms	2014
Main Line Hospital Lankenau Medical Center	2.1-2.2.5.1	Hand-washing stations in the patient room	2014
Milton S. Hershey Medical Center	3.1-3.6.5.1 3.6-3.2.5.1	Hand-washing stations—location Hand-washing stations	2014 2014
Penn Highlands DuBois (100 Hospital Ave.)	2.1-7.2.2.5(1)	Windows in patient rooms	2014
Temple University Hospital	2.2-3.1.3.3(3)(h)	Reception and triage areas	2014
Thomas Jefferson University Hospital	3.1-3.2.2.2(1) 3.1-3.2.2.2(1) 3.1-3.2.2.2(1)	Space requirements—area (internal med.) Space requirements—area (GI) Space requirements—area (endocrinology)	2014 2014 2014

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
UPMC East	2.2-3.12.2.6 2.2-3.12.6.7	Patient toilet rooms Nourishment area or rooms	2014 2014
UPMC Hamot	2.2-2.5.2.2(1)	Space requirements—area	2014

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-874. Filed for public inspection May 20, 2016, 9:00 a.m.]

Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board Meeting

The Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. §§ 872.1—872.40), will hold meetings on a quarterly basis in January, April, July and October.

The next meeting will be held on Tuesday, July 19, 2016, at 9:30 am in Room 129, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Items to be discussed at the meeting include program status updates and upcoming activities.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Meghna Patel, MHA, Director, Prescription Drug Monitoring Program Office, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3144 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-875. Filed for public inspection May 20, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of the Low-Income Home Energy Assistance Program; Proposed State Plan and Public Hearing Schedule

The Department of Human Services (Department) is making available for public review and comment the Fiscal Year (FY) 2016-2017 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this notice and testimony received at public

hearings will be used to formulate the final State Plan for using Federal funds for FY 2016-2017 LIHEAP.

The Department has made the proposed State Plan available to the public through the Department's web site at <http://www.dhs.pa.gov/foradults/heatingassistance/liehap>.

In addition, copies of the proposed State Plan are available upon written request to the Director, Division of Federal Programs and Program Management, Room 224, Willow Oak Building, 1006 Hemlock Drive, Harrisburg, PA 17110.

The Department will hold three public hearings throughout this Commonwealth to allow testimony on the proposed State Plan and to fulfill the Federal mandate for public input into the planning process. This mandate appears in Title XXVI (The Low-Income Home Energy Assistance Act of 1981) of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. No. 97-35), (42 U.S.C.A. §§ 8621—8629) as amended by the Human Services Reauthorization Act of 1984 (Pub.L. No. 98-558), the Human Services Reauthorization Act of 1986 (Pub.L. No. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub.L. No. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub.L. No. 103-43), the Low-Income Home Energy Assistance Amendments of 1994 (Pub.L. No. 103-252), the Coats Human Services Reauthorization Act of 1998 (Pub.L. No. 105-285) and the Energy Policy Act of 2005 (Pub.L. No. 109-58).

Public Hearing Schedule

Tuesday, July 5, 2016
10 a.m.—12 p.m.
Philadelphia County Assistance Office Headquarters
Betsy Ross Conference Room, 6th Floor
801 Market Street
Philadelphia, PA

Thursday, July 7, 2016
10 a.m.—12 p.m.
Health and Welfare Building
Room 129, 1st Floor
625 Forster Street
Harrisburg, PA

Tuesday, July 12, 2016
 10 a.m.—12 p.m.
 Piatt Place
 Room 3023, 3rd Floor
 301 5th Avenue
 Pittsburgh, PA

This notice shall take effect upon publication in the *Pennsylvania Bulletin*.

Public Comment

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by telephoning (717) 772-7906. Persons from outside the Harrisburg area should call (800) 692-7462 or send a written request, including telephone number, to Jeremy Pahl, Division of Federal Programs and Program Management, Room 224, Willow Oak Building, Harrisburg, PA 17110.

Individuals also may submit written comments at any of the public hearings by e-mail to LIHEAPmail@pa.gov or by mail to the LIHEAP contact person stated previously by July 15, 2016.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

[Pa.B. Doc. No. 16-876. Filed for public inspection May 20, 2016, 9:00 a.m.]

Disproportionate Share and Supplemental Hospital Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for inpatient disproportionate share hospital (DSH) payments to qualifying inpatient acute care general, psychiatric and rehabilitation hospitals, and qualifying psychiatric and rehabilitation units of acute care general hospitals, outpatient supplemental payments to qualifying inpatient acute care general hospitals and direct medical education payments to qualifying inpatient acute care general hospitals for Fiscal Year (FY) 2015-2016. The Department did not otherwise change the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding in FY 2015-2016 for these DSH and supplemental payments at 46 Pa.B. 728 (February 6, 2016). The

Department received no public comments during the 30-day comment period and is implementing the changes as described in its notice of intent.

Fiscal Impact

The FY 2015-2016 impact is \$262.341 million (\$125.897 million in State general funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1019. (1) General Fund; (2) Implementing Year 2015-16 is \$125,897,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-877. Filed for public inspection May 20, 2016, 9:00 a.m.]

Income Limits and Co-payments for the Subsidized Child Care Program

This notice increases the income limits codified in 55 Pa. Code Chapter 3041, Appendix B (relating to co-payment chart family co-payment scale (based on the 2016 Federal Poverty Income Guidelines)) under 55 Pa. Code § 3041.107(b) (relating to availability and use of the Federal Poverty Income Guidelines). This increase is effective May 2, 2016.

Section 3041.107(b) of 55 Pa. Code requires the Department of Human Services to update the co-payment schedule in 55 Pa. Code Chapter 3041, Appendix B to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective May 2, 2016, the income guidelines for the subsidized child care program are being raised due to increases in the FPIG. Under section 408.3 of the Human Services Code (62 P.S. § 408.3), the co-payment schedule is adjusted to reflect the increases. Chapter 3041, Appendix B of 55 Pa. Code also establishes the family co-payment levels according to the family's computed annual income and lists the weekly family co-payment based on the annual family income.

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1021. No fiscal impact; (8) recommends adoption.

CO-PAYMENT CHART

**FAMILY CO-PAYMENT SCALE EFFECTIVE MAY 2, 2016
 (BASED ON THE 2016 FEDERAL POVERTY INCOME GUIDELINES)**

Weekly Co-pay	Family Size: 1 Annual Income		Weekly Co-pay	Family Size: 2 Annual Income		Weekly Co-pay	Family Size: 3 Annual Income	
\$5.00	Less than:	\$9,880	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$9,880.01	\$11,880	\$10.00	\$8,660.01	\$12,020	\$10.00	\$8,660.01	\$14,090
\$15.00	\$11,880.01	\$13,880	\$16.00	\$12,020.01	\$14,020	\$17.00	\$14,090.01	\$16,090
\$20.00	\$13,880.01	\$15,880	\$21.00	\$14,020.01	\$16,020	\$22.00	\$16,090.01	\$18,090
\$25.00	\$15,880.01	\$17,880	\$25.00	\$16,020.01	\$18,020	\$27.00	\$18,090.01	\$20,160
\$30.00	\$17,880.01	\$19,880	\$29.00	\$18,020.01	\$20,020	\$31.00	\$20,160.01	\$22,160

NOTICES

Weekly Co-pay	Family Size: 1		Weekly Co-pay	Family Size: 2		Weekly Co-pay	Family Size: 3	
	Annual Income			Annual Income			Annual Income	
\$35.00	\$19,880.01	\$21,880	\$33.00	\$20,020.01	\$22,020	\$35.00	\$22,160.01	\$24,160
\$40.00	\$21,880.01	\$23,880	\$38.00	\$22,020.01	\$24,020	\$39.00	\$24,160.01	\$26,160
\$45.00	\$23,880.01	\$25,880	\$43.00	\$24,020.01	\$26,020	\$43.00	\$26,160.01	\$28,160
\$50.00	\$25,880.01	\$27,918	\$48.00	\$26,020.01	\$28,020	\$48.00	\$28,160.01	\$30,160
			\$53.00	\$28,020.01	\$30,020	\$53.00	\$30,160.01	\$32,160
			\$58.00	\$30,020.01	\$32,020	\$58.00	\$32,160.01	\$34,160
			\$64.00	\$32,020.01	\$34,020	\$63.00	\$34,160.01	\$36,160
			\$70.00	\$34,020.01	\$36,020	\$68.00	\$36,160.01	\$38,160
			\$76.00	\$36,020.01	\$37,647	\$73.00	\$38,160.01	\$40,160
						\$79.00	\$40,160.01	\$42,160
						\$85.00	\$42,160.01	\$44,160
						\$91.00	\$44,160.01	\$46,160
						\$97.00	\$46,160.01	\$47,376
	200% FPIG	\$23,760		200% FPIG	\$32,040		200% FPIG	\$40,320

Weekly Co-pay	Family Size: 4		Weekly Co-pay	Family Size: 5		Weekly Co-pay	Family Size: 6	
	Annual Income			Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$16,000	\$10.00	\$8,660.01	\$16,440	\$10.00	\$8,660.01	\$18,180
\$19.00	\$16,000.01	\$18,000	\$19.00	\$16,440.01	\$18,440	\$21.00	\$18,180.01	\$20,180
\$24.00	\$18,000.01	\$20,000	\$23.00	\$18,440.01	\$20,440	\$24.00	\$20,180.01	\$22,580
\$28.00	\$20,000.01	\$22,000	\$27.00	\$20,440.01	\$22,440	\$28.00	\$22,580.01	\$24,580
\$33.00	\$22,000.01	\$24,300	\$31.00	\$22,440.01	\$24,440	\$32.00	\$24,580.01	\$26,580
\$37.00	\$24,300.01	\$26,300	\$35.00	\$24,440.01	\$26,440	\$36.00	\$26,580.01	\$28,580
\$41.00	\$26,300.01	\$28,300	\$40.00	\$26,440.01	\$28,440	\$41.00	\$28,580.01	\$30,580
\$45.00	\$28,300.01	\$30,300	\$44.00	\$28,440.01	\$30,000	\$46.00	\$30,580.01	\$32,580
\$49.00	\$30,300.01	\$32,300	\$47.00	\$30,000.01	\$32,000	\$50.00	\$32,580.01	\$34,580
\$53.00	\$32,300.01	\$34,300	\$51.00	\$32,000.01	\$34,000	\$54.00	\$34,580.01	\$36,580
\$58.00	\$34,300.01	\$36,300	\$55.00	\$34,000.01	\$36,000	\$58.00	\$36,580.01	\$38,580
\$63.00	\$36,300.01	\$38,300	\$59.00	\$36,000.01	\$38,000	\$62.00	\$38,580.01	\$40,580
\$68.00	\$38,300.01	\$40,300	\$63.00	\$38,000.01	\$40,000	\$66.00	\$40,580.01	\$42,580
\$73.00	\$40,300.01	\$42,300	\$68.00	\$40,000.01	\$42,000	\$70.00	\$42,580.01	\$44,580
\$78.00	\$42,300.01	\$44,300	\$73.00	\$42,000.01	\$44,000	\$75.00	\$44,580.01	\$46,580
\$83.00	\$44,300.01	\$46,300	\$78.00	\$44,000.01	\$46,000	\$80.00	\$46,580.01	\$48,580
\$89.00	\$46,300.01	\$48,300	\$83.00	\$46,000.01	\$48,000	\$85.00	\$48,580.01	\$50,580
\$95.00	\$48,300.01	\$50,300	\$88.00	\$48,000.01	\$50,000	\$90.00	\$50,580.01	\$52,580
\$101.00	\$50,300.01	\$52,300	\$93.00	\$50,000.01	\$52,000	\$95.00	\$52,580.01	\$54,580
\$107.00	\$52,300.01	\$54,300	\$98.00	\$52,000.01	\$54,000	\$100.00	\$54,580.01	\$56,580
\$113.00	\$54,300.01	\$56,300	\$103.00	\$54,000.01	\$56,000	\$105.00	\$56,580.01	\$58,580
\$118.00	\$56,300.01	\$57,105	\$109.00	\$56,000.01	\$58,000	\$110.00	\$58,580.01	\$60,580
			\$115.00	\$58,000.01	\$60,000	\$115.00	\$60,580.01	\$62,580
			\$121.00	\$60,000.01	\$62,000	\$121.00	\$62,580.01	\$64,580
			\$127.00	\$62,000.01	\$64,000	\$127.00	\$64,580.01	\$66,580
			\$134.00	\$64,000.01	\$66,834	\$133.00	\$66,580.01	\$68,580
						\$139.00	\$68,580.01	\$70,580
						\$145.00	\$70,580.01	\$72,580
						\$151.00	\$72,580.01	\$74,580

NOTICES

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Weekly Co-pay	Family Size: 4		Weekly Co-pay	Family Size: 5		Weekly Co-pay	Family Size: 6	
	Annual Income			Annual Income			Annual Income	
						\$156.00	\$74,580.01	\$76,563
	200% FPIG	\$48,600		200% FPIG	\$56,880		200% FPIG	\$65,160

Weekly Co-pay	Family Size: 7		Weekly Co-pay	Family Size: 8		Weekly Co-pay	Family Size: 9	
	Annual Income			Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$17,600	\$10.00	\$8,660.01	\$19,000	\$10.00	\$8,660.01	\$19,850
\$21.00	\$17,600.01	\$20,000	\$22.00	\$19,000.01	\$22,190	\$23.00	\$19,850.01	\$24,050
\$24.00	\$20,000.01	\$22,200	\$26.00	\$22,190.01	\$24,590	\$28.00	\$24,050.01	\$26,050
\$27.00	\$22,200.01	\$24,030	\$29.00	\$24,590.01	\$26,890	\$31.00	\$26,050.01	\$29,050
\$30.00	\$24,030.01	\$26,730	\$33.00	\$26,890.01	\$28,890	\$35.00	\$29,050.01	\$31,050
\$34.00	\$26,730.01	\$28,730	\$37.00	\$28,890.01	\$30,890	\$39.00	\$31,050.01	\$33,050
\$38.00	\$28,730.01	\$30,730	\$41.00	\$30,890.01	\$32,890	\$43.00	\$33,050.01	\$35,050
\$42.00	\$30,730.01	\$32,730	\$45.00	\$32,890.01	\$34,890	\$47.00	\$35,050.01	\$37,050
\$48.00	\$32,730.01	\$34,730	\$49.00	\$34,890.01	\$36,890	\$51.00	\$37,050.01	\$39,050
\$53.00	\$34,730.01	\$36,730	\$54.00	\$36,890.01	\$38,890	\$55.00	\$39,050.01	\$41,050
\$57.00	\$36,730.01	\$38,230	\$59.00	\$38,890.01	\$40,890	\$60.00	\$41,050.01	\$43,050
\$60.00	\$38,230.01	\$40,230	\$63.00	\$40,890.01	\$42,490	\$65.00	\$43,050.01	\$45,050
\$64.00	\$40,230.01	\$42,230	\$66.00	\$42,490.01	\$44,490	\$69.00	\$45,050.01	\$47,050
\$68.00	\$42,230.01	\$44,230	\$70.00	\$44,490.01	\$46,490	\$73.00	\$47,050.01	\$49,050
\$72.00	\$44,230.01	\$46,230	\$74.00	\$46,490.01	\$48,490	\$77.00	\$49,050.01	\$51,050
\$76.00	\$46,230.01	\$48,230	\$78.00	\$48,490.01	\$50,490	\$81.00	\$51,050.01	\$53,050
\$80.00	\$48,230.01	\$50,230	\$82.00	\$50,490.01	\$52,490	\$85.00	\$53,050.01	\$55,050
\$85.00	\$50,230.01	\$52,230	\$86.00	\$52,490.01	\$54,490	\$89.00	\$55,050.01	\$57,050
\$90.00	\$52,230.01	\$54,230	\$90.00	\$54,490.01	\$56,490	\$93.00	\$57,050.01	\$59,050
\$95.00	\$54,230.01	\$56,230	\$95.00	\$56,490.01	\$58,490	\$97.00	\$59,050.01	\$61,050
\$100.00	\$56,230.01	\$58,230	\$100.00	\$58,490.01	\$60,490	\$101.00	\$61,050.01	\$63,050
\$105.00	\$58,230.01	\$60,230	\$105.00	\$60,490.01	\$62,490	\$106.00	\$63,050.01	\$65,050
\$110.00	\$60,230.01	\$62,230	\$110.00	\$62,490.01	\$64,490	\$111.00	\$65,050.01	\$67,050
\$115.00	\$62,230.01	\$64,230	\$115.00	\$64,490.01	\$66,490	\$116.00	\$67,050.01	\$69,050
\$120.00	\$64,230.01	\$66,230	\$120.00	\$66,490.01	\$68,490	\$121.00	\$69,050.01	\$71,050
\$125.00	\$66,230.01	\$68,230	\$125.00	\$68,490.01	\$70,490	\$126.00	\$71,050.01	\$73,050
\$130.00	\$68,230.01	\$70,230	\$130.00	\$70,490.01	\$72,490	\$131.00	\$73,050.01	\$75,050
\$136.00	\$70,230.01	\$72,230	\$135.00	\$72,490.01	\$74,490	\$136.00	\$75,050.01	\$77,050
\$142.00	\$72,230.01	\$74,230	\$140.00	\$74,490.01	\$76,490	\$141.00	\$77,050.01	\$79,050
\$148.00	\$74,230.01	\$76,230	\$145.00	\$76,490.01	\$78,490	\$146.00	\$79,050.01	\$81,050
\$154.00	\$76,230.01	\$78,230	\$151.00	\$78,490.01	\$80,490	\$151.00	\$81,050.01	\$83,050
\$160.00	\$78,230.01	\$80,230	\$157.00	\$80,490.01	\$82,490	\$156.00	\$83,050.01	\$85,050
\$166.00	\$80,230.01	\$82,230	\$163.00	\$82,490.01	\$84,490	\$161.00	\$85,050.01	\$87,050
\$172.00	\$82,230.01	\$86,316	\$169.00	\$84,490.01	\$86,490	\$167.00	\$87,050.01	\$89,050
			\$175.00	\$86,490.01	\$88,490	\$173.00	\$89,050.01	\$91,050
			\$181.00	\$88,490.01	\$90,490	\$179.00	\$91,050.01	\$93,050
			\$187.00	\$90,490.01	\$92,490	\$185.00	\$93,050.01	\$95,050
			\$193.00	\$92,490.01	\$94,490	\$191.00	\$95,050.01	\$97,050
			\$198.00	\$94,490.01	\$96,092	\$197.00	\$97,050.01	\$99,050
						\$203.00	\$99,050.01	\$101,050
						\$209.00	\$101,050.01	\$103,050

Weekly Co-pay	Family Size: 7 Annual Income		Weekly Co-pay	Family Size: 8 Annual Income		Weekly Co-pay	Family Size: 9 Annual Income	
						\$216.00	\$103,050.01	\$105,868
	200% FPIG	\$73,460		200% FPIG	\$81,780		200% FPIG	\$90,100

Weekly Co-pay	Family Size: 10 Annual Income		Weekly Co-pay	Family Size: 11 Annual Income		Weekly Co-pay	Family Size: 12 Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$21,610	\$10.00	\$8,660.01	\$22,470	\$10.00	\$8,660.01	\$23,370
\$25.00	\$21,610.01	\$25,910	\$26.00	\$22,470.01	\$25,000	\$27.00	\$23,370.01	\$31,130
\$30.00	\$25,910.01	\$29,010	\$29.00	\$25,000.01	\$28,370	\$36.00	\$31,130.01	\$34,530
\$34.00	\$29,010.01	\$31,010	\$33.00	\$28,370.01	\$30,370	\$41.00	\$34,530.01	\$36,530
\$37.00	\$31,010.01	\$33,010	\$36.00	\$30,370.01	\$32,370	\$45.00	\$36,530.01	\$38,530
\$41.00	\$33,010.01	\$35,010	\$39.00	\$32,370.01	\$34,370	\$49.00	\$38,530.01	\$40,530
\$45.00	\$35,010.01	\$37,010	\$43.00	\$34,370.01	\$36,370	\$53.00	\$40,530.01	\$42,530
\$49.00	\$37,010.01	\$39,010	\$47.00	\$36,370.01	\$38,370	\$57.00	\$42,530.01	\$44,530
\$53.00	\$39,010.01	\$41,010	\$51.00	\$38,370.01	\$40,370	\$61.00	\$44,530.01	\$46,530
\$57.00	\$41,010.01	\$43,010	\$55.00	\$40,370.01	\$42,370	\$65.00	\$46,530.01	\$48,530
\$61.00	\$43,010.01	\$45,010	\$59.00	\$42,370.01	\$44,370	\$69.00	\$48,530.01	\$50,530
\$66.00	\$45,010.01	\$47,010	\$63.00	\$44,370.01	\$46,370	\$73.00	\$50,530.01	\$52,530
\$71.00	\$47,010.01	\$49,210	\$67.00	\$46,370.01	\$48,370	\$78.00	\$52,530.01	\$54,530
\$75.00	\$49,210.01	\$50,810	\$72.00	\$48,370.01	\$50,370	\$83.00	\$54,530.01	\$57,530
\$78.00	\$50,810.01	\$52,810	\$77.00	\$50,370.01	\$53,370	\$88.00	\$57,530.01	\$59,530
\$82.00	\$52,810.01	\$54,810	\$82.00	\$53,370.01	\$55,370	\$92.00	\$59,530.01	\$61,530
\$86.00	\$54,810.01	\$56,810	\$86.00	\$55,370.01	\$57,370	\$96.00	\$61,530.01	\$63,530
\$90.00	\$56,810.01	\$58,810	\$90.00	\$57,370.01	\$59,370	\$100.00	\$63,530.01	\$65,530
\$94.00	\$58,810.01	\$60,810	\$94.00	\$59,370.01	\$61,370	\$104.00	\$65,530.01	\$67,530
\$98.00	\$60,810.01	\$62,810	\$98.00	\$61,370.01	\$63,370	\$108.00	\$67,530.01	\$69,530
\$102.00	\$62,810.01	\$64,810	\$102.00	\$63,370.01	\$65,370	\$112.00	\$69,530.01	\$71,530
\$106.00	\$64,810.01	\$66,810	\$106.00	\$65,370.01	\$67,370	\$116.00	\$71,530.01	\$73,530
\$111.00	\$66,810.01	\$68,810	\$110.00	\$67,370.01	\$69,370	\$120.00	\$73,530.01	\$75,530
\$116.00	\$68,810.01	\$70,810	\$114.00	\$69,370.01	\$71,370	\$124.00	\$75,530.01	\$77,530
\$121.00	\$70,810.01	\$72,810	\$119.00	\$71,370.01	\$73,370	\$128.00	\$77,530.01	\$79,530
\$126.00	\$72,810.01	\$74,810	\$124.00	\$73,370.01	\$75,370	\$133.00	\$79,530.01	\$81,530
\$131.00	\$74,810.01	\$76,810	\$129.00	\$75,370.01	\$77,370	\$138.00	\$81,530.01	\$83,530
\$136.00	\$76,810.01	\$78,810	\$134.00	\$77,370.01	\$79,370	\$143.00	\$83,530.01	\$85,530
\$141.00	\$78,810.01	\$80,810	\$139.00	\$79,370.01	\$81,370	\$148.00	\$85,530.01	\$87,530
\$146.00	\$80,810.01	\$82,810	\$144.00	\$81,370.01	\$83,370	\$153.00	\$87,530.01	\$89,530
\$151.00	\$82,810.01	\$84,810	\$149.00	\$83,370.01	\$85,370	\$158.00	\$89,530.01	\$91,530
\$156.00	\$84,810.01	\$86,810	\$154.00	\$85,370.01	\$87,370	\$163.00	\$91,530.01	\$93,530
\$161.00	\$86,810.01	\$88,810	\$159.00	\$87,370.01	\$89,370	\$168.00	\$93,530.01	\$95,530
\$166.00	\$88,810.01	\$90,810	\$164.00	\$89,370.01	\$91,370	\$173.00	\$95,530.01	\$97,530
\$171.00	\$90,810.01	\$92,810	\$169.00	\$91,370.01	\$93,370	\$178.00	\$97,530.01	\$99,530
\$177.00	\$92,810.01	\$94,810	\$174.00	\$93,370.01	\$95,370	\$183.00	\$99,530.01	\$101,530
\$183.00	\$94,810.01	\$96,810	\$179.00	\$95,370.01	\$97,370	\$188.00	\$101,530.01	\$103,530
\$189.00	\$96,810.01	\$98,810	\$184.00	\$97,370.01	\$99,370	\$193.00	\$103,530.01	\$105,530
\$195.00	\$98,810.01	\$100,810	\$189.00	\$99,370.01	\$101,370	\$198.00	\$105,530.01	\$107,530
\$201.00	\$100,810.01	\$102,810	\$195.00	\$101,370.01	\$103,370	\$203.00	\$107,530.01	\$109,530
\$207.00	\$102,810.01	\$104,810	\$201.00	\$103,370.01	\$105,370	\$209.00	\$109,530.01	\$111,530

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 11 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 12 Annual Income</i>	
\$213.00	\$104,810.01	\$106,810	\$207.00	\$105,370.01	\$107,370	\$215.00	\$111,530.01	\$113,530
\$219.00	\$106,810.01	\$108,810	\$213.00	\$107,370.01	\$109,370	\$221.00	\$113,530.01	\$115,530
\$225.00	\$108,810.01	\$110,810	\$219.00	\$109,370.01	\$111,370	\$227.00	\$115,530.01	\$117,530
\$232.00	\$110,810.01	\$115,644	\$225.00	\$111,370.01	\$113,370	\$233.00	\$117,530.01	\$119,530
			\$231.00	\$113,370.01	\$115,370	\$239.00	\$119,530.01	\$121,530
			\$237.00	\$115,370.01	\$117,370	\$245.00	\$121,530.01	\$123,530
			\$243.00	\$117,370.01	\$119,370	\$251.00	\$123,530.01	\$125,530
			\$249.00	\$119,370.01	\$121,370	\$257.00	\$125,530.01	\$127,530
			\$255.00	\$121,370.01	\$123,370	\$263.00	\$127,530.01	\$129,530
			\$261.00	\$123,370.01	\$125,420	\$269.00	\$129,530.01	\$131,530
						\$275.00	\$131,530.01	\$133,530
						\$280.00	\$133,530.01	\$135,196
	200% FPIG	\$98,420		200% FPIG	\$106,740		200% FPIG	\$115,060

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 14 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 15 Annual Income</i>	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$25,110	\$10.00	\$8,660.01	\$25,110	\$10.00	\$8,660.01	\$29,410
\$29.00	\$25,110.01	\$31,110	\$29.00	\$25,110.01	\$31,150	\$34.00	\$29,410.01	\$37,110
\$36.00	\$31,110.01	\$34,690	\$36.00	\$31,150.01	\$36,550	\$43.00	\$37,110.01	\$39,110
\$41.00	\$34,690.01	\$36,690	\$43.00	\$36,550.01	\$38,550	\$46.00	\$39,110.01	\$41,110
\$44.00	\$36,690.01	\$38,690	\$46.00	\$38,550.01	\$40,550	\$49.00	\$41,110.01	\$43,110
\$47.00	\$38,690.01	\$40,690	\$49.00	\$40,550.01	\$42,550	\$52.00	\$43,110.01	\$45,110
\$51.00	\$40,690.01	\$42,690	\$53.00	\$42,550.01	\$44,550	\$56.00	\$45,110.01	\$47,110
\$55.00	\$42,690.01	\$44,690	\$57.00	\$44,550.01	\$46,550	\$60.00	\$47,110.01	\$49,110
\$59.00	\$44,690.01	\$46,690	\$61.00	\$46,550.01	\$48,550	\$64.00	\$49,110.01	\$51,110
\$63.00	\$46,690.01	\$48,690	\$65.00	\$48,550.01	\$50,550	\$68.00	\$51,110.01	\$53,110
\$67.00	\$48,690.01	\$50,690	\$69.00	\$50,550.01	\$52,550	\$72.00	\$53,110.01	\$55,110
\$71.00	\$50,690.01	\$52,690	\$73.00	\$52,550.01	\$54,550	\$76.00	\$55,110.01	\$57,110
\$75.00	\$52,690.01	\$54,690	\$77.00	\$54,550.01	\$56,550	\$80.00	\$57,110.01	\$59,110
\$79.00	\$54,690.01	\$56,690	\$81.00	\$56,550.01	\$58,550	\$84.00	\$59,110.01	\$61,110
\$84.00	\$56,690.01	\$58,690	\$85.00	\$58,550.01	\$60,550	\$88.00	\$61,110.01	\$63,110
\$89.00	\$58,690.01	\$61,690	\$90.00	\$60,550.01	\$62,850	\$92.00	\$63,110.01	\$65,110
\$94.00	\$61,690.01	\$63,690	\$95.00	\$62,850.01	\$65,850	\$97.00	\$65,110.01	\$67,110
\$98.00	\$63,690.01	\$65,690	\$100.00	\$65,850.01	\$67,850	\$102.00	\$67,110.01	\$70,010
\$102.00	\$65,690.01	\$67,690	\$104.00	\$67,850.01	\$69,850	\$107.00	\$70,010.01	\$71,510
\$106.00	\$67,690.01	\$69,690	\$108.00	\$69,850.01	\$71,850	\$110.00	\$71,510.01	\$73,510
\$110.00	\$69,690.01	\$71,690	\$112.00	\$71,850.01	\$73,850	\$114.00	\$73,510.01	\$75,510
\$114.00	\$71,690.01	\$73,690	\$116.00	\$73,850.01	\$75,850	\$118.00	\$75,510.01	\$77,510
\$118.00	\$73,690.01	\$75,690	\$120.00	\$75,850.01	\$77,850	\$122.00	\$77,510.01	\$79,510
\$122.00	\$75,690.01	\$77,690	\$124.00	\$77,850.01	\$79,850	\$126.00	\$79,510.01	\$81,510
\$126.00	\$77,690.01	\$79,690	\$128.00	\$79,850.01	\$81,850	\$130.00	\$81,510.01	\$83,510
\$130.00	\$79,690.01	\$81,690	\$132.00	\$81,850.01	\$83,850	\$134.00	\$83,510.01	\$85,510
\$134.00	\$81,690.01	\$83,690	\$136.00	\$83,850.01	\$85,850	\$138.00	\$85,510.01	\$87,510
\$138.00	\$83,690.01	\$85,690	\$140.00	\$85,850.01	\$87,850	\$142.00	\$87,510.01	\$89,510
\$143.00	\$85,690.01	\$87,690	\$144.00	\$87,850.01	\$89,850	\$146.00	\$89,510.01	\$91,510
\$148.00	\$87,690.01	\$89,690	\$149.00	\$89,850.01	\$91,850	\$150.00	\$91,510.01	\$93,510

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 14 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 15 Annual Income</i>	
\$153.00	\$89,690.01	\$91,690	\$154.00	\$91,850.01	\$93,850	\$154.00	\$93,510.01	\$95,510
\$158.00	\$91,690.01	\$93,690	\$159.00	\$93,850.01	\$95,850	\$159.00	\$95,510.01	\$97,510
\$163.00	\$93,690.01	\$95,690	\$164.00	\$95,850.01	\$97,850	\$164.00	\$97,510.01	\$99,510
\$168.00	\$95,690.01	\$97,690	\$169.00	\$97,850.01	\$99,850	\$169.00	\$99,510.01	\$101,510
\$173.00	\$97,690.01	\$99,690	\$174.00	\$99,850.01	\$101,850	\$174.00	\$101,510.01	\$103,510
\$178.00	\$99,690.01	\$101,690	\$179.00	\$101,850.01	\$103,850	\$179.00	\$103,510.01	\$105,510
\$183.00	\$101,690.01	\$103,690	\$184.00	\$103,850.01	\$105,850	\$184.00	\$105,510.01	\$107,510
\$188.00	\$103,690.01	\$105,690	\$189.00	\$105,850.01	\$107,850	\$189.00	\$107,510.01	\$109,510
\$193.00	\$105,690.01	\$107,690	\$194.00	\$107,850.01	\$109,850	\$194.00	\$109,510.01	\$111,510
\$198.00	\$107,690.01	\$109,690	\$199.00	\$109,850.01	\$111,850	\$199.00	\$111,510.01	\$113,510
\$203.00	\$109,690.01	\$111,690	\$204.00	\$111,850.01	\$113,850	\$204.00	\$113,510.01	\$115,510
\$208.00	\$111,690.01	\$113,690	\$209.00	\$113,850.01	\$115,850	\$209.00	\$115,510.01	\$117,510
\$213.00	\$113,690.01	\$115,690	\$214.00	\$115,850.01	\$117,850	\$214.00	\$117,510.01	\$119,510
\$218.00	\$115,690.01	\$117,690	\$219.00	\$117,850.01	\$119,850	\$219.00	\$119,510.01	\$121,510
\$224.00	\$117,690.01	\$119,690	\$224.00	\$119,850.01	\$121,850	\$224.00	\$121,510.01	\$123,510
\$230.00	\$119,690.01	\$121,690	\$229.00	\$121,850.01	\$123,850	\$229.00	\$123,510.01	\$125,510
\$236.00	\$121,690.01	\$123,690	\$235.00	\$123,850.01	\$125,850	\$234.00	\$125,510.01	\$127,510
\$242.00	\$123,690.01	\$125,690	\$241.00	\$125,850.01	\$127,850	\$239.00	\$127,510.01	\$129,510
\$248.00	\$125,690.01	\$127,690	\$247.00	\$127,850.01	\$129,850	\$244.00	\$129,510.01	\$131,510
\$254.00	\$127,690.01	\$129,690	\$253.00	\$129,850.01	\$131,850	\$250.00	\$131,510.01	\$133,510
\$260.00	\$129,690.01	\$131,690	\$259.00	\$131,850.01	\$133,850	\$256.00	\$133,510.01	\$135,510
\$266.00	\$131,690.01	\$133,690	\$265.00	\$133,850.01	\$135,850	\$262.00	\$135,510.01	\$137,510
\$272.00	\$133,690.01	\$135,690	\$271.00	\$135,850.01	\$137,850	\$268.00	\$137,510.01	\$139,510
\$278.00	\$135,690.01	\$137,690	\$277.00	\$137,850.01	\$139,850	\$274.00	\$139,510.01	\$141,510
\$284.00	\$137,690.01	\$139,690	\$283.00	\$139,850.01	\$141,850	\$280.00	\$141,510.01	\$143,510
\$290.00	\$139,690.01	\$141,690	\$289.00	\$141,850.01	\$143,850	\$286.00	\$143,510.01	\$145,510
\$297.00	\$141,690.01	\$144,972	\$295.00	\$143,850.01	\$145,850	\$292.00	\$145,510.01	\$147,510
			\$301.00	\$145,850.01	\$147,850	\$298.00	\$147,510.01	\$149,510
			\$307.00	\$147,850.01	\$149,850	\$304.00	\$149,510.01	\$151,510
			\$314.00	\$149,850.01	\$154,748	\$310.00	\$151,510.01	\$153,510
						\$316.00	\$153,510.01	\$155,510
						\$322.00	\$155,510.01	\$157,510
						\$328.00	\$157,510.01	\$159,510
						\$334.00	\$159,510.01	\$161,510
						\$339.00	\$161,510.01	\$164,524
	200% FPIG	\$123,380		200% FPIG	\$131,700		200% FPIG	\$140,020

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 17 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 18 Annual Income</i>	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$29,430	\$10.00	\$8,660.01	\$29,410	\$10.00	\$8,660.01	\$30,000
\$34.00	\$29,430.01	\$38,070	\$34.00	\$29,410.01	\$37,000	\$35.00	\$30,000.01	\$38,500
\$44.00	\$38,070.01	\$43,170	\$43.00	\$37,000.01	\$46,330	\$45.00	\$38,500.01	\$47,490
\$50.00	\$43,170.01	\$45,170	\$54.00	\$46,330.01	\$48,330	\$56.00	\$47,490.01	\$49,490
\$53.00	\$45,170.01	\$47,170	\$57.00	\$48,330.01	\$50,330	\$59.00	\$49,490.01	\$51,490
\$57.00	\$47,170.01	\$49,170	\$61.00	\$50,330.01	\$52,330	\$62.00	\$51,490.01	\$53,490
\$61.00	\$49,170.01	\$51,170	\$65.00	\$52,330.01	\$54,330	\$66.00	\$53,490.01	\$55,490

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 17 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 18 Annual Income</i>	
\$65.00	\$51,170.01	\$53,170	\$69.00	\$54,330.01	\$56,330	\$70.00	\$55,490.01	\$57,490
\$69.00	\$53,170.01	\$55,170	\$73.00	\$56,330.01	\$58,330	\$74.00	\$57,490.01	\$59,490
\$73.00	\$55,170.01	\$57,170	\$77.00	\$58,330.01	\$60,330	\$78.00	\$59,490.01	\$61,490
\$77.00	\$57,170.01	\$59,170	\$81.00	\$60,330.01	\$62,330	\$82.00	\$61,490.01	\$63,490
\$81.00	\$59,170.01	\$61,170	\$85.00	\$62,330.01	\$64,330	\$86.00	\$63,490.01	\$65,490
\$85.00	\$61,170.01	\$63,170	\$89.00	\$64,330.01	\$66,330	\$90.00	\$65,490.01	\$67,490
\$89.00	\$63,170.01	\$65,170	\$93.00	\$66,330.01	\$68,330	\$94.00	\$67,490.01	\$69,490
\$93.00	\$65,170.01	\$67,170	\$97.00	\$68,330.01	\$70,330	\$98.00	\$69,490.01	\$71,490
\$98.00	\$67,170.01	\$69,170	\$101.00	\$70,330.01	\$72,330	\$102.00	\$71,490.01	\$73,490
\$103.00	\$69,170.01	\$71,170	\$106.00	\$72,330.01	\$74,330	\$106.00	\$73,490.01	\$75,490
\$108.00	\$71,170.01	\$74,170	\$111.00	\$74,330.01	\$76,330	\$111.00	\$75,490.01	\$77,490
\$113.00	\$74,170.01	\$76,170	\$116.00	\$76,330.01	\$78,330	\$116.00	\$77,490.01	\$79,490
\$117.00	\$76,170.01	\$77,570	\$120.00	\$78,330.01	\$80,330	\$121.00	\$79,490.01	\$82,490
\$120.00	\$77,570.01	\$79,570	\$124.00	\$80,330.01	\$82,330	\$126.00	\$82,490.01	\$83,490
\$124.00	\$79,570.01	\$81,570	\$128.00	\$82,330.01	\$84,330	\$128.00	\$83,490.01	\$85,490
\$128.00	\$81,570.01	\$83,570	\$132.00	\$84,330.01	\$86,330	\$132.00	\$85,490.01	\$87,490
\$132.00	\$83,570.01	\$85,570	\$136.00	\$86,330.01	\$88,330	\$136.00	\$87,490.01	\$89,490
\$136.00	\$85,570.01	\$87,570	\$140.00	\$88,330.01	\$90,330	\$140.00	\$89,490.01	\$91,490
\$140.00	\$87,570.01	\$89,570	\$144.00	\$90,330.01	\$92,330	\$144.00	\$91,490.01	\$93,490
\$144.00	\$89,570.01	\$91,570	\$148.00	\$92,330.01	\$94,330	\$148.00	\$93,490.01	\$95,490
\$148.00	\$91,570.01	\$93,570	\$152.00	\$94,330.01	\$96,330	\$152.00	\$95,490.01	\$97,490
\$152.00	\$93,570.01	\$95,570	\$156.00	\$96,330.01	\$98,330	\$156.00	\$97,490.01	\$99,490
\$156.00	\$95,570.01	\$97,570	\$160.00	\$98,330.01	\$100,330	\$160.00	\$99,490.01	\$101,490
\$160.00	\$97,570.01	\$99,570	\$164.00	\$100,330.01	\$102,330	\$164.00	\$101,490.01	\$103,490
\$164.00	\$99,570.01	\$101,570	\$168.00	\$102,330.01	\$104,330	\$168.00	\$103,490.01	\$105,490
\$169.00	\$101,570.01	\$103,570	\$173.00	\$104,330.01	\$106,330	\$172.00	\$105,490.01	\$107,490
\$174.00	\$103,570.01	\$105,570	\$178.00	\$106,330.01	\$108,330	\$176.00	\$107,490.01	\$109,490
\$179.00	\$105,570.01	\$107,570	\$183.00	\$108,330.01	\$110,330	\$180.00	\$109,490.01	\$111,490
\$184.00	\$107,570.01	\$109,570	\$188.00	\$110,330.01	\$112,330	\$185.00	\$111,490.01	\$113,490
\$189.00	\$109,570.01	\$111,570	\$193.00	\$112,330.01	\$114,330	\$190.00	\$113,490.01	\$115,490
\$194.00	\$111,570.01	\$113,570	\$198.00	\$114,330.01	\$116,330	\$195.00	\$115,490.01	\$117,490
\$199.00	\$113,570.01	\$115,570	\$203.00	\$116,330.01	\$118,330	\$200.00	\$117,490.01	\$119,490
\$204.00	\$115,570.01	\$117,570	\$208.00	\$118,330.01	\$120,330	\$205.00	\$119,490.01	\$121,490
\$209.00	\$117,570.01	\$119,570	\$213.00	\$120,330.01	\$122,330	\$210.00	\$121,490.01	\$123,490
\$214.00	\$119,570.01	\$121,570	\$218.00	\$122,330.01	\$124,330	\$215.00	\$123,490.01	\$125,490
\$219.00	\$121,570.01	\$123,570	\$223.00	\$124,330.01	\$126,330	\$220.00	\$125,490.01	\$127,490
\$224.00	\$123,570.01	\$125,570	\$228.00	\$126,330.01	\$128,330	\$225.00	\$127,490.01	\$129,490
\$229.00	\$125,570.01	\$127,570	\$233.00	\$128,330.01	\$130,330	\$230.00	\$129,490.01	\$131,490
\$234.00	\$127,570.01	\$129,570	\$238.00	\$130,330.01	\$132,330	\$235.00	\$131,490.01	\$133,490
\$239.00	\$129,570.01	\$131,570	\$243.00	\$132,330.01	\$134,330	\$240.00	\$133,490.01	\$135,490
\$244.00	\$131,570.01	\$133,570	\$248.00	\$134,330.01	\$136,330	\$245.00	\$135,490.01	\$137,490
\$249.00	\$133,570.01	\$135,570	\$253.00	\$136,330.01	\$138,330	\$250.00	\$137,490.01	\$139,490
\$254.00	\$135,570.01	\$137,570	\$258.00	\$138,330.01	\$140,330	\$255.00	\$139,490.01	\$141,490
\$259.00	\$137,570.01	\$139,570	\$263.00	\$140,330.01	\$142,330	\$260.00	\$141,490.01	\$143,490
\$264.00	\$139,570.01	\$141,570	\$268.00	\$142,330.01	\$144,330	\$265.00	\$143,490.01	\$145,490
\$270.00	\$141,570.01	\$143,570	\$273.00	\$144,330.01	\$146,330	\$270.00	\$145,490.01	\$147,490
\$276.00	\$143,570.01	\$145,570	\$278.00	\$146,330.01	\$148,330	\$275.00	\$147,490.01	\$149,490

NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 17 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 18 Annual Income</i>	
\$282.00	\$145,570.01	\$147,570	\$284.00	\$148,330.01	\$150,330	\$280.00	\$149,490.01	\$151,490
\$288.00	\$147,570.01	\$149,570	\$290.00	\$150,330.01	\$152,330	\$285.00	\$151,490.01	\$153,490
\$294.00	\$149,570.01	\$151,570	\$296.00	\$152,330.01	\$154,330	\$290.00	\$153,490.01	\$155,490
\$300.00	\$151,570.01	\$153,570	\$302.00	\$154,330.01	\$156,330	\$296.00	\$155,490.01	\$157,490
\$306.00	\$153,570.01	\$155,570	\$308.00	\$156,330.01	\$158,330	\$302.00	\$157,490.01	\$159,490
\$312.00	\$155,570.01	\$157,570	\$314.00	\$158,330.01	\$160,330	\$308.00	\$159,490.01	\$161,490
\$318.00	\$157,570.01	\$159,570	\$320.00	\$160,330.01	\$162,330	\$314.00	\$161,490.01	\$163,490
\$324.00	\$159,570.01	\$161,570	\$326.00	\$162,330.01	\$164,330	\$320.00	\$163,490.01	\$165,490
\$330.00	\$161,570.01	\$163,570	\$332.00	\$164,330.01	\$166,330	\$326.00	\$165,490.01	\$167,490
\$336.00	\$163,570.01	\$165,570	\$338.00	\$166,330.01	\$168,330	\$332.00	\$167,490.01	\$169,490
\$342.00	\$165,570.01	\$167,570	\$344.00	\$168,330.01	\$170,330	\$338.00	\$169,490.01	\$171,490
\$348.00	\$167,570.01	\$169,570	\$350.00	\$170,330.01	\$172,330	\$344.00	\$171,490.01	\$173,490
\$355.00	\$169,570.01	\$174,300	\$356.00	\$172,330.01	\$174,330	\$350.00	\$173,490.01	\$175,490
			\$362.00	\$174,330.01	\$176,330	\$356.00	\$175,490.01	\$177,490
			\$368.00	\$176,330.01	\$178,330	\$362.00	\$177,490.01	\$179,490
			\$374.00	\$178,330.01	\$184,076	\$368.00	\$179,490.01	\$181,490
						\$374.00	\$181,490.01	\$183,490
						\$380.00	\$183,490.01	\$185,490
						\$386.00	\$185,490.01	\$187,490
						\$392.00	\$187,490.01	\$189,490
						\$397.00	\$189,490.01	\$193,852
	200% FPIG	\$148,340		200% FPIG	\$156,660		200% FPIG	\$164,980

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 20 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 21 Annual Income</i>	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$30,300	\$10.00	\$8,660.01	\$32,810	\$10.00	\$8,660.01	\$34,640
\$36.00	\$30,300.01	\$41,650	\$38.00	\$32,810.01	\$42,810	\$40.00	\$34,640.01	\$45,890
\$50.00	\$41,650.01	\$46,750	\$50.00	\$42,810.01	\$46,810	\$53.00	\$45,890.01	\$53,640
\$57.00	\$46,750.01	\$48,750	\$55.00	\$46,810.01	\$50,810	\$62.00	\$53,640.01	\$54,970
\$62.00	\$48,750.01	\$50,750	\$64.00	\$50,810.01	\$52,810	\$64.00	\$54,970.01	\$56,970
\$65.00	\$50,750.01	\$52,750	\$68.00	\$52,810.01	\$54,810	\$67.00	\$56,970.01	\$58,970
\$68.00	\$52,750.01	\$54,750	\$71.00	\$54,810.01	\$56,810	\$70.00	\$58,970.01	\$60,970
\$71.00	\$54,750.01	\$56,750	\$75.00	\$56,810.01	\$58,810	\$74.00	\$60,970.01	\$62,970
\$77.00	\$56,750.01	\$58,750	\$80.00	\$58,810.01	\$60,810	\$78.00	\$62,970.01	\$64,970
\$80.00	\$58,750.01	\$60,750	\$85.00	\$60,810.01	\$62,810	\$82.00	\$64,970.01	\$66,970
\$84.00	\$60,750.01	\$62,750	\$89.00	\$62,810.01	\$64,810	\$86.00	\$66,970.01	\$68,970
\$87.00	\$62,750.01	\$64,750	\$92.00	\$64,810.01	\$66,810	\$90.00	\$68,970.01	\$70,970
\$91.00	\$64,750.01	\$66,750	\$96.00	\$66,810.01	\$68,810	\$94.00	\$70,970.01	\$72,970
\$94.00	\$66,750.01	\$68,750	\$99.00	\$68,810.01	\$70,810	\$98.00	\$72,970.01	\$74,970
\$100.00	\$68,750.01	\$70,750	\$103.00	\$70,810.01	\$72,810	\$102.00	\$74,970.01	\$76,970
\$103.00	\$70,750.01	\$72,750	\$106.00	\$72,810.01	\$74,810	\$106.00	\$76,970.01	\$78,970
\$107.00	\$72,750.01	\$74,750	\$110.00	\$74,810.01	\$76,810	\$110.00	\$78,970.01	\$80,970
\$110.00	\$74,750.01	\$76,750	\$113.00	\$76,810.01	\$78,810	\$114.00	\$80,970.01	\$82,970
\$114.00	\$76,750.01	\$78,750	\$117.00	\$78,810.01	\$80,810	\$118.00	\$82,970.01	\$84,970
\$117.00	\$78,750.01	\$80,750	\$120.00	\$80,810.01	\$82,810	\$122.00	\$84,970.01	\$86,970
\$121.00	\$80,750.01	\$82,750	\$124.00	\$82,810.01	\$84,810	\$126.00	\$86,970.01	\$88,970

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 20 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 21 Annual Income</i>	
\$125.00	\$82,750.01	\$84,750	\$127.00	\$84,810.01	\$86,810	\$131.00	\$88,970.01	\$90,970
\$129.00	\$84,750.01	\$86,650	\$131.00	\$86,810.01	\$88,810	\$136.00	\$90,970.01	\$92,970
\$133.00	\$86,650.01	\$88,650	\$135.00	\$88,810.01	\$90,810	\$141.00	\$92,970.01	\$94,970
\$137.00	\$88,650.01	\$90,650	\$139.00	\$90,810.01	\$92,810	\$145.00	\$94,970.01	\$96,970
\$141.00	\$90,650.01	\$92,650	\$143.00	\$92,810.01	\$94,810	\$149.00	\$96,970.01	\$98,970
\$145.00	\$92,650.01	\$94,650	\$147.00	\$94,810.01	\$96,810	\$153.00	\$98,970.01	\$100,970
\$149.00	\$94,650.01	\$96,650	\$151.00	\$96,810.01	\$98,810	\$157.00	\$100,970.01	\$102,970
\$153.00	\$96,650.01	\$98,650	\$155.00	\$98,810.01	\$100,810	\$161.00	\$102,970.01	\$104,970
\$157.00	\$98,650.01	\$100,650	\$159.00	\$100,810.01	\$102,810	\$165.00	\$104,970.01	\$106,970
\$161.00	\$100,650.01	\$102,650	\$163.00	\$102,810.01	\$104,810	\$169.00	\$106,970.01	\$108,970
\$165.00	\$102,650.01	\$104,650	\$167.00	\$104,810.01	\$106,810	\$173.00	\$108,970.01	\$110,970
\$169.00	\$104,650.01	\$106,650	\$171.00	\$106,810.01	\$108,810	\$177.00	\$110,970.01	\$112,970
\$173.00	\$106,650.01	\$108,650	\$175.00	\$108,810.01	\$110,810	\$181.00	\$112,970.01	\$114,970
\$177.00	\$108,650.01	\$110,650	\$179.00	\$110,810.01	\$112,810	\$185.00	\$114,970.01	\$116,970
\$181.00	\$110,650.01	\$112,650	\$183.00	\$112,810.01	\$114,810	\$189.00	\$116,970.01	\$118,970
\$185.00	\$112,650.01	\$114,650	\$187.00	\$114,810.01	\$116,810	\$193.00	\$118,970.01	\$120,970
\$189.00	\$114,650.01	\$116,650	\$191.00	\$116,810.01	\$118,810	\$197.00	\$120,970.01	\$122,970
\$194.00	\$116,650.01	\$118,650	\$195.00	\$118,810.01	\$120,810	\$201.00	\$122,970.01	\$124,970
\$199.00	\$118,650.01	\$120,650	\$199.00	\$120,810.01	\$122,810	\$205.00	\$124,970.01	\$126,970
\$204.00	\$120,650.01	\$122,650	\$204.00	\$122,810.01	\$124,810	\$210.00	\$126,970.01	\$128,970
\$209.00	\$122,650.01	\$124,650	\$209.00	\$124,810.01	\$126,810	\$215.00	\$128,970.01	\$130,970
\$214.00	\$124,650.01	\$126,650	\$214.00	\$126,810.01	\$128,810	\$220.00	\$130,970.01	\$132,970
\$219.00	\$126,650.01	\$128,650	\$219.00	\$128,810.01	\$130,810	\$225.00	\$132,970.01	\$134,970
\$224.00	\$128,650.01	\$130,650	\$224.00	\$130,810.01	\$132,810	\$230.00	\$134,970.01	\$136,970
\$229.00	\$130,650.01	\$132,650	\$229.00	\$132,810.01	\$134,810	\$235.00	\$136,970.01	\$138,970
\$234.00	\$132,650.01	\$134,650	\$234.00	\$134,810.01	\$136,810	\$240.00	\$138,970.01	\$140,970
\$239.00	\$134,650.01	\$136,650	\$239.00	\$136,810.01	\$138,810	\$245.00	\$140,970.01	\$142,970
\$244.00	\$136,650.01	\$138,650	\$244.00	\$138,810.01	\$140,810	\$250.00	\$142,970.01	\$144,970
\$249.00	\$138,650.01	\$140,650	\$249.00	\$140,810.01	\$142,810	\$255.00	\$144,970.01	\$146,970
\$254.00	\$140,650.01	\$142,650	\$254.00	\$142,810.01	\$144,810	\$260.00	\$146,970.01	\$148,970
\$259.00	\$142,650.01	\$144,650	\$259.00	\$144,810.01	\$146,810	\$265.00	\$148,970.01	\$150,970
\$264.00	\$144,650.01	\$146,650	\$264.00	\$146,810.01	\$148,810	\$270.00	\$150,970.01	\$152,970
\$269.00	\$146,650.01	\$148,650	\$269.00	\$148,810.01	\$150,810	\$275.00	\$152,970.01	\$154,970
\$274.00	\$148,650.01	\$150,650	\$274.00	\$150,810.01	\$152,810	\$280.00	\$154,970.01	\$156,970
\$279.00	\$150,650.01	\$152,650	\$279.00	\$152,810.01	\$154,810	\$285.00	\$156,970.01	\$158,970
\$284.00	\$152,650.01	\$154,650	\$284.00	\$154,810.01	\$156,810	\$290.00	\$158,970.01	\$160,970
\$289.00	\$154,650.01	\$156,650	\$289.00	\$156,810.01	\$158,810	\$295.00	\$160,970.01	\$162,970
\$294.00	\$156,650.01	\$158,650	\$294.00	\$158,810.01	\$160,810	\$300.00	\$162,970.01	\$164,970
\$299.00	\$158,650.01	\$160,650	\$299.00	\$160,810.01	\$162,810	\$305.00	\$164,970.01	\$166,970
\$304.00	\$160,650.01	\$162,650	\$304.00	\$162,810.01	\$164,810	\$310.00	\$166,970.01	\$168,970
\$309.00	\$162,650.01	\$164,650	\$309.00	\$164,810.01	\$166,810	\$315.00	\$168,970.01	\$170,970
\$315.00	\$164,650.01	\$166,650	\$314.00	\$166,810.01	\$168,810	\$320.00	\$170,970.01	\$172,970
\$321.00	\$166,650.01	\$168,650	\$319.00	\$168,810.01	\$170,810	\$325.00	\$172,970.01	\$174,970
\$327.00	\$168,650.01	\$170,650	\$324.00	\$170,810.01	\$172,810	\$330.00	\$174,970.01	\$176,970
\$333.00	\$170,650.01	\$172,650	\$330.00	\$172,810.01	\$174,810	\$335.00	\$176,970.01	\$178,970
\$339.00	\$172,650.01	\$174,650	\$336.00	\$174,810.01	\$176,810	\$341.00	\$178,970.01	\$180,970
\$345.00	\$174,650.01	\$176,650	\$342.00	\$176,810.01	\$178,810	\$347.00	\$180,970.01	\$182,970

Weekly Co-pay	Family Size: 19 Annual Income		Weekly Co-pay	Family Size: 20 Annual Income		Weekly Co-pay	Family Size: 21 Annual Income	
\$351.00	\$176,650.01	\$178,650	\$348.00	\$178,810.01	\$180,810	\$353.00	\$182,970.01	\$184,970
\$357.00	\$178,650.01	\$180,650	\$354.00	\$180,810.01	\$182,810	\$359.00	\$184,970.01	\$186,970
\$363.00	\$180,650.01	\$182,650	\$360.00	\$182,810.01	\$184,810	\$365.00	\$186,970.01	\$188,970
\$369.00	\$182,650.01	\$184,650	\$366.00	\$184,810.01	\$186,810	\$371.00	\$188,970.01	\$190,970
\$375.00	\$184,650.01	\$186,650	\$372.00	\$186,810.01	\$188,810	\$377.00	\$190,970.01	\$192,970
\$381.00	\$186,650.01	\$188,650	\$378.00	\$188,810.01	\$190,810	\$383.00	\$192,970.01	\$194,970
\$387.00	\$188,650.01	\$190,650	\$384.00	\$190,810.01	\$192,810	\$389.00	\$194,970.01	\$196,970
\$393.00	\$190,650.01	\$192,650	\$390.00	\$192,810.01	\$194,810	\$395.00	\$196,970.01	\$198,970
\$399.00	\$192,650.01	\$194,650	\$396.00	\$194,810.01	\$196,810	\$401.00	\$198,970.01	\$200,970
\$405.00	\$194,650.01	\$196,650	\$402.00	\$196,810.01	\$198,810	\$407.00	\$200,970.01	\$202,970
\$411.00	\$196,650.01	\$198,650	\$408.00	\$198,810.01	\$200,810	\$413.00	\$202,970.01	\$204,970
\$419.00	\$198,650.01	\$200,650	\$414.00	\$200,810.01	\$202,810	\$419.00	\$204,970.01	\$206,970
\$424.00	\$200,650.01	\$203,628	\$420.00	\$202,810.01	\$204,810	\$425.00	\$206,970.01	\$208,970
			\$426.00	\$204,810.01	\$206,810	\$431.00	\$208,970.01	\$210,970
			\$432.00	\$206,810.01	\$208,810	\$437.00	\$210,970.01	\$212,970
			\$438.00	\$208,810.01	\$213,404	\$443.00	\$212,970.01	\$214,970
						\$449.00	\$214,970.01	\$216,970
						\$455.00	\$216,970.01	\$223,180
	200% FPIG	\$173,300		200% FPIG	\$181,620		200% FPIG	\$189,940

[Pa.B. Doc. No. 16-878. Filed for public inspection May 20, 2016, 9:00 a.m.]

Medical Assistance Reliant Hospital Supplemental Payments

The Department of Human Services (Department) is providing final notice of its continued funding of supplemental payments in Fiscal Year (FY) 2015-2016 to qualifying acute care general hospitals (hospitals) that provide a substantial portion of inpatient services to Pennsylvania Medical Assistance (MA) beneficiaries. Hospitals with a patient population consisting largely of MA beneficiaries provide access to hospital services that otherwise may not be available to these individuals. The Department did not otherwise change the qualifying criteria or payment methodology for this payment from FY 2014-2015.

The Department published notice of its intent to continue funding these supplemental payments at 46 Pa.B. 827 (February 13, 2016). The Department received no public comments during the 30-day comment period and is implementing the change as described in its notice of intent.

Fiscal Impact

The FY 2015-2016 impact is \$0.300 million (\$0.144 million in State general funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1018. (1) General Fund; (2) Implementing Year 2015-16 is \$144,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-879. Filed for public inspection May 20, 2016, 9:00 a.m.]

Proposed Rates for Expanded Services Added to the Adult Autism Waiver

The purpose of this notice is to announce the proposed rates for expanded services that will be funded through the Department of Human Services' (Department) Adult Autism Waiver, effective July 1, 2016.

Background

As part of its renewal of the Adult Autism Waiver, the Department has proposed that several expanded services be added to the Adult Autism Waiver. The Department has set rates for these services in accordance with the approved methodology in Appendix I of the Adult Autism Waiver. The Department will use the proposed payment rates to process claims submitted to the Provider Reimbursement and Operations Management Information System (PROMISE) in electronic format for services provided until a notice announcing final rates is published. A notice will be published announcing the final rates after the renewal of the Adult Autism Waiver is approved by the Centers for Medicare and Medicaid Services and funds have been appropriated by the General Assembly for Fiscal Year (FY) 2016-2017.

Fee Schedule Rates

The following procedure codes, modifiers, provider types, specialty codes, unit and fees for Adult Autism Waiver services are being added to the Medical Assistance Program Fee Schedule:

<i>Service</i>	<i>Procedure Code</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Rate</i>
Systematic Skill Building, Plan Development	W7214	51	510	Unit	\$491.76
Systematic Skill Building, Ongoing Support	W7215	51	510	15 min.	\$15.37
Systematic Skill Building, Consultation	W7216	51	510	15 min.	\$15.37
Residential Habilitation, Family Living Home, Medium	W7054	52	522	Day	\$117.44
Community Support 1 staff:2 participants	W7204	51	510	15 min.	\$5.00
Community Support 1 staff:3 participants	W7205	51	510	15 min.	\$3.33
Supported Employment, Intensive Job Coaching, Direct	W7206	53	531	15 min.	\$10.95
Supported Employment, Intensive Job Coaching, Indirect	W7207	53	531	15 min.	\$10.95
Supported Employment, Extended Employment Supports, Indirect	W7202	53	531	15 min.	\$10.95

Fiscal Impact

There is no change in estimated costs for FY 2016-2017 as a result of the proposed renewal of the Adult Autism Waiver.

Public Comment

The Department has made the proposed rates for the expanded services added to the Adult Autism Waiver available at <http://www.dhs.pa.gov/learnaboutdhs/waiverinformation/adultautismwaiver/index.htm>.

Copies of this notice can also be obtained by contacting the Bureau of Autism Services at the following address or e-mail.

Interested persons are invited to submit written comments regarding this notice. Comments should be addressed to Lea Sheffield, Department of Human Services, Bureau of Autism Services, Office of Developmental Programs, 625 Forster Street, Room 605, Harrisburg, PA 17120. Comments may also be submitted to the Department at RA-odpautismwaiver@pa.gov. Comments must be submitted within 30 calendar days of the date of this notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1017. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-880. Filed for public inspection May 20, 2016, 9:00 a.m.]

GAME COMMISSION

Chronic Wasting Disease—Establishment of Disease Management Area 2 Antlerless Deer Permit Order # 3

Executive Order

Whereas, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

Whereas, The specific cause of CWD is believed to be prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids; and

Whereas, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

Whereas, CWD has been designated a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301 et seq.) at 3 Pa.C.S. § 2321(d); and

Whereas, CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials; and

Whereas, CWD is of particular concern to the Commonwealth of Pennsylvania because it has the potential to have a detrimental impact on both Pennsylvania’s wild and captive cervid populations; and

Whereas, The Pennsylvania Department of Agriculture (PDA) has detected CWD in captive deer in Adams, Jefferson and York counties; and

Whereas, the Pennsylvania Game Commission (PGC) has also detected CWD in free-ranging deer in Bedford, Blair, Cambria and Fulton counties; and

Whereas, PDA and the PGC are signatories on the Commonwealth's CWD Response Plan; and

Whereas, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

Whereas, 58 Pa. Code § 137.34 provides specific emergency authority to the Executive Director of the PGC to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of CWD, including the authority to designate Disease Management Areas and also allow the taking of cervids without regard to established seasons and bag limits and methods of take; and

Whereas, Under this authority the PGC has established three Disease Management Areas (DMAs) in Adams and York counties, Pennsylvania; Bedford, Blair, Cambria, Franklin, Fulton, Huntingdon and Somerset counties, Pennsylvania; and Clearfield and Jefferson counties, Pennsylvania; referred to respectively as "DMA 1," "DMA 2" and "DMA 3" by Executive Order titled "Chronic Wasting Disease Response # 5" and dated May 11, 2016; and

Whereas, The PGC has determined that it is again necessary to increase the harvest of antlerless white-tailed deer within affected portions of the wildlife management units comprising DMA 2 in an effort to avert a population increase and commensurate enhanced risk of disease transmission within same; and

Whereas, Previous executive orders concerning the Establishment of Disease Management Area 2 Antlerless Deer Permits were issued by the Commission on May 29, 2014 and April 20, 2015.

Now Therefore, I, R. Matthew Hough, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. *General:* This Order does hereby create and implement the DMA 2 Antlerless Deer Permit Program for the 2016/2017 hunting license/permit year. This program will make fourteen-thousand, five-hundred (14,500) permits available to eligible individuals to allow harvest of antlerless deer in DMA 2 during open white-tailed deer seasons in addition to established antlerless license allocations. However, a nominal number of permits may be issued above this permit allocation to accommodate the remaining number of mail-in applications that are awaiting processing at the end of the application period.

2. *Eligibility:* Only resident or non-resident individuals twelve (12) years of age or older that have previously acquired a valid general hunting license for the 2016/2017 hunting license year are eligible to make application for a DMA 2 Antlerless Deer Permit. Participants in the Mentored Youth and Mentored Adult Hunting Programs are ineligible to make application or participate in this program.

3. *Application:* The PGC will accept electronic or mail-in applications for DMA 2 Antlerless Deer Permits through its Outdoor Shop on a form supplied by the PGC. The PGC will process valid applications in the order that

they are received and thereafter mail successful applicants their permit, harvest ear tag, report card and related instructional literature.

a. *Required Information:* All application data fields on the form supplied by the PGC must be completed in full and include the applicant's CID number, first and last name, address and phone or email address.

b. *Cost:* DMA 2 Antlerless Deer Permits will be made available to eligible applicants at a flat cost of \$6.90 for both residents and non-resident applicants. Payment shall be made by credit card or by check or money-order made payable to the "Pennsylvania Game Commission."

c. *Application Drawing Schedule:* Resident and non-resident applications will be processed according to the following schedule until the allocation is fully exhausted:

i. *1st Round:* July 11th through July 31st, 2016. Only one (1) application per eligible applicant will be accepted.

ii. *2nd Round:* August 1st through August 14th, 2016. Only one (1) application per eligible applicant will be accepted. However, two (2) applications will be accepted from an eligible applicant that did not submit an application in the 1st Round.

iii. *3rd Round:* August 15th until the allocation is exhausted. Unlimited applications per eligible applicant will be accepted until allocation is fully exhausted.

4. *Permit Usage:* DMA 2 Antlerless Deer Permits may be used to harvest antlerless deer during any open hunting season for white-tailed deer (including antlered deer season) within the affected portion of each Wildlife Management Unit located within DMA 2. Permits must be signed, produced and possessed by the Permittee with all other licensing documentation anytime the Permittee is exercising the permit's privileges. Permits and their harvest tags are nontransferable and may not be possessed in the field by anyone other than the permittee whose name is represented on the permit or harvest tag. Immediately after harvest, before moving the carcass, the Permittee shall complete the DMA 2 Antlerless Deer Harvest Ear Tag associated with the permit and then attach the ear tag only to the ear of the carcass. Removal of High-Risk Parts of the carcass from DMA 2 is prohibited. See Executive Order titled "Chronic Wasting Disease Response # 5" and dated May 11, 2016 for more information.

5. *Reporting:* Positive or negative reporting, whichever is applicable, is required for all DMA 2 Antlerless Deer Permit holders. Permittees shall report a successful harvest within ten (10) days of a successful kill, otherwise permittees shall report negatively no later than February 7, 2017. Permittees may report electronically through PGC's Outdoor Shop or by the report card that is attached to the DMA 2 Antlerless Deer Permit. Failure to report as required is a violation of this Order and may result in criminal prosecution and/or render the offending Permittee ineligible to make application for this program the following year, should it be extended.

6. Permittees exercising any privilege granted by a DMA 2 Antlerless Deer Permit shall comply with all applicable arms, ammunition, methods of take, protective material (fluorescent orange) and any special licensing requirements pertaining to the open white-tailed deer hunting season then in effect within each applicable Wildlife Management Unit.

7. The requirements and restrictions of this Order are to be construed as separate from and in addition to any previous or future Executive Orders concerning the importation of high risk cervid parts from areas outside of this Commonwealth or response to CWD within the Commonwealth.

8. This Order shall not be construed in any manner to limit the PGC's authority to establish additional importation, exportation, possession, transportation or testing requirements on cervid parts or materials.

9. Nothing in this Order shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 27 (relating to the Domestic Animal Law) or the requirements of a lawful quarantine order issued by PDA.

10. The previous executive order concerning the Establishment of Disease Management Area 2 Antlerless Deer Permits issued on April 20, 2015 is hereby rescinded in its entirety and replaced by this Order.

11. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 11th day of May, 2016.

R. MATTHEW HOUGH,
Executive Director

[Pa.B. Doc. No. 16-881. Filed for public inspection May 20, 2016, 9:00 a.m.]

Chronic Wasting Disease—Response Order # 5

Executive Order

Whereas, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

Whereas, The specific cause of CWD is believed to be prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids; and

Whereas, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

Whereas, CWD has been designated a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301 et seq.) at 3 Pa.C.S. § 2321(d); and

Whereas, CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials; and

Whereas, CWD is of particular concern to the Commonwealth of Pennsylvania because it has the potential to have a detrimental impact on both Pennsylvania's wild and captive cervid populations; and

Whereas, The Pennsylvania Department of Agriculture (PDA) has detected CWD in captive deer in Adams, Jefferson and York counties; and

Whereas, the Pennsylvania Game Commission (PGC) has also detected CWD in free-ranging deer in Bedford, Blair, Cambria and Fulton counties; and

Whereas, The Maryland Department of Natural Resources has detected CWD in free-ranging deer in Allegany County within 10 miles of the Pennsylvania border; and

Whereas, PDA and the PGC are signatories on the Commonwealth's CWD Response Plan; and

Whereas, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

Whereas, 58 Pa. Code § 137.34 provides specific emergency authority to the Executive Director of the PGC to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of CWD; and

Whereas, Previous executive orders concerning response to CWD within the Commonwealth were issued by the Commission on October 17, 2012, March 25, 2014, May 12, 2014 and April 20, 2015.

Now Therefore, I, R. Matthew Hough, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. Disease Management Areas (DMAs) within the Commonwealth are designated as set forth below. These DMAs are more graphically illustrated on the maps titled “DMA 1,” “DMA 2” and “DMA 3” attached hereto and incorporated by reference herein. Should any conflict exist between the below-listed written boundaries and maps of DMA 1, DMA 2 and DMA 3, the written descriptions shall prevail.

a. *DMA 1*: Adams and York Counties, Pennsylvania, bounded and described as follows: Starting at the intersection of Interstate 76 (I-76) and the west bank of the Susquehanna River heading south along the River for 21.8 miles to US Highway 30. Westbound on US Highway 30 for 18.3 miles to Highway 116. Highway 116 towards Hanover for 13.7 miles. In Hanover southwest on State Highway 194 for 7 miles to Littlestown, then northwest on State Highway 97 9.7 miles to Gettysburg. In Gettysburg, north on State Highway 34 for 14.3 miles to the Idaville Road. East on Idaville Road for 4.8 miles to the intersection of State Highway 94. North State Highway 94 for 2 miles to Latimore Road. East on Latimore Road for 1.6 miles to Mountain Road. North on Mountain Road for 6.9 miles to Dillsburg and the intersection of US Highway 15. North on US Highway 15 for 3.2 miles to the Yellow Breaches Creek (County Line). Northeast along the banks of the Yellow Breaches Creek for 12.1 miles to the intersection of I-76. East along I-76 for 6.4 miles to the intersection of Susquehanna River and the starting point.

b. *DMA 2*: Bedford, Blair, Cambria, Clearfield, Franklin, Fulton, Huntingdon and Somerset counties, bounded and described as follows: Beginning in the Southeastern extent of the DMA at the intersection of State Highway 456 and the Maryland State Line, proceed north on Highway 456 for approximately 12.1 miles to the intersection of State Highway 16. The DMA boundary follows State Highway 16 north for 5.4 miles to US Highway 522

in McConnellsburg. Follow US Highway 522 north for .8 miles to US Highway 30. Follow US Highway 30 west for 6.4 miles to the intersection of State Highway 655. The DMA boundary follows north on State Highway 655 for approximately 22.3 miles to the intersection of US Highway 22. The DMA boundary follows US Highway 22 west for 16.6 miles to State Highway 453, then north along State Highway 453 for 20.5 miles to the intersection of State Highway 253. Follow State Highway 253 south for 8.1 miles to State Highway 53 in Van Ormer. The DMA continues on State Highway 53 south for 1.7 miles to Marina Road. At Marina Road the boundary follows for 5.5 miles to the intersection of Glendale Lake Road. Continue left on Glendale Lake Road and in 3 miles join onto State Highway 36. The DMA boundary follows State Highway 36 west into the town of Patton and then straight onto Magee Ave to the intersection of 5th Avenue. Continue south on 5th Ave for about .3 miles where the road becomes Mellon Ave. Continuing on Mellon Ave for .4 miles the road becomes Carroll Road once in East Carroll Township. The boundary continues south on Carroll Road for 3.7 miles to State Highway 219 in Carrolltown. The DMA boundary follows State Highway 219 south for 26.7 miles to State Highway 56 East and then follows State Highway 56 east for 3.9 miles to State Highway 160. Following State Highway 160 southward the boundary continues for 26.5 miles to the borough of Berlin, then west through downtown Berlin on State Highway 2030 (Main Street) for 0.44 miles to the intersection of State Highway 219. Finally south along State Highway 219 for 20.6 miles to the Maryland border.

c. *DMA 3: Clearfield and Jefferson Counties, Pennsylvania, bounded and described as follows:* Beginning in the Northwest corner of the DMA at the intersection of State Highway 36 and Interstate 80 (I-80), proceed east on I-80 for 27 miles to where Anderson Creek Road intersects I-80. Continue southwest on Anderson Creek Road for 1.8 miles to Home Camp Road (State Route 4016). Follow Home Camp Road south for 2.5 miles to the intersection with US Highway 322 Rockton Mountain Highway). Continue west on US Highway 322 for 4 miles to US Highway 219, then south on along US Highway 219 for 20.25 miles to the intersection with State Highway 36. Continue west on the US 219/State Highway 36 overlap for 2.25 miles, then continue north on State Highway 36. Follow State Highway 36 (Colonel Drake Highway) northwest for 32.5 miles to its intersection with US Highway 322 (Main Street) in Brookville. Continue west on State Highway 36's overlap with US Highway 322 for approximately 0.75 miles, then continue north on State Highway 36 for 0.5 mile to the intersection with I-80.

3. Except as follows, the removal or exportation of high risk cervid parts from the above described DMAs is prohibited. The PGC may designate approved locations outside of the above described DMAs for the receipt of high risk cervid parts for waste disposal, taxidermy or butchering purposes.

4. For the purposes of this Order, high-risk parts or materials shall be defined as any parts or materials derived from cervids which are known to accumulate abnormal prions. This includes any of the following:

- a. Head (including brain, tonsils, eyes and lymph nodes);
- b. Spinal Cord/Backbone (vertebra);
- c. Spleen;
- d. Skull plate with attached antlers, if visible brain or spinal cord material is present;

e. Cape, if visible brain or spinal cord material is present;

f. Upper canine teeth, if root structure or other soft material is present;

g. Any object or article containing visible brain or spinal cord material;

h. Brain-tanned hide.

5. For the purposes of this Order, high-risk parts or materials shall not include any of the following:

i. Meat, without the backbone;

j. Skull plate with attached antlers, if no visible brain or spinal cord material is present;

k. Tanned hide or rawhide with no visible brain or spinal cord material present;

l. Cape, if no visible brain or spinal cord material is present;

m. Upper canine teeth, if no root structure or other soft material is present; and

n. Taxidermy mounts, if no visible brain or spinal cord material is present.

6. All cervids killed within the DMAs are subject to CWD testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations pursuant to conditions set forth in a forthcoming process. The process shall be made known through public announcement, website and other means reasonably intended to reach the widest audience. The cost of such testing and reporting to the hunter to be borne by the PGC.

7. The rehabilitation of wild, free-ranging cervids within the DMAs is prohibited.

8. The use or possession of cervid urine-based attractants in any outdoor setting within the established DMAs is prohibited.

9. Direct or indirect feeding of wild, free-ranging cervids within the DMAs is prohibited. This prohibition shall not be construed to apply to normal or accepted agricultural, habitat management, oil and gas drilling, mining, forest management or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the PGC may provide written notice prohibiting such activity. Failure to discontinue such activity is a violation of this Order. For the purposes of this Order, feeding shall include the act of placing any artificial or natural substance for the use or consumption of wild, free-ranging cervids on an annual, seasonal or emergency basis.

10. No new PGC permits to possess or transport live cervids in the DMAs may be issued.

11. Except as follows, the possession and removal of vehicular killed cervids, or parts therefrom, from areas within the DMAs to locations outside the DMAs is prohibited. The PGC may designate approved locations outside of the above described DMAs for the receipt of high risk cervid parts for waste disposal, taxidermy or butchering purposes.

12. The requirements and restrictions of this Order are to be construed as separate from and in addition to any previous or future Executive Orders concerning the im-

portation of high risk cervid parts from areas outside of this Commonwealth or the Establishment of Disease Management Area 2 Permits.

13. This Order shall not be construed in any manner to limit the PGC's authority to establish additional importation, exportation, possession, transportation or testing requirements on cervid parts or materials.

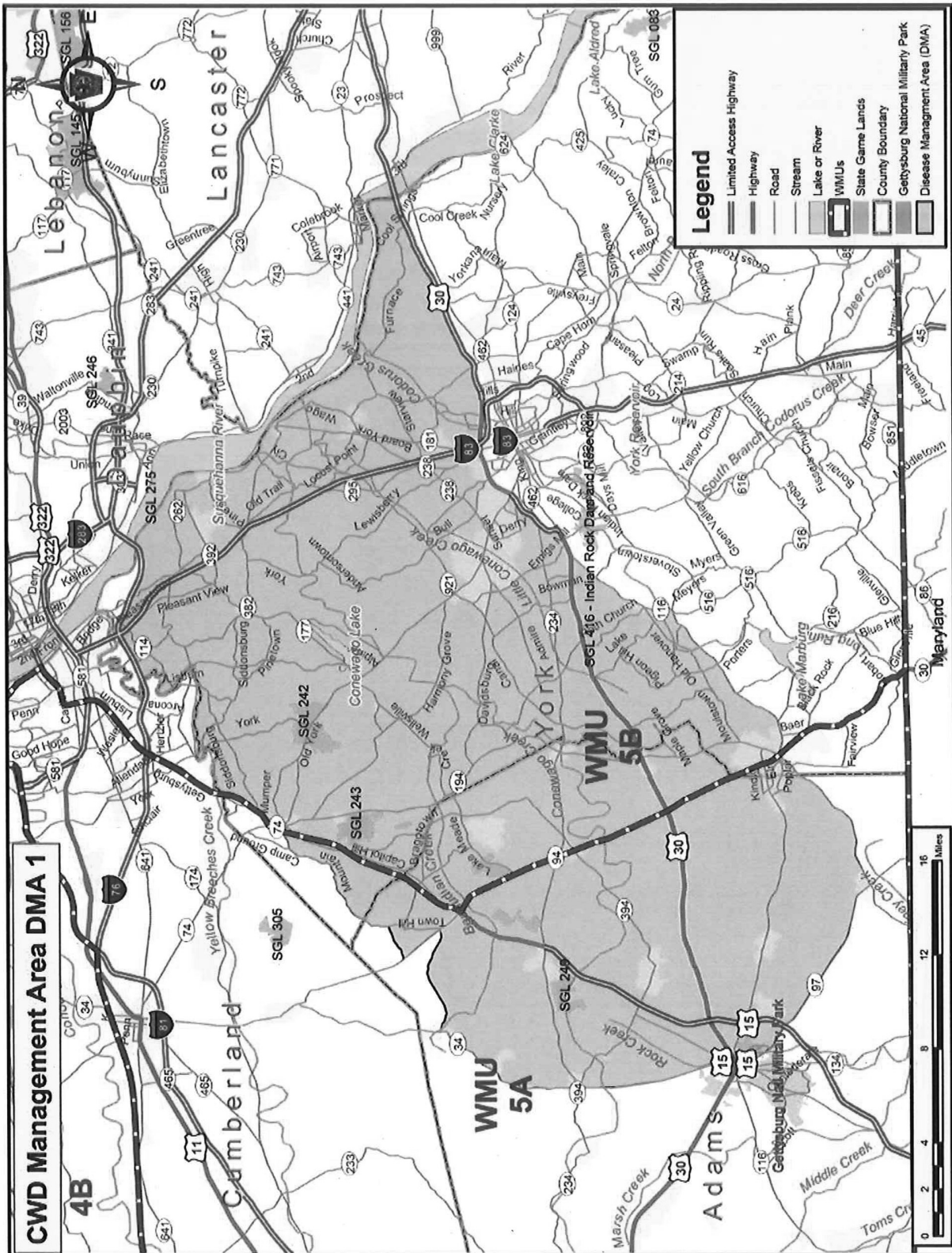
14. Nothing in this Order shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 27 (relating to the Domestic Animal Law) or the requirements of a lawful quarantine order issued by PDA.

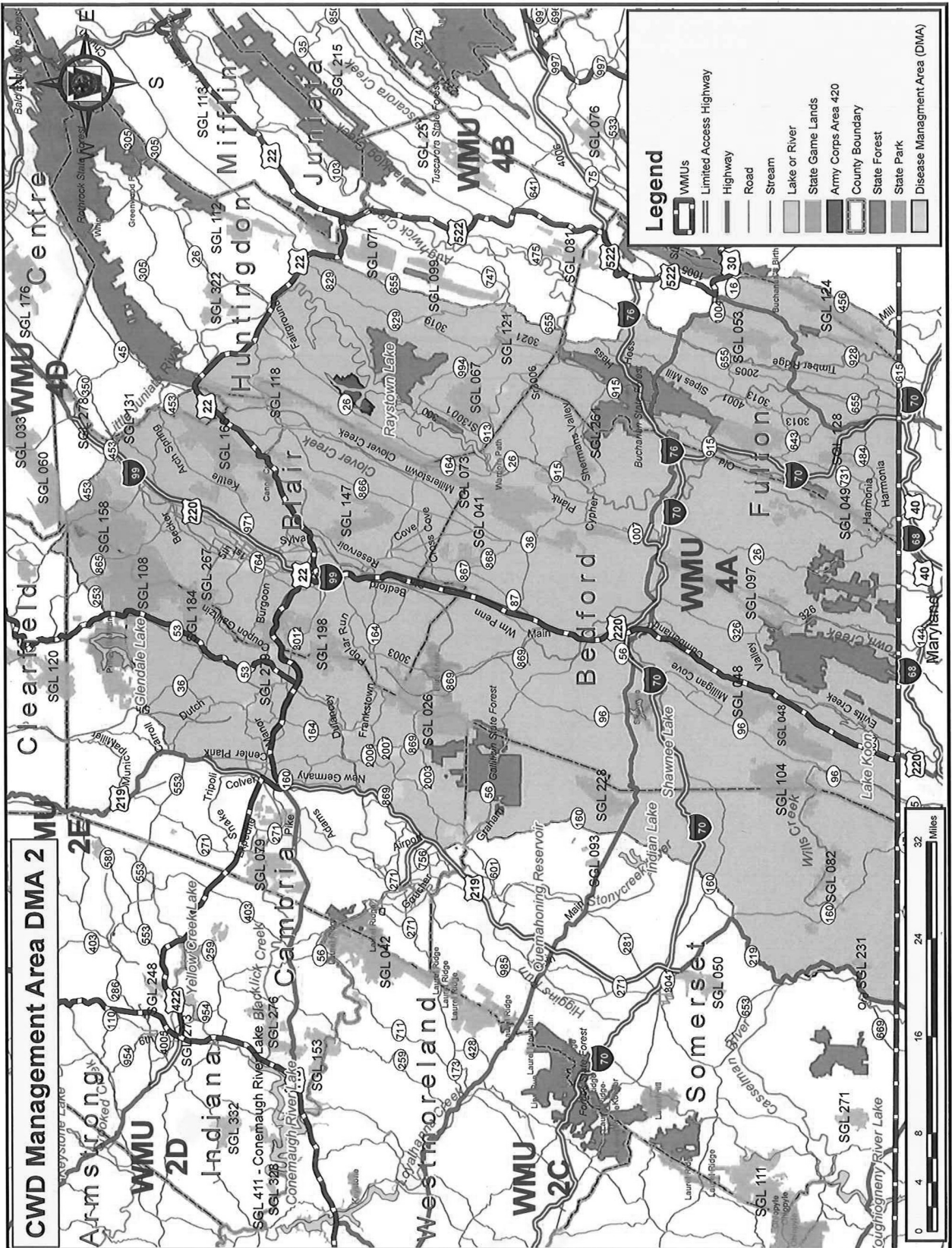
15. The previous executive order concerning Chronic Wasting Disease Response issued on April 20, 2015 is hereby rescinded in its entirety and replaced by this Order.

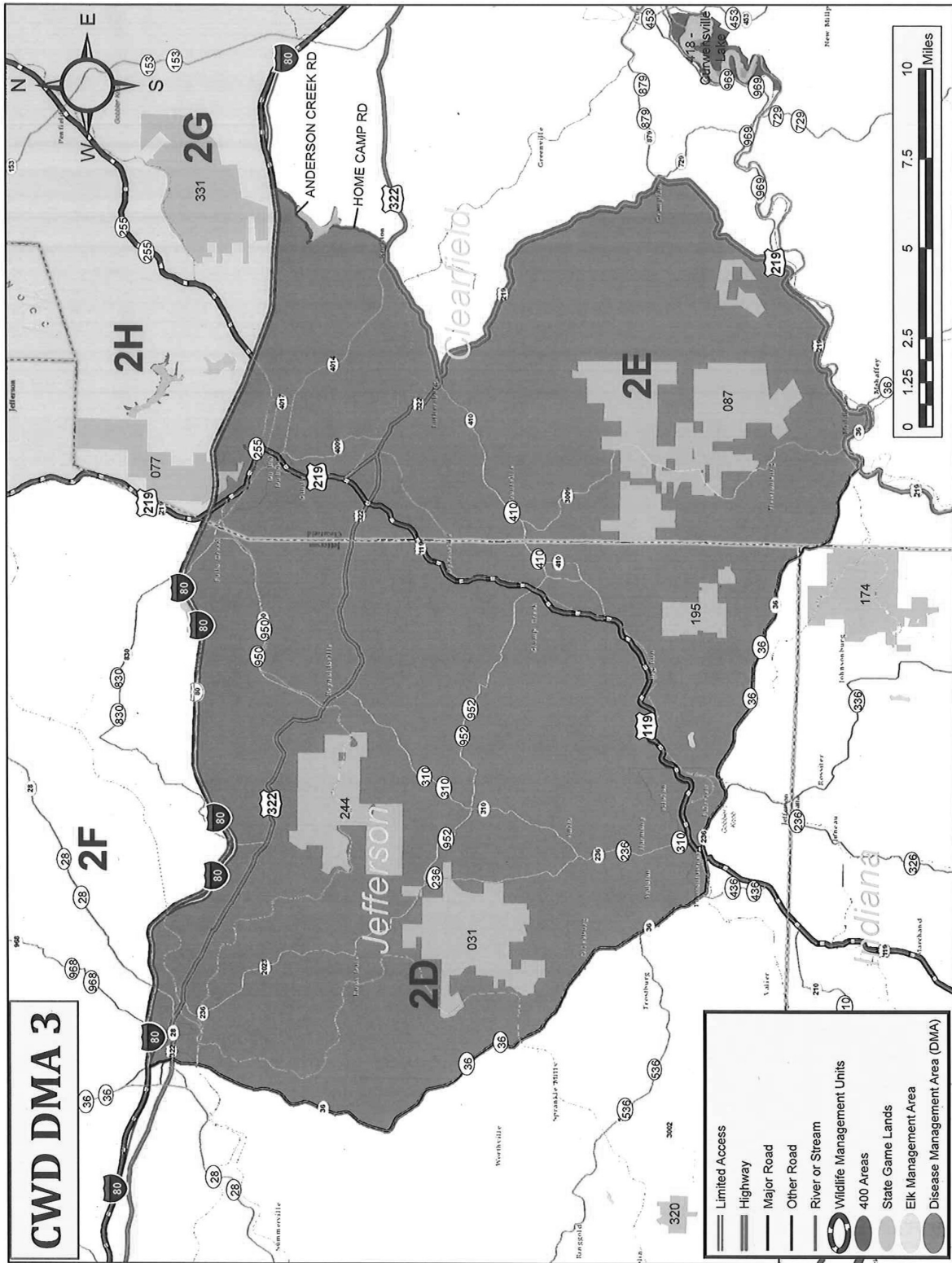
16. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 11th day of May, 2016.

R. MATTHEW HOUGH,
Executive Director







[Pa.B. Doc. No. 16-882. Filed for public inspection May 20, 2016, 9:00 a.m.]

HOUSING FINANCE AGENCY

2016 National Housing Trust Fund Action Plan

The Housing Finance Agency (Agency) is the entity designated by law for the administration of the National Housing Trust Fund (NHT) enacted as part of the Housing and Economic Recovery Act of 2008 (Pub.L. No. 110-289) to provide funding for housing for very low and extremely low income households. The NHT is administered through the United States Department of Housing and Urban Development (HUD). HUD has announced funding for the Commonwealth in the amount of \$3,862,285 for Fiscal Year 2016. HUD requires that the Agency adopt an NHT Action Plan for the administration of NHT. The NHT Action Plan must be included in the Consolidated Plan and Action Plan prepared and disseminated by the Department of Community and Economic Development (Department) for the allocation of certain Federal community development programs.

The Agency is announcing its preliminary plan, the 2016 NHT Action Plan, for distribution of NHT dollars available to the Commonwealth for 2016 and inviting public comment. The Agency will administer the NHT

funds through the State housing trust fund established under the act of November 23, 2010 (P.L. 1035, No. 105) (the Pennsylvania Housing and Rehabilitation Enhancement Program (PHARE)).

In accordance with the requirements of HUD and the requirements of the PHARE program, the Agency is providing notice of the 2016 NHT Action Plan and inviting public comment. The 2016 NHT Action Plan is available on the Agency's web site at www.phfa.org.

Persons who would like to comment on the 2016 NHT Action Plan may provide comments in writing only to the National Housing Trust Fund c/o PHFA, 211 North Front Street, Harrisburg, PA 17101. Comments are due no later than 2 p.m. on July 5, 2016.

There will be separate notice provided through the Department regarding the substantial amendment to the 2016 Action Plan and Consolidated Plan, as required by HUD, and an additional opportunity for citizen participation will be provided in that notice. See 46 Pa.B. 2561 (May 21, 2016).

BRIAN A. HUDSON, Sr.,
Executive Director

[Pa.B. Doc. No. 16-883. Filed for public inspection May 20, 2016, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
11-255	Insurance Department Tables Approved for use in Determining Minimum Nonforfeiture Standards and Minimum Standards for Valuation	5/5/16	6/9/16

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 16-884. Filed for public inspection May 20, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of PALG UST VIII, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2014-0003(F); Doc. No. UT16-05-005

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant provisions of law.

A prehearing telephone conference will be held on June 30, 2016, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 28, 2016.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before June 14, 2016. Answers to petitions to intervene, if any, shall be filed on or before June 28, 2016.

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 R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-885. Filed for public inspection May 20, 2016, 9:00 a.m.]

Genworth Life Insurance Company (GEFA-130531643); Rate Increase Filing for Several LTC Forms

Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 48.1% on 17,103 policyholders with the following individual LTC policy form numbers: 7042, 7042 Rev, 7044 and 7044 Rev.

Unless formal administrative action is taken prior to August 3, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-886. Filed for public inspection May 20, 2016, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau; Workers' Compensation Rate and Rule Filing

On April 28, 2016, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing impacting the workers' compensation loss costs and experience rating plan expected loss factors for the temporary staffing industry. The filing was submitted in accordance with section 705 of the act of July 2, 1993 (P.L. 190, No. 44).

The filing proposes an April 1, 2017, effective date for both new and renewal business and includes the following revisions:

- Changes to the assignment of the direct employment classifications to the temporary staffing exposure groups.
- Changes to the loss costs and experience rating plan expected loss factors for the temporary staffing exposure groups.

The entire April 1, 2017, filing is available for review on the Bureau's web site at www.pcrb.com (select "Filings," then "PCRB Filing No. 274—Proposed Effective April 1, 2017").

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-887. Filed for public inspection May 20, 2016, 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-16-003, Dated April 21, 2016. Authorizes the side letter with Pennsylvania Doctors Alliance (PDA) Labor Agreement to offer a one-step service increment for certain union covered employees effective January 2016 and increase the Board Certification Payment for those PDA covered employees in agencies under Governor's Jurisdiction.

Resolution No. CB-16-004, Dated April 21, 2016. Authorizes the side letter with Pennsylvania Doctors Alliance (PDA) Memorandum of Understanding to offer a one-step service increment for certain union covered employees effective January 2016 and increase the Board Certification Payment for those PDA covered employees in agencies under Governor's Jurisdiction.

Governor's Office

Manual No. 210.9—The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule, Amended April 4, 2016.

Management Directive No. 250.1—Notice of Public Meetings, Amended April 25, 2016.

Management Directive No. 720.6—Call Trace Procedures for Nuisance, Harassing, and Threatening Telephone Calls, Amended April 25, 2016.

LAURA CAMPBELL,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 16-888. Filed for public inspection May 20, 2016, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Default Service Plan; Prehearing Conference

P-2016-2543523 and G-2016-2543527. UGI Utilities, Inc.—Electric Division. Petition of UGI Utilities, Inc.—Electric Division for approval of a default service plan for the period of June 1, 2017, through May 31, 2021, and associated potential affiliated interest transactions.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 31, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy

provided to the Administrative Law Judge. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

Applicant: UGI Utilities, Inc.—Electric Division

Through and By Counsel: Danielle Jouenne, Esquire, UGI Corporation, 460 North Gulph Road, King of Prussia, PA 19406

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Friday, June 3, 2016

Time: 1:30 p.m.

Presiding: Administrative Law Judge Angela T. Jones
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
(215) 560-2105
Fax: (215) 560-3133

To participate in the hearing, individuals must:

- Dial the following toll-free number.
- Enter the following PIN number when instructed to do so.
- Speak the individual's name when prompted.

The telephone system will connect callers to the hearing.

Toll-free bridge number: (855) 750-1027
PIN number: 84664

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

Individuals representing themselves are not required to be represented by an attorney. All others (corporation, partnership, association, trust, or governmental agency or subdivision) must be represented by an attorney. Representing attorneys should file a Notice of Appearance before the scheduled hearing date.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-889. Filed for public inspection May 20, 2016, 9:00 a.m.]

Default Service Plan; Prehearing Conference

P-2016-2543140. Duquesne Light Company. Petition of Duquesne Light Company for approval of a default service plan for the period June 1, 2017, through May 31, 2021.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the petitioner and a copy provided to the Administrative Law Judge on or before June 6, 2016. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

Applicant: Duquesne Light Company

Through and By Counsel: Michael W. Gang, Anthony D. Kanagy, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601; and Tisheka Williams, Duquesne Light Company, 16th Floor, 411 Seventh Avenue, Pittsburgh, PA 15219

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Friday, June 10, 2016

Time: 10 a.m.

Location 2nd Floor Hearing Room

Pittsburgh Piatt Place

Parties: Suite 220

301 Fifth Avenue

Pittsburgh, PA 15222

Location Hearing Room 4

Harrisburg Plaza Level

Parties: Commonwealth Keystone Building

400 North Street

Harrisburg, PA

Presiding: Administrative Law Judge Conrad A.

Johnson

Piatt Place

Suite 220

301 5th Avenue

Pittsburgh, PA 15222

(412) 565-3550

Fax: (412) 565-5692

Persons representing themselves are not required to be represented by an attorney. All others (corporation, partnership, association, trust, or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled prehearing conference date.

Persons with a disability who wish to attend the prehearing conference should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the prehearing conference, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-890. Filed for public inspection May 20, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 6, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2016-2538440. Ty's Daycare and Pre-K Center, Inc., t/a Ty's Healthy Healers (1137 East 24th Street, Erie, Erie County, PA 16503) persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Erie and Mercer Counties.

A-2016-2543210. Hock Investments LLC, t/a Lancaster Craft Brew Tours (1923 Fruitville Pike, Lancaster, Lancaster County, PA 17601) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Lancaster County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2543648. All American Limo, Inc. (4731 Hulmeville Road, Bensalem, Bucks County, PA 19020) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Bucks, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-891. Filed for public inspection May 20, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities).

Answers are due June 6, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Stanley H. Wells, t/a On Call Hauling; Docket No. C-2016-2534931

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Stanley H. Wells, t/a On Call Hauling, (respondent) is under suspension effective March 10, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 507 West First Avenue, Parkesburg, PA 19365.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 06, 2012, at A-8914501.

4. That respondent has failed to maintain evidence of both Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8914501 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state

that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/22/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Two Sons Trucking, LLC; Docket No. C-2016-2535152

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Two Sons Trucking, LLC, (respondent) is under suspension effective February 24, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 347 Main Street, Swoyersville, PA 18704.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 18, 2012, at A-8915167.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue

an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8915167 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/23/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-892. Filed for public inspection May 20, 2016, 9:00 a.m.]

Telecommunications Services

A-2016-2537383. Airbus DS Communications, Inc.
Application of Airbus DS Communications, Inc. for approval to offer, render, furnish or supply telecommunications services as a competitive local exchange carrier to the public in this Commonwealth in the service territories of all incumbent local exchange carriers.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, June 6, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Airbus DS Communications, Inc.

Through and By Counsel: Wesley K. Wright, Esquire, Timothy A. Dougherty, Esquire, Keller and Heckman, LLP, 1001 G Street NW, Suite 500 West, Washington, DC 20001

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-893. Filed for public inspection May 20, 2016, 9:00 a.m.]

Wastewater Service

A-2016-2544151. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of: 1) the transfer, by sale, of substantially all of the Borough of New Cumberland's assets, properties and rights related to its wastewater collection and treatment system to Pennsylvania American Water Company; 2) the right of Pennsylvania American Water Company to begin to offer or furnish wastewater service to the Borough of New Cumberland, Cumberland County; and 3) for Pennsylvania American Water Company to begin to offer or furnish wastewater service to three residential customers in Lower Allen Township, Cumberland County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before June 6, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Pennsylvania American Water Company
Through and By Counsel: Susan Simms Marsh, Esquire, Melanie J. El Atieh, Esquire, 800 West Hershey-park Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-894. Filed for public inspection May 20, 2016, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by June 6, 2016. The nonrefundable protest filing fee is \$2,500 payable to the PPA by certified check or money order. The application is available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. to make an appointment) or may be inspected at the business address of the respective applicant.

Doc. No. A-16-04-01. Nanak Trans, Inc. (156 Marlboro Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience (CPC) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

Doc. No. A-16-04-02. Anand Trans, Inc. (119 North Carol Boulevard, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 16-895. Filed for public inspection May 20, 2016, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice

and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Mahosky Farms, LLC 13295 SR 414 Canton, PA 17724	Tioga County/ Union Township	713.42	Swine	New	Approved
Cotner Farms, Inc. 127 Rushtown Road Danville, PA 17821	Northumberland County/ Rush Township	2,051.28	Layers	Amended	Approved
Dwayne Nolt 58 East Strack Drive Myerstown, PA 17067	Lebanon County/ Jackson Township	288	Swine	New	Approved
James Lapp 640 Schoeneck Road Ephrata, PA 17522	Lancaster County/ West Cocalico Township	60	Layers	New	Approved
Critter Hill Farm, LLC 224 Quaker Run Road Biglerville, PA 17304	Adams County/ Butler Township	0	Cattle	Amended	Approved
Flint Road Farm, LLC 432 Flint Road Mifflintown, PA 17059	Juniata County/ Walker Township	143.2	Broilers	New	Approved
Smith Station Acres, LLC 1871 Smith Station Road Spring Grove, PA 17362	York County/ Heidelberg Township	181.4	Turkey	New	Approved
Jim Showers 767 Gray Hill Road New Columbia, PA 17856	Union County/ White Deer Township	408.3	Cattle/Horses	Amended	Approved
Shady Brae Farms, Inc.— Lancaster Junction Farm 999 South Colebrook Road Manheim, PA 17545	Lancaster County/ Penn Township	1,386	Layers	Amended	Approved
Makin Bacon, LLC 1808 Bailey Corners Road Granville Summit, PA 16926	Bradford County/ Granville Township	713.42	Swine	New	Approved
Matthew Martin 1282 Lebanon Road Manheim, PA 17545	Lancaster County/ Rapho Township	122.33	Broiler	New	Approved
Barry Shirey 6359 Boyertown Pike Douglassville, PA 19518	Berks County/ Amity Township	298.2	Turkey	New	Approved

RUSSELL C. REDDING,
Chairperson

[Pa.B. Doc. No. 16-896. Filed for public inspection May 20, 2016, 9:00 a.m.]

