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# PENNSYLVANIA BULLETIN

Volume 46

Number 25

Saturday, June 18, 2016 • Harrisburg, PA

Pages 3055—3222

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for the Department of  
Human Services' Intellectual  
Disability Terminology  
Update Rulemaking

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Department of Revenue  
Department of Transportation  
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Independent Regulatory Review Commission  
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Pennsylvania Minority Business Development  
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Pennsylvania Public Utility Commission  
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Public School Employees' Retirement Board  
State Board of Nursing  
State Conservation Commission

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

**No. 499, June 2016**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GENERAL ASSEMBLY

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

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2016 General Acts of Regular Session Enacted—Act 026 through 034</b>					
026	May 17	HB0400	PN1957	Immediately*	Work Experience for High School Students with Disabilities Act—enactment
027	May 18	SB0811	PN0870	Immediately*	Capital Budget Act of 2015-2016—enactment
028	May 24	HB0944	PN2846	60 days	Community and Economic Improvement Act—omnibus
029	May 24	HB1200	PN2567	60 days	Cities authorized to build viaducts or bridges—repeal of certain provisions
030	May 24	HB1310	PN3320	60 days	Health and Safety (35 Pa.C.S.)—prohibited release of information
031	May 24	HB1574	PN3016	60 days	Antihazing Law—enforcement
032	May 24	HB1788	PN2734	60 days	Community and Economic Improvement Act—special financing assessments
033	May 25	SB0290	PN1751	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
034	May 25	SB1108	PN1752	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
<b>2016 Vetoes of Regular Session of Bills—Veto 002</b>					
002	May 18	HB0805	PN1843	Immediately*	Public School Code of 1949—omnibus amendments

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 16-1012. Filed for public inspection June 17, 2016, 9:00 a.m.]

# THE COURTS

## Title 25—LOCAL COURT RULES

### WASHINGTON COUNTY

#### Local Civil Rules 5000—5000.12 Assessment Appeals; No. 2016-1

##### Order

*And Now*, this 26th day of May, 2016; *It Is Hereby Ordered* that the previously-stated Washington County Local Civil Rules are adopted as follows.

These rules will become effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KATHERINE B. EMERY,  
*President Judge*

#### ASSESSMENT APPEALS

##### Rule L—5000. Definitions.

The following rules shall apply to all appeals from a real estate tax assessment determined by the Washington County Board of Assessment Appeals. These rules shall apply to all appeals taken following their effective date, and may be applied as appropriate to any pending appeals ninety (90) days after the effective date.

##### *Definitions:*

*Appeal*—An appeal from the Washington County Board of Assessment Appeals as defined in the General County Assessment Law, 72 P.S. § 5020-518.1(a).

*Board*—The Washington County Board of Assessment Appeals.

*Commercial Property*—Any property whose purpose is to generate income for its owner, or is otherwise designated in the tax assessment records as commercial in use.

*Date of Notification*—The date of the Board's decision.

*Party*—Appellant, the Board, and any other person or entity entitled to notice of the appeal.

*Property Owner*—The record owner of the property as set forth in the tax assessment records.

*Taxing Authority*—Any county, city, borough, town, township, school district, or other public corporation having power and authority to levy taxes on the assessment of the real estate in question.

*Verified*—When used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.Con.Stat. § 4904 relating to unsworn falsification to authorities.

##### Rule L—5000.1. Real Estate Tax Assessment Appeal.

(a) Real Estate Tax Assessment Appeal from a decision of the Board as to the amount of the assessment for real estate tax purposes, or as to exemption of real estate from payment of real estate taxes, shall be captioned "Petition for Real Estate Tax Assessment Appeal" or "Petition for Real Estate Tax Exemption Appeal" and filed with the Prothonotary within the time prescribed by statute. A copy of the appeal shall be provided to the Court Administrator.

(b) The appeal shall contain the following:

(1) Caption designating the named party taking the appeal as Appellant, the Board as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as a matter of course as a party in the assessment appeal by designating such named owner in the caption as an Appellee. All taxing authorities shall be named as parties in the appeal. The tax parcel identification number for the real estate in question shall appear in the caption.

(2) Identification of the subject real estate, including the street address and tax parcel identification number, and a designation of the municipality and school district wherein the real estate is located. A copy of the property card from the tax records shall be attached as an exhibit to the petition.

(3) Name and address of the taxpayer(s), and any other party to the appeal.

(4) Nature of and reasons for the appeal.

(5) Reference to the decision of Washington County Board of Assessment Appeals (Board) from which the appeal is taken. The date of notification shall be provided. A copy of the Board's notice of decision shall be attached as an exhibit to the petition.

(6) Reason(s) for the appeal. The petition shall identify whether the challenge is based on fair market value, base year value, or a constitutional challenge based on uniformity.

(7) A verification in accordance with Pa.R.Civ.P. 206.3, if the petition contains an allegation of fact which does not appear of record.

(c) Within ten (10) days after filing the appeal, appellant shall serve a copy of the appeal on the Board, on all affected taxing authorities at their business addresses, and any other party, in the manner prescribed by Pa.R.Civ.P. 440. The property owner shall be served notice at the registered address designated on the tax records of Washington County.

(d) Within twenty (20) days of service of the appeal, the appellant shall file a verified proof of service of the petition.

(e) There shall be no requirement that the appellee, or any other party, file an answer or responsive pleading to the petition.

(f) All appeals shall be subject to Pa.R.Civ.P. 1012, 1023.1, and 1025.

(g) Cross-appeals shall not be permitted, and, if a cross-appeal is filed, the Court shall dismiss the cross-appeal, and proceed at the earlier filed appeal.

(h) No appeal may be withdrawn without consent of all other parties, or leave of court.

*Note:* The Pennsylvania Rules of Civil Procedure do not apply to real estate tax assessment appeals, unless specifically adopted by local rule or order of court. *In re Mackey*, 687 A.2d 1186 (Pa.Comm.w.Ct. 1997).

##### Rule L—5000.2. Intervention.

(a) Any taxing authority not named as a party may intervene as a matter of course during pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

(b) Notice of Intervention shall contain the name of the intervening party as an additional party designated as “Intervenor” in the caption, and shall set forth that such identified party is intervening. The notice shall provide an address for the intervenor, unless simultaneously filed with an entry of appearance for counsel.

(c) Intervenor shall serve copies of Notice of Intervention on all parties in accordance with Pa.R.Civ.P. § 440.

(d) Within ten (10) days of filing of Notice of Intervention, the intervenor shall file a verified proof of service.

(e) No response is required to be made by any party served with a copy of a Notice of Intervention.

**Rule L—5000.3. Discovery.**

(a) Except as otherwise proved by this Rule, discovery shall be by leave of court only for cause shown. Nothing in these rules shall prohibit an agreement among the parties regarding discovery not otherwise authorized by these rules.

(b) In all cases involving commercial property, the taxing authorities may serve a copy of Tax Assessment Appeal Discovery Requests, (FORM 5000.3) on the taxpayer. The taxpayer shall furnish the information sought in the Discovery Requests as set forth in Local Rule 5000.5.

(c) Any discovery disputes, including, without limitation, any motions for protective order or motions to compel, shall be presented upon proper notice to the judge assigned to the case.

(d) A party may inspect the property at a reasonable time(s) upon the condition that such party provides written notice of the inspection no less than twenty (20) days prior to the property owner, if unrepresented, or the counsel of record for the property owner. If the property owner objects to the inspection or the time for inspection set forth in the notice, the property owner shall file written objections to such inspection and present such objections to the assigned judge.

*Note:* In the absence of a statewide rule, local rule, or order of court, it is within the sound discretion of the trial court whether to permit or refuse discovery in tax assessment appeals. *Tanglwood Lakes Community Association v. Pike County Board of Assessment*, 642 A.2d 581 (Pa. Commw. Ct. 1994).

**Rule L—5000.4. Consolidation.**

(a) The Court on its own motion, or on the motion of a party, may consolidate real estate tax assessment appeals involving properties that are similarly situated. The properties must be located within the same municipality and school district.

(1) A motion to consolidate shall be determined in accordance with Pa.R.Civ.P. 213.

(2) If the Court grants a motion to consolidate real estate tax assessment appeals, it shall enter a case management order setting forth all pretrial deadlines.

**Rule L—5000.5. Pretrial Procedure.**

(a) In real estate tax assessment appeals involving residential property, the following case management schedule shall govern the appeal, absent a case management order from the Court:

(1) Within ninety (90) days of the filing of the appeal, the parties shall exchange appraisal reports. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such

time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(2) The Court Administrator shall schedule a conciliation conference within one hundred and twenty (120) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

(b) In real estate tax assessment appeals involving commercial property, the following case management schedule shall govern the appeal, absent a case management order from the Court:

(1) Discovery requests shall be propounded within forty-five (45) days of the filing of the appeal.

(2) Responses to discovery shall be furnished within forty-five (45) days of the date of the requests.

(3) Within one hundred and fifty (150) days of the filing of the appeal, the parties shall exchange appraisal reports. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(4) Each party of record shall file a Pretrial Memorandum within one hundred and eighty (180) days of the filing of the appeal. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(5) The Court Administrator shall schedule a conciliation conference within one hundred eighty days (180) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

**Rule L—5000.6. Appointment of Master.**

The court may hear the testimony, or, upon its own motion, may appoint a master with respect to all or any of the matters involved in the real estate tax assessment or tax exemption appeal to issue a report and recommendation. The order of appointment shall specify the matters which are referred to the master.

*Note:* The Court possesses the inherent authority to appoint a master to assist it in performing its various functions, including the production of advisory opinions regarding tax assessment appeals. *Appeal of 322 Blvd. Associates*, 600 A.2d 630 (Pa. Commw. Ct. 1991).

**Rule L—5000.7. Hearing by Master. Report.**

(a) The Court Administrator shall schedule any proceedings before the master, and shall cause notice to be provided to all the parties.

(b) A record shall be made of all proceedings before the master. Any requests for transcription shall be in accordance with the Pennsylvania Rules of Judicial Administration governing court reporting and transcripts.

(c) In an action which has been referred to a master, the master's report shall include findings of fact, conclusions of law, and a recommended disposition of the case.

(d) The master's report and recommendation shall be filed, and the Prothonotary shall serve a copy to all counsel of record and any unrepresented party by regular mail.

(e) Any exhibits admitted into evidence before the master are part of the court record, and shall be maintained with the official court record in the appropriate filing office.

**Rule L—5000.8. Hearing by Master. Report. Objections. Transcript.**

(a) Any party may file objections to the report and recommendation of the master within thirty (30) days of the filing of the report and recommendation. Objections must be accompanied by a certification of counsel, or a party if unrepresented, that a transcript of all proceedings before the master, or necessary portions of the transcript, have been requested from the Court Administrator.

(1) Any request for a transcript shall be governed by the applicable Pennsylvania Rules of Judicial Administration pertaining to court reporting and transcripts.

(2) If no trial transcript is filed within sixty (60) days of the date the Objections were filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel and parties not represented by counsel, stating that the transcript must be paid for and filed within thirty (30) days of the date of the letter, and that if no transcript is filed within the time period, then a court order shall be issued overruling the objections with prejudice. (FORM 5000.8(2)).

(b) Within twenty (20) days of the date on which the transcript is filed of record, the objecting party shall file a Brief in Support of Objections. The Brief in Support of Objections shall refer to transcript page numbers where possible.

(c) If no brief is filed within twenty (20) days of the date the transcript is filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel or a party if not represented by counsel, stating that if a brief is not filed within twenty (20) days of the date of the letter, then a court order will be entered overruling the objections with prejudice. (FORM 5000.8(c)).

*Note:* If a Brief in Support of Objections has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

(d) Within twenty (20) days after the moving party has filed its Brief in Support of Objections, all responding parties shall file their Briefs in Opposition to Objections.

(e) If no Brief in Opposition is filed and served within twenty (20) days, the Court Administrator shall send the opposing party a letter, with copies to all counsel and parties not represented by counsel, stating that if an opposing brief is not filed within twenty (20) days of the date of the letter, the decision will be made without reference to any brief that you may file thereafter. (FORM 5000.8(e)).

(f) A copy of any brief filed shall be served on all counsel of record, a party if unrepresented, the Court Administrator, and the Court.

*Note:* If a Brief in Opposition has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

**Rule L—5000.9. Decision. Final Order. No Post-Trial Motions.**

(a) Within five (5) days after the filing date set for the Briefs in Opposition to Objections has passed, the objecting party shall notify the Court that the matter is ripe for decision by filing a notice that the matter is ripe for decision as substantially set forth in FORM 5000.9(a). A copy of the notice shall be served on all counsel of record, a party if unrepresented, and the Court Administrator.

(b) Upon the filing of the notice defined in subsection (a), the Court may schedule oral argument on the objections, or enter a final order based on the briefs and record alone.

(c) In the event that none of the parties file objections as described above, the report and recommendation of the master shall become the final order of court.

(d) There shall be no motions for post-trial relief to a final order of court.

**Rule L—5000.10. Real Estate Tax Exemption Appeals.**

(a) Real estate tax exemption appeals shall be governed by the same rules as real estate tax assessment appeals; provided, however, that Local Rules 5000.3 and 5000.5 shall not be applicable.

(b) Real estate tax exemption appeals from decisions of the Board shall be subject to the provisions pertaining to discovery in the Pennsylvania Rules of Civil Procedure.

**Rule L—5000.11. Notice of Change of Ownership of Property. Change of Address. Withdrawal or Substitution of Counsel.**

(a) If at any time during the course of an appeal filed pursuant to Local Rule 5000, et seq., ownership of the property at issue is transferred, changed, or altered in any way, the property owner listed of record in the appeal is required to file notice of the transfer/change/alteration with the Prothonotary. The notice shall provide the following information:

(1) The name(s) and addresses(es) of the new owner(s) of the property;

(2) The type of transfer/change/alteration (e.g., property sold); and

(3) The date of the transfer/change/alteration.

*Note:* See Pa.R.Civ.P. 1012 for notice requirements when there is a withdrawal or substitution of counsel. See Pa.R.Civ.P. 440 for the requirements of service of legal papers.

**Rule L—5000.12. Forms.**

All forms referenced in these rules shall be produced in a substantially similar format as set forth below.

**Form 5000.1. Petition for Assessment Appeal.**

**IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA**

(Name), CIVIL DIVISION  
 Appellant, No. \_\_\_\_\_  
 v.  
 (Name or Names), COMMERCIAL/RESIDENTIAL  
 (choose one)  
 Appellee(s).  
 REAL ESTATE INVOLVED  
 Petition for Appeal from  
 Decision of the Board of  
 Assessment Appeals

**PETITION FOR APPEAL FROM DECISION OF THE BOARD OF ASSESSMENT APPEALS**

This Petition for Appeal from Decision of the Board of Assessment Appeals is filed pursuant to Local Rule 5000.1 by (name):

1. The owner of this commercial/residential (choose one) real estate and/or taxable property is (name), and the address of this real estate is (address) (the "Property"). The Property has been assigned Parcel Identification Number (fill in).
2. The County of Washington, the municipality (fill in) and the school district (fill in) are the taxing bodies interested in the taxable status of the Property.
3. The Washington County Tax Assessment Office made an assessment of the Property. (Name) appealed from this assessment to the Board of Property Assessment Appeals (the "Board") asking that the assessment be reduced/raised (choose one). The Board is authorized to hear all appeals from assessments made by the Washington County Tax Assessment Office.
4. Following a hearing, a Decision of Appeal from Real Estate Assessment was mailed by the Board.
5. Petitioner is filing the appeal to the Common Pleas Court of Washington County.
6. (Fill in reasons for appeal).

WHEREFORE, Petitioner requests this Honorable Court to set the assessment to such amount as may be right and/or proper.

Date: \_\_\_\_\_  
 (Signature)

*Note:* Pennsylvania law permits the Court to increase or decrease the assessment, or to leave the decision of the Board intact, no matter who appealed.

**Form 5000.3. Tax Assessment Appeal Discovery Requests.**

**[ CASE CAPTION, INCLUDING DOCKET NUMBER ]**

AND NOW, comes (name) and serves the within Tax Assessment Appeal Discovery Requests upon (name). Pursuant to Local Rule 5000.5, all applicable responses to these Requests must be furnished within forty-five (45) days after the receipt of these Requests.

**REQUESTS FOR DOCUMENTS**

Please produce a copy of the following:

1. Any and all surveys (land, structural, environmental, etc.), building plans and site plans showing design construction and location of the subject property.
2. Any and all mortgages, promissory notes, deeds, and agreements of sale made or assumed on the subject property within the last three years and the corresponding closing statements.
3. Any and all appraisals or evaluations on the subject property which have been made during the last three years.
4. Any and all loan applications of any kind involving or relating to the subject property which have been signed or submitted within the past three years.
5. Any and all taxes, land leases, agreements, licenses, occupancy schedules, rent schedules (or rolls) relating to the subject property for the last three years.
6. Any and all written listing agreements, offers to purchase or offers to sell the subject property made within the last three years.
7. Any and all soil tests or mineral evaluations, permits or permit requests, requests relative to a zoning variance, or similar applications or requests to any governmental body within the past three years concerning the subject property and the result of any such applications or requests.
8. Any and all federal and state income tax returns and audited financial statements with respect to the subject property within the last three years.
9. Any and all corporate or partnership prospectus or private placement memorandum that contains any reference to the value of the subject property within the last three years.
10. Any and all insurance policies and/or binders covering the subject property, its building contents, any building or any business located thereon from the last three years.
11. Any and all documents which describe in whole or in part any physical improvements to the subject property (whether by the owner or by a tenant) within the last three years.
12. Any and all documents listing or describing capital improvement(s) made to the subject property over the past three years including the costs of the capital improvement(s) and the completion date(s).
13. Any and all documents relating to leasing commissions paid with respect to the subject property over the last three years including the corresponding tenant space, the commission paid, and the date.

**INTERROGATORIES**

Please provide the following information:

1. The name, address and telephone number of the person to contact regarding conducting an inspection of the subject property.

Date: \_\_\_\_\_  
 (Signature)

(c) **Form 5000.8(a). Notice.**

**NOTICE**

Pursuant to the provisions of 72 P.S. § 502-518.1(c) and Local Rule 5000.7, attached is the Report of the Special Master.

Any party objecting to the Report shall file Objections with the Washington County Prothonotary within thirty (30) days of the receipt of this Notice. A copy of the Objections must be accompanied by a certification of counsel or of the objecting party, if unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the Court Administrator's Office. Copies of the Objections and certification shall be served on the Court Administrator and on all counsel of record, or the parties, if unrepresented.

In the event that none of the parties files Objections, the Report and Recommendation of the Special Master will be adopted as the final Order of Court.

\_\_\_\_\_  
COURT ADMINISTRATOR

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

(d) **Form 5000.8(2). Letter.**

Re: [case name and docket number]

Dear [Objecting Party]:

It has been sixty (60) days since you filed your Objections to the Masters Report in the subject case and no trial transcript has been filed with the Court Administrator, Civil Division. You must contact this office and order the transcript of the proceedings and the transcript must be paid for and filed within thirty (30) days of the date of this letter. See Local Rule 5000.8.

If the transcript has not been paid for and filed within thirty (30) days of the date of this letter. A COURT ORDER PURSUANT TO LOCAL RULE 5000.8 WILL BE ISSUED OVERRULING THE OBJECTIONS WITH PREJUDICE.

Very truly yours,  
Court Administrator

(e) **Form 5000.8(2). Court Order.**

[ CAPTION INCLUDING DOCKET NUMBER ]

ORDER OF COURT

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it appearing that ninety (90) days after the Objections in this case were filed, a letter dated \_\_\_\_\_ was mailed by the Court Administrator's office to the objecting party; this letter stated that within thirty (30) days from the date of the letter, the trial transcript must be paid for and filed; thirty (30) days have passed since the date of the letter, and the transcript has not been filed.

IT IS ORDERED THAT, pursuant to Local Rule 5000.8, the objections in this case are overruled with prejudice.

BY THE COURT:  
\_\_\_\_\_, J.

(f) **Form 5000.8(c). Letter.**

Re: [case name and docket number]

Dear [Objecting Party]:

It has been twenty (20) days since the transcript in the referenced case was filed with the Court Administrator, Civil Division. Pursuant to Local Rule 5000.8, your brief is now overdue. If it is not filed and served within twenty (20) days of the date of this letter, A COURT ORDER PURSUANT TO LOCAL RULE 5000.8 WILL BE ISSUED OVERRULING YOUR OBJECTIONS WITH PREJUDICE.

Very truly yours,  
Court Administrator

(g) **Form 5000.8(c). Court Order.**

[ CAPTION INCLUDING DOCKET NUMBER ]

ORDER OF COURT

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it appearing that twenty (20) days after the transcript in this case was filed, a letter dated \_\_\_\_\_ was mailed by the Court Administrator to the objecting party, this letter stated that if a brief is not filed by the objecting party and served within twenty (20) days of the date of the letter, a court order will be issued overruling the objections with prejudice; twenty (20) days have passed since the date of the letter; and the objecting party has not filed a brief.

IT IS ORDERED THAT, pursuant to Local Rule 5000.8 the objections in this case are overruled with prejudice.

BY THE COURT  
\_\_\_\_\_, J.

(h) **Form 5000.8(e). Letter.**

Re: [case name and docket number]

Dear [Opposing Party]:

It has been twenty (20) days since the Objecting Party filed a Brief in Support of Objections and no brief in opposition has been filed by you. If no Brief in Opposition is filed and served within (20) days of the date of this letter, the decision will be made without reference to any brief that you may file thereafter.

(i) **Form 5000.9(a). Notice That Matter is Ripe for Decision.**

[ CASE CAPTION, INCLUDING DOCKET NUMBER ]

**NOTICE THAT MATTER IS RIPE FOR DECISION**

AND NOW, comes (name) and notifies this Honorable Court, pursuant to Local Rule 5000.9, that this matter is ripe for decision and requests that this Honorable Court schedule oral argument or decide the objections on the briefs at its convenience.

A Brief in Opposition to the Objections \_\_\_\_\_ has \_\_\_\_\_ has not been filed (please check appropriate line) been filed.

Date: \_\_\_\_\_  
(Signature)

[Pa.B. Doc. No. 16-1013. Filed for public inspection June 17, 2016, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

[ 12 PA. CODE CH. 81 ]

### General Provisions

The Pennsylvania Minority Business Development Authority (Authority), under the authority of section 9 of the Pennsylvania Minority Business Development Authority Act (act) (73 P.S. § 390.9), proposes to amend §§ 81.111, 81.112, 81.122, 81.124, 81.131, 81.143 and 81.144 to read as set forth in Annex A.

#### *Introduction*

The act was promulgated for the express purposes of: (1) alleviating and overcoming the many barriers to business opportunity that have too long handicapped socially and economically disadvantaged persons; and (2) providing assistance, financial and otherwise, which will contribute to well-balanced National and State economies by facilitating the acquisition or maintenance of ownership of business enterprises by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. See section 2 of the act (73 P.S. § 390.2). The act created the Authority, a body corporate and politic with a 16-member board of directors composed of 4 cabinet officers, 8 persons appointed by the Governor and 4 persons appointed by the General Assembly. In 1975 the Authority promulgated regulations which describe in detail the Authority's lending and financial assistance programs, covering topics such as purpose of the program, eligible applicants and projects, application procedures, amount and terms of loans and other financial assistance, loan closing procedures, default procedures, late charges and the procedures to be used for examinations and investigations conducted by the Authority.

#### *Analysis*

This rulemaking proposes to amend the regulations that impede the Authority's ability to be responsive and flexible to its target market.

Proposed amendments to § 81.111(a)(6) (relating to eligible applicants) delete the requirement that the applicant shall commit to full time management of the company. Instead, the applicant will be required to maintain complete control of the enterprise. This will allow the Authority to fund start-up businesses when the applicant will have another job until the new enterprise can financially support a full-time manager.

Proposed amendments to § 81.111(a)(7) delete the requirement that to be eligible, the applicant shall commit to work full-time in the enterprise for which he is seeking a loan, and if he is otherwise employed shall terminate employment prior to or at the time of closing. This will also allow the Authority to fund start-up businesses when the applicant will have another job until the new enterprise can financially support a full-time manager.

Proposed amendments to § 81.112(a)(3) (relating to eligible projects) delete the requirement of an escrow account for project funds provided by other sources.

Proposed amendments to § 81.122 (relating to applications, review and requirements) delete the requirement that applications be submitted through the regional offices, which no longer exist.

Proposed amendments to § 81.124 (relating to additional conditions) delete the requirement of credit life insurance and assignments of life insurance policies as loan collateral. Life insurance can be difficult or very expensive to obtain, or both.

Proposed amendments to § 81.131 (relating to amount and terms of loans) delete detailed requirements as to loan amounts, interest rates and job creation criteria. The proposed amendment allows the Authority to establish these parameters through policies to be published from time to time in the *Pennsylvania Bulletin*.

Proposed amendments to § 81.143 (relating to late charges) delete the requirement of a 6.00% monthly late charge.

Proposed amendments to § 81.144 (relating to loan closing) delete the requirement of the use of an escrow fund for loan closings.

The proposed amendments will allow the Authority to quickly adapt to changing markets by modifying interest rates, loan terms, minimum and maximum loan amounts, job creation requirement and making changes to program delivery options. By embedding these fundamental elements of financing in regulations, the Authority program is frozen in its efforts to flex to changing economic conditions and thus unable to be responsive to its target market (businesses owned by socially and economically disadvantaged persons). Viable nonregulatory alternatives exist to deal with these matters, namely guidelines and descriptive application materials.

#### *Fiscal Impact*

There will be no fiscal impact on the Commonwealth, political subdivisions or the public.

#### *Paperwork*

This proposed rulemaking will allow the Authority to set forth procedures and loan parameters in written guidelines and application materials, which can be modified as market forces dictate. The Authority does not foresee new or different paperwork requirements emerging because of this proposed rulemaking.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 2, 2016, the Authority submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Commerce Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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



to final publication of the rulemaking by the Authority, the General Assembly and the Governor.

*Effective Date*

This proposed rulemaking will be effective 90 days after final-form publication in the *Pennsylvania Bulletin*.

*Sunset Date*

The regulations will be monitored on a regular basis and updated as needed.

*Contact Person*

Interested persons are invited to submit in writing, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*, comments, suggestions or objections to Timothy M. Anstine, Deputy Chief Counsel, Department of Community and Economic Development, 400 North Street, Plaza Level, Harrisburg, PA 17120, (717) 720-7312.

CATHY ONYEAKA,  
*Executive Director*

**Fiscal Note:** 4-99. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT**

**PART III. BUSINESS FINANCING**

**Subpart D. MINORITY LENDING**

**CHAPTER 81. MINORITY BUSINESS DEVELOPMENT AUTHORITY**

**Subchapter B. LOAN PROGRAM ADMINISTRATION**

**ELIGIBILITY**

**§ 81.111. Eligible applicants.**

(a) To be eligible to apply for a loan, a loan guarantee or another form of assistance under the program established by the act, an applicant shall meet the following criteria, by submitting the information in the form that the Authority requires:

\* \* \* \* \*

(6) The applicant shall **[ commit to full time management and control of the enterprise ] maintain complete control over the management of the enterprise.**

**[ (7) The applicant, if he is a natural person, shall commit to work full-time in the enterprise for which he is seeking a loan, and if he is otherwise employed shall terminate employment prior to or at the time of closing.**

(8) **[ (7) The applicant shall pledge and maintain real and personal property as collateral, in the form and amount necessary to reasonably assure payment of the loan in the event of default or bankruptcy.**

**[ (9) (8) The applicant shall demonstrate that he and the enterprise to receive the loan have the ability to meet existing and projected debt service, including the debt service required to repay the loan of the Authority.**

**[ (10) (9) The applicant, if he is a natural person, shall be at least 18 years of age.**

**[ (11) (10) The applicant, if he has received prior loans from the Authority, shall be current with respect to amounts due under the loans.**

**[ (12) (11) The applicant shall show, through experience, training or education, or a combination thereof, that he is capable of performing the responsibilities in connection with the ownership, management or control of the enterprise.**

**[ (13) (12) The applicant and the enterprise may not be involved as a debtor in a bankruptcy proceeding.**

(b) The Board may consider the financial net worth of an individual applicant in making its decision to approve or disapprove an application.

**§ 81.112. Eligible projects.**

(a) To be eligible for a loan, loan guarantee or another form of assistance under the program established by the act, a project **[ shall ] must** meet the following criteria, based upon information that the Authority may require:

\* \* \* \* \*

(3) At least 25% of the eligible project costs shall be contributed in cash from sources other than the Authority **[ , and funds from sources other than commercial lenders or public lending bodies shall be placed in an escrow account along with Authority funds ].**

\* \* \* \* \*

**APPLICATION PROCEDURE**

**§ 81.122. Applications, review and requirements.**

(a) *Submission of application.* An application shall be submitted to the **[ designated regional office of the Authority. Regional office representatives shall determine whether an application is completed and shall forward completed applications to the ]** Authority's central office in Harrisburg. An application shall be deemed to be filed on the day it is received in Harrisburg, as evidenced by a date affixed on the face of the application. **[ If Harrisburg is the designated regional office, an application shall be deemed to be complete, as evidenced by a date affixed on the face of the application. ]**

\* \* \* \* \*

**§ 81.124. Additional conditions.**

In addition to the other requirements in this chapter, the following criteria shall also be met:

(1) The applicant shall remain an eligible applicant as set forth in § 81.111 (relating to eligible applicants) for the entire term of the loan. Failure to do so constitutes a default, which may result in acceleration of payments under the loan, or other penalties that the Authority may impose.

(2) The project shall remain an eligible project as set forth in § 81.112 (relating to eligible projects) for the entire term of the loan. Failure to do so constitutes a default, which may result in acceleration of payments under the loan, or other penalties that the Authority may impose.

(3) The borrower shall accept technical assistance as determined by the Authority.

**[ (4) Applicants, or their principals, shall have credit life insurance in the full amount of the loan or loan guarantee, or shall execute a collateral assignment of a life insurance policy in the full amount of the loan or loan guarantee, naming the Authority as assignee.**

(5) (4) An applicant shall have business insurance in an amount sufficient to safeguard business assets and to provide adequate financial protection to the Authority if the applicant suffers a loss due to certain insurable calamities. The Authority shall be named loss payee on the policies.

(6) (5) The sureties and guarantees of the principal and anyone else shall remain in effect for the entire period of the loan.

(7) (6) The applicant shall submit reports and provide information required by the Authority.

(8) (7) There may be no changes of expenditures of loan funds among categories without the prior written approval of the Authority.

**LIMITATIONS ON LOANS AND GUARANTEES**

**§ 81.131. Amount and terms of loans.**

**(a) Maximum amount of loan.**

(1) The maximum amount of a loan for a project may not exceed \$250,000, except as otherwise provided in paragraphs (2)–(4).

(2) If a project is located within an Enterprise Zone as designated by the Department or is located within a redevelopment area, the maximum amount of a loan may not exceed \$350,000, except as otherwise provided in paragraphs (3) and (4).

(3) If a project involves an industrial enterprise, a manufacturing enterprise, advanced technology, a regional or National franchise, international trade, or business acquisitions, and meets the requirements of § 81.125 (relating to additional conditions for certain loans), the maximum amount of a loan may not exceed \$500,000, except as otherwise provided in paragraph (4).

(4) If a project, which meets the criteria in paragraph (3), is located within an Enterprise Zone as designated by the Department or is located within a redevelopment area, the maximum amount of a loan may not exceed \$750,000.

(b) *Interest rate.* The loan shall be at an interest rate to be determined by the Board, but the interest rate may not be more than one-half of the prevailing prime rate on the date of loan approval and not less than 4%.

**(c) Creation or preservation of jobs.**

(1) For every \$15,000 in loan proceeds of \$100,000 or less, a project shall create or preserve at least one permanent full-time job, or the equivalent in part-time jobs. The jobs shall be created or preserved, without exception, within 3 years of the date that any amount of the proceeds from the loan are first disbursed to the loan recipient.

(2) For every \$15,000 in loan proceeds over \$100,000, a project shall create at least one permanent full-time job or the equivalent in part-time jobs. The jobs shall be created, without exception, within 3 years of the date that any amount of the proceeds from the loan are first disbursed to the loan recipient.

(3) If a project fails to meet its job projections within 3 years from the date of closing due to factors within the control of the enterprise, the Board may reset the interest charged on the loan at a rate not to exceed double the amount of the original interest rate.

(4) For purposes of this section, the phrase “the equivalent in part-time jobs” means at least 35 total hours per week of part-time labor.

(d) *Limitation on loans.* An applicant may not request nor receive more than the maximum loan amount set forth in subsection (a)(1) and (2) within 1 year of the date of the loan closing. ]

The Authority will from time to time establish the terms of its loans, to include matters such as the interest rate, length of loan term, maximum amount of loans and requirements for creation or preservation of jobs, which will be published as a notice in the *Pennsylvania Bulletin*.

**LOAN PAYMENT, REPAYMENT, PENALTIES AND ADMINISTRATION**

**§ 81.143. Late charges.**

The Authority will assess late charges when payments under the loans are delinquent. [ These charges will be assessed on a monthly basis and accrue at a rate of not less than 6.0% of each monthly payment which is in default. ]

**§ 81.144. Loan closing.**

[ (a) *Loan closing.* ] The Authority will allow a 90-day period from the date of the commitment letter for borrowers to meet the conditions and requirements of the commitment letter for closing. One 90-day extension may be granted by the Executive Director beyond this period [ but shall ] and will be reported to the Board at its next meeting following the action with an explanation of the extension.

[ (b) *Escrow.* Loan proceeds shall be placed in an escrow account under terms and conditions established by the Authority. The Authority will arrange for loan closings to be held at, and escrow accounts to be held by, financial institutions controlled by minority groups, whenever feasible and consistent with good lending practices. ]

[Pa.B. Doc. No. 16-1014. Filed for public inspection June 17, 2016, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### **Reorganization of the Governor's Office of the Budget**

The Executive Board approved a reorganization of the Governor's Office of the Budget effective May 25, 2016.

The organization chart at 46 Pa.B. 3073 (June 18, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

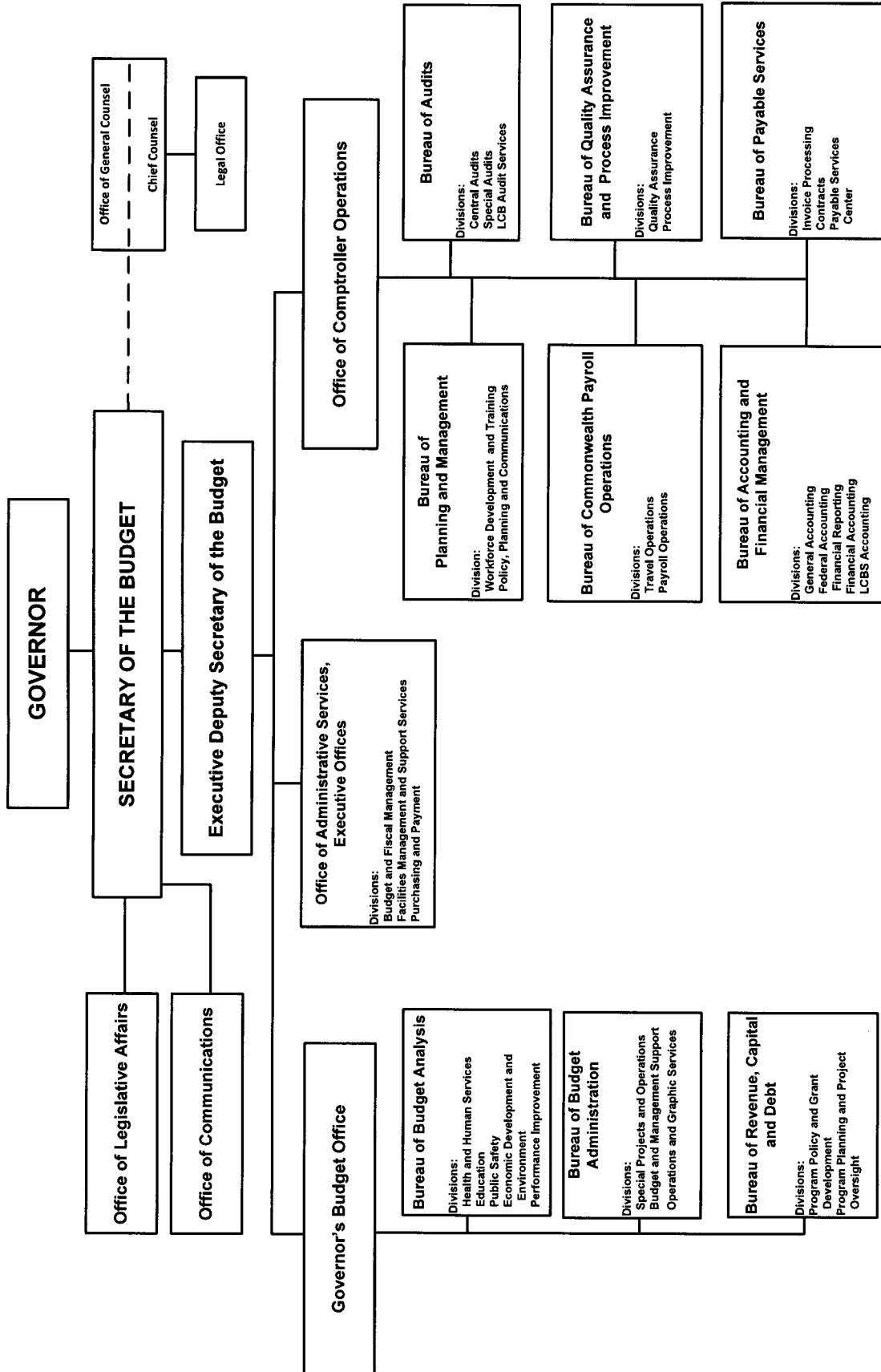
*(Editor's Note:* The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*).

[Pa.B. Doc. No. 16-1015. Filed for public inspection June 17, 2016, 9:00 a.m.]

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**GOVERNOR'S OFFICE OF THE BUDGET**

OR-16-015  
May 25, 2016



# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 7, 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

#### Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-2-2016	CNB Interim Bank Clearfield Clearfield County  The purpose of CNB Interim Bank, Clearfield, PA, is to facilitate the proposed merger of Lake National Bank, Mentor, OH, with and into CNB Bank, Clearfield, PA, with CNB Bank surviving.	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-2-2016	CNB Bank Clearfield Clearfield County  Application for approval to merge Lake National Bank, Mentor, OH, with and into CNB Bank, Clearfield, PA.	Approved

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-3-2016	First Citizens Community Bank Mansfield Tioga County	720 East Main Street Mount Joy Lancaster County	Filed
6-7-2016	Somerset Trust Company Somerset Somerset County	581 Pittsburgh Road Uniontown Fayette County	Filed

### CREDIT UNIONS

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-1-2016	Moonlight Credit Union Worthington Armstrong County  Amendment to Article 5 of the institution's Articles of Incorporation provides for the change of par value of its shares to \$1.	Filed

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-1016. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2016

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.22 to which was added 2.50 percentage points for a total of 4.72 that by law is rounded off to the nearest quarter at 4 3/4%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-1017. Filed for public inspection June 17, 2016, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Jarred Dressler for Reinstatement of Teaching Certificates; Doc. No. RE-16-02

#### Notice of Opportunity for Hearing and Invitation to Protest

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of Jarred Dressler for reinstatement of his teaching certificates.

Jarred Dressler filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Jarred Dressler waived his right to a hearing.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.123(d), the Commission will act upon the application without hearing, unless within 20 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Commission, 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, protests and requests for hearing shall be filed with Carolyn Angelo, Legal Counsel, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

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 Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 16-1018. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Application of Jeffrey McCreary for Reinstatement of Teaching Certificates; Doc. No. RE-16-01

#### Notice of Opportunity for Hearing and Invitation to Protest

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of Jeffrey McCreary for reinstatement of his teaching certificates.

Jeffrey McCreary filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Jeffrey McCreary waived his right to a hearing.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.123(d), the Commission will act upon the application without 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 Commission, 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, protests and requests for hearing shall be filed with Shane Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

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 Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 16-1019. Filed for public inspection June 17, 2016, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

*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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0043036 (Sewage)	Laurel Lake Camp & Retreat Center 76 Lodge Road Rossiter, PA 15772	Indiana County Banks Township	Straight Run (17-D)	Yes

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0026336 (Sewage)	Wickham Village STP 1700 Clark Boulevard Aliquippa, PA 15001-4205	Beaver County Hopewell Township	Unnamed Tributary to Boggs Run (20-G)	yes
PA0093033 (Sewage)	Elderton STP Cemetery Road Elderton, PA 15736-0262	Armstrong County Elderton Borough	Unnamed Tributary of Crooked Creek (17-E)	Y
PA0047228 (Sewage)	Pennsbury Village Borough 1043 Pennsbury Boulevard Pittsburgh, PA 15205-1643	Allegheny County Pennsbury Village Borough	Unnamed Tributary of Campbells Run (20-F)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0228206 (Industrial)	Montgomery Run Water Treatment Facility 107 E. Market Street Clearfield, PA 16830-2405	Clearfield County Pike Township	Montgomery Creek (8-B)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0024741 (Sewage)	Sheffield Township STP PO Box 821 Sheffield, PA 16347	Warren County Sheffield Township	West Branch Tionesta Creek (16-F)	Yes
PA0032468 (Sewage)	Cook Forest State Park PO Box 120 113 River Road Cooksburg, PA 16217-0120	Forest County Barnett Township	Clarion River (17-B)	Yes

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

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

**PA0253588**, Industrial, SIC Code 1389, **CNX Gas Co. LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15317. Facility Name: Crooked Creek Treatment Facility. This existing facility is located in South Bend Township, **Armstrong County**.

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

The receiving stream(s), Crooked Creek, is located in State Water Plan watershed 17-E 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 0.15 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	0.15	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Acidity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )	XXX	XXX	0.0	XXX	XXX	XXX
Effluent Net	XXX	XXX	0.0	XXX	XXX	XXX
Antimony, Total <sup>1</sup>	Report	Report	XXX	Report	Report	XXX
Barium, Total	Report	Report	XXX	1.0	2.0	2.5
Iron, Total	Report	Report	XXX	3.5	7.0	9.0
Selenium, Total <sup>1</sup>	Report	Report	XXX	Report	Report	XXX
Strontium, Total	Report	Report	XXX	Report	Report	XXX



Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total <sup>1</sup>	Report	Report	XXX	0.0058	0.0116	0.0145
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

1. The parameters indicated by footnote 1 received water quality based effluent limitations because the pollutant was reported to be present at a concentration higher than the DEP recognized target quantitative level. CNX will have the opportunity to resample for those parameters during the public comment period to demonstrate that they are not present at concentrations equal to or greater than the target quantitative level. The effluent limitations or monitoring requirements may be removed from the permit or changed to less stringent technology based effluent limitations, as applicable, based on the additional sampling data provided.

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

- Chemical Additives, eDMR Requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

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

**PA0050733**, Sewage, SIC Code 8221, **Lincoln University**, 1570 Baltimore Pike, Lincoln University, PA 19352-9141. Facility Name: Lincoln University STP. This existing facility is located in Lower Oxford Township, **Chester County**.

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

The receiving stream(s), McDonald Run, is located in State Water Plan watershed 7-K and is classified for Mi and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.18 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	37.5	XXX	XXX	25	XXX	50
May 1 - Oct 31	30	XXX	XXX	20	XXX	40
Total Suspended Solids	45	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (µw/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	6.0	XXX	XXX	3.9	XXX	7.8
May 1 - Oct 31	2.0	XXX	XXX	1.3	XXX	2.6
Ammonia-Nitrogen (Total Load, lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Maximum	Instant. Maximum
Total Phosphorus	XXX	XXX	XXX	Report Avg	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Qrtly					

The proposed monitoring requirements for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Monthly	Total Annual	Monthly	Monthly Average	Maximum	Instant. Maximum
Ammonia—N	XXX	Report	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Report	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:

- I. Chesapeake Bay TMDL Requirements
- II. Other Requirements:
  - A. No Stormwater discharge
  - B. Property Rights
  - C. Sludge Removal

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.

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

**PA0008885**, Industrial, SIC Code 2621, 2676, **Procter & Gamble Paper Products Co.**, PO Box 32, Mehoopany, PA 18629-0032. Facility Name: Procter & Gamble Paper Products Mehoopany Plant. This existing facility is located in Washington Township, **Wyoming County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste and Stormwater.

The receiving stream(s), Unnamed Tributary to Susquehanna River and Susquehanna River, is located in State Water Plan watershed 4-G and is classified for Migratory Fishes, Cold Water 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 8.06 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Total Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
	Avg Mo					
Flow (MGD) Intake	Report	Report	XXX	XXX	XXX	XXX
	Avg Mo					
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.9	XXX	1.8
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	14,250	25,992	XXX	XXX	XXX	XXX
	Avg Mo					
Total Suspended Solids	11,400	23,370	XXX	XXX	XXX	XXX
	Avg Mo					
Ammonia-Nitrogen (lbs)	Report	Report	XXX	Report	XXX	XXX
	Annual Total					

## NOTICES

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen (lbs) Intake	Report	Report Annual Total	XXX	Report	XXX	XXX
Kjeldahl-N (lbs) Kjeldahl-N (lbs) Intake	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (lbs) Nitrate-Nitrite as N (lbs) Intake	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (lbs)	Report	XXX Report Annual Total	XXX	Report	XXX	XXX
Total Nitrogen (lbs) Intake	Report	Report Annual Total	XXX	Report	XXX	XXX
Total Phosphorus (lbs)	Report	Report Annual Total	XXX	Report	XXX	XXX
Total Phosphorus (lbs) Intake	Report	Report Annual Total	XXX	Report	XXX	XXX
Net Total Nitrogen (lbs)	Report	100,360 Annual Total	XXX	XXX	XXX	XXX
Net Total Phosphorus (lbs)	Report	5,441 Annual Total	XXX	XXX	XXX	XXX
Hexavalent chromium	XXX	XXX	XXX	Report Annual Average	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<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>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of Stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of Stormwater.

<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 Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

1. Chesapeake Bay Nutrient Requirements\*
2. Requirements applicable to stormwater outfalls
3. Chemical additives
4. Annual biological river survey

\* 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 Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The conditions also authorize the permittee to apply offsets for background nutrient loads. The condition includes the requirement to report the application of these credits and/or offsets in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin upon issuance of the permit. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 of each year.

\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 of each year.

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.

**PA0065340-A1**, Pesticides, SIC Code 0782, **Stillwater Estates Property Owner Association (POA)**, 382 Stillwater Drive, Pocono Summit, PA 18346.

Description of Existing Activity: The application is for an Individual NPDES permit amendment (usage of copper sulfate for control of filamentous algae and cyanobacteria a.k.a. blue-green algae) for discharge associated with the application of pesticides in Coolbaugh Township and Tobyhanna Township, **Monroe County**.

The receiving stream(s), Stillwater Lake (on Upper Tunkhannock Creek), is located in State Water Plan watershed 2-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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

**PA0051560**, Industrial, SIC Code 4941, **Western Berks Water Authority**, 91 Water Road, Sinking Spring, PA 19608-9633. Facility Name: Western Berks Water System. This existing facility is located in Lower Heidelberg Township, **Berks County**.

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

The receiving stream(s), Tulpehocken Creek, is located in State Water Plan watershed 3-C and 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 0.27 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.6
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75
Aluminum, Total	Report	Report	XXX	4.0	8.0	10
Iron, Total	Report	Report	XXX	2.0	4.0	5
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5
Total Phosphorus	XXX	Report	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.028 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75
Total Phosphorus	XXX	Report	XXX	XXX	Report	XXX

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

- Phosphate blends used as corrosion inhibitors for potable water distribution may be discharged through outfalls 001 and 002 providing 1) current Material Safety Data Sheets (MSDS's) for the phosphate blends are forwarded to DEP prior to usage; and 2) DEP provides written approval;
- The DEP must be notified prior to sedimentation basin cleaning and monitoring requirements must be followed during sedimentation basin cleanings.

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.

**PA0082589**, Sewage, SIC Code 4952, **Pennsylvania American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055. Facility Name: Fairview Township South STP. This existing facility is located in Fairview Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to Fishing Creek, is located in State Water Plan watershed 7-E 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 0.5 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>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 (TRC)	XXX	XXX	XXX	0.20	XXX	0.64
CBOD <sub>5</sub>	104	167	XXX	25.0	40.0	50
BOD <sub>5</sub>		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	125	187	XXX	30.0	45.0	60
Total Suspended Solids		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen				Geo Mean		
Nov 1 - Apr 30	23	XXX	XXX	5.7	XXX	11
May 1 - Oct 31	7.9	XXX	XXX	1.9	XXX	3.8
Total Phosphorus	8.3	XXX	XXX	2.0	XXX	4

<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>	
Copper, Total	0.06	0.08	XXX	0.015	0.02	XXX
Zinc, Total	0.5	0.79	XXX	0.12	Daily Max 0.19 Daily Max	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen <sup>3</sup>	Report	9,132	XXX	XXX	XXX	XXX
Net Total Phosphorus <sup>3</sup>	Report	1,218	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.

**PA0082066**, Industrial, SIC Code 2048, **Valley Proteins, Inc.**, 693 Wide Hollow Road, PO Box 369, Terre Hill, PA 17581. Facility Name: Terre Hill Division WWTP. This existing facility is located in East Earl 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, Muddy Creek, is located in State Water Plan watershed 7-J 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 0.125 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	26	52	XXX	25.0	50.0	62.5
May 1 - Oct 31	21	42	XXX	20.0	40.0	50
Total Suspended Solids	31	63	XXX	30.0	60.0	75
Oil and Grease	16	XXX	XXX	15.0	XXX	30.0
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	Report	XXX	400
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	400
Total Nitrogen	52	104	XXX	50.0	100.0	125
Ammonia-Nitrogen						
Nov 1 - Apr 30	14	28	XXX	13.5	27.0	34
May 1 - Oct 31	4.7	9.4	XXX	4.5	9.0	11
Total Phosphorus	2.1	4.2	XXX	2.0	4.0	5
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Sulfate, Total	XXX	XXX	XXX	XXX	Report	XXX
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Bromide	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

**PA0084506**, Sewage, SIC Code 7033, **Kitch, Inc. (Starlite Camping Resort)**, 1500 Furnace Hill Road, Stevens, PA 17578. Facility Name: Starlite Camping Resort. 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 0.002 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report Avg	Report Daily	XXX	XXX	XXX	XXX
	Mo	Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
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)						
(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)						
(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.

**PA0025399**, Sewage, SIC Code 4952, **Christiana Borough**, 10 West Slokom Avenue, Christiana, PA 17509-1602. Facility Name: Christiana STP. This existing facility is located in West Sadsbury Township, **Chester County**.

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

The receiving stream, East Branch Octoraro Creek, is located in State Water Plan watershed 7-K 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 0.250 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>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 (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	52	83	XXX	25.0	40.0	50
		Wkly Avg				
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	63	94	XXX	30.0	45.0	60
		Wkly Avg				

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	35	XXX	XXX	17.0	XXX	34
Total Phosphorus	4.2	XXX	XXX	2.0	XXX	4
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX

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

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

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

The EPA Waiver is in effect.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0530.

**PA0028681**, Sewage, SIC Code 4952, **Kelly Township Municipal Authority Union County**, 405 Winter Farm Lane, Lewisburg, PA 17837-6358. Facility Name: Kelly Township Municipal Authority Sewer System. This existing facility is located in Kelly Township, **Union County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.75 MGD.

Parameters	Mass (lb/day)			Concentration (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	Report	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	782	1,251	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	938	1,407	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX



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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
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	68,492			
Net Total Phosphorus	Report	9,132			

\* 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 570-327-3693.

The EPA Waiver is not in effect.

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

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

**WQM Permit No. 1116405**, Sewage, **Kibler William**, PO Box 501, Hastings, PA 16646.

This proposed facility is located in Elder Township, **Cambria County**.

Description of Proposed Action/Activity: The applicant proposes to construct a small flow sewage treatment facility and associated piping to serve the Kibler residence.

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

**WQM Permit No. 1595411**, Sewage, **University of Pennsylvania**, 382 West Street Road, Facilities Department, Kennett Square, PA 19348.

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

Description of Action/Activity: Request for approval of renewal for existing WQM Part II permit to discharge via spray irrigation treated wastewater.

**WQM Permit No. 1599418**, Sewage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355.

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

Description of Action/Activity: Request for approval of renewal of existing WQM Part II permit Malvern Hunt WWTP.

**WQM Permit No. 2316401**, Sewage, **DELCORA**, 100 E. 5th Street, PO Box 999, Chester, PA 19013-4508.

This proposed facility is located in Chester City, **Delaware County**.

Description of Action/Activity: Installation of a 8" force main and bypass pump.

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

**WQM Permit No. 0116201**, Industrial Waste, **Rice Fruit Company, Inc.**, 2760 Carlisle Road, PO Box 66, Gardners, PA 17324-0066.

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

Description of Proposed Action/Activity: Seeking permit approval for the operation of their wastewater treatment plant.

**WQM Permit No. 0107202, Amendment No. 2**, CAFO, **Hillandale Gettysburg, LP**, 3910 Oxford Road, Gettysburg, PA 17325.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a proposed layer operation that will demolish the existing turkey barn and construct 6 new layer houses, an egg packing facility, manure storage building and an HDPE lined egg wash water storage structure. The facility will have the capacity to house to house 1,500,000 layer hens.

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

**WQM Permit No. 4301202 A-4**, Industrial, **John Koller & Son Inc.**, 1734 Perry Highway, Fredonia, PA 16124-2720.

This existing facility is located in Fairview Township, **Mercer County**.

Description of Proposed Action/Activity: Replace equalization tanks.

**WQM Permit No. 4216404**, Sewage, **Andrew McMichael**, 133 Route 44, Shinglehouse, PA 16748.

This proposed facility is located in Ceres Township, **McKean County**.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011516011	Gunner Properties Ltd. 2 Lindbergh Boulevard, Hangar 5B Coatesville, PA 19320	Chester	Upper Uwchlan	Unnamed Tributary to Marsh Creek HQ-TSF
PAI011516010	Willistown Conservation Trust 925 Providence Road Newtown Square, PA 19073	Chester	Willistown Township	Okehoking Run HQ-TSF Turtle Rock Run HQ-TSF
PAI011516014	Matthew and Nancy Ramsey 34 Green Lane Malvern, PA 19355	Chester	Willistown Township	Ashbridge Run to Ridley Creek HQ-TSF-MF

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023516002	Pennsylvania Turnpike Commission c/o Gary Graham 700 South Eisenhower Blvd Middletown, PA 17057	Lackawanna	South Abington Township	Leggetts Creek (CWF, MF) Wetlands EV

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024516007	Jimmy Schlier P.O. Box 465 Tannersville, PA 18372	Monroe	Pocono Township	Pocono Creek (HQ-CWF, MF)

*Pike County Conservation District, 556 Route 402, Hawley, PA 18428*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025216003	New Jersey Federation of YMHA's & YWHA's c/o Leonard M. Robinson 21 Plymouth Street Fairfield, NJ 07004	Pike	Dingman Township	Saw Kill Creek (EV, MF)

*Wayne County Conservation District, 648 Park Street, Honesdale, PA 18431*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026416001	Central Wayne Regional Authority 574 Bucks Cove Road Honesdale, PA 18431	Wayne	Texas Township	Lackawaxen River (HQ-CWF, MF)
PAI026416003	John Krajkovich 7 Canaan Road Waymart, PA 18742	Wayne	Canaan Township	Van Auken Creek (HQ-TSF, MF) UNT to Lackawanna River (CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032816002	Shippensburg Borough Authority 111 North Fayette Street PO Box 129 Shippensburg, PA 17257	Franklin	Southampton	UNT Middle Spring Creek (HQ-CWF, MF) Furnace Run (CWF, MF)
PAI032116005	Hager West Shore, LP 651 Westminster Road Wilkes-Barre, PA 18702	Cumberland	Hampden Township	Trindle Spring Run (HQ-CWF, MF)

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050216002	Festival Fun Parks, LLC, d/b/a Kennywood 4800 Kennywood Boulevard West Mifflin, PA 15122-2399	Allegheny County	City of Duquesne and West Mifflin Borough	Monongahela River (WWF)
PAI050216004	B & B Trust Residences 5950 Sherry Lane Suite 600 Dallas, TX 75225	Allegheny County	Sewickley Heights Borough	UNT Little Sewickley Creek (HQ-TSF)
PAI055616001	Mason Dixon, LLC 1251 Waterfront Place Third Floor Pittsburgh, PA 15222	Somerset County	Fairhope Township, Larimer Township, and Southampton Township	Flaugherty Creek (CWF); Laurel Run (HQ-CWF); Wills Creek (CWF); UNTs to Wills Creek (HQ-CWF); Gladdens Run (HQ-CWF); and Mountain 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>
Joel Krall Furnace Hill Holsteins 480 Schaeffer Road Lebanon, PA 17042	Lebanon	1.1	430.25	Dairy	NA	Renewal
Steve Wenger Wen-Crest Farms 549 Schaeffer Road Lebanon, PA 17042	Lebanon	1,422	1,074.29	Poultry & Beef	NA	Renewal
Schrack Farms Resources 860 West Valley Road Loganton, PA 17747	Clinton	2,170.4	2,097.29	Dairy Various small animal groups	HQ—Fishing Creek	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 0916508**, Public Water Supply.  
 Applicant **Borough of Quakertown**  
 Borough Quakertown  
 County **Bucks**  
 Responsible Official Steven Crotzer  
 Superintendent  
 Borough of Quakertown  
 35 North 3rd Street  
 Quakertown, PA 18951  
 Type of Facility PWS  
 Consulting Engineer Donnell V. Duncan, P.E.  
 Utility Service Company, Inc.  
 1230 Peachtree Street NE  
 Suite 1100  
 11th Floor Promenade Building  
 Atlanta, GA 30309  
 Application Received Date May 23, 2016  
 Description of Action Installation of a Pax Water Mixer at the Erie Road Tank.

**Permit No. 1516509**, Public Water Supply.  
 Applicant **Downingtown Municipal Water Authority**  
 Borough Downingtown Borough  
 County **Chester**  
 Responsible Official David Busch  
 Downingtown Municipal Water Authority  
 100 Water Plant Way  
 Downingtown, PA 19335-1951  
 Type of Facility PWS  
 Consulting Engineer Charlie Liu, P.E.  
 BCM Engineers  
 920 Germantown Pike  
 Suite 200  
 Plymouth Meeting, PA 19462  
 Application Received Date March 8, 2016

Description of Action The Downingtown Municipal Water Authority (DMWA) is seeking to retract their request for permit modification for the cessation of fluoride. DMWA sent a request to return the application on 6/1/2016.

**Permit No. WA-15-1003**, Public Water Supply.

Applicant **Atglen Borough**  
 Borough Atglen  
 County **Chester**  
 Responsible Official Bryn Umble  
 Atglen Borough  
 P.O. Box 250  
 Atglen, PA 19310

Type of Facility PWS  
 Consulting Engineer Mark Homan, P.E.  
 Becker Engineering, LLC  
 115 Millersville Road  
 Lancaster, PA 17603

Application Received Date November 5, 2016

Description of Action Atglen Borough is seeking to retract their request for a subsidiary water allocation from the Pennsylvania American Water Company-Coatesville District. Atglen Borough sent a request to return the application on March 23, 2016.

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

**Permit No. 3616507**, Public Water Supply.

Applicant **Villas at Georgetown HOA, Inc**  
 Municipality Bart Township  
 County **Lancaster**  
 Responsible Official Alan E. Oswald, President  
 31 Regency Drive  
 Christiana, PA 17509

Type of Facility Public Water Supply  
 Consulting Engineer Charles A. Kehew II, P.E.  
 James R. Holley & Associates, Inc.  
 18 South George Street  
 York, PA 17401

Application Received: 5/27/2016

Description of Action Application for the installation of a blended phosphate corrosion control system for lead and copper treatment.

**Permit No. 3616508 MA, Minor Amendment**, Public Water Supply.

Applicant **Borough of Lititz**  
 Municipality Lititz Borough  
 County **Lancaster**

Responsible Official Kyle Noll, Water Treatment Plant Chief Operator  
 220 Gibraltar Road  
 Suite 200  
 Horsham, PA 19044

Type of Facility Public Water Supply  
 Consulting Engineer Bryan Panther, P.E.  
 ARRO Consulting Inc  
 108 West Airport Road  
 Lititz, PA 17543

Application Received: 5/31/2016

Description of Action Application for the change of Lititz Borough water treatment plant's coagulation chemical to Delpac 2020.

**Permit No. 3616509 MA, Minor Amendment**, Public Water Supply.

Applicant **Manheim Area Water & Sewer Authority**

Municipality Manheim Borough  
 County **Lancaster**

Responsible Official Terry Shaffer, Authority Manager  
 18 East High Street  
 Manheim, PA 17545

Type of Facility Public Water Supply  
 Consulting Engineer Michele L. Braas BCEE, P.E.  
 RETTEW Associates Inc  
 3020 Columbia Avenue  
 Lancaster, PA 17603

Application Received: 6/2/2016

Description of Action Application for the removal of fluoride from the Manheim water system.

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

**Application No. 1716502—Construction**, Public Water Supply.

Applicant **Aqua Pennsylvania—Treasurer Lake**

Township/Borough Sandy Township  
 County **Clearfield**

Responsible Official Aqua Pennsylvania—Treasurer Lake  
 665 South Dock Street  
 Sharon, PA 16146

Type of Facility Public Water Supply  
 Consulting Engineer Robert Horvat, P.E.  
 KLH Engineers, Inc.  
 5173 Campbells Road  
 Pittsburgh, PA 15205

Application Received May 31, 2016

Description of Action Replacement of the existing pump/hydro pneumatic system which includes duplex pumps, 2,500 gallon "Buffalo" tank and a 2-stage air compressor with a capacity of 165 gpm. The System will be replaced with a pre-engineered triplex booster system sized to produce equivalent flow.

**Application No. 4116504—Construction**, Public Water Supply.

Applicant **Lycoming County Water & Sewer Authority**  
 Township/Borough Fairfield Township  
 County **Lycoming**  
 Responsible Official Christine Weigle,  
 Executive Director  
 Lycoming County Water & Sewer Authority  
 P.O. Box 186  
 Montoursville, PA 17754

Type of Facility Public Water Supply  
 Consulting Engineer David M. Swisher, P.E.  
 Herbert, Rowland & Grubic, Inc.  
 474 Windmere Drive, Suite 100  
 State College, PA 16801

Application Received May 31, 2016  
 Description of Action Increase the permitted pumping capacity of Halls Station Well PW-1 from 60 gpm to 110 gpm.

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

**Permit No. 6216502**, Public Water Supply.

Applicant **Dear Head Inn, LLC**  
 Township or Borough Spring Creek Township  
 County **Warren County**  
 Responsible Official Robert Brace  
 Type of Facility Transient Noncommunity Water System  
 Consulting Engineer Karen Clark, PG  
 Application Received Date May 31, 2016  
 Description of Action Altering construction of well and installation of well controls to eliminate possibility of naturally occurring crude oil and/or its constituents from entering the well or the facility's water system.

#### WATER ALLOCATIONS

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

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

**WA39-457A**, Water Allocation, **Borough of Slatington**, 125 South Walnut Street, Slatington, PA

18080, Slatington Borough, **Lehigh County**. The applicant is requesting the right to withdraw up to a maximum of 600,000 gallons per day (gpd) from Slatington Springs located in Washington Township, Lehigh County.

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

**WA-14-473B, Water Allocations.** State College Borough Water Authority, 1201 West Branch Road, State College, PA 16801, College Township, **Centre County**. Applicant submitted a water allocation application to continue to withdraw water from Roaring Run, Shingletown Gap Reservoir in Harris Township, Centre County. The existing allocation permit authorizes State College Borough Water Authority to withdraw 2,000,000 gallons per day from Roaring Run. This permit expires January 31, 2017. The applicant is now requesting approval to withdraw 500,000 gallons per day from Roaring Run. Applicant is requesting use of the source as a supplement to existing well water sources.

## 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.*

**Joseph Pavlacka Property**, 1112 North 17th Street, City of Allentown, **Lehigh County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Mr. Joseph Pavlacka, 1112 North 17th Street, Allentown, PA 18104, submitted a Notice of Intent to Remediate. A release of fuel oil # 2 occurred due to an overflow. The Notice of Intent to Remediate was published in the *Times News* on May 25, 2016.

**Moravian House II**, 701 Main Street, City of Bethlehem, **Northampton County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Moravian Development, 561 Market Street, Suite 1, Bethlehem, PA 18018, submitted a Notice of Intent to Remediate. No. 2 Fuel Oil impacts were discovered during the removal of an Underground Storage Tank. The Notice of Intent to Remediate was published in the *Times News* on May 25, 2016.

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

**Richard Beers Residence**, 1242 Perry Valley Road, Liverpool, PA 17045, Liverpool Township, **Perry County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Richard Beers, 1242 Perry Valley Road, Liverpool, PA 17045, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with # 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in *The Patriot News* on October 8, 2015.

**Llewellyn's Manufactured Home Community Lot 69**, 4550 Bull Road, Dover, PA 17315, Dover Township, **York County**. Independence Environmental Consulting, LLC, 1750 Kaylor Road, Hummelstown, PA 17036, on behalf of Llewellyn's Manufactured Home Community, Inc., 4550 Bull Road, Dover, PA 17315, submitted a Notice of Intent to Remediate site soil contaminated with # 2 fuel oil. The site will be remediated to the Residential

Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in *The York Dispatch/York Sunday News* and *York Daily Record* on May 20, 2016.

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

**Makowski Residence**, 42 River Lane, Bristol Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 Mermaid Lane, Glenside, PA 19007 on behalf of John Makowski, 42 River Lawn, Levittown, PA 19007 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the property will remain residential. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on April 24, 2016. PF810277.

**801 Baltimore Pike**, 801 Baltimore Pike, Springfield Township, **Delaware County**. Brian K. Loughnane, Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of Joseph S. Botta, Jr., Pineville Properties, LLC, 1288 Valley Forge Road, PA 19460 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with no. 2 fuel oil. The future use of the property will remain the same. The Notice of the Intent to Remediate was published in the *Daily Times* and *Sunday Times* on April 26, 2016. PF810291.

**Clermont Property**, 329 Township Road, Franconia Township, **Montgomery County**. Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, James Sieracki, RT Environmental Services, Inc., 215 West Chester Road, King of Prussia, PA 19406 on behalf of Christopher Canavan, Blecker Acquisitions, L.P. 404 Sumneytown Pike, Suite 200, North Wales, PA 19454 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic. The future use of the site is planned for residential development. The Notice of Intent to Remediate was published in the *Souderton Independent* on March 20, 2016. PF810251.

**Coatesville Gateway Redevelopment**, 107 East Lincoln Highway, City of Coatesville, **Chester County**. Christopher Zeliznak, P.G., EnviroSure, Inc., 319 South High Street, First Floor, West Chester, PA 19382 on behalf of Jim DePetris, DEPG Coatesville Associates, LP, c/o DEPG Associates, LLC, Plymouth Woods Office Center, 521 Plymouth Road, Suite 118, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of vocs, metals and svocs. The Notice of Intent to Remediate was published in the *Daily Local News* on January 1, 2016. PF810295.

**3349 West End Avenue Property**, 3349 West End Avenue, Bensalem Township, **Bucks County**. Stacie Cotton, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Beatrice Lewis, Bank of America c/o Safeguard Properties, Bank of America, 7887 Safeguard Circle, Valley View, Ohio 44125 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 heating oil. The subject property is used for residential purposes. The Notice of Intent to Remediate was published in the *Intelligence* on May 2, 2016. PF810087.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

### Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**Permit No. 100172. Arden Landfill, Inc.**, 100 Rangos Lane, Washington, PA 15301. Arden Landfill, 200 Rangos Lane, Washington, PA 15301. An application for permit renewal for the operation of a municipal waste landfill in Chartiers Township, **Washington County** was received in the Regional Office on May 26, 2016.

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

**Permit Application No. 101634. Roy W. Chapin, Sr.**, Chapin Sewage Disposal, 200 Academy Street, Stillwater, PA 17878. A permit renewal application for the continued operation of this municipal waste transfer facility in New Columbus Borough, **Luzerne County**. The application was received by the Regional Office on May 4, 2016 and accepted as complete on June 2, 2016.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments,

protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

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

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

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

**09-0142D: ML 35, LLC** (35 Runway Road, Levittown, PA 19057) for modifying eleven (11) existing engines located at its data center in Bristol Township, **Bucks County**. This plan approval was submitted for the re-designation of the engines from “emergency engines” to “non-emergency engines” and to allow retrofitting five (5) of the engines at this location to meet the emission standards specified in 40 CFR 63 Subpart ZZZZ. The requirements of 40 CFR Part 60 Subpart IIII or Part 63 Subpart ZZZZ—Standards for compression ignition internal combustion engines were revised to that of “non-emergency” engines. This facility is a synthetic minor facility for nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO) emissions. The facility wide NO<sub>x</sub> emissions are limited to below 25 tons per year. The Plan Approval and Operating Permit will contain all applicable requirements that apply to each engine including testing, recordkeep-



ing, reporting, and work practices 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*

**67-03018B: Penn-Mar, Inc.** (500 Broadway, Hanover, PA 17331) for the modification of the ductwork for the fabric filter which controls emissions from the molding and coring operations at the foundry in Hanover Borough, **York County**. Upon completion of the proposed modifications, the fabric filter will vent directly to atmosphere. Potential atmospheric emissions of particulate matter (PM) from this action are estimated at 0.48 ton per year. The Plan Approval will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Based on these findings, the Department proposes to issue a plan approval for the proposed operation. If the Department determines that the sources are 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 provisions of 25 Pa. Code Chapter 127.

**36-03202A: RLB Ventures, Inc. DBA Bench Dogs** (10 Industrial Way, Denver, PA 17512) for the operation of three (3) spray booths & silk screening operations in East Cocalico Township, **Lancaster County**. Potential emissions from the facility are estimated to be 11.7 tpy VOC, 1.3 tpy of a single HAP (toluene) and 5.2 tpy of combined HAPs. 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 operation. If the Department determines that the sources are 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 provisions of 25 Pa. Code § 127.411.

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

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

**08-00009A: Tennessee Gas Pipeline Company, LLC** (PO Box 2511, Houston, TX 77252-2511) has submitted an application to the Pennsylvania Department of Environmental Protection (PA DEP) for plan approval to construct a natural gas-fired combustion turbine which will be coupled to a centrifugal compressor, as part of the Susquehanna West Project, at the Compressor Station 317 facility located in Troy Township, **Bradford County**. The proposed compression process includes a combustion turbine, centrifugal compressor as well as ancillary systems for a natural gas compression process such as valves, flanges, connectors, etc.

The proposed combustion turbine is a Solar® Mars 100-16000S equipped with SoLoNO<sub>x</sub>™ technology, a lean

premix type of combustion technology, also known as Dry Low NO<sub>x</sub> Combustion technology. TGP proposes to equip the exhaust of the source with an add-on device that employs oxidation catalyst technology to control volatile organic compounds (VOCs), formaldehyde and carbon monoxide (CO) emissions in the turbine's exhaust. The source is subject to the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The proposed combustion turbine is also subject to the Standards of Performance for Stationary Combustion Turbines of 40 CFR Part 60 Subpart KKKK.

The potentials to emit of the proposed combustion turbine are: 30.4 tons per year (tpy) of NO<sub>x</sub> (expressed as NO<sub>2</sub>), 36.6 tpy of CO, 8.40 tpy of SO<sub>x</sub> (expressed as SO<sub>2</sub>), 3.52 tpy of PM<sub>10</sub> and PM<sub>2.5</sub>, 2.50 of VOCs, 1.02 of HAPs, and 0.91 of formaldehyde.

PA DEP's review of the information submitted by the facility indicates that the proposed construction will comply with all applicable air quality regulatory requirements, including the BAT requirements. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements. The plan approval includes emission restrictions for NO<sub>x</sub>, CO, VOCs, SO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and formaldehyde. Stack testing of the proposed turbine for these pollutants is required no later than 180 days from the date of startup. The facility is required to continuously monitor certain turbine parameters that indicate whether or not the unit is operating continuously in low-NO<sub>x</sub> mode during all periods of operation except startup, shutdown, and those in which the ambient temperature is below 0 degrees Fahrenheit. Additionally, the inlet and outlet oxidation catalyst temperatures and differential pressure across the oxidation catalyst are required to be continuously monitored. The plan approval also includes all applicable recordkeeping and reporting conditions. The facility will be also required to monitor on-site equipment for leaks on a monthly basis and perform leak detection and repair program annually.

Based on the information presented above, the Department intends to issue a plan approval for the proposed construction of the natural gas-fired combustion turbine. If the Department determines that the source is constructed and operated in compliance with the plan approval conditions including the information listed in the application, the plan approval will be incorporated into a State-Only operating permit. The application will be required to be filed no later than 120 days upon request by the Department.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's North Central Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3693.

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

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

**AMS 16014: Garfield Refining Co.** (810 E. Cayuga St., Philadelphia, PA 19124) for Installation of Closed system waste incinerator (Type 1 Waste) with secondary afterburner (to reclaim metallics), Capacity = 2 tons/hr, and 255,000 btu/hr natural gas burner. There will be a potential emission increase of 1.5 ton of Volatile organic compound (VOC) and 1.5 ton of NO<sub>x</sub> emission per year for

the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

**S15-011: National Publishing Company** (11311 Roosevelt Blvd, Philadelphia, PA 19154) for the operation of a printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include includes fourteen (14) 0.5 MMBTU/hr natural gas fired space heaters, four (4) lithographic presses with less than 8 MMBTU/hr natural gas fired dryers, and a 1.75 MMBTU/hr natural gas fired thermal oxidizer.

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

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

#### OPERATING PERMITS

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

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

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

**67-05047: Republic Services of PA, LLC** (4400 Mt. Pisgah Road, York, PA 17406-8240), to issue a Title V Operating Permit renewal for Modern Landfill in Lower Windsor Township, **York County**. The actual 2015 emissions from the facility were VOC 12.3 tons, NO<sub>x</sub> 18.2 tons, SO<sub>x</sub> 7.9 tons, CO 57.6 tons, and PM<sub>10</sub> 54.1 tons. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills and 40 CFR Part 63, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. Also, the diesel engines are subject to federal regulations NSPS Subpart IIII and NESHAP Subpart ZZZZ.

##### **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*

**46-00146: Republic Environmental Systems (PA), Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) for operation of a Hazardous Waste Treatment, Storage, Disposal Facility located in Hatfield Township, **Montgomery County**. The permit is for a non-Title V (State Only) facility. The emissions from the facility treatment processes are controlled by packed scrubbers, baghouses, and/or carbon adsorption units. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**39-00078: Gateway Industrial Services, Allentown Plant** (805 Harrison Street, Allentown, PA 18103-3189). The Department intends to issue a renewal State-Only Synthetic Minor operating permit for the fabricated metal products manufacturing facility in Allentown, **Lehigh County**. The sources consist of Spraybooths, a Drying Oven and Make-Up Air Units. The control devices consist of Collectors. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*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*

**36-05011: Lancaster Terminals DE LLC** (1360 Manheim Pike, Lancaster, PA 17604) to issue a State Only Operating Permit for the Lancaster Terminal located in Manheim Township, **Lancaster County**. The actual emissions from the facility in 2014 year are estimated at 0.17 ton of CO, 0.07 ton of NO<sub>x</sub> and 3.27 tons 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. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities and 40 CFR Part 60 Subpart XX—Standards of Performance for Bulk Gasoline Terminals.

**06-03071: Wolfe Dye and Bleach Works, Inc.** (25 Ridge Road, Reading, PA 19555) to issue a State Only Operating Permit for their dyeing and bleaching facility located in Perry Township, **Berks County**. Potential emissions from the facility are estimated to be 3.7 tons per year (tpy) of particulate, 69.5 tpy of SO<sub>x</sub>, 36.1 tpy of NO<sub>x</sub>, 8.3 tpy of CO and 0.72 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**67-03074: Heffner Funeral Chapel & Crematory, Inc.** (1551 Kenneth Road, York, PA 17408) to issue a State Only Operating Permit for their human remains

crematory and afterburner at their facility in West Manchester Township, **York County**. Estimated potential emissions of particular matter (PM) and nitrogen oxides (NO<sub>x</sub>) are less than one ton per year for each pollutant. The Operating Permit includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**07-03053: Keystone Cremation Center, LLC** (14443 South Eagle Valley Road, Tyrone, PA 16686) for operation of two human crematories controlled by afterburners at the funeral home in Snyder Township, **Blair County**. The facility has the following potential air emissions: 1.94 ton per year of CO, 2.34 ton per year of NO<sub>x</sub>, 3.07 tons per year of PM, 1.43 ton per year of SO<sub>x</sub>, and 0.2 ton per year 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.

**36-03161: Compass Quarries Inc.** (47 McIlvaine Road, Paradise, PA 17562) to issue a State Only Operating Permit for the quarry located in Paradise Township, **Lancaster County**. The potential emissions from the facility are estimated at 36.2 tpy of PM, 13.1 tpy of PM<sub>10</sub> and 1.5 tpy of PM<sub>2.5</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

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

**53-00018: PA Pellets, LLC** (958 State Route 49W, Ulysses, PA 16948-9364) to issue a state only operating permit for their facility located in Ulysses Borough, **Potter County**. The facility is currently operating under State Only Operating Permit 53-00018. The facility's sources include a 38,000 pound per hour, sawdust/wood chip rotary dryer incorporating a 45 million Btu per hour, wood suspension burner, a hammer mill and a pellet cooler. The facility has potential emissions of 22.78 tons per year of nitrogen oxides, 28.91 tons per year of carbon monoxide, 1.64 ton per year of sulfur oxides, 40.78 tons per year of particulate matter and 1.12 ton per year of volatile organic compounds. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

**53-00017: Herbert Cooper Company, Inc.** (121 Main Street, Genesee, PA 16923) to issue a state only operating permit for their facility located in Genesee Township, **Potter County**. The facility is currently operating under

State Only Operating Permit 53-00017. The facility's sources include two natural gas-fired boilers and three natural gas-fired space heaters with a total combined rated heat input of 1.13 million Btus per hour, an oxygen tube manufacturing operation and a parts washer. The facility has potential emissions of 0.46 ton per year of nitrogen oxides, 0.19 ton per year of carbon monoxide, 0.01 ton per year of sulfur oxides, 0.04 ton per year of particulate matter, 7.92 tons per year of volatile organic compounds and 7.56 tons of toluene. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

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

*Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336*

**11-00411: Concurrent Technologies Corporation** (100 CTC Drive, Johnstown, PA 15904), for an initial facility-wide Natural Minor Operating Permit renewal, for the operation of a research facility located in Richland Township, **Cambria County**. The facility's air contamination sources consist of three (3) natural gas-fired boilers (4.635 MMBtus/hr total), two (2) emergency, diesel (750-bhp) and natural gas (175-bhp) fired, emergency generator engines, building heaters (21.19 MMBtus/hr total), and test equipment and workshops. Emissions from the facility are 18.0 tons of NO<sub>x</sub>, 10.5 tons of CO, 6.2 tons of VOC, 2.3 tons of PM<sub>10</sub>, 2.3 tons of PM<sub>2.5</sub>, and 0.5 ton of SO<sub>2</sub> per year. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

Concurrent Technologies's initial State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project 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 State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Depart-

ment within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 11-00411) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, Fax 412.442.4194)

**TVOP-26-00402: Advanced Disposal Services Chestnut Valley Landfill Inc.** (1184 McClellandtown Road, McClellandtown, PA 15458), In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TVOP-26-00402) to Advanced Disposal Services Chestnut Valley Landfill Inc. to authorize the operation of the "Landfill Waste Gas" facility located in German Township, **Fayette County**.

The facility's air contamination sources consist of one (1) Landfill waste decomposition facility, one (1) Landfill fugitive dust emissions, one (1) crushing/screening/shredding unit rated at 300 tph, and paved/unpaved roadways. Fugitive emissions from "Landfill Gas Waste" facility are controlled via an enclosed flare and a candlestick flare. Particulate emissions from the crushers/screens/tire shredding etc. are controlled by a dust suppression system. Emissions from the facility are 66.0 tons CO, 82.0 tons NO<sub>x</sub>, 92.0 tons PM<sub>10</sub>, 154.0 tons PM, 12.0 tons VOC, 5.0 tons HAP, and 11.0 tons SO<sub>x</sub> per year. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable requirements of 40 CFR Part 60 Subpart OOO, 40 CFR Part 60 Subpart WWW (Standard Performance for Nonmetallic Mineral Processing Plants), and 40 CFR, Part 63, Subpart AAAA (National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

Advanced Disposal Services Chestnut Valley Landfill Inc. Title V Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project 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 Title V Operating Permit renewal application, to receive

an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 26-00402) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (jparihar@pa.gov, FAX 412.442.4194).

**56-00307: Rockwood Manufacturing Company Inc.** (P.O. Box 79, Rockwood, PA 15557), for an initial facility-wide Natural Minor Operating Permit renewal, for the operation of a door hardware fabricating plant located in Rockwood Borough, **Somerset County**. The facility's air contamination sources consist of two (2) degreasers, surface plating, etching, polishing, and painting equipment, and building heaters (2.893 MMBtus/hr total). Emissions from the facility are 32.5 tons of VOC, 2.2 tons of PM<sub>10</sub>, and 2.2 tons of PM<sub>2.5</sub> per year and 4.2 tons of toluene, and 1.4 ton of nickel, and 7.1 of all HAPS combined per year. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

Rockwood Manufacturing Company Inc.'s initial State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project 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 State Only

Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at [pbouse@pa.gov](mailto:pbouse@pa.gov) or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 56-00307) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. ([mhochhause@pa.gov](mailto:mhochhause@pa.gov), Fax 412.442.4194)

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on

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

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

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

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

### *Coal Applications Received*

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

**03851303 and NPDES No. PA0213462. McVille Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Clementine Mine #1 in South Buffalo Township, **Armstrong County** and related NPDES permit for a land use change from unmanaged natural habitat to residential. No additional discharges. The application was considered administratively complete on May 27, 2016. Application received January 11, 2016.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and West Finley Township, Washington County and related NPDES permit for post-mining land use change and termination of NPDES point 014. No additional discharges. The application was considered administratively complete on June 2, 2016. Application received November 2, 2015.

**30031301 and NPDES No. PA0235610. Dana Mining Company of PA, LLC**, (308 Dents Run Road, Morgantown, WV 26501). To revise the permit for the 4-West Mine in Dunkard, Perry and Whiteley Townships, **Greene County** and related NPDES permit to add underground permit area and subsidence control area. Underground Acres Proposed 9,494.2, Subsidence Control Plan Acres Proposed 9,494.2. No additional discharges. The application was considered administratively complete on June 3, 2016. Application received December 9, 2015.

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

**33950107. Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201). Renewal of an existing bituminous surface mine in Warsaw Township, **Jefferson**

County affecting 39.5 acres. This renewal is for reclamation only. Receiving streams: Two unnamed tributaries to Mill Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 3, 2016.

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

**30010101 and NPDES Permit No. PA0202975. Patriot Mining Co., Inc.** (100 Tygart Drive, Grafton, WV 26354). Renewal application for continued treatment to an existing bituminous surface mine, located in Dunkard and Perry Townships, **Greene County**, affecting 163 acres. Receiving stream: Dooley Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 26, 2016.

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

**Permit No. 54-305-012GP12R2. Reading Anthracite Company**, (PO Box 1200, Pottsville, PA 17901), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54783702 in New Castle, Cass and Norwegian Townships, **Schuylkill County**. Application received: March 16, 2016.

**Permit No. 49851603R6. PAC 23 Mining Co., Inc.**, (6370 SR 61, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 9.1 acres, receiving stream: Shamokin Creek, classified for the following uses: warm water and migratory fishes. Application received: May 24, 2016.

**Permit No. 49-305-004GP12R. PAC 23 Mining Co., Inc.**, (6370 SR 61, Shamokin, PA 17872), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 49851603 in Ralpho Township, **Northumberland County**. Application received: May 24, 2016.

**Permit No. 54981302. George Manhart**, (475 High Road, Ashland, PA 17921), Stage 3 bond release of an underground mine operation in Cass Township, **Schuylkill County** affecting 3.0 acres. Application received: June 3, 2016.

#### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**10020306. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Renewal of NPDES Permit No. PA0242250 in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 31, 2016.

**10010310. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Renewal of NPDES Permit No. PA0241962 in Mercer and Pine Townships, **Butler County**. Receiving streams: Unnamed tributaries to Swamp Run and McMurray Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is the Slippery Rock Public Water Supply. Application received: May 31, 2016.

**10070304. Glacial Sand & Gravel Co.** (P.O. Box 1022, Kittanning, PA 16201). Renewal of NPDES Permit No. PA0258466 in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Black Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 31, 2016.

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

**14900301 and NPDES PA0206229. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803). Renewal of a NPDES permit located in Spring Township, **Centre County**. Receiving stream(s): Logan Branch to Spring Creek. Application received: May 12, 2016.

**08110304 and NPDES PA0257575. TMT Gravel and Contracting, Inc.** (1609 Pennsylvania Avenue, Pine City, NY 14871). Renewal of a NPDES permit located in Wells Township, **Bradford County**. Receiving stream(s): Sealy Creek. Application received: May 19, 2016.

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

**02010301 and NPDES Permit No. PA0202916. Redland Brick, Inc.** (Rich Hill Road, Cheswick, PA 15024). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Harmar Township,

**Allegheny County**, affecting 48 acres. Receiving streams: Deer Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 16, 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. PA0599166 (Mining permit no. 5679123), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for surface coal site for reclamation only and treatment of a post-mining discharge in Southampton Township, **Somerset County**, affecting 247.0 acres. Receiving stream: unnamed tributary to Shoemaker Run, classified for the following use: high quality cold water fishes. Application received: May 28, 2015.

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

The outfall listed below discharge to unnamed tributary to Shoemaker Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
Post-Mining Discharge Treatment Facility	001

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

<i>Outfalls: 001</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)	1.0	2.0	2.3
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.63	1.3	1.6
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0

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

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

**NPDES No. PA 0257265 (Mining Permit No. 17100101), Waroquier Coal Co.**, P.O. Box 128, Clearfield, PA 16830, renewal of NPDES permit for bituminous coal surface mining in Lawrence Township, **Clearfield County**, affecting 92.0 acres. Receiving streams: Unnamed Tributaries to the West Branch Susquehanna River (WWF), Unnamed Tributary to Clearfield Creek (CWF), and Laurel Run to Little Clearfield Creek (High Quality). Application received: December 21, 2015.

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

The treatment facilities listed below discharge to: Unnamed Tributaries to the West Branch Susquehanna River.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	N
TF-2	N
TF-3	N
TF-4	N

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

<i>Parameter</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>	<i>Maximum</i>
	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

The sediment ponds listed below discharge to: Unnamed Tributaries to the West Branch Susquehanna River.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP-B	N
SP-C	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Aluminum (mg/l)—SP-B				2.8
Aluminum (mg/l)—SP-C				3.6
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/L)				0.5



The sediment pond listed below discharges to: Unnamed Tributary to Clearfield Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP-D	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Aluminum (mg/l)				7.1
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/L)				0.5

The sediment pond listed below requires a non-discharge alternative: Laurel Run to Little Clearfield Creek

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

The proposed non-discharge system pre-release effluent limits for the above listed outfall are as follows (when released to the non-discharge system 24 hours after a storm event):

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Manganese				5.0
Aluminum (mg/l)				2.5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/L)				90

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

**NPDES No. PA0201359 (Mining permit no. 03950301), Glacial Sand and Gravel Company**, P.O. Box 1022, Kittanning, PA 16201, renewal NPDES permit for non-coal surface mining in East Franklin Township, **Armstrong County**, affecting 310 acres. Receiving streams: Unnamed tributaries to the Allegheny River, classified for the following use(s): WWF.

The stormwater outfall(s) listed below discharge to unnamed tributaries to the Allegheny River.

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

The proposed effluent limits for outfall 001 is as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The proposed effluent limits for outfall 002 is as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

**NPDES No. PA0225070 on Surface Mining Permit Number 40663031. Jeddo-Highlands Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701) renewal of NPDES permit for an anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Foster Township, **Luzerne County**, affecting 446.0 acres, receiving streams: Black Creek, classified for the following uses: cold water and migratory fishes; Sandy Run, classified for the following use: HQ-migratory fishes. Application received: December 30, 2015. There are no discharges proposed to Black Creek or Sandy Run from this site.

Non-discharge BMP's will apply to this site.

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA 0220248 (Mining permit no. 1473301), Graymont (PA) Inc.**, 965 East College Avenue, State College, PA 16823, renewal of an NPDES permit for industrial minerals deep mine noncoal operation in Spring Township, **Centre County**, affecting 1,110 acres. Receiving stream(s): Logan Branch (Spring Creek), classified for the following use(s): CWF. Application received: December 24, 2015.

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

The outfall(s) listed below discharge to Logan Branch:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
010-B Logan Branch pipeline	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.75
Manganese (mg/l)		1.0	2.0	2.5
Total Suspended Solids (mg/l)		35	70	90

\* As measured at pipeline monitoring port located between the holding tank near the Whiterock sinkhole and the final pipeline discharge

<i>Parameter</i>	<i>Period</i>	<i>Measurement Frequency</i>	<i>Instant. Maximum</i>
Temperature (°F)	June 15—September 30	Once per hour when discharging at outfall at Logan Branch	Monitor Only

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E45-595. Pennsylvania Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, in Pocono Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

1. To remove a 15-inch diameter reinforced concrete culvert and to construct a stream enclosure of a tributary to Scott Run (HQ-CWF, MF) that is approximately 120-foot long and 19-inch by 30-inch reinforced concrete culvert and outlet protection.
2. To maintain an 8-foot by 5-foot box culvert at Sta. 508+35.47 with work consisting of concrete repairs and scour protection in a tributary to Scott Run (HQ-CWF, MF).
3. To maintain an 18-foot by 8-foot box culvert at Sta. 515+15.82 with work consisting of concrete repairs and scour protection in Scott Run (HQ-CWF, MF).
4. To remove a 24-inch diameter reinforced concrete culvert and to construct a stream enclosure of a tributary to Scott Run (HQ-CWF, MF) that is approximately 120-foot long and 19-inch by 30-inch reinforced concrete culvert and outlet protection.

5. To re-grade approximately 170 feet of tributary to Scott Run (HQ-CWF, MF), consisting of a 4-foot bottom, 2:1 right and left side slopes.

6. To maintain a single span concrete T-beam bridge with a normal clear span of 14.1 feet and an approximate underclearance of 7 feet with work consisting of replacement of the superstructure resulting in an approximate underclearance of 7.6 feet in Scott Run (HQ-CWF, MF) and temporarily impacting approximately 0.01 acre of EV wetlands.

7. To construct and maintain various stormwater outfall structures within the floodway of Scott Run (HQ-CWF, MF) consisting of a 14-inch by 23-inch concrete culvert, 18-inch concrete culvert, 19-inch by 30-inch concrete culvert, and 3-24-inch concrete culverts, with endwalls and riprap aprons.

8. To re-grade approximately 360 of tributary to Scott Run (HQ-CWF, MF) consisting of a 2-foot bottom 3:1 right side slope and 2:1 left side slope.

9. Temporary impact of approximately 841 square feet of PEM wetlands for the construction of an access road and storm drainage channel to access temporary erosion and sediment controls.

10. To construct and maintain an outfall of a 24-inch concrete culvert with an endwall and riprap apron within the floodway of tributary to Scott Run (HQ-CWF, MF).

11. To re-grade approximately 354 feet of tributary to Scott Run (HQ-CWF, MF) with 2 foot bottom, 2:1 right and left side slopes.

12. To remove a 24-inch concrete culvert and to construct a stream enclosure of a tributary to Scott Run (HQ-CWF, MF) consisting of approximately 234 feet of 24-inch reinforced concrete culvert and 50 feet of 24-inch by 38-inch concrete culvert with endwall and riprap outfall.

13. Relocation of approximately 202 feet of tributary to Scott Run (HQ-CWF, MF) and the removal of approximately 428 feet of the same tributary to Scott Run (HQ-CWF, MF).

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

**E36-957: TCCC-Lancaster Holding, LP in Manheim and East Hempfield Township, Lancaster County, U.S. Army Corps of Engineers Baltimore District.**

To install and maintain the following impacts to the Little Conestoga River:

1) a 30 foot long mud sill and 70 foot long rock deflector, permanently impacting 372 square feet of stream and 560 square feet of floodway;

2) a 50 foot long mud sill and 120 foot long boulder wall, permanently impacting 384 square feet of stream and 2,206 square feet of floodway;

3) a 75 foot long boulder wall, permanently impacting 311 square feet of floodway;

4) a 30 foot long mud sill, 40 foot long boulder wall, and a 40 foot long 10 foot wide steel and wood pedestrian bridge with bituminous walkway approaches, permanently impacting 1,158 square feet of stream and 2,130 square feet of floodway;

5) a stormwater basin outfall with stilling basin, permanently impacting 228 square feet of palustrine emergent wetlands;

6) 175 lineal feet of 10 inch diameter, SDR-35 sewer line with a manhole, permanently impacting 45 square feet of stream and 133 square feet of floodway. This impact will be reviewed under a General Permit 5 registration application (GP-05-36-16-203);

To install and maintain the following impacts to an unnamed tributary to the Little Conestoga River and its floodway:

7) a temporary rock road crossing with 36 inch diameter HDPE pipe. This impact will be reviewed under a General Permit 8;

8) an 8 foot wide by 785 foot long bituminous bike path, permanently impacting 4,262 square feet of floodway;

9) a relocation of 376 feet of stream, including the installation of 242 linear feet of boulder wall, a j-hook vane and a rock cross vane, permanently impacting 4,049 square feet of stream and 16,989 square feet of floodway;

10) a 24 inch diameter reinforced concrete pipe outfall with concrete headwall and riprap apron and a 42 inch diameter reinforced concrete pipe outfall with concrete headwall and riprap apron, permanently impacting 261 square feet of stream and 545 square feet of floodway. These impacts will be reviewed under a General Permit 4 registration application (GP-04-36-16-204);

11) a 33 foot long, 8 foot wide by 6.5 foot tall concrete box culvert extension with concrete endwall and riprap apron, permanently impacting 157 square of stream and 422 square feet of floodway;

12) a 133 foot long, 24 inch diameter, concrete encased, SDR-35 sewer line with a manhole, permanently impacting 285 square feet of floodway. This impact will be reviewed under a General Permit 5 registration application (GP-05-36-16-204);

13) a 102 foot long, 6 inch diameter, concrete encased, polyethylene pipe, permanently impacting 138 square feet of floodway. This impact will be reviewed under a General Permit 5 registration application (GP-05-36-16-205);

The impacts are proposed to facilitate the development of property into a commercial use facility located in Manheim and East Hempfield Townships, Lancaster County (Latitude 40°03'34.41", Longitude -76°20'26.55").

**E31-236: Mount Union Borough, 9 West Market Street, Mount Union, PA 17066 in Mount Union Borough, Huntingdon County, U.S. Army Corps of Engineers Baltimore District.**

To construct and maintain a new public access facility to the Juniata River (WWF, MF) owned by Mount Union Borough, Huntingdon County, PA. The project will include a single lane boat ramp with a canoe/kayak launch, expanded parking lot, and overnight camping facility. The floodway and floodplain activities include a 16-foot wide macadam lane and turnaround accessing the boat ramp and canoe/kayak launch. The proposed concrete boat ramp will be 16-foot by 30-foot and the canoe/kayak launch timber platform will be 16-foot by 14-foot on concrete piers. The project is directly located north of North Division Street in Riverside Park (Latitude: 40°23'31.7", Longitude: -77°52'37.1") in Mount Union Borough, Huntingdon County. The purpose of the project is to provide navigational access to the Juniata River Water Trail. No wetlands will be impacted.

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

**E04-209-A1, Phil's Towing Company, Inc.**, 1125 Greiner Street, Monaca, PA 15061, Greene Township, **Beaver County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Operate and maintain an existing 28' × 125' spud barge, as a landing area;
2. Operate and maintain an existing 26' × 1,050' docking area, consisting of five (5) grounded, double-stacked, standard (26' × 175') barges, and one (1) single, grounded, standard barge, which are connected end-to-end; and
3. Operate and maintain an existing string of spar barges (26' × 600'), which are secured between the aforementioned spud barge and docking area;

For the purpose of operating a barge and towboat fleeting and repair company, known as Phil's Towing Company, Inc., at approximate River Mile 37, of the Ohio River (WWF, N). The project is located at 150 Dam Road, Georgetown, PA 15043 (Midland, PA USGS topographic quadrangle; Latitude: 40° 38' 17.23"; Longitude: -80° 28' 22.88"; Sub-basin: 20G; Pittsburgh Corps District), in and along approximately 1,730' of the Ohio River, in Greene Township, Beaver County. This facility also includes an approx. 3.8 acre (140' × 1,170') mooring area, for up to twenty-four (24) 35' × 195' moored barges. While no new construction is included in the current project, the currently existing facility represents an expansion of a previously permitted (DEP Permit No. E04-209) barge docking facility.

**E30-252, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Gilmore Township, **Greene County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Remove an existing, 44.5 long by 15.45' wide, single span, steel I-beam bridge, with underclearance of 8.97';
2. construct and maintain a replacement, 54' long by 35.5' wide, single span, composite prestressed adjacent box beam bridge, with underclearance of 6.86'; and
3. construct and maintain rock slope protection in the floodway on the downstream side of the new structure, R-6 rock riprap scour protection along both abutments, and associated improvements to the guiderails, approach roads and stormwater drainage;

For the purpose of replacing the existing, Jollytown Road/SR 3006, structurally deficient structure over PA Fork Dunkard Creek (WWF), which is located near the intersection of Jollytown Road/SR 3006 and Pine Bank Road (Wadsetown, W. VA-PA USGS topographic quadrangle; Latitude: 39° 43' 23.3"; Longitude: -80° 20' 58.9"; Sub-basin: 19G; Pittsburgh Corps District), in Gilmore Township, Greene County. This project will impact approximately 65' of watercourse.

**E32-515, PennDOT District 10-0**, 2550 Oakland Avenue, PO Box 429 Indiana, PA 15701, Canoe Township, **Indiana County**, Pittsburgh ACOE District.

The applicant is proposing to:

Remove the existing SR 1045 two lane, 34' wide by 40' long single span bridge having an underclearance of 11' and construct and maintain a replacement two lane, 27.3' wide by 68' long, integral abutment bridge having an underclearance of 11 feet over Canoe Creek (CWF) with a drainage area of 8.91 square miles; remove the existing 27' long 14" culvert carrying a UNT to Canoe Creek

(CWF) with a drainage area of 2.9 acres and construction and maintain a replacement 45' long 14" culvert in the same location; place and maintain fill in 94' of the same UNT to Canoe Creek and construct and maintain a 115' long replacement channel; and place and maintain fill in a de minimis 0.038 acre of PEM/PSS wetland. In addition, construct and maintain stormwater outfalls and temporarily impact 0.031 acre of PEM/PSS wetland and 61' of stream for the purpose of constructing these encroachments.

The project is associated with the SR 1045 improvement project, and is located approximately 1.1 mile west of Rossiter, PA (Punxsutawney Quadrangle, Latitude: 40° 53' 20", Longitude: -78° 57' 48") in Canoe Township, Indiana County.

**E65-979, PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, Donegal Borough and Donegal Township, **Westmoreland County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Construct and maintain a 9' long extension to an existing 48' long 18" concrete pipe conveying an unnamed tributary to Minnow Run (CWF) with a drainage area less than 100 acres.
2. Remove the existing 179' long 18" concrete pipe enclosure conveying a second unnamed tributary to Minnow Run (CWF) with a drainage area less than 100 acres and construct and maintain a replacement 193' long 36" pipe enclosure in the same location.
3. Place and maintain fill in 384' of three unnamed tributaries to Minnow Run (CWF) with drainage areas less than 100 acres; construct and maintain a single 368' long relocated replacement channel.
4. Place and maintain fill in 180' of three unnamed tributaries to Minnow Run (CWF) with drainage areas less than 100 acres.
5. Remove the existing 233' long 60" pipe culvert enclosure conveying a ninth unnamed tributary to Minnow Run (CWF) with a drainage area of 0.20 square mile; construct and maintain a 476' long 72" replacement pipe culvert enclosure approximately 100' east of the existing pipe.
6. Place and maintain fill in 142' of a tenth unnamed tributary to Minnow Run (CWF) with a drainage area less than 100 acres; construct and maintain a 185' long relocated replacement channel.
7. Construct and maintain a 184' long 36" extension to an existing 110' long 24" concrete pipe enclosure conveying an eleventh unnamed tributary to Minnow Run (CWF) with a drainage area less than 100 acres.
8. Construct and maintain a 31' long 18" extension to an existing 48' long 18" concrete pipe conveying an unnamed tributary to Indian Creek (HQ-CWF) with a drainage area less than 100 acres.
9. Construct and maintain a 70' long 30" extension to an existing 44' long 30" concrete pipe conveying a second unnamed tributary to Indian Creek (HQ-CWF) with a drainage area less than 100 acres.
10. Place and maintain fill in 1.17 acre of PEM/PSS/PFO wetlands, construct and maintain roadway associated stormwater basins and outfalls, and temporarily impact 2,183' of stream and 0.07 acre of wetland for the purpose of constructing these encroachments.

These encroachments are associated with the SR 31 and PA Turnpike Donegal Interchange realignment and upgrade project (Donegal, PA Quadrangle, Beginning Latitude 40° 6' 39.25" and Longitude -79° 23' 10.26"; Ending Latitude 40° 5' 28.42" and Longitude -79° 20' 51.36") in Donegal Borough and Donegal Township, Westmoreland County. Stream mitigation will occur offsite on Jacobs Creek (WWF) in Mount Pleasant and Bullskin Township in Westmoreland and Fayette Counties (Mount Pleasant, PA Quadrangle, Latitude 40° 8' 14" and Longitude -79° 30' 36"). 0.01 acre of PEM, 0.35 acre of PSS and 0.07 acre of PFO wetland mitigation will occur offsite at the Jacobs Creek Advanced Wetland Compensation site in Bullskin Township, Fayette County (Mount Pleasant, PA Quadrangle, Latitude 40° 8' 6.5" and Longitude -79° 30' 37"). The remaining wetland mitigation will be constructed offsite near Acme Dam in Chestnut Ridge Park, Mount Pleasant Township, Westmoreland County (Donegal, PA Quadrangle, Latitude 40° 6' 50.4" and Longitude -79° 25' 40.1").

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

**E5929-061: SWEPI LP**, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143, Sullivan Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a wood mat bridge impacting 2,250 square feet a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°45'08"N, 76°59'17"W);

2) a temporary road crossing using a wood mat bridge, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 763 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°45'08"N, 76°59'15"W);

3) a 10 inch diameter natural gas gathering line and an 8 inch diameter waterline impacting 167 square feet of a palustrine forested (PFO) wetland (Gleason, PA Quadrangle 41°44'54"N, 76°59'01"W);

4) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a temporary road crossings using wood mat bridges, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 6,851 square feet of a palustrine emergent wetland and 376 square feet of a palustrine forested (PFO) wetland and 90 linear feet of an unnamed tributary to Corey Creek (CWF) (Gleason, PA Quadrangle 41°44'52"N, 76°59'00"W);

5) a temporary road crossing using a wood mat bridge, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 1,072 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°44'50"N, 76°58'54"W);

6) a temporary road crossing using a wood mat bridge, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 790 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°44'50"N, 76°58'54"W);

7) a temporary road crossing using a wood mat bridge, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 1,120 square feet of a palustrine forested (PFO) wetland (Gleason, PA Quadrangle 41°44'49"N, 76°58'53"W);

8) a temporary road crossing using a 20 foot long, 12 inch diameter corrugated metal pipe, a 10 inch diameter

natural gas gathering line, and an 8 inch diameter waterline impacting 90 linear feet of an unnamed tributary to Corey Creek (CWF) (Gleason, PA Quadrangle 41°44'34"N, 76°58'38"W);

9) a 10 inch diameter natural gas gathering line and an 8 inch diameter waterline impacting 1,180 square feet of a palustrine forested (PFO) wetland (Gleason, PA Quadrangle 41°44'28"N, 76°58'33"W);

10) a temporary road crossing using a 20 foot long, 30 inch diameter corrugated metal pipe, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 100 linear feet of an unnamed tributary to Corey Creek (CWF) (Gleason, PA Quadrangle 41°44'27"N, 76°58'25"W);

11) a temporary road crossing using wood mat bridges, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 37 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 2,434 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Gleason, PA Quadrangle 41°44'18"N, 76°57'54"W);

12) a temporary road crossing using wood mat bridges, a 10 inch diameter natural gas gathering line, and an 8 inch diameter waterline impacting 3,533 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 9,302 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Gleason, PA Quadrangle 41°44'23"N, 76°57'47"W).

The project will result in 280 linear feet of temporary stream impacts, 15,296 square feet (0.35 acre) of temporary wetland impacts, and 14,579 square feet (0.33 acre) of permanent wetland impacts all for the purpose of installing natural gas gathering lines, a fresh water line, and associated access roadways. The permittee will provide 0.67 acre of compensatory wetland mitigation in Covington Township, Tioga County (Blossburg, PA Quadrangle 41°44'54"N, 77°03'17"W).

**E5829-110: Lenox Township, Williams Field Services Company, LLC**; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To operate and maintain:

1) a permanent access road crossing impacting 1,695 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Lenoxville, PA Quadrangle; Latitude: 41° 43' 00", Longitude: -75° 42' 29").

The project consists of permitting a previously constructed permanent access road, for the Zick Compressor Station, located in Lenox Township, Susquehanna County. The project resulted in 1,695 square feet (0.04 acre) of permanent wetland impacts.

#### **EROSION AND SEDIMENT CONTROL PERMITS**

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

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative.

Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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*Northwest Region, Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 # ESG15-083-0003—Northern Water Wells

Waterline  
Applicant Seneca Resources Corp  
Contact Doug Kepler  
Address 5800 Corporate Drive, Suite 300  
City Pittsburgh State PA Zip Code 15237  
County McKean Township(s) Sergeant  
Receiving Stream(s) and Classification(s) Warner Brook,  
Tribes 57785, 57786, 57787, 57788 to Warner Brook—  
HQ-CWF

ESCGP-2 # ESX11-019-0076A—Marburger Farm Dairy  
Unit No. 1H 2H—Major Modification

Applicant XTO Energy Inc.  
Contact Melissa Breitenbach  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Forward  
Receiving Stream(s) and Classification(s) UNT to  
Breakneck Creek & Breakneck Creek (WWF)

ESCGP-2 # ESX15-073-0010—Gunn to Siegel Facility  
Pipeline

Applicant Hilcorp Energy Company  
Contact Stephanie McMurray  
Address 1201 Louisiana St. Suite 1400  
City Houston State TX Zip Code 77002  
County Lawrence Township(s) Mahoning  
Receiving Stream(s) and Classification(s) Marshall Run/  
UNT to Coffee Run

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**ACTIONS**

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**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### I. NPDES Renewal Permit Actions

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0053651 (Industrial)	Johnson Matthey GWCU 1401 King Road West Chester, PA 19380-1467	Chester County West Whiteland Township	Valley Creek (3-H)	Yes
PA0050431 A1 (Industrial)	Cott Beverages IWTP 4506 East Acline Drive E Tampa, FL 33605	Delaware County Concord Township	Unnamed Tributary to West Branch Creek (3-G)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0060623 (Sewage)	Quaker Lake WWTP SR 4002, Quaker Lake Rd. Brackney, PA 18812	Susquehanna County Silver Lake Township	Unnamed Tributary to Little Rhiney Creek (4-E)	Yes
PAS212216 (Stormwater)	Berks Products Nazareth Ready Mix Concrete Plant 3110 Bath Pike Nazareth, PA 18064	Northampton County Upper Nazareth Township	Unnamed Tributary to East Branch Monocacy Creek (2-C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0020923— SEW	New Oxford Municipal Auth 409 Water Works Road New Oxford, PA 17350	Adams Co Oxford Twp	South Branch Conewago Creek 7—F	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0045969 (Storm Water)	Northumberland Terminal 1314 Point Township Road Northumberland, PA 17857	Northumberland County Point Township	Unnamed Tributary of Susquehanna River (5-E)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0239577 (Sewage)	Red Bridge Recreation Area STP 4 Farm Colony Drive Warren, PA 16365-5206	McKean County Hamilton Township	Allegheny River (16-B)	Yes
PA0263796 (Sewage)	Robert J. Rylands Properties 4850 Middle Road Allison Park, PA 15101-1118	Forest County Tionesta Township	Allegheny River (16-E)	Yes

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


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

**NPDES Permit No. PA0011428**, Industrial Stormwater, Amendment, **PBF Logistics Products Terminals, LLC**, 1 Sylan Way, Second Floor, Parsippany, NJ 07054.

This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Permit is being transferred from Plains Products Terminals, LLC to the above permittee. NPDES Permit No. PA0011088, Industrial Stormwater, Amendment, PBF Logistics Products Terminals, LLC, 1 Sylan Way, Second Floor, Parsippany, NJ 07054.

This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Permit is being transferred from Plains Products Terminals, LLC to the above permittee.

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

**NPDES Permit No. PA0100838**, Industrial, SIC Code 4941, **Barkeyville Municipal Authority**, 1610 Barkeyville Road, Grove City, PA 16127-7904.

This existing facility is located in Barkeyville Borough, **Venango County**.

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

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


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*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

**WQM Permit No. 1500421**, Sewage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425.

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

Description of Action/Activity: Approval for renewal of a WQM Part II Permit to allow continued operation of the Route 100 Regional Wastewater Treatment Plant.

**WQM Permit No. 4615413**, Sewage, Transfer, **Upper Gwynedd Township**, PO Box 1 Parkside Place, West Point, PA 19486-0001.

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

Description of Action/Activity: Thirteen (13) sewer lines are being merged into one new sewer extension. The following permit numbers are: 4647401, 4674408, 4674414, 4675410, 4678453, 4678468, 4679419, 4679444, 4680444, 4683431, 4687440, 7665053 and 765513.

**WQM Permit No. 4615414**, Sewage, Transfer, **Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446.

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

Description of Action/Activity: Thirty (30) sewer lines are being merged into one new sewer extension. The following permit numbers are: 4679446, 4672412, 4674402, 4675424, 4676422, 4676424, 4677404, 4677415, 4678414, 4678437, 4678444, 4678455, 4679414, 4679469, 4679470, 4680417, 4680423, 4680447, 4681402, 4681452, 4682422, 4682438, 4683409, 4683420, 4684407, 4685410, 4685436, 4685455, 4678418 and P765S13.

**WQM Permit No. 4616401**, Sewage, **Borough of Bryn Athyn**, P.O. Box 683, 2835 Buck Road, Bryn Athyn, PA 19009.

This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Action/Activity: Modification of aeration system to an anoxic-aerobic activated sludge process for reate-nitrate removal.

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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI015114011-6B	Liberty Property Limited Partnership 1628 John F. Kennedy Boulevard Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAI010916004	Gorski Engineering, Inc. 1 Iron Bridge Drive Collegeville, PA 19426	Bucks	Milford Township	Unnamed Tributary to Molasses Creek HQ-TSF-MF



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151004-R	Uwchlan Township 715 North Ship Road Exton, PA 19341	Chester	Uwchlan Township	Pine Creek Watershed HQ West Valley Creek Watershed CFW-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024815016	Moravian College c/o Ms. Amber Donato 1200 Main Street Bethlehem, PA 18018	Northampton	City of Bethlehem	Monocacy Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032115003 Issued	Woodstock Watch, LLC	Cumberland	South Middleton Township	Letort Spring Run (HQ-CWF, MF)
PAI032115006 Issued	Pennsylvania Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Cumberland	Middlesex Township	Letort Spring Run (Designated Use CWF, MF; Existing Use HQ-CWF, MF) Hogestown Run (Designated Use CWF, MF) Conodoguinet Creek (Designated Use WWF, MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403006R	Stearns Boal, LP 100 N. Patterson Street State College, PA 16801	Centre	College Township	Spring Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050214003-1	Regional Industrial Development Corp. of SW PA 210 Sixth Avenue Suite 3620 Pittsburgh, PA 15222-2602	Allegheny County	City of Pittsburgh	Monongahela River (WWF, N)
PAI050214006	ALMONO, LP 210 Sixth Avenue Suite 3620 Pittsburgh, PA 15222-2602	Allegheny County	Bell Acres Borough	UNT to Little Sewickley Creek (HQ-TSF), and UNT to Big Sewickley Creek (TSF)
PAI050216003	Three Rivers Trust 10960 Wilshire Boulevard Fifth Floor Los Angeles, CA 90024	Allegheny County	Edgeworth Borough, Leet Township, and Leetsdale Borough	Little Sewickley Creek (HQ-TSF), and Ohio River (WWF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056315010	Scott Payne 160 Lake Drive Wexford, PA 15090	Washington County	Peters 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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Swarthmore Borough Delaware County	PAG02002315039	Swarthmore College 500 College Avenue Swarthmore, PA 19081	Crum Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lehighon Borough Carbon County	PAG02001315004(1)	Blakeslee Commons, LLC 2216 Willow Park Rd. Bethlehem, PA 18020	Mahoning Creek (CWF, MF)	Carbon County Conservation District 610-377-4894
South Abington Township Lackawanna County	PAG02003516003	Millett Real Estate 101 Old Lackawanna Trail Road Clarks Summit, PA 18411	Leggetts Creek (TSF, MF)	Lackawanna County Conservation District 570-392-3086

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Old Forge Borough & Ransom Township Lackawanna County and Exeter Township Luzerne County	PAG02003515019(1)	PPL Electric Utilities Corp. 1639 Church Road Allentown, PA 18101	S1-Susquehanna River (WWF, MF) S2-UNT to Susquehanna River (CWF, MF) S3-UNT to Red Spring Run (CWF, MF) S4-UNT to Red Spring Run (CWF, MF) S5-UNT to St. John's Creek (CWF, MF) S6-UNT to St. John's Creek (CWF, MF) S7-UNT to St. John's Creek (CWF, MF) S8-St. John's Creek (CWF, MF) S9-UNT to Susquehanna River (CWF, MF) S10-UNT to Susquehanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Plymouth Township Luzerne County	PAG02004016001	Dept of Conservation and Natural Resources Bureau of Forestry c/o Daniel Devlin 400 Market St. P.O. Box 8552 Harrisburg, PA 17105-8552	UNT to Hunlock Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Tunkhannock Township Wyoming County	PAG02006616003	Ace Robbins, Inc. 4022 SR 6 Tunkhannock, PA 18657	Tunkhannock Creek (CWF, MF)	Wyoming County Conservation District 570-836-2589

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Manor Township, Lancaster County	PAG02003616022	Murry Construction Land Development 1899 Lititz Pike Lancaster, PA 17601	UNT Little Conestoga Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Lampeter Township Lancaster County	PAG02003616001	Tanger Properties LP/501 Hospitality Management 3200 Northline Avenue Suite 360 Greensboro, NC 27408	Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
West Earl Township Lancaster County	PAG02003616004	Elam Horning 175 South Farmersville Road Leola, PA 17540	UNT Groff Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Hempfield Township Lancaster County	PAG02003616015	Hans Richter 1021 Commercial Avenue East Petersburg, PA 17520	Little Conestoga Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Lancaster City Lancaster County	PAG02003616037	1801 Dillerville Road, LP 2450 Marietta Avenue Lancaster, PA 17601	UNT Little Conestoga Creek (WWFP)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Lampeter Township Lancaster County	PAG02003615085	Fredrick Frattaroli 973 East Main Street Palmyra, PA 17078	UNT Mill Creek (WWF/CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Warwick Township Lancaster County	PAG02003616020	Timothy Martin 337 East Lexington Road Lititz, PA 17543	Hammer Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Ephrata Township Lancaster County	PAG02003616050	Daniel Burkholder 211 Meadow Valley Road Ephrata, PA 17522	Meadow Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Mount Joy Township Lancaster County	PAG02003616034	L. Clair Miller 9192 Elizabethtown Road Elizabethtown, PA 17022	Conoy Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Hempfield Township Lancaster County	PAG02003615123	Jay Mahadev, LLC 2059 North Reading Road Denver, PA 17517	UNT Brubaker Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Manheim Township Lancaster County	PAG02003615131	BFW Group 1650 Crooked Oak Drive Suite 300 Lancaster, PA 17601	UNT Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Strasburg Township Lancaster County	PAG02003615133	Hartman Bridge, LLC 227 Granite Run Drive Lancaster, PA 17601	Pequea Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Hempfield Township Lancaster County	PAG02003615135	Geoffrey McCollom 3331 Columbia Avenue Lancaster, PA 17603	West Branch Little Conestoga Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Manheim Township Lancaster County	PAG02003615138	Samuel Beiler 10096 May Post Office Road Quarryville, PA 17566	Bachman Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Paradise Township Lancaster County	PAG02003615141	Paul Schultz 21 Ambassador Drive Paradise, PA 17562	Eshleman Run (CWF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Lampeter Township Lancaster County	PAG02003616031	Jacob Stoltzfus 932 Hartman Station Road Lancaster, PA 17601	Stauffer Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Ephrata Borough Lancaster County	PAG02003616033	Kirby Sensenig 705 Swamp Bridge Road Denver, PA 17517	Indian Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Manor Township Lancaster County	PAG02003616039	Tom Barley 175 Chestnut Grove Road Conestoga, PA 17516	2 UNTs to Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Rapho Township Lancaster County	PAG02003616044	Edwin Zimmerman 608 Fairview Road Manheim, PA 17545	Back Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361

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Penn Township Lancaster County	PAG02003616056	Kreider Farms 453 South Penryn Road Manheim, PA 17545	UNT Chickies Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Warwick Township Lancaster County	PAG02003615129	Randall Hess 15 Meadow Lane Lancaster, PA 17601	New Haven Run (CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Donegal Township	PAG02003616047	Chad Fernald 629 Union School Road Mount Joy, PA 17552	Little Chickies Creek, UNT Donegal Creek (TSF, MF, CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Upper Leacock Township Lancaster County	PAG02003615093	Lancaster New Holland Real Estate Inc. PO Box 12425 Lancaster, PA 17605	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Manheim Township Lancaster County	PAG02003616029	Lancaster Country Day School 725 Hamilton Road Lancaster, PA 17603	UNT Little Conestoga Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Lampeter Township Lancaster County	PAG02003616032	Fred Clark 2205 Old Philadelphia Pike Lancaster, PA 17601	Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Fulton Township Lancaster County	PAG02003616035	Mary Clark 248 Pilottown Road Peach Bottom, PA 17563	Conowingo Creek (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Tulpehocken Township Berks County	PAG02000616001	Glen Hoover 183 Nolt Lane Myerstown, PA 17067	Little Swatara Creek (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Reading Berks County	PAG02000616003	Nature Place 25 North 11th Street Reading, PA 19601	Angelica Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Albany Township Berks County	PAG02000616010	Kline Construction Company 217 Old State Road Boyertown, PA 19512	UNT Maiden Creek (TSF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Exeter Township Berks County	PAG02000616017	GW Storage World, LLC One Caramist Drive Sinking Spring, PA 19608	Antietam Creek (CSF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Borough of Carlisle Cumberland County	PAG02002116007	Borough of Carlisle 415 Franklin Street Carlisle, PA 17013	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 (717) 240-7812
Shippensburg and Southampton Townships Cumberland County	PAG02002114019(1)	Shippensburg Investors, LP 770 Township Line Road Suite 150 Yardley, PA 19067	Middle Spring Creek (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 (717) 240-7812
Silver Spring and Hampden Townships Cumberland County	PAG02002116014	Cumberland Valley School District 6746 Carlisle Pike Mechanicsburg, PA 17050	Conodoguinet Creek (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 (717) 240-7812
Silver Spring Township Lancaster County	PAG02002116002	CISPT, LP 3906 Market Street Camp Hill, PA 17011	Hogestown Run (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 (717) 240-7812
West Pennsboro Township Lancaster County	PAG02002116006	Pennsylvania Builders and Developers, LLC 337 Lincoln Street Carlisle, PA 17015	UNT Conodoguinet (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 (717) 240-7812

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Pennsboro Township Lancaster County	PAG02002116004	Presbyterian Homes, Inc. One Trinity Drive East Ste 201 Dillsburg, PA 17019	Big Spring Creek (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 (717) 240-7812
Lykens Township Dauphin County	PAG02002216007	Elam & Naomi Lapp 420 Weaver Road Millersburg, PA 17061	Mahantango Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township and Steelton Borough Dauphin County	PAG02002216008	UGI Energy Services 417 Walnut Street Harrisburg, PA 17101	Susquehanna River (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG02002216002	Weis Markets, Inc. PO Box 471 Sunbury, PA 17801	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG02002216010	UPS, Inc. 1821 South 19th Street Harrisburg, PA 17104	Susquehanna River (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
City of Harrisburg Dauphin County	PAG02002216004	Meridian Recycling Ltd. 651 Alricks Street Harrisburg, PA 17110	Susquehanna River (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Mifflin Township Dauphin County	PAG02002216005	Hen House Storage, LLP 546 Mohr Road Millersburg, PA 17061	Wiconisco Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG02002216003	Pennsylvania Department of Transportation 2140 Herr Street Harrisburg, PA 17103	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
East Hanover Township Lebanon County	PAG02003815029	John Frey 732 Ono Road Annville, PA 17003	UNT Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
South Annville Township Lebanon County	PAG02003816007	Mark Sallada 28 Sherks Church Road Palmyra, PA 17078	Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275



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East Hanover Township Lebanon County	PAG02003816003	Jonathan Byler 201 Iron Valley Drive Lebanon, PA 17042	Raccoon Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
North Cornwall Township Lebanon County	PAG02003816005	Bruce Sensenig 400 Spangler Road Lebanon, PA 17042	Beck Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Union Township Lebanon	PAG02003815009(1)	Darin Russell 100 MSC Drive Jonestown, PA 17038	UNT Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Union Township Lebanon County	PAG02003816011	Doug Vene 1301 AIP Drive Middletown, PA 17057	UNT Qureg Run (WWF, MF) UNT Swatara Creek (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Palmyra Borough Lebanon County	PAG02003816009	Roger Powl 325 South Railroad Street Palmyra, PA 178078	UNT Spring Creek (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Swatara Township Lebanon County	PAG02003804038RR	Red School, LLC 3335 Morgantown Road Mohnton, PA 19540	Little Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Union Township Lebanon County	PAG02003809011R(29)	Robert F. Hepner, Jr. Training Site Headquarters (FTIG-GC) Building T-0-1 Annville, PA 17003	Aires Run (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Cumberland Township Adams County	PAG02000115038	James E. Paddock 1777 Fairfield Road Gettysburg, PA 17325	UNT Marsh Creek (CWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
Berwick Township Adams County	PAG02000114017(1)	Cambrian Hills, LP 160 Ram Drive Hanover, PA 17331-8813	UNT South Branch Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Reading Township Adams County	PAG02000115035	Hillandale Gettysburg, LP 3910 Oxford Road Gettysburg, PA 17325	South Branch Mud Run (WWF) UNT Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
Huntington Township Adams County	PAG02000116005	Crystal Imagery, Inc. 1741 Myerstown Road Gardners, PA 17324	Bermudian Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
Walker Township Juniata County	PAG02003415004	Alan Naylor 1243 Pfoutz Valley Road Millersgown, PA 17062	UNT Juniata River (CWF, MF)	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059-8709 (717) 436-8953
Walker Township Juniata County	PAG02003416002	Jamie Hockenberry 432 Flint Road Mifflintown, PA 17059	UNT Doe Run (TSF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 (717) 240-7812
Union Township Mifflin County	PAG02004416001	John Smoker 495 Lewistown Road Belleville, PA 17004	Kishacoquillas Creek (CWF)	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 (717) 248-4695
Wheatfield Township	PAG02035016001	Christopher and Amber Willhide 362 Linton Hill Road Duncannon, PA 17020	Dornback Run (CWF)	Perry County Conservation District 31 West Main Street PO Box 36 New Bloomfield, PA 17068 (717) 582-8988
Manchester Township York County	PAG02006715096	Kinsley Equities II, LP 6259 Reynolds Mill Road Seven Valleys, PA 17360	UNT Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG02006713034-1	York County Solid Waste & Refuse Authority Dave Vollero 2700 Blackbridge Road York, PA 17406	Codorus Creek/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Manchester Borough York County	PAG02006715086	Thornton Investments, Inc. Bill Thornton 180 South Main St Manchester, PA 17345	Hartman Run/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Codorus Township York County	PAG02006715040	Gutman Brothers, LTD 1333 Krafts Mill Road Spring Grove, PA 17362	Codorus Creek/ WWF, TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG02006708023-1	FR Leo Lane Property Holding, LP c/o First Industrial Realty Trust, Inc. 707 Eagleview Blvd Suite 110 Exton, PA 19341	Billion Run/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG02006715024-1	York Pennsylvania Hospital Company, LLC 325 South Belmont Street York, PA 17403	Willis Run/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township York County	PAG02006715056-1	Columbia Gas of Pennsylvania Jonathan M. Kilmer 1600 Colony Rd York, PA 17408	Little Conewago Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manheim Township York County	PAG02006715088	Hanover Area YMCA 1013 Baltimore St Hanover, PA 17331	Indian Run/WWF and South Branch Conewago Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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

*Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Boggs Township Centre County	PAG02001414010(1)	Bald Eagle Area HS 751 S Eagle Valley Rd Wingate, PA 16823	Bald Eagle Creek TSF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Shamokin Dam Borough Snyder County	PAG02005516002	Arboreal Real Estate Northwoods Nissan 2039 Susquehanna Tr Hummels Wharf, PA 17831	UNT to Susquehanna River WWF/MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110
Buffalo Township Butler County	PAG02001010004R	F and H Development LLC 4359 Gibsonia Road Gibsonia, PA 15044	Sarver Run HQ-TSF	Butler County Conservation District 724-284-5270

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams Township Butler County	PAG02001016007	TOA Adams Land LP Attn: Mr. David O. Biddison 201 King of Prussia Rd, Suite 370 Radnor, PA 19087	UNT Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001016014	Thornhill GW LLC 302 W Third St, Suite 800 Cincinnati, OH 45202	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001016015	One American Way LLC Attn: Mr. John Wambold 428 Boulevard of the Allies Suite 600 Pittsburgh, PA 15219	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Strattenville Borough and Clarion Township Clarion County	PAG02001616003	PA American Water 425 Waterworks Road Clarion, PA 16214	Brush Run & UNT Brush Run CWF	Clarion County Conservation District 814-297-7813
North East Township Erie County	PAG02002515035	Robert Mazza Inc 11815 East Lake Road North East, PA 16428	UNT Lake Erie CWF; MF	Erie County Conservation District 814-825-6403
Washington Township Erie County	PAG02002516002	Edinboro Fire Department 125 Meadville Street Edinboro, PA 16412	Conneauttee Creek above outlet of Edinboro Lake WWF	Erie County Conservation District 814-825-6403
Greene Township Erie County	PAG02002516005	Greene Township 9333 Tate Road Erie, PA 16509	Four Mile Creek WWF-MF; Walnut Creek CWF-MF; LeBoeuf Creek MF-TSF	Erie County Conservation District 814-825-6403
Harborcreek Township Erie County	PAG02002516008	Raylen Enterprises 3017 Buffalo Road Erie, PA 16510	Lake Erie CWF	Erie County Conservation District 814-825-6403
McKean Township Erie County	PAG02002516010	Toby Properties Inc 5106 Walnut Bridge Erie, PA 16506	UNT Elk Creek CWF; MF	Erie County Conservation District 814-825-6403
Summit Township Erie County	PAG02002516012	Erie Downs LLC c/o Greg Hurley 300 Pisgah Road Eads, TN 38028	Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Millcreek Township Erie County	PAG02002516015	JP Realty Group LLC 3028 McKe Road Erie, PA 16506	UNT Cascade Creek WWF; MF	Erie County Conservation District 814-825-6403
Shenango Township Mercer County	PAG02004316002	Courtland Inestment Properties LLC PO Box 5506 New Castle, PA 16105	UNT Shenango River WWF	Mercer County Conservation District 724-662-2242
Liberty Township Mercer County	PAG02004316014	Living Treasures Wild Animal Park 268 Fox Road New Castle, PA 16101	Black Run and UNT Black Run CWF	Mercer County Conservation District 724-662-2242
Cresson Township, Sankertown Borough, Gallitzin Township, Cambria County, and Allegheny Township, Blair County	PAG02091116006	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed Tributaries (CWF) to Clearfield Creek (WWF), Bradley Run (CWF), Unnamed Tributary (CWF) to Bradley Run (CWF), Sugar Run (CWF)	Attention: Patrick M. Webb  PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Canton Borough, Bradford County (Industrial Stormwater)	PAR124805	H. Rockwell & Son 430 Troy Street P.O. Box 197 Canton, PA 17724-1043	Mill Creek—4-C	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Bradford Township Clearfield County	PAR224831	Domtar Paper Co. LLC 100 W Center Street Johnsonburg, PA 15845-1444	Unnamed Tributary to Roaring Run—8-C	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Pine Township Mercer County	PAR808328	Tri County Landfill Inc. 159 TCI Park Drive Grove City, PA 16127	Unnamed Tributary to Black Run—20-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street, Meadville, PA 16335-3481 814.332.6942

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

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Nathan Fiddler 306 East Lexington Rd. Lititz, PA 17543	Lancaster	30.9	407.26	Broilers/Swine	NA	A
Randall Clugston 2916 Safe Harbor Rd. Millersville, PA	Lancaster	85	351.25	Layers	NA	A

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Mike Buckwalter 350 Rock Point Rd. Marietta, PA 17547	Lancaster	254.7	478.34	Swine/Beef	NA	A
Walnut Run Farms 292 Elm Rd. Lititz, PA 17543	Lancaster	1,112.8	1,901.38	Dairy	NA	A
Makin Bacon, LLC 1808 Bailey Corners Road Granville Summit, PA 16926	Bradford	332.8	813.36	Dairy & Swine	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 0915530**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Bristol
County	<b>Bucks</b>
Type of Facility	PWS

Consulting Engineer	GHD 1240 Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	May 31, 2016

**Permit No. 1516507, Minor Amendment.** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	West Brandywine
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	June 3, 2016

**Permit No. 4616505, Minor Amendment.** Public Water Supply.

Applicant	<b>Ambler Borough</b>
Township	Upper Dublin
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Gilmore & Associates 350 East Butler Avenue New Britain, PA 18901
Permit to Operate Issued	June 2, 2016

**Operations Permit # 4616507** issued to: **Manufactures Golf and Country Club**, 511 Dreshertown Road, P.O. Box 790, Fort Washington, PA 19034, [(PWSID)] Upper Dublin Township, **Montgomery County** on June 2, 2016 for the operation of relocation of the chlorine injection point and addition of chlorine contact piping facilities approved under construction permit # 4616507.

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

**Permit. 4016502MA**, Public Water Supply.

Applicant	<b>PA American Water</b> 800 W. Hershey Park Drive Hershey, PA 17033
[Borough or Township]	Plain Township <b>Luzerne County</b>

Responsible Official Mr. David Kaufman  
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Jeremy Nelson, PE  
P A American Water Company  
2699 Stafford Avenue  
Scranton, PA 18505

Permit to Construct Issued 05/10/2016

**Permit No. 1316501MA, Public Water Supply.**

Applicant **Borough Of Jim Thorpe**  
101 East 10th Street  
Jim Thorpe, PA 18229-2582

[Borough or Township] Jim Thorpe Borough  
**Carbon County**

Responsible Official Maureen Sterner  
Borough Manager  
101 East 10th Street  
Jim Thorpe, PA 18229-2582

Type of Facility PWS

Consulting Engineer Entech Engineering Inc.  
Jonathan Hawkes, PE  
201 Penn Street  
Reading, PA 19602

Permit to Construct Issued 05/10//2016

**Permit No. 3916501, PWS Major Amendment.**

Applicant **Lehigh County Authority**  
PO Box 3348  
Allentown, PA 18106-3348

[Borough or Township] North Whitehall Townships  
**Lehigh County**

Responsible Official Liesel M. Gross  
Lehigh County Authority  
1053 Spruce Street  
PO Box 3348  
Allentown, PA 18106-3348

Type of Facility Public Water Supply

Consulting Engineer Stephen A. Marcino, P.E.  
Johnson, Mirmiran and  
Thompson  
1600 Market Street, Suite 520  
Philadelphia, PA 19103

Permit to Construct Issued May 10, 2016

**Permit No. 3915509, PWS Major Amendment.**

Applicant **Lehigh County Authority**  
PO Box 3348  
Allentown, PA 18106-3348

[Borough or Township] Lynn Township  
**Lehigh County**

Responsible Official Liesel M. Gross  
Lehigh County Authority  
1053 Spruce Street  
PO Box 3348  
Allentown, PA 18106-3348

Type of Facility Public Water Supply

Consulting Engineer Stephen A. Marcino, P.E.  
Johnson, Mirmiran and  
Thompson  
1600 Market Street, Suite 520  
Philadelphia, PA 19103

Permit to Construct Issued April 27, 2016

**Operation Permit No. 2520089, Public Water Supply.**

Applicant **Pocono Mt. Lake Estates  
Community Assn.**  
49 Pocono Mountain Lake  
Estates Road  
Bushkill, PA 18324

[Borough or Township] Lehman Township  
**Pike County**

Responsible Official Tony Pirozzi, President  
Pocono Mt. Lake Estates  
Community Assn.  
49 Pocono Mountain Lake  
Estates Road  
Bushkill, PA 18324

Type of Facility PWS

Consulting Engineer Michael Gable, PE  
Boucher & James, Inc.  
2738 Rim Rock Road  
Stroudsburg, PA 18360

Permit to Construct Issued 04/28/2016

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

**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.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department's review of the project and the information received in the Uniform Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on May 11, 2016.

Consulting Engineer Joshua T. Fox, P.E.  
Herbert, Rowland & Grubic, Inc.  
369 East Park Drive  
Harrisburg, PA 17111

Permit to Construct 4/28/2016  
Issued

**Operation Permit No. 3112502** issued to: **Huntingdon Borough (PWS ID No. 4310012)**, Huntingdon Borough, **Huntingdon County** on 5/31/2016 for facilities approved under Construction Permit No. 3112502.

**Operation Permit No. 2815503 MA** issued to: **Franklin County General Authority (PWS ID No. 7280045)**, Greene Township, **Franklin County** on 6/1/2016 for facilities approved under Construction Permit No. 2815503MA.

**Operation Permit No. 2116502 MA** issued to: **Shippensburg Borough Authority (PWS ID No. 7210043)**, Shippensburg Borough, **Cumberland County** on 6/1/2016 for facilities approved under Construction Permit No. 2116502MA.

**Operation Permit No. 3060478** issued to: **Lois Heinly (PWS ID No. 3060478)**, Exeter Township, **Berks County** on 6/1/2016 for facilities at Stonersville Hotel submitted under Application No. 3060478.

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

**Operation Permit** issued to **Jay Township Water Authority, PWSID No. 6240005**, Jay Township, **Elk County**. Permit Number 2412503 issued May 31, 2016 for the operation of the recently repaired and rebuilt filters in the Jay Township Water Treatment Plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 27, 2016.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Newtown Township	209 Bishop Hollow Road Newtown Square, PA 19073	Delaware

On June 1, 2016, the Southeast Regional office approved the Act 537 Official Plan revision for the Ellis Preserve Townhouses in Newtown Township, Delaware County (APS ID No. 912478, AUTH ID No. 1132542). The Official Plan revision consists of 76 townhouse units on 24 acres. The proposed development is located at the intersection of Newtown and Goshen Roads in Newtown Township, Delaware County.

This project will be connected to the Newtown Township Delaware County Municipal Authority (NTDCMA) conveyance system and will generate 17,100 gallons of sewage per day to be treated at the DELCORA Wastewater Treatment Facility or the City of Philadelphia Southwest Water Pollution Control Plant.

Planning approval is also granted through this revision for a sewage pumping station that will be dedicated to

NTDCMA, which will convey sewage flows from the Ellis Preserve property to the existing interceptor in Newtown Road. The pumping station will be located south of the Newtown Friends Meeting and School property, as depicted on the site plan entitled Offsite Sanitary Sewer to Townhouse Pump Station, prepared by ESE, dated August 21, 2015, and last revised on May 10, 2016. The pump station will have average design flows of 185,000 gallons per day. NTDCMA must secure a Department permit for the construction and operation of the proposed sewage pumping station.

The pumping station will serve the following uses on the Ellis Preserve property, as noted in the revised project narrative in the resubmission dated April 17, 2014, and last revised May 20, 2016, and as contemplated in Newtown Township’s approved 2013 Act 537 plan update:

1. Sector 1—Office space and the Ellis Preserve Town Center Multifamily development.
2. Sector 2—Office space.
3. Sector 3—The Ellis Preserve Townhouses A-O Zoning District Lot 1.
4. Sector 4—Existing Building Improvement and Main Line Health facility.

Currently only the Ellis Preserve Townhouses A-O Zoning District Lot 1 is approved to utilize the proposed pumping station. Sectors 1, 2 and 4 must complete sewage facilities planning modules or receive planning exemptions prior to connecting to the pumping station.

The pump station is proposed to be designed to ultimately accept flows from the Liseter Pump Station (FKA Ashford Pumping Station). However, additional sewage facilities planning must be completed by Newtown Township and approved by the Department before any diversion of flows from the Lister Pump Station’s force main to this pump station may occur.

*Southwest Regional Office, Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Jefferson Hills Borough	925 Old Clairton Rd. Clairton, PA 15025-3133	Allegheny

*Plan Description:* The approved plan is a companion plan with Phase I of a 537 plan approved for the Clairton Municipal Authority (CMA). The plan provides for upgrade of the CMA pump station and improvements in the Peters Creek Interceptor. The plan also provides for the extension of sanitary sewers and construction of a pump station to serve the Coal Valley portion of the Borough. The Departments review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Hempfield Township	3401 Marietta Avenue Lancaster, PA 17601	Lancaster



*Plan Description:* Approval of a revision to the official plan of West Hempfield Township, Lancaster County. The project is known as West Hempfield Township Act 537 Plan Amendment to the Lancaster Area Sewer Authority Regional Act 537 Plan. The plan provides for a low pressure sewage system with grinder pumps as the selected alternative to serve 52 edus or 18,200 gpd. The selected alternative results in the expansion of the service area to accommodate parcels that previously could not be served, due to cost or technical issues.

The proposed development is located in the Raintree Road area of West Hempfield Township, Lancaster County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is B1-36960-ACT and the APS Id is 616919. Any permits must be obtained in the name of the Lancaster Area Sewer Authority.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Walker Township	816 Nittany Valley Drive Bellefonte, PA 16823	Centre

*Plan Description:* The approved plan calls for the Spring-Benner-Walker Joint Authority to permit, construct, own, and operate an upgraded Pump Station 7. The pump station upgrade consists of the installation of a larger wet well and new pumps operated via variable frequency drive controls. It is estimated that the proposed pump station upgrade will cost \$797,500.00, with the Spring-Benner-Walker Joint Authority utilizing capital reserve funds to cover the cost of the upgrade. The plan notes that no rate payers will incur increased fees as a result of the proposed project. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Spring-Benner-Walker Joint Authority.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Under the Pennsylvania Sewage Facilities Act**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Walker Township	9698 William Penn Highway Thompsontown, PA 17094	Juniata

*Plan Description:* The request for an exception to the requirement to revise the Official Plan for the Daisy R. Clark Subdivision, DEP Code No. A3-34917-205-1, APS Id 916186, is disapproved. The purpose of this subdivision is to create six new single family residential building lots to use individual onlot sewage disposal systems. The project is located along West River Road, north of the junction with Route 75 North. The application is denied because, According to Walker Township's Act 537 Official Plan, the subdivision is within 1/4 mile of a well with nitrate-nitrogen concentrations exceeding 5ppm. In accordance

with Chapter 71, Section 71.62(c)(2), a Component 2 module submission with a preliminary hydrogeological study is required for this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	185 Manors Rd. Elizabethville, PA 17023	Dauphin

*Plan Description:* The request for a planning exemption for the William C. and Ellen L. Mattern Subdivision, DEP Code No. A3-22935-117-3E, APS Id 915120, is disapproved. The purpose of this subdivision is to create four new single family residential lots that will use Washington Township Authority's sewers and wastewater treatment plant. The project is located north of Route 209, at the junction with Park Lane. The application is denied because it proposes the connection to or extension of public sewers where the existing collection, conveyance or treatment facilities have an existing or 5-year projected hydraulic or organic overload under Chapter 94 (see Chapter 71, Section 71.51(b)(2)(ii)). The proposal may be resubmitted using the Component 3 module forms.

**NOTICE OF INTERIM RESPONSE UNDER THE HAZARDOUS SITES CLEANUP ACT**

**Former Torch Mill Lumber Site  
Carbondale City, Lackawanna County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.101 et seq. (HSCA), has initiated a prompt interim response action at the Former Torch Lumber Mill Site (Site). This response will be undertaken pursuant to Sections 505(b) and (c) of HSCA, 35 P.S. § 6020.505(b) and (c). The Site is located at 45 Clarke Ave. in Carbondale City, Lackawanna County, PA.

The Site was owned and operated by Joseph Torch and his wife Rosella Torch and formerly used as a lumber mill and treatment facility, which included arsenic and creosote lumber production. Following Joseph Torch's death on or about January 9, 2003, the property was owned by his wife, Rosella Torch. The Department initially became involved in the site on February 25, 2003, when Storage Tank Section staff investigated a complaint of contamination at the Site. An inspection of the Site revealed at least 2 unregistered aboveground storage tanks. The tanks held hazardous substances (creosote and chromate copper arsenate or "CCA") that were used in wood preserving operations. A release of regulated substances (creosote/CCA) had been observed and a site characterization was requested to be conducted. Following Rosella Torch's death on July 26, 2003, the site was under the control of the Joseph/Rosella Torch Estate(s). On February 6, 2008, representatives from the Department met with attorneys and consultants for the Rosella Torch Estate, at the former Torch Lumber Mill Site. The Department described the work that needed to be completed with regard to the site characterization at the facility where contamination from petroleum, creosote, and possibly CCA existed. The need for groundwater characterization, the location of an alleged injection well, and possible funding sources for characterization and cleanup were discussed.

In February 2012, vandals removed large metal vats which formerly contained suspected creosote sludge. The suspected creosote sludge material was dumped on the ground. Additionally, several structures were known to contain asbestos materials.

In 2012, the Department learned that the Site was purchased at a Lackawanna County Judicial Tax Sale by Balaji Investments, LLC. The Department subsequently met with representatives of Balaji to discuss the environmental concerns associated with the Site. At that time, Balaji informed the Department that it was in the process of rescinding its purchase of the Site. The Department repeatedly requested that Balaji provide access to the Department to continue implementation of its site characterization activities. Balaji did not respond to the Department's requests for access. Therefore, on May 27, 2014, the Department issued an Administrative Order requiring Balaji to grant access.

Based upon the fact that a release of a hazardous substance as defined by HSCA has occurred and that the threat of a release of hazardous substances exists and that an ongoing release is likely if no actions are taken, the Department is authorized to undertake a response action at this Site under Section 501(a) of HSCA, 35 P.S. § 6020.501(a).

A Prompt Interim Response is justified at this Site for the following reasons: Characterization and removal of the hazardous substances and wastes is needed in a time frame that prohibits developing and closing an administrative record prior to response initiation given the condition of the building and the potential threats to public health and the environment. This prompt interim response action will cost less than \$1 million and take less than 1 year to implement.

The Department is undertaking a prompt interim response at the Site pursuant to its authority under Section 501(a) of HSCA, 35 P.S. § 6020.501(a). Prompt action is necessary to protect the public health, safety, and the environment from the release and threat of release of hazardous substances from the Site. The Department evaluated two alternatives for this proposed response which include: 1) no action; and 2) Waste Removal and Off-site Disposal.

The Department has chosen Waste Removal and Off-Site Disposal as the Prompt Interim Response action for the former Torch Lumber Mill Site. This alternative is protective of human health and the environment, is feasible, implementable, and cost effective.

This notice is being provided pursuant to Section 506(b) of HSCA. The Administrative Record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA, and at the City of Carbondale Municipal Building, 1 North Main Street, Carbondale, PA. It is available for review at the Regional Office Monday through Friday from 8 a.m. to 4 p.m. and at the Municipal Building, Office of the City Clerk, Monday through Friday from 9 a.m. to 4 p.m.

The Administrative Record will be open for comment through September 16, 2016. Persons may submit written comments into the Record during this time only, by sending them to Jonathan Ulanoski, Project Officer, at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701, or by delivering them to that office in person.

In addition, persons may present oral comments on the response action, for inclusion in the Administrative Record, at a public hearing scheduled for July 20, 2016, at 10:00 a.m. at the City of Carbondale Municipal Building, City Council Chambers, 2nd Floor. Persons wishing to present testimony at the hearing should register with

Jonathan Ulanoski before July 13, 2016, by telephone at (570) 826-5546, or in writing to Jonathan Ulanoski at the Department's Northeast Regional Office. The testimony at the public hearing will be limited to the prompt interim response. If no person registers to present oral comments by the date specified above, the hearing will not be held.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Jonathan Ulanoski or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

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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:

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

**Mr. Paul Clossen Property/Ms. Jeanne Roadarmel Property, 327 Orchard Drive, Franklin Township, Columbia County.** Reliance Environmental, Inc., 235

North Duke Street, Lancaster, PA 17602 on behalf of Mr. Paul Clossen, 327 Orchard Drive, Catawissa, PA 17820, submitted a Final Report concerning remediation of site soils contaminated with kerosene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Taber Express Transport, Inc.**, Interstate 80 MM203.4E, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Maria Friedrich, Tabor Express Transport, Inc., 565 Anderson Drive, Unit B, Romeoville, IL 60446 submitted a Final Report concerning remediation of site soil and surface water contaminated with Diesel Fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Pat Farrell Rental Property**, 211 & 231 Stonetown Road, Birdsboro, PA 19508, Exeter Township, Berks County. Liberty Environmental, 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of Mutual Benefit Group, 409 Penn Street, Huntingdon, PA 16652, and Pat Farrell, 4215 D St. Lawrence Avenue, Reading, PA 19606 submitted a Final Report concerning remediation of site groundwater contaminated with # 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**National Heat & Power**, 1633 South 49th Street, City of Philadelphia, **Philadelphia County**. Jennifer L. Gresh, P.G., Duffield Associates, Inc., 211N 13th Street, Suite 704, Philadelphia, PA 19107 on behalf of Monica Trudeau, P.E., Philadelphia Authority for Industrial Development, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Final Report concerning remediation of site soil contaminated with vocs, pahs, and lead. The report is intended to document remediation of the site to meet the Site Specific and Statewide Health Standard. PF763476.

**Sears Logistics Services Term Freight**, 3820 North 2nd Street, City of Philadelphia, **Philadelphia County**. Hedi Gahnz, Resource Control Consultants, LLC, P.O. Box 180, Moorestown, NJ 08057 on behalf of Scott Taylor, Sears's Holdings Management Corporation, Department 766X, 3333 Beverly Road, B5-335A, Hoffman Estates, IL 60179 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the site Specific and Statewide Health Standard. PF619022.

**US Steel Corporation KIP-BP NT-4 Area**, One Ben Fairless Drive Falls Township, **Bucks County**. John Garges, GHD Services Inc., 401 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United State Steel Corporation, 1350 Penn Avenue, Suite 200 has submitted a Final Report concerning remediation of site soil contaminated with vocs, svocs, and metals and pcbs. The report is intended to document remediation of the site to meet the Risk Assessment, Remedial Investigation and Final Report. PF809297.

**Clark Residence**, 34 Mermaid Lane, Falls Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Theresa O'Connor, State Farm Insurance, PA Fire claims,

P.O. Box 106110, Atlanta, GA 30348-6110 on behalf of Lawrence Clark, 34 Emerald Lane, Levittown, PA 19054 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF782048.

**United States Steel Corporation, (KIPC) Tank (UST) FFU-160 Area**, One Ben Fairless Drive, Falls Township, **Bucks County**. John Garges, GHD Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, Michael H. Leon, United State Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 on behalf of Dale L. Davis, Exelon Corporation, 990 Steel Road, South, Fairless Hill, PA 19030 has submitted a Final Report concerning remediation of site soil contaminated with vocs, metals, svocs and pcbs. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF809909.

**3349 West End Street Property**, 3349 West End Avenue, Bensalem Township, **Bucks County**. Staci Cotton, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Bank of Ameical, 7887 Safeguard Circle, Valley View, OH 44125 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF810087.

**East Central Incinerator Site**, 601 North Columbus Boulevard, City of Philadelphia, **Philadelphia County**. William F. Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, PG, Pennoni Associates, Inc., 3001 Market Street, PA 19104 on behalf of Joe Forkin, Delaware River Waterfront Corporation, 121 North Columbus Boulevard, Philadelphia, PA 19106 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with metals, and pcb's. The report is intended to document remediation of the site to meet the Site Specific Standard. PF760986.

**Makowski Residence**, 42 River Lane, Bristol Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of John Makowski, 42 River Lane, Levittown, PA 19007 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF810277.

**Chester County Tax Parcel 50-1-36-31**, Boulder Road, West Bradford Township, **Chester County**. James Mulry, Mulry and Creswell Environmental Inc., 1670 Horseshoe Pike, Glenmoore, PA 19343, Victor Abdala, StanAB, LP, 433 West Market Street, St. 9, West Chester, PA 19382 on behalf of Theodore vanBeuren, 435 West Miner Street, West Chester, PA 19382 has submitted a Remedial Investigation, Risk Assessment and a Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Background Standard. PF809652.

**Clermont Property**, 329 East Township Line Road, Franconia Township, **Montgomery County**. Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, James Sieracki, RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher Canavan, Blecker Acquisitions LP, 404 Sumneytown Pike, Suite

200, North Wales, PA 19454 has submitted a Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the PF810251.

**Biddle Residence**, 2803 Diamond Street, Hilltown Township, **Bucks County**. Kevin Burns, CB&I 200 Horizon Center Boulevard, Trenton, NJ 08691, Gary Ecott, Petro Heating Oil Services, 650 Knowles Avenue, Southampton, PA 18966 on behalf of Larry Biddle, 2803 Diamond Street, Hilltown, PA 18927 has submitted a Final Report concerning remediation of site soil contaminated with fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard. PF716036.

**Maxwell Residence**, 294 Mill Drive, Bristol Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Rick Scheets, State Farm Insurance Company, PA Fire Claims P.O. Box 106169 on behalf of Paula Maxwell, 294 Mill Road, Levittown, PA 19056 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF805125.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to

be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Tabor Express Transport, Inc.**, Interstate 80 MM203.4 E, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Tabor Express Transport, Inc., 565 Anderson Drive, Unit B, Romeoville, IL 60446 submitted a Final Report concerning the remediation of site soil and surface water contaminated with Diesel Fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 18, 2016.

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

**Holcombe Energy Resource, LLC**, 185 Henry Hold Road, Nicholson Township, **Wyoming County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Holcombe Energy Resource LLC, 1 Kim Avenue, Suite 5, Tunkhannock, PA 16857, submitted a Final Report concerning the remediation of site soils contaminated with chloride, aluminum, arsenic, barium, boron, chromium, copper, iron, lead, lithium, manganese, selenium, vanadium, and zinc. The Final Report demonstrated attainment of the Statewide Health and Background Standards, and was approved by the Department on May 31, 2016.

**Finkle Diesel Release**, shoulder of Interstate 80 Eastbound at mile marker 247.9, Nescopeck Township, **Luzerne County**. Envirosearch Consultants, PO Box 940, Springhouse, PA 19477, on behalf of Clifford B. Finkle, Jr Trucking, 435 Allwood Road, Clifton, NJ 07012, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on May 31, 2016.

### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (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 Expired*

**Moran Environmental Recovery, LLC**, 75D York Avenue, Randolph, MA 02368. License No. PA-AH 0744. Effective May 31, 2016.

*Hazardous Waste Transporter License Issued*

**Grid Logistics LLC**, 336 West 37th Street, New York, NY 10018. License No. PA-AH 0843. Effective Jun 07, 2016.

*Hazardous Waste Transporter License Reissued*

**Hydrochem LLC**, 900 Georgia Avenue, Deer Park, TX 77536. License No. PA-AH 0694. Effective Jun 02, 2016.

**Transervice Logistics Inc.**, 5 Dakota Drive, Lake Success, NY 11042. License No. PA-AH 0702. Effective Jun 02, 2016.

*Renewal Applications Received*

**Moran Environmental Recovery, LLC**, 75D York Avenue, Randolph, MA 02368. License No. PA-AH 0744. Effective Jun 07, 2016.

**Radiac Research Corp.**, 261 Kent Avenue, Brooklyn, NY 11211. License No. PA-AH S007. Effective Jun 02, 2016.

**Stat, Inc. dba Sparks Transportation And Tank Cleaning, Inc.**, PO Box 1443, Lenoir, NC 28645. License No. PA-AH 0532. Effective Jun 06, 2016.

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## AIR QUALITY

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**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP5-58-038: Williams Field Services Company, LLC** (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on March 23, 2016 to construct and operate eleven (11) IC Engines, two (2) IC generator engines, five (5) dehydrators with reboilers, and eight (8) condensate tanks at the MacNew Compressor Station site in Brooklyn Township, **Susquehanna County**.

**GP3-35-004A: Bell Mountain Land Development Corporation** (859 Enterprise Street, Dickson City, PA 18519) on March 21, 2016 to construct and operate a Portable Crushing Operation with water sprays at their Bell Mountain Borrow Pit in Dickson City Borough, **Lackawanna County**.

**GP9-35-006A: Bell Mountain Land Development Corporation** (859 Enterprise Street, Dickson City, PA 18519) on March 21, 2016 to install and operate three (3) Diesel I/C engines their Bell Mountain Borrow Pit in Dickson City Borough, **Lackawanna County**.

**GP1-39-005: Nestle Waters North America** (405 Nestle Way, Breinigsville, PA 18031) on April 7, 2016 to operate a natural gas boiler at their facility in Upper Macungie Township, **Lehigh County**.

**GP3-40-004A: Hunlock Sand & Gravel Company** (125 Gravel Road, Hunlock Creek, PA 18621) on April 15,

2016 to construct and operate a Portable Crushing Operation with water sprays in Hunlock Township, **Luzerne County**.

**GP9-40-015A: Hunlock Sand & Gravel Company** (121 Gravel Road, Hunlock Creek, PA 18621) on April 22, 2016 to operate six (6) internal combustion engines in Hunlock Township, **Luzerne County**.

**GP11-40-010A: Susquehanna Nuclear, LLC** (769 Salem Boulevard, Berwick, PA 18603) on March 23, 2016 to install and operate two (2) nonroad engines at Susquehanna Steam Electric Station in Salem Township, **Luzerne County**.

**GP3-35-043: Tri City Highway Products Inc.** (145 Podpadic Road, Richmondville, NY 12149) on May 18, 2016 to construct and operate a Portable Crushing Operation with water sprays at their Onyon Site in New Milford Township, **Susquehanna County**.

**GP9-35-043: Tri City Highway Products Inc.** (145 Podpadic Road, Richmondville, NY 12149) on May 18, 2016 to install and operate two (2) Diesel I/C engines their Onyon Site in New Milford Township, **Susquehanna 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.*

**GP1-21-03111A: Keystone Holdings, LLC** (185 Devonshire Street, Boston, MA 02110) on May 27, 2016, for the reactivation of a 25.1 MMBtu/hr natural gas-fired boiler, under GP1, at the biofuel manufacturing facility located in Lower Allen Township, **Cumberland County**.

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

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

**GP1-14-313: The Coca-Cola Company** (217 AquaPenn Drive, Howard, PA 16841) on May 24, 2016, for the authority to continue operation of an 11.8 MMBTU/hr Miura model LX-300SG boiler (BAQ-GPA/GP-1) located in Bogs Township, **Centre County**.

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

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161.*

**GP5-03-00264A: Snyder Brothers, Inc.** (90 Glade Drive, PO Box 1022, Kittanning, PA 16201) on May 31, 2016, to authorize the installation of two additional lean-burn natural gas-fired compressor engines rated at 1,380 bhp each and controlled by oxidation catalysts, one additional tri ethylene glycol dehydrator (including reboiler) rated for 30 MMscf/day, and two additional produced water storage tanks with 4,200 gallon capacity each at the Ambrose Compressor Station located in east Franklin Township, **Armstrong County**. One engine, one dehydrator, and four produced water tanks are currently authorized at this Facility.

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**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.**

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

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

**23-0003AB: Monroe Energy, LLC** (4101 Post Road, Trainer, PA 19061) On June 3, 2016 for an increase in crude oil throughput, the installation of an Ultra-Low Sulfur (ULSG) unit, and the transfer and use of nitrogen oxide (NO<sub>x</sub>) emission reduction credits (ERCs) for their facility located in Trainer Borough, **Delaware County**.

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

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

**48-00105A: Reeb Millwork Corp.** (600 Brighton Street, Bethlehem, PA 18015) on April 8, 2016 for the installation and operation of six (6) paint spray booths at their facility in the City of Bethlehem, **Northampton 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.*

**21-05037B: Union Quarries, Inc.** (PO Box 686, Carlisle, PA 17013) on June 1, 2016, for the installation of a 550 ton per hour limestone crushing plant to replace the existing plant at the Bonny Brook quarry in South Middleton Township, **Cumberland County**. The plant will include a jaw crusher, cone crushers, several screens and a battery of conveyors, and will be controlled by a wet suppression system.

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

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

**08-00008A: Guthrie Robert Packer Hospital** (1 Guthrie Square, Sayre, PA 18840), issued plan approval on May 25, 2016 for the construction of a new 2,826 brake-horsepower combined power and heat natural gas fired reciprocating engine controlled by an oxidation catalyst and an 8.4 MMBTU/hr waste heat recovery boiler at their facility located in Sayre Borough, **Bradford County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-0189B: Eureka Stone Quarry Inc.** (PO Box 249, Chalfont, PA 18914-0249) On June 3, 2016 for a crushed and broken stone plant in Warrington Township, **Bucks County**.

**23-0047E: Evonik Corp.** (1200 W Front Street, Chester, PA 19013-3438) On June 3, 2016 for a storage silo, Granular, and a dryer with a baghouse as a control for particulate matters emissions in Chester City, **Delaware County**.

**09-0196I: Abington Reldan Metals LLC** (550 Old Bordertown Road, Fairless Hills, PA 19030) On June 3, 2016 to extend the installation and operation of a new thermal destructor and its associated after burner to replace the existing Thermal Destructor 1 and After-burner 1. This facility is located in Falls Township, **Bucks County**.

**46-0024G: Johnson & Johnson Consumer Inc.** (7050 Camp Hill Road, Fort Washington, PA 19034-2210) On June 3, 2016 to extend the temporary operation for a new 24.2 MMBtu/hr Johnson Boiler 4 fired by natural gas and No. 4 fuel oil. This facility is located in Whitemarsh Township, **Montgomery County**.

**09-0037H: West Rock Package Inc.** (3001 State Road, Croydon, PA 19021-6962) On June 3, 2016 to extend the temporary operation and testing of duct work from the existing seaming machines to the existing Regenerative Thermal Oxidizer. This facility is located in Bristol Township, **Bucks County**.

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

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161.*

**03-00027E: GenOn Northeast Management Company** (121 Champion Way, Canonsburg, PA 15317) Extension effective June 11, 2016, to extend the period of temporary operation of the Truck Coal Receiving Facility authorized under PA-03-00027E until November 28, 2016, at Keystone Generating Station located in Plumcreek Township, **Armstrong County**.

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

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

**10-079E: BNZ Materials** (191 Front Street, Zelienople, PA 16063), on May 31, 2016, issued a plan approval extension for the modification of emission limits associated with Kiln # 3 from plan approval 10-079D in Zelienople Borough, **Butler County**. This is a Title V facility.

**25-053F: Urick Foundry Company, a division of Ridge Tool Manufacturing Company** (1501 Cherry Street, Erie, PA 16502) on May 31, 2016, has issued a plan approval extension for the installation of new foundry equipment capable of producing larger castings. This project will include the installation of two (2) 80-ton sand silos, two (2) bin vents, a mold making system, a new pouring/cooling/shakeout system, new sand blasting equipment, new grinding equipment and four (4) new baghouses. This facility is located in the City of Erie, **Erie County**.

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

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

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

**48-00011: Martins Creek, LLC**, (835 Hamilton Street, Ste. 150, PL-6, Allentown, PA 18101) The Department issued a renewal Title V Operating Permit on June 1, 2016, for a power generating facility in Lower Mount Bethel Township, **Northampton County**.

**48-00091: Lower Mount Bethel Energy, LLC**, (835 Hamilton Street, Ste. 150, GENPL-6, Allentown, PA 18101) The Department issued a renewal Title V Operating Permit on June 1, 2016, for a power generating facility in Lower Mount Bethel Township, **Northampton County**.

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

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

**53-00005: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on May 26, 2016, for renewal of the Title V operating permit for their Greenlick Compressor Station located in Stewardson Township, **Potter County**. The facility's sources include eleven (11) natural gas-fired heaters, eight (8) natural gas-fired gas transmission engines, six (6) natural gas-fired line heaters, two (2) natural gas-fired boilers, one (1) diesel-fired emergency generator, one (1) natural gas-fired air compressor, one (1) parts washer and several fugitive volatile organic compound (VOC) emission sources. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit renewal to ensure the facility complies with all applicable Federal and State air quality regulations.

**14-00002: Graymont (PA), Inc.** (965 E. College Avenue, Pleasant Gap, PA 16823) on May 31, 2016, issued Title V Operating Permit 14-00002 (renewal) for their Bellefonte, Con-Lime and Pleasant Gap facility located in Benner and Spring Townships, **Centre County**. All applicable Federal and State regulatory requirements including monitoring, recordkeeping, reporting and work practice conditions in order to demonstrate compliance with the applicable regulatory requirements have been included in the Title V operating permit for this facility.

**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.*

**58-00016: Sawmill Valley Hardwoods, Inc.** (7025 State Route 92, South Gibson, PA 18842-9750) issued on 03/30/2016, for the operation of a wood-fired boiler at a sawmill operation in Lenox Township, **Susquehanna County**. The wood-fired boiler is the only source at the facility. The particulate emissions are controlled by a multi-cyclone collector. This is a new State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

*Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336.*

**04-00043: Centria** (500 Perth Drive, Ambridge, PA 15108), for a facility-wide Synthetic Minor Operating Permit renewal for the operation of a coil coating plant, known as the Centria Coil Coating Services, located in Ambridge Borough, **Beaver County**. The facility con-

tains air contamination sources consisting of a single coil coating line as the primary source. The facility also has a paint mix station. Emissions are controlled by a thermal oxidizer. Facility emissions are 15.8 tons of NO<sub>x</sub>, 13.30 tons of CO, 35.0 tons of VOC, 1.2 tons of PM<sub>10</sub>, 1.2 tons of PM<sub>2.5</sub>, 10.0 tons of any single HAP, 25.0 tons of all HAPs combined, and 19,065 tons of CO<sub>2e</sub> per year. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121–145. The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

Centria's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project 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 State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412-442-4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 04-00043) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, Fax 412-442-4194)

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**37-00121: EzeFlow USA Incorporated** previously **Flowline Division of Markovitz Enterprises Inc.** (1400 New Butler Road, New Castle, PA 16101) on June 2, 2016, for a natural minor permit to operate a valve and fittings production facility. The facility is located in New Castle City, **Lawrence County**. The facility's emitting sources include a degreaser boiler, robotic plasma cutter, old plasma cutter and two grinders, a batch vapor degreaser, acid cleaning, press operations (5), miscellaneous natural gas fired furnaces, and a Hydra-Flow parts washer. The emission inventory submitted by the facility for 2014 is as follows: Particulate Matter 2.5 (PM<sub>2.5</sub>): 0.0330 Tons per year (TPY), Oxides of Nitrogen (NO<sub>x</sub>): 0.6050 TPY, Oxides of Sulfur (SO<sub>x</sub>): 0.004 TPY, Carbon Monoxide (CO): 0.50 TPY, Volatile Organic Compound (VOC): 7.198 TPY and, Particulate Matter less than ten micron (PM<sub>10</sub>): 0.169 TPY.

**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.**

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

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

**39-00035: Allentown City WWTP** (112 West Union Street, Allentown, PA 18102-4912) The Department issued an Administrative Amendment for a State Only operating permit on June 1, 2016, for a wastewater treatment plant in the City of Allentown, **Lehigh 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.*

**38-03014: Pennsy Supply, Inc.** (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105-3331) on May 27, 2016, for the stone quarry operations at the Millard Quarry located in North Londonderry Township, **Lebanon County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 38-03014D.

**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.*

**17-00052: P & N Coal, Inc.** (PO Box 332, Punxsutawney, PA 15767), terminated State only operating permit on June 1, 2016, for their coal processing facility located in Goshen Township, **Clearfield County**. All air contaminant sources have been removed from the site.

## 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. 11130104 and NPDES No. PA0279331, ELK Resources, Inc.**, 30 Pounds Road, West Lebanon, PA 15783, transfer of an existing bituminous surface mine from Rampside Collieries, Inc., 527 Slate Hill Road, Berlin, PA 15530 located in Richland Township, **Cambria County**, affecting 18.0 acres. Receiving stream: Solomon Run, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority intake at Freeport, PA on Allegheny River. Application Received: February 16, 2016. Permit issued: May 31, 2016.

**Permit No. 56130108 and NPDES No. PA0269395. Coal Loaders, Inc.**, 210 East Main Street, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface and auger/highwall mine in Summit Township and Garret Borough, **Somerset County**, affecting 103.5 acres. Receiving streams: unnamed tributary "A" and "B" to Bigby Creek and Casselman River, classified for the following uses: cold and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 28, 2014. Permit issued: June 1, 2016.

The permit includes a stream encroachment for a variance to conduct surface mining activities within 100 feet of unnamed tributary "A" to Bigby Creek and unnamed tributary "B" to Bigby Creek. The Chapter 105 stream encroachment activity consist of the mining through a previously mine impacted portion of unnamed tributary "B" and the reconstruction of the stream after mining. The next stream encroachment activity consists of construction of erosion and sedimentation controls and wetland mitigation within 30 feet of unnamed tributary "A". Mining will affect 0.16 acre of wetland which will be replaced with 0.16 acre of wetland with similar values during or after mining has been completed and prior to bond release. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provision of sections 301—303, 306 and 307 of the Federal Water pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards.



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

**65-11-04 and NPDES Permit No. PA0252387. Coal Loaders, Inc.** (P.O. Box 556, Ligonier, PA 15658). Permit issued for Government Financed Construction Contract to reclaim abandon mine lands, located in Unity Township, **Westmoreland County**, affecting 20.4 acres. Receiving streams: unnamed tributaries to Loyalhanna Creek. Application received: January 17, 2014. Permit issued: June 1, 2016.

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

**Permit No. 54840201R6. Wheelabrator Culm Services, Inc.**, (4 Liberty Lane West, Hampton, NH 03842), renewal of an existing anthracite coal refuse reprocessing and refuse disposal operation in Mahanoy Township and Shenandoah Borough, **Schuylkill County** affecting 208.8 acres, receiving stream: Shenandoah Creek. Application received: December 9, 2015. Renewal issued: May 31, 2016.

**Permit No. 54840201GP104R. Wheelabrator Culm Services, Inc.**, (4 Liberty Lane West, Hampton, NH 03842), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54840201 in Mahanoy Township and Shenandoah Borough, **Schuylkill County**, receiving stream: Shenandoah Creek. Application received: December 9, 2015. Renewal issued: May 31, 2016.

**Permit No. 54-305-030GP12R. Wheelabrator Culm Services, Inc.**, (4 Liberty Lane West, Hampton, NH 03842), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54840201 in Mahanoy Township and Shenandoah Borough, **Schuylkill County**. Application received: December 9, 2015. Renewal issued: May 31, 2016.

**Permit No. 40823205R6. HUD, Inc. t/a Emerald Anthracite II**, (PO Box 27, Nanticoke, PA 18634), renewal for Reclamation Activities Only of an existing anthracite coal refuse reprocessing operation in Hanover Township and Warrior Run Borough, **Luzerne County** affecting 239.2 acres, receiving stream: Nanticoke Creek. Application received: March 7, 2016. Renewal issued: June 1, 2016.

**Permit No. 40823205GP104R. HUD, Inc. t/a Emerald Anthracite II**, (PO Box 27, Nanticoke, PA 18634), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40823205 in Hanover Township and Warrior Run Borough, **Luzerne County**, receiving stream: Nanticoke Creek. Application received: May 9, 2016. Permit issued: June 1, 2016.

**Permit No. 54850108R6. Locust Valley Culm Co., LLC**, (PO Box 279, St. Clair, PA 17970), renewal of an existing anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation in New Philadelphia Borough and Blythe Township, **Schuylkill County** affecting 36.6 acres, receiving stream: Schuylkill River. Application received: February 16, 2016. Renewal issued: June 2, 2016.

**Permit No. 54850108GP104R, Locust Valley Culm Co., LLC**, (PO Box 279, St. Clair, PA 17970), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54850108 in New Philadelphia Borough and Blythe Township, **Schuylkill County**, receiving

stream: Schuylkill River. Application received: February 16, 2016. Renewal issued: June 2, 2016.

**Permit No. 19950101C13. Blaschak Coal Corp.**, (PO Box 12, Mahanoy City, PA 17948), correction of an existing anthracite surface mine, coal refuse disposal and preparation plant to add 32.65 acres for a total of 878.65 acres in Conyngham Township and Centralia Borough, **Columbia County**, receiving streams: Shamokin and Mahanoy Creeks. Application received: August 19, 2015. Correction issued: June 2, 2016.

**Permit No. 19950101R4. Blaschak Coal Corp.**, (PO Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine, coal refuse disposal and preparation plant in Conyngham Township and Centralia Borough, **Columbia County** affecting 878.65 acres, receiving streams: Shamokin and Mahanoy Creeks. Application received: January 7, 2016. Renewal issued: June 2, 2016.

**Permit No. 19950101GP104C & R. Blaschak Coal Corp.**, (PO Box 12, Mahanoy City, PA 17948), correction and renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 19950101 in Conyngham Township and Centralia Borough, **Columbia County**, receiving streams: Shamokin and Mahanoy Creeks. Applications received: August 19, 2015 and January 7, 2016. Correction and Renewal issued: June 2, 2016.

**Permit No. 19-305-001GP12R. Blaschak Coal Corp.**, (PO Box 12, Mahanoy City, PA 17948), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 19950101 in Conyngham Township and Centralia Borough, **Columbia County**. Application received: February 2, 2016. Renewal issued: June 2, 2016.

#### *Noncoal Permits Issued*

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

**Permit No. 6478NC4 and NPDES No. PA0121606, David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202, commencement, operation and restoration of a noncoal surface mine in Antrim Township, **Franklin County** affecting 21.0 acres. Receiving streams: unnamed tributaries to/and Muddy Run, classified for the following uses: high quality cold water fishes and migratory fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 4, 2014. Permit Issued: May 26, 2016.

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

**53080802. Richard A. Davis** (1361 Mina Road, Coudersport, PA 16915). Final bond release for a small industrial minerals surface mine, located in Clara Township, **Potter County**. Restoration of 1.0 acre completed. Receiving stream(s): Fishing Creek to the Allegheny River. Application received: April 29, 2016. Final bond release approved: May 31, 2016.

**4775SM10 and NPDES PA0596639. Hanson Aggregates Pennsylvania LLC** (7660 Imperial Way, Allentown, PA 18195). Renewal of an NPDES permit located in College Township, **Centre County**. Receiving stream(s): Spring Creek to Bald Eagle Creek. Application received: April 17, 2015. Permit issued: May 24, 2016.

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

**Permit No. 35161801GP104. White Stone Quarry, LLC**, (601 Salem Road, Archbald, PA 18403), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Exploratory Permit No. 35161801 in Archbald Borough and Jefferson Township, **Lackawanna County**, receiving stream: Indian Cave Creek. Application received: May 5, 2016. Permit issued: May 26, 2016.

**Permit No. 58160802. Thomas J. Reilly**, (49 South Main Street, Pittston, PA 18640), Commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Susquehanna River. Application received: February 17, 2016. Permit issued: June 1, 2016.

**Permit No. 58160802GP104. Thomas J. Reilly**, (49 South Main Street, Pittston, PA 18640), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58160802 in Oakland Township, **Susquehanna County**, receiving stream: unnamed tributary to Susquehanna River. Application received: February 17, 2016. Permit issued: June 1, 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. 22164102. Maine Drilling & Blasting, Inc.**, (PO Box 1140, Gardiner, ME 04345), construction blasting for The Reserve at Manada Hill in West Hanover Township, **Dauphin County** with an expiration date of May 25, 2017. Permit issued: June 1, 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

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

**E49-43. Coal Township**, 805 W. Lynn Street, Coal Township, PA 17866. Quaker Run Stream Improvements, in Coal Township, **Northumberland County**, ACOE Baltimore District (Shamokin, PA Quadrangle; Latitude: 40° 47' 5.7"; Longitude: 76° 30' 59").

To remove 500 linear feet of failing concrete wall, debris, trees and fencing between Clay Street and 4th street in addition to the removal of the top of a 150 Linear Foot enclosure from the outlet of Webster Street downstream. Additionally to Construct, Operate and Maintain 527 Linear Feet of cast in place concrete wall in addition to an concrete cap of 1.5 feet high to extend 50 feet long along the banks of Quaker Run; Cold Water Fishery. Work is broken into four sections of construction. West of 4th street Cast in place 56 LF of concrete wall along right bank; 5th St and Water St. Increase wall height by approximately 1.5 ft for a distance of 50 LF along with placing concrete wall along right bank from 5th street upstream 82 LF; Webster St. beginning 65 feet upstream of Webster St on left bank cast in place concrete wall for 202 LF; Clay St. Beginning 20 feet downstream of Clay St. and extending 187 LF upstream along the right bank cast in place concrete wall. This project is located between Clay Street and 4th Street in Coal Township.

**E59-529. Richmond Township**, 563 Valley Road, Mansfield, PA 16933. Fish Road Bridge Replacement along Mann Creek in Richmond Township, **Tioga County**, ACOE Baltimore District (Mansfield, PA Quadrangle Lat: 41° 49' 12"; Long: -77° 6' 15").

To remove the existing structure & construct, operate and maintain a new permanent stream crossing along Fish Road in Richmond Township, Tioga County. The work involves the replacement of an existing single-span steel I-beam bridge with a single-span Corrugated Alumi-

num Structural Plate Pipe Arch (CASPPA). The project will also include minor roadway work, installation of safety features, and scour protection.

1. The new structure will be constructed approximately 45 feet downstream from the existing

2. A permanent stream crossing using a CASPPA culvert impacting 75 linear feet of Mann Creek and 1,500 square feet of its floodway.

3. A temporary cofferdam impacting 130 linear feet of Mann Creek and 2,600 square feet of its floodway

The proposed crossings will not permanently impact wetlands, cultural or archaeological resources, National/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Mann Creek is classified with a designated use of Cold Water Fishery (CWF).

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

**EA11-005, Clearfield Creek Watershed Association**, 216 Beldin Hollow Road; Ashville, PA 16613, Dean Township, **Cambria County**, Baltimore ACOE District.

Has been given consent to:

Relocate, using an inlet, the base flow of 475 LF of an Unnamed Tributary of Little Laurel Run (CWF, MF) through a series of five treatment ponds (including a forebay, two limestone cells and two settling basins) and, through an outfall, into a second Unnamed Tributary to Little Laurel Run (CWF, MF); and to excavate 0.047 acre of wetland for the purpose of treating acid mine drainage from past surface mining activities. The project is located approximately 2.5 miles east of the intersection of SR 53 and SR 36 in State Game Land 184 (Ashville/Altoona, PA Quadrangle Latitude: 40° 33' 59.55"; Longitude: -78° 30' 06.68") in Dean Township, Cambria County.

**E11-350, Johnstown Redevelopment Authority**, Fourth Floor, Public Safety Building, 401 Washington Street, Johnstown, PA 15901, City of Johnstown, **Cambria County**.

Has been given consent to:

Reconstruct and maintain 2,250 linear feet of roadway in the floodplain of the Conemaugh River (WWF), the Little Conemaugh River (WWF) and Hincston Run (WWF). The project is located on Iron Street in the City of Johnstown, Cambria County.

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E20-196, Bills Midway Marina, LLC**, 11420 State Highway 18, Conneaut Lake, PA 16316, Permit Transfer and Amendment for Dock Modifications in Conneaut Lake, Sadsbury Township, **Crawford County**, USACE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 41.622289°; W: -80.297023°).

On May 31, 2016 the Department approved a transfer and amendment of Permit No. E20-196 and the associated Submerged Lands License Agreement. The permit, as previously amended, authorizes the maintenance of existing dock facilities along the east side of Conneaut Lake near the intersection of First Street and Midway Avenue in Sadsbury Township, Crawford County. The permit, originally issued in 1985 to L. D. Sousa, and transferred on February 26, 1998, to William H. Miles, has been transferred to Bills Midway Marina, LLC. Furthermore, the Department approved a requested amendment to the permit to reconfigure docks within the

existing Submerged Lands License Facilities Area in the northern portion of the property along Conneaut Lake, as shown on a drawing dated March 3, 2016.

**E24-248A, Advanced Disposal Services Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846. Greentree Landfill Mitigation Plan Revision, in Fox Township, **Elk County**, ACOE Pittsburgh District (Brandy Camp, PA Quadrangle N: 41°, 17', 00.1"; W: 78°, 38', 43.8").

To amend Permit No. E24-248, issued January 8, 2009, which authorized Veolia ES Greentree Landfill, LLC to impact stream and wetland resources for the expansion of the existing municipal landfill in Fox Township, Elk County. As part of the permit, the permittee was to construct 3.29 acres of wetlands to mitigate project wetland impacts and 5,196 linear feet of low flow channel/watercourse partially within the mitigation wetland cells to mitigate watercourse impacts. Permit No. E24-248 is amended to change the mitigation requirements for project impacts consisting of construction of 3.29 acres of created wetland and 1,747 linear feet of stream channel in accordance with the maps, plans, profiles, and specifications of the revised mitigation plan received on February 16, 2016.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Attention: Brian Bradley, Environmental Program Manager; P.O. Box 69205, Harrisburg, PA 17106-9205.*

**EA1010-003. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P.O. Box 69205, Harrisburg, PA 17106. Abandoned Mine Land Reclamation Project in Clay Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,300 linear feet of dangerous highwall. The project will include the backfilling of 0.94 acre of open water and 0.006 acre of wetland that have developed within the open surface mine pits. (West Sunbury Quadrangle N: 41° 1' 27.366", W: 79° 54' 36.28").

*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.*

**D48-167EA. Ralph Carp**, Director of Parks and Public Property, City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018, Bethlehem City, **Northampton County**, USACOE Philadelphia District.

Project proposes to remove the East Branch Dam for the purpose of eliminating a threat to public safety and restoring approximately 300 feet of stream channel to a free-flowing condition. The project is located across East Branch Saucon Creek (CWF, MF) (Hellertown, PA Quadrangle, Latitude: 40.6166; Longitude: -75.3321).

#### Water Quality Certification under Section 401 of the Federal Clean Water Act for the Triad Expansion Project

##### Natural Gas Pipeline Project and Related Mitigation

FERC Docket NO. CP15-520-000

PADEP File No. WQ02-004

On June 3, 2016, the DEP issued Section 401 Water Quality Certification to Tennessee Gas Pipe Line Company, LLC for the Triad Expansion Project. The Pennsyl-

vania Department of Environmental Protection (PADEP) certifies that the construction, operation and maintenance of the Project 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 PADEP further certifies that the construction, operation and maintenance of the projects complies with Commonwealth water quality standards and that the construction, operation and maintenance of the projects does not violate applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the projects complies with the conditions for this certification, including the criteria and conditions of the following permits:

1. *Discharge Permit*—Tennessee Gas Pipe Line Company, 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*—Tennessee Gas Pipe Line Company, 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*—Tennessee Gas Pipe Line Company, LLC shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permit 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 Tennessee Gas Pipe Line Company, LLC.

5. *Operation*—For each Project under this certification, Tennessee Gas Pipe Line Company, 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 Certification and all required permits. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Tennessee Gas Pipe Line Company, LLC.

6. *Inspection*—The Projects, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this Certification, including all required permits required, and Pennsylvania's Water Quality Standards. A copy of this Certification shall be available for inspection by the PADEP during such inspections of the Projects.

7. *Transfer of Projects*—If Tennessee Gas Pipe Line Company, LLC intends to transfer any legal or equitable

interest in the Projects which is affected by this Certification, Tennessee Gas Pipe Line Company, 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 Certification shall be addressed to the Department of Environmental Protection, Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

9. *Reservation of Rights*—PADEP may suspend or revoke this Certification if it determines that Tennessee Gas Pipe Line Company, LLC has not complied with the terms and conditions of this Certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Tennessee Gas Pipe Line Company, LLC's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve Tennessee Gas Pipe Line Company, LLC from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.

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 receipt of written notice of this action 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 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.

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.

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESG29-117-16-0016  
Applicant Name Talisman Energy USA Inc  
Contact Person Lance Ridall  
Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845  
County Tioga  
Township(s) Hamilton  
Receiving Stream(s) and Classification(s) Carpenter Run (EV), Taylor Run (EV)

ESCGP-2 # ESX11-081-0095(01)  
Applicant Name Anadarko E&P Onshore LLC  
Contact Person Stephen Barondeau  
Address 33 W Third St, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Gamble  
Receiving Stream(s) and Classification(s) Roaring Run (EV)  
Secondary—Wallis Run (EV)

ESCGP-2 # Esx29-081-16-0005  
Applicant Name Exco Resources PA LLC  
Contact Person Brian Rushe  
Address 260 Executive Dr, Suite 100  
City, State, Zip Cranberry Twp, PA 16066  
County Lycoming  
Township(s) Franklin  
Receiving Stream(s) and Classification(s) UNT to Beaver Run (CWF)  
Secondary—Beaver Run (CWF)

ESCGP-2 # ESX11-015-0322(01)  
Applicant Name Talisman Energy USA Inc  
Contact Person Joe Katruska  
Address 50 Pennwood Place  
City, State, Zip Warrendale, PA 15086  
County Bradford  
Township(s) Columbia & Troy  
Receiving Stream(s) and Classification(s) UNT to Sugar Ck (TSF, MF), UNT to W Branch Sugar Ck (TSF, MF)  
Secondary—Sugar Creek

ESCGP-2 # ESX12-015-0015(01)  
Applicant Name Talisman Energy USA Inc  
Contact Person Joe Katruska  
Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086  
County Bradford  
Township(s) Pike  
Receiving Stream(s) and Classification(s) Rockwell Creek (WWF, MF)  
Secondary—Wyalusing Creek

ESCGP-2 # ESG29-115-16-0011  
Applicant Name Williams Field Services Co LLC  
Contact Person Lauren Miladinovich  
Address Park Place Corporate Ctr 2, 2000 Commerce Dr  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna  
Township(s) Bridgewater  
Receiving Stream(s) and Classification(s) UNT to Snake Ck (CWF-MF), Beaver Ck (HQ, CWF-MF)

ESCGP-2 # ESG29-035-16-0003  
Applicant Name Dominion Transmission Inc  
Contact Person Jason Bach  
Address 925 White Oaks Blvd  
City, State, Zip Bridgeport, WV 26330  
County Clinton  
Township(s) Leidy  
Receiving Stream(s) and Classification(s) Painter Hollow (EV), Kettle Creek (EV)  
Secondary—Kettle Creek (EV), West Branch Susquehanna River (WWF)

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## SPECIAL NOTICES

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### Requests Proposals for Municipal Solid Waste Disposal and/or Processing Capacity

#### Warren County Board of Commissioners

In accordance with 25 Pa. Code § 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), the Board of Commissioners of Warren County has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next 10 years. The Warren County Department of Planning and Zoning on behalf of the Warren County Board of Commissioners is hereby soliciting proposals for disposal capacity for MSW generated in Warren County, PA with contract approval and execution anticipated by October 2016.

The Request for Proposals (RFP) will be available from the Warren County Department of Planning and Zoning on or after Monday, June 6, 2016. There is a \$50 fee for printed copies. All proposals must be made on and inclusive of the required Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. The Warren County Board of Commissioners reserves the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

The Warren County Department of Planning and Zoning will receive sealed proposals until 3:00 p.m., Prevaling Time on Monday, July 11, 2016. The Proposer is required to submit two (2) hard copies, each executed in blue ink and labeled "original," and two (2) separate electronic media, (CD-ROMs or Flash Drives) each with a copy of the proposal in MS Word or PDF format. The proposals must be packaged, sealed and clearly labeled to

show the statement "Proposal Disposal Capacity" and the name and address of the Proposer.

Proposals should be submitted and be addressed to Dan Glotz, Director, Warren County Department of Planning and Zoning, Warren County Courthouse, 204 4th Avenue, Warren, PA 16365.

[Pa.B. Doc. No. 16-1020. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Bid Opportunity; Amended Bid Date

**DEP HSCP-3-223-101.1, Hazardous Site Cleanup Project, Intercourse TCE Water Supply Distribution System, Leacock Township, Lancaster County.** The principal items of work and approximate quantities include mobilization and demobilization, traffic maintenance and control, implementation of the erosion and sedimentation control plan, temporary pavement restoration 2,350 square yards, Department of Transportation base course pavement restoration 1,500 square yards, Department of Transportation wearing course pavement restoration 1,500 square yards, driveway pavement restoration 500 square yards, permanent township road pavement restoration 3,500 square yards, Department of Transportation 1 1/2" mill and overlay pavement restoration 14,500 square yards, 12" HDPE pipe including fittings 3,900 linear feet, 10" HDPE pipe including fittings 4,460 linear feet, 8" HDPE pipe including fittings 30,100 linear feet, 6" HDPE pipe including fittings 2,400 linear feet, 4" HDPE pipe including fittings 800 linear feet, 12" gate valve with box and riser 9 each, 10" gate valve with box and riser 9 each, 8" gate valve with box

and riser 100 each, 6" gate valve with box and riser 8 each, 4" gate valve with box and riser 2 each, 6" water lateral assembly 2 each, 4" water lateral assembly 2 each, 3" water lateral assembly 2 each, 2" water lateral assembly 3 each, 1 1/2" water lateral assembly 5 each, 1" water lateral assembly 80 each, 3/4" water lateral assembly 295 each, fire hydrant assembly 69 each and lawn/unpaved area restoration 1 lump sum.

This bid issues on June 10, 2016, and bids will be opened on July 19, 2016, at 2 p.m. The bid date was changed from July 7, 2016, to July 19, 2016. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection's web site at [www.dep.pa.gov/ConstructionContracts](http://www.dep.pa.gov/ConstructionContracts). Bid documents and drawings can also be obtained upon payment of \$22, plus \$8 for postage, which includes sales tax, by calling (717) 787-7820. Auto-Cad Map 3D format drawings can also be purchased on a compact disc (CD) for an additional \$5 per CD. Money will not be refunded. There is a mandatory prebid conference that must be attended to bid on this project. The conference will take place at the Leacock Township office, 3545 West Newport Road, Intercourse, PA 17534, at 10 a.m. on June 30, 2016. This project is financed by the Hazardous Sites Cleanup Fund. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1021. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Nutrient Credit Trading Program; Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program. See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

#### *Credit Certification Request*

The following requests are being reviewed by the Department. These applicants have a 3:1 trading ratio included in their calculations. The Department will accept written comments on these proposed pollutant reduction activities until Monday, July 18, 2016.

#### *Applicant*

Lycoming Conservation District (Lycoming County) on behalf of Barbour Farms.

Lycoming Conservation District (Lycoming County) on behalf of Ernie Brown.

Lycoming Conservation District (Lycoming County) on behalf of Charles Bosch.

Lycoming Conservation District (Lycoming County) on behalf of Evan Brown.

Lycoming Conservation District (Lycoming County) on behalf of Fogleman Farms.

Lycoming Conservation District (Sullivan County) on behalf John Harvey.

Lycoming Conservation District (Lycoming County) on behalf of JRT Farms.

Lycoming Conservation District (Lycoming County) on behalf of Cameron Koons.

Lycoming Conservation District (Lycoming County) on behalf of Richard Mowery.

#### *Pollutant Reduction Activity Description*

This certification is for buffers and other related best management practices (BMP).

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for buffers and related BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

*Applicant*

Lycoming Conservation District (Lycoming County)  
on behalf of Russell Reitz

Lycoming Conservation District (Lycoming County)  
on behalf of Snyder Farms.

Lycoming Conservation District (Lycoming County)  
on behalf of Tom Styer.

Lycoming Conservation District (Lycoming County)  
on behalf of Charles Ulmer.

Lycoming Conservation District (Lycoming County)  
on behalf of Vandine Dairy Farms.

Lycoming Conservation District (Lycoming County)  
on behalf of Walter Worthington Farms.

Lycoming Conservation District (Lycoming County)  
on behalf of Brad Gavitt.

Lycoming Conservation District (Lycoming County)  
on behalf of Mike Jarrett.

Lycoming Conservation District (Lycoming County)  
on behalf of Myron Knepp.

Lycoming Conservation District (Lycoming County)  
on behalf of Gloria Morrison.

Lycoming Conservation District (Lycoming County)  
on behalf of Plaxton Farm.

Lycoming Conservation District (Lycoming County)  
on behalf of Mike Sherman.

*Written Comments*

The Department must receive comments on these applications for credit certification no later than Monday, July 18, 2016. Commentators are encouraged to submit electronic comments using the Department's eComment at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Lycoming" as the subject line in written communication.

For further information about this certification request or the Nutrient Credit Trading Program contact Jay Braund at the Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, [jbraund@pa.gov](mailto:jbraund@pa.gov) or visit the Department's web site at <http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/NutrientTrading/Pages/default.aspx#.V1gbrRbwouI>.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1022. Filed for public inspection June 17, 2016, 9:00 a.m.]

### **Pennsylvania's 2016 Annual Ambient Air Monitoring Network Plan; Available for Public Comment**

On October 17, 2006, the United States Environmental Protection Agency (EPA) promulgated final amendments to the National ambient air monitoring requirements for criteria pollutants in 40 CFR Parts 53 and 58 (relating to ambient air monitoring reference and equivalent methods; and ambient air quality surveillance). See 71 FR 61236 (October 17, 2006). The EPA's final rule requires state and local agencies to enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities." Under 40 CFR 58.10 (relating to annual monitoring network plan and periodic network assessment), air quality state and local monitoring agencies must adopt an annual air monitoring network plan and make the plan available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The plan, which is due July 1, 2017, must include a statement of purpose for each monitor and evidence that siting and

*Pollutant Reduction Activity Description*

This certification is for advanced pasture management.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops, no-till BMPs and forest buffers.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for cover crops and no-till BMPs.

This certification is for forest buffers.

This certification is for forest buffers.

This certification is for cover crops and no-till BMPs.

operation of each monitor meets Federal requirements. The EPA may also provide an opportunity for review and comment prior to approving or disapproving a state's monitoring network plan.

On June 18, 2016, the 2016 Annual Ambient Air Monitoring Network Plan (Plan) will be made available for public comment on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx](http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx). The Plan has been updated to address changes that have been made in the Commonwealth's ambient air monitoring network and to identify changes that are anticipated to occur in the remainder of 2016 and in 2017.

The public is invited to submit comments on the Plan. Comments must be received by the Department on or before July 18, 2016. 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 com-

ments using the Department's online eComment at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments should be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Annual Monitoring Network Plan" as the subject line.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1023. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Small Water Systems Technical Assistance Center Board Meeting Cancellation

The June 23, 2016, meeting of the Small Water Systems Technical Assistance Center Board (Board) has been cancelled. The next Board meeting is scheduled for Wednesday, July 13, 2016, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8467.

Questions concerning the cancellation of the June 23, 2016, meeting or the July 13, 2016, meeting should be directed to Dawn Hissner, Bureau of Safe Drinking Water at [dhissner@pa.gov](mailto:dhissner@pa.gov) or (717) 772-2189. The agenda and meeting materials for the next meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov> (select "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Dawn Hissner at (717) 772-2189 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1024. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Water Resources Advisory Committee Meeting Cancellation

The June 22, 2016, meeting of the Water Resources Advisory Committee (Committee) has been cancelled. The next Committee meeting will be held on August 17, 2016, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the next scheduled Committee meeting can be directed to Lee McDonnell at (717) 787-5017 or [lmcdonnell@pa.gov](mailto:lmcdonnell@pa.gov). The agenda and meeting materials for the next meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov> (select "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1025. Filed for public inspection June 17, 2016, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### 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*

*Regulation*

Chambersburg Endoscopy Center, LLC  
Western PA Surgery Center

28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)  
28 Pa. Code § 51.3 (relating to notification)

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](mailto: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. 16-1026. Filed for public inspection June 17, 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). Department regulations governing hospital licensure can be found in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals). The following hospitals are requesting exceptions to 28 Pa. Code § 153.1 (relating to minimum standards) which contains 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>
Saint Vincent Hospital	2.2-3.4.3.3(3)	Diagnostic radiography/fluoroscopy room	2014
Thomas Jefferson University Hospital— Internal Medicine (833 Chestnut Street)	3.8-3.1.2.1	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. 16-1027. Filed for public inspection June 17, 2016, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**Notice of Taxable and Exempt Property**

The Department of Revenue (Department) is hereby giving notice to the public, in accordance with the provisions of 61 Pa. Code §§ 52.1 and 58.1 (relating to purchases of medicines, medical supplies, medical equipment and prosthetic or therapeutic devices; and publication of list of taxable and exempt tangible personal property), of additions, deletions and revisions to the list of taxable and exempt property under the sales and use tax provisions of the Tax Reform Code of 1971 (71 P.S. §§ 7101—10004), published at 42 Pa.B. 7776 (December 22, 2012). Under 61 Pa. Code §§ 52.1 and 58.1, this list is required to be published by notice at least once every 3 years. In addition, quarterly the Department will publish notice of any additions, deletions or revisions to the list.

Copies of the Retailers' Information Booklet may be obtained by calling the 24-hour answering service numbers for forms ordering: Nationwide (800) 362-2050; and TT only (800) 447-3020.

**Index to Categories**

<i>Title</i>	<i>Category</i>
Books and Stationery	(1)
Business Supplies and Equipment	(2)
Clothing and Accessories	(3)
Computer Hardware and Software	(4)
Cosmetics and Toiletries	(5)
Farming Supplies and Equipment	(6)

<i>Title</i>	<i>Category</i>
Flowers, Seeds, Fertilizers, etc.	(7)
Food and Beverages Sold From a Caterer or Establishment Selling Ready-to-Eat Food	(8)
Food and Beverages Sold From a Vending Machine, Delicatessen, Grocery Store, Supermarket, Farmers Market, Bakery, Donut Shop, Pastry Shop, Convenience Store and Other Similar Establishments	(9)
Hair Goods and Notions	(10)
Hobby Supplies, Toys, Games, Radios, etc.	(11)
Home Sewing, Millinery and Craft Supplies	(12)
Household Goods and Supplies	(13)
A. Soaps and Detergents	
B. Cleaning and Polishing Preparations	
C. Paper Goods	
D. Wrapping Supplies	
Infant Supplies	(14)
Jewelry	(15)
Luggage, Handbags, Carrying Bags, Wallets, etc.	(16)
Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices	(17)
Miscellaneous	(18)
Optical Goods	(19)
Pets	(20)
Religious Articles	(21)

<i>Title</i>	<i>Category</i>
Restaurant Equipment and Supplies	(22)
Shoes and Shoe Accessories	(23)
Sporting Equipment, Clothing, Supplies and Recreational Equipment	(24)
Tobacco Products	(25)
Utilities and Fuel	(26)
Tires, Motor Vehicle, Leases and Rental (PTA Tax)	(27)
Vehicle Rental Tax (VRT)	(28)

### Listing of Taxable and Exempt Property

#### T—TAXABLE

#### NT—NONTAXABLE

\*—INDICATES CHANGE OR CLARIFICATION

\*\*—INDICATES NEW ITEM

#### (1) *Books and Stationery*

Tax is imposed on books, stationery and stationery supplies, including Bibles and religious publications sold by religious groups.

- T—Bibles
- T—Comic books
- T—Crossword, game books
- T—Dictionaries
- T—Greeting cards
- T—Instruction books for needle-craft, embroidery, knitting, etc.
- NT—Mail order catalogues
- NT—Newspapers of general circulation qualified to carry a legal advertisement
- T—Periodicals and magazines not purchased by subscription
- NT—Periodicals and magazines purchased by subscription
- T—School supplies, except when sold directly to a school district or qualified nonprofit educational institution
- NT—Textbooks, when sold by a school or an authorized book store
- \*\* T—Yearbooks

#### (2) *Business Supplies and Equipment*

Generally, sales of business supplies and equipment used in construction, repair, etc., of real estate are taxable.

- T—Building materials, supplies, and equipment used in construction, repair, etc., of real estate, except building machinery and equipment purchased by or for certain exempt entities
- T—Business forms such as invoices, order books, etc.
- T—Cash register receipt paper
- NT—Direct mail advertising materials, including calendars, matchbooks, etc.
- T—Display cases and merchandising equipment
- NT—Dry ice, when sold for internal packaging with the sale of property to others
- T—Fans
- T—Signs, circulars, show cards and posters
- T—Vending machines and equipment
- NT—Wrapping supplies used in connection with the sale of products

#### (3) *Clothing and Accessories*

Generally, clothing is nontaxable except the following: (1) Formal day or evening apparel; (2) Articles made of real, imitation, or synthetic fur, where the fur is more than three times the value of the next most valuable

component material; and (3) Sporting goods and clothing normally worn or used when engaged in sports (See Category 24).

- T—Accessories and ornamental wear
- NT—Aprons
- NT—Belts and suspenders
- T—Biking clothing
- NT—Boots and shoes, designed for everyday wear
- T—Bridal apparel and accessories
- T—Corsages and boutonnieres
- T—Costumes—Halloween, Christmas, etc.
- NT—Dress shields
- T—Formal clothing, including mother of the bride and flower girl dresses
- T—Fur, articles made of fur on hide or pelt, or any material imitative of fur, and articles of which fur, real, imitation, or synthetic, is the component material of chief value; and fur trimmed articles, if the value of fur is more than three times the value of the next most valuable component material. Felt, wool, or fabric is not taxable unless it resembles fur on the hide.
- NT—Garters and garter belts
- NT—Girdles
- T—Gloves, baseball, golf, racquet, etc.
- NT—Gloves, cloth and leather, for everyday wear
- \*\* NT—Gloves, gardening
- T—Gloves, sheepskin, fur, rubber
- T—Graduation caps and gowns
- NT—Gym suits
- T—Handkerchiefs
- NT—Headwear for everyday wear
- T—Helmets
- NT—Hosiery, pantyhose, and peds
- NT—Hunting clothing, including camouflage and blaze orange
- NT—Leotards and tights
- NT—Leather wearing apparel
- NT—Lingerie
- NT—Maternity clothing for everyday wear
- NT—Neckwear, ties
- NT—Nightgowns
- T—Prom dresses
- NT—Rainwear
- NT—Receiving blankets
- NT—Repairing of wearing apparel
- T—Safety clothing—(See Category 18)
- NT—Scarves, for headwear and neckwear
- NT—Scout uniforms and camp clothes
- T—Sheepskin coats
- NT—Stockings, including support-hose
- NT—Suspenders
- \*\* T—Swimming suits
- NT—T-shirts, imprinted
- T—Tuxedos
- T—Umbrellas
- NT—Underclothing
- NT—Work clothes, work uniforms
- NT—Yard goods (to make clothing)

#### (4) *Computer Hardware and Software*

Generally, tax is imposed upon the sale or use of computer hardware. Canned software is taxable including canned software products and services accessed by end users in Pennsylvania via computer devices, such as smart phones. Canned software is software that is not designed, created, and developed for and to the specifications of an original purchaser.

\*\* T—Canned computer software, whether accessed by physical medium such as a CD-ROM or accessed electronically

- \*\* T—Cellular telephones, smart phones, and accessories
- \*\* T—Computer tablets, e-readers, and accessories
- \*\* T—Desktop computer hardware and accessories such as monitors, keyboards, and mice
- \*\* T—GPS navigation equipment and services
- \*\* T—Laptop computers
- \*\* T—Mobile applications (apps)

(5) *Cosmetics and Toiletries*

- T—After shave creams, lotions, powders
- T—Antiperspirants
- T—Aromatherapy products (candles, oils, washes, etc.)
- T—Atomizers containing perfume and other liquids
- T—Bath milks, oils, powders, salts, tablets, crystals, etc.
- T—Bath and shower gels, and body shampoos
- T—Bleach creams and lotions
- T—Blush, rouges
- T—Body lotion and creams
- T—Breath fresheners and breath sprays
- T—Bubble bath preparations
- T—Cocoa butter, if advertised or labeled for cosmetic purposes
- T—Colognes
- T—Compacts containing blush or powder, compact refills
- T—Cosmetics
- T—Creams, cleansing, beauty or cold
- T—Creams, protective (having cosmetic claims or use as skin creams, antiperspirants)
- T—Cuticle softeners and removers
- T—Deodorants (even though having a medicinal or curative value, if advertised or labeled for use as a body deodorant)
- T—Deodorants (for use in closets, bureau drawers, etc., for imparting fragrance to clothing)
- NT—Deodorants, colostomy
- T—Dusting powders
- T—Eye shadows, eyeliner
- T—Eyebrow pencils
- T—Eyelash mascara and eyelash and brow dyes
- T—Face lotions, facial oils, face creams
- T—Face packs
- T—Face powders, in loose or cake and liquid form
- T—Foundation makeup
- T—Freckle removers, vanishing creams
- T—Hair conditioners and rinses
- T—Hair dyes, colorings, tints, rinses, and bleaches
- T—Hair gels and mousse
- T—Hair oils
- T—Hair removers
- NT—Hair restorative medications
- T—Hair straighteners
- \* T—Hair straightening lotions, creams, conditioners, and rinses
- T—Hairdressings, lotions, tonics, and pomades (regardless of whether they are colored or scented)
- T—Hairsprays
- T—Hand lotions, creams, and sanitizers
- T—Lip balm and ointments
- T—Lipsticks, lipstick refills, liquid lip color, lip liner, and lip gloss
- T—Lotions, cleansing and beauty
- T—Makeup remover
- T—Manicure preparations and kits
- T—Mask preparations
- T—Massage creams
- T—Mouthwashes
- T—Nail bleaches
- T—Nail polish removers
- T—Nail polishes, nail lacquers, nail enamel
- T—Perfume novelties, containing perfume

- T—Perfumes and perfume ingredient kits
- T—Permanent waving creams, lotions, neutralizer, and kits
- T—Powder bases (liquid, cream, and pressed)
- T—Sachets containing powder or aroma producing materials
- T—Scalp lotions, which are used or intended for use as a treatment for dry or oily hair
- T—Shampoos
- T—Shaving preparations, creams, lotions, powders, including medicated preparations
- T—Skin balms, bleaches, creams, fresheners, lotions, oils, tonics, or whiteners
- T—Sun allergy cream
- T—Sunburn preventives—suntan creams, lotions, oils, sunblock, etc.
- NT—Sunburn treatment, lotions or creams
- T—Talcum powder
- NT—Toothbrush, electric
- NT—Toothbrush, toothpaste, tooth cleaners, dental floss, and replacement brushes for electric toothbrush
- T—Water piks
- T—Wave set, paste, powder, or lotion
- T—Wrinkle removing and concealing preparations

(6) *Farming Supplies and Equipment*

The tax is not imposed upon the sale of property to a farmer to be used or consumed directly in the business of producing agricultural products. Home gardening is not considered farming. See REV-1729, Tax Information for Farmers, for additional information.

- NT—Artificial breeding equipment and supplies
- NT—Blacksmith/farrier services for commercial race-horses or horses used directly in farming
- T—Building supplies and materials used to build and repair barns, sheds, coops, etc.
- NT—Cleaners and disinfectants used in cleaning milking equipment and to sterilize milk cans to prevent spoilage (Property used for general farm cleaning and maintenance is taxable.)
- NT—Equipment used to extract a product from productive animals or from the soil, such as harvesters, combines, binders, forage blowers, milking equipment, egg collecting equipment, corn shuckers, threshers, manure handling equipment
- NT—Equipment such as barn shovels, ensilage forks, wheelbarrows and feed carts
- NT—Feed and feed additives for productive animals
- T—Fencing
- NT—Fertilizer and chemical additives to be added to soil
- T—Fire prevention and safety equipment
- NT—Fuel for use in heating poultry brooder and greenhouses
- NT—Fumigation services upon agricultural commodities or containers used for agricultural commodities
- T—Greenhouses and mushroom houses (if permanently installed to the real estate)
- NT—Grooming materials, equipment, and supplies when necessary for the health of productive animals
- NT—Harnesses used to control productive animals on the farm
- NT—Ice
- NT—Livestock equipment to dispense chemicals, medicines, and feed additives
- NT—Livestock feeding equipment such as tubs, buckets, cans, etc., feed scoops, and portable watering devices

T—Maintenance facilities including tools, machinery and equipment to maintain machinery, equipment or building property, such as chain hoists, tire spreaders, drills, sanders, lumber, nails, wrenches, brooms, welding equipment, paint brushes and sprayers

NT—Milk strainers and strainer discs and towels (dispensers to store and dispense the discs are taxable)

T—Motor vehicles, if required to be licensed by the Department of Transportation

NT—Pest control services for agricultural purposes

NT—Property which becomes an ingredient or constituent of a farm product or is consumed by productive animals or plant growth, such as seeds, fertilizer, chemical additives, etc., and property such as seeders, planters, plows, harrows, cultivators, sprayers, and similar equipment used to till soil, plant, seed, and care for productive plants

NT—Property used to handle, store, or preserve farm products or productive animals on farm premises such as chemicals, grooming equipment (dehorners, debeakers, hoof trimmers, calf weaners, etc.)

T—Property used to transport or convey the farm product after the final farming operation

NT—Refrigeration or cooling equipment used to store farm products

NT—Replacement parts such as tires, motors, belts, cutting edges, air filters, gears, and similar replacement parts installed on exempt equipment. Motor fuels, lubricants, compressed air, distilled water, abrasives, and similar supplies when used in operating exempt machinery are not taxable. Tools and equipment to apply parts and supplies are taxable.

NT—Seeds

NT—Silos

T—Water heater for cleaning dairy equipment and supplies

NT—Water pump for farm use

NT—Wrapping supplies and containers which are non-returnable to deliver self-produced farm products.

(7) *Flowers, Seeds, Fertilizers, etc.*

The tax is imposed upon the sale of property which is purchased by persons not engaged in the business of farming.

T—Fertilizer, sprays, insecticides

T—Gardening supplies

T—Seeds and bulbs

T—Vegetable seeds, vegetable plants, flowers, and fruit trees

NT—Vegetable seeds, vegetable plants, and fruit trees purchased with food stamps

(8) *Food and Beverages Sold From a Caterer or Establishment Selling Ready-to-Eat Food*

Generally, tax is imposed on food and beverages sold from a caterer or an establishment selling ready-to-eat food and beverages for consumption on or off the premises, on a take-out or to-go basis, or delivered to the purchaser or consumer. An establishment selling ready-to-eat food and beverages is defined by law to include a restaurant, cafe, lunch counter, private or social club, tavern, dining car, hotel, night club, fast food operation, pizzeria, fair, carnival, lunch cart, ice cream stand, snack bar, lunch truck, cafeteria, employee cafeteria, theatre, stadium, arena, amusement park, juice stand, carryout shop, coffee shop, popcorn stand and other establishments, whether mobile or immobile. The law specifically excludes certain businesses from this definition and these establishments are discussed in Section 9.

NT—Alcohol, malt or brewed beverages, and wines. Tax is paid at time of purchase from a Liquor Control Board store or licensed malt beverage distributor.

\* T—All food and beverages, in any quantity, including both food and beverages prepared on the premises, and prepackaged food and beverages, unless specifically exempt

NT—Candy and gum

T—Food supplements and substitutes

NT—Ice

T—Nonalcoholic beverages

NT—Water

(9) *Food and Beverages Sold From a Vending Machine, Delicatessen, Grocery Store, Supermarket, Farmers Market, Bakery, Donut Shop, Pastry Shop, Convenience Store and Other Similar Establishments*

Generally, tax is not imposed on food and beverages sold from other than a caterer or establishment selling ready-to-eat food and beverages. However, tax is imposed upon selected food and beverage items listed as taxable as follows, when sold from the establishments previously listed.

NT—Beer, six packs (unless sold by a distributor)

NT—Bitters and grenadine

\*\* T—Breath mints

T—Brewed coffee

NT—Candy apples

NT—Candy and gum

NT—Caramel corn

NT—Coffee beans, whole bean or ground

NT—Coffee, cold bottled, and flavored

T—Coffee, hot

NT—Deli items such as meats and cheeses, potato salad, macaroni salad, etc.

NT—Food, fruit drinks, soft drinks, and sandwiches purchased with food stamps

NT—Food supplements in any form

NT—Fruit drinks, noncarbonated or reconstituted, containing at least 25% natural fruit juice

T—Fruit drinks, noncarbonated or reconstituted, containing less than 25% natural fruit juice

T—Hot beverages

T—Hot food items

T—Hot soup

T—Hot pizza

NT—Ice

T—Ice cream, yogurt, and other ice based products when hand dipped or hand served

T—Kool-Aid

\* T—Meals—not including prepackaged frozen meals or meals requiring additional preparation

NT—Milk

\* T—Nonalcoholic beverages, unless specifically exempt

NT—Party trays, vegetable, cheese, seafood, meat

\*\* NT—Power/energy bars

\*\* NT—Pretzels and chips

\*\* NT—Protein bars

T—Pumpkins—for decoration

NT—Pumpkins—for food

T—Salad bars, self-service

T—Sandwiches

T—Soft drinks, bottled and non-bottled (including soft drink mixes and powder, liquid or tablet form)

NT—Soy milk

T—Sports drinks

T—Sushi

NT—Sweeteners, artificial

\* NT—Tea, all forms including liquid and powdered tea, except hot tea

NT—Water, including nonflavored mineral water  
 T—Water, flavored, including vitamin water

(10) *Hair Goods and Notions*

Generally, hair goods are taxable unless the item qualifies as clothing.

\*\* T—Blow-dryers

T—Hair goods and notions, such as barrettes, hair pins, hair nets, curlers, clips, hair bow holders, combs, brushes, chignons, bandeaux

\*\* T—Irons, curling and flat

T—Shower caps

T—Wigs and toupees (the service of cleaning, styling, etc., also is taxable)

(11) *Hobby Supplies, Toys, Games, Radios, etc.*

T—Audio players, components and accessories, records, compact discs

T—Baseball, football cards, etc.

T—Bicycles and parts

T—Boats and equipment

T—Games

T—Hobby supplies

T—Musical instruments and sheet music

T—Photographic and projection equipment and supplies

T—Photographic services, film developing, printing, processing, mounting, coloring, etc.

T—Playing cards

T—Pocket knives

T—Radios, TV sets, receiving equipment

T—Tape recorders and tapes

T—Toys

\* T—Video cassettes and discs, recorders, players, components and accessories, and cameras

(12) *Home Sewing, Millinery and Craft Supplies*

Clothing is defined as articles designed for everyday wear. Goods and items which are to become a component part of clothing are not taxable. Goods and items which become a component of articles other than clothing, such as formal wear and crafts, are taxable. Equipment and supplies used in sewing are taxable.

T—Artificial flowers

T—Buckles for articles other than clothing

NT—Buckles for clothing

T—Buttons for articles other than clothing

NT—Buttons for clothing

T—Dress forms

NT—Dress patterns

T—Fabrics for articles other than clothing

NT—Fabrics for clothing

NT—Dye, clothing fabric

T—Elastics for articles other than clothing

NT—Elastics for clothing

T—Embroidery hoops

NT—Embroidery of clothing

T—Embroidery of formalwear and other items

T—Hooks and eyes for articles other than clothing

NT—Hooks and eyes for clothing

T—Knitting yarn for articles other than clothing

NT—Knitting yarn for clothing

T—Laces, ribbons, edgings, trimmings for articles other than clothing

NT—Laces, ribbons, edgings, trimmings for clothing

T—Needle-craft instruction books

T—Needles

T—Rug yarns

T—Scissors

T—Sewing kits

NT—Shoulder pads

T—Tape measures

T—Thimbles

T—Thread for articles other than clothing

NT—Thread for clothing

T—Yarn goods for articles other than clothing

NT—Yarn goods for clothing

T—Yarn holders

T—Zippers for articles other than clothing

NT—Zippers for clothing

(13) *Household Goods and Supplies*

T—Air fresheners

T—Ant traps

T—Basin stoppers

T—Batteries

T—Bedding

T—Books

T—Boot caddy

T—Brooms

T—Buckets

T—Candles

T—Charcoal

T—Cloth laundry bags

\* T—Cloth towels, dish, bath, and hand

T—Clothesline

T—Clothespins

T—Coat hangers

T—Cookware, pots and pans

T—Cutlery

\* T—Decorations, household and yard

T—Dinnerware

T—Dishpans

T—Door mat

T—Drinking glasses

T—Easter egg color/paint

T—Extension cords

T—Filters, disposable air

T—Fire extinguishers

T—Fly swatters

T—Fly tapes

T—Furnishings, appliances, fittings, ornaments, furniture, equipment, and accessories. Furnishings including bedding, rugs, lamps, hardware, electrical goods, mirrors, pillows, scarves for furniture, bookends, clocks, glassware, crockery, silverware, flatware, and other household wares.

T—Fuses

T—Glue

\* T—Grills, and replacement parts, utensils, and scrapers

T—Hardware and tools

T—Household linens, blankets

T—Insecticide sprays

T—Ironing board and covers

T—Jars for canning and jar lids

T—Light bulbs

T—Lubricating oils

T—Matches

T—Metal and plastic cooking utensils and flatware

T—Mops

T—Moth balls and moth flakes

T—Mouse traps

T—Needles

T—Notebooks

T—Oilcloth

T—Paints, brushes, and painting equipment

T—Paint removers

T—Plants, vegetable and flower (see Category 7)

T—Polishing cloths

T—Refrigerator deodorants

T—Rubber gloves

T—Rug shampoo applicators  
 T—Salt, water softeners  
 T—Sandpaper  
 T—Scrub brushes  
 T—Seeds, vegetable and flower (see Category 7)  
 T—Shoe brushes  
 T—Sponges  
 T—Stationery  
 T—Static control spray, sheets  
 T—Thermometers  
 \*\* T—Thermoses  
 T—Thimbles  
 T—Tie racks  
 T—Toothpicks  
 T—Turpentine and paint thinner  
 \*\* T—Vacuum cleaners, and disposable bags, parts  
 T—Ventilating fans and equipment  
 T—Water filters, replacement  
 T—Wax applicators  
 T—Wax paraffin

#### A. Soaps and Detergents

T—Bleaches  
 T—Cleaner, septic tank, hand, oven, toilet bowl, or tile  
 T—Cleansers  
 T—Detergents  
 T—Drain opener  
 T—Dry cleaning kits  
 T—Pre-soaks  
 T—Rug shampoo  
 T—Soaps, scented and unscented  
 T—Softeners (fabric)  
 T—Spot removers and stain treatments  
 T—Starch  
 T—Whiteners

#### B. Cleaning and Polishing Preparations

T—Car cleaners and waxes  
 T—Glass cleaner  
 T—Polishes, floor, furniture, silver and similar items  
 T—Removers, rust or wax  
 T—Scouring pads  
 T—Steel wool

#### C. Paper Goods

T—Cups, paper, plastic or styrofoam  
 NT—Disposable diapers and incontinence products  
 T—Drop cloths, paper and plastic  
 T—Facial tissue  
 T—Filters, coffee  
 T—Napkins  
 T—Place mats  
 T—Plates, paper, plastic, or styrofoam  
 NT—Sanitary napkins, tampons, or similar items used for feminine hygiene  
 T—Shelf paper, liners  
 \* T—Straws for drinking  
 T—Tablecloths  
 \*\* T—Toilet seat covers  
 NT—Toilet tissue  
 T—Towels  
 NT—Wet-wipes

#### D. Wrapping Supplies

T—Aluminum foil  
 T—Food bags  
 T—Plastic wraps  
 T—Tape, masking, scotch, plastic, freezer, duct  
 T—Trash bags, paper and plastic  
 T—Twine

T—Wax paper  
 T—Wrapping paper, including gift wrapping, ribbons, etc.

#### (14) Infant Supplies

T—Accessories, nursing bottles, nipples, teething beads, teethingers  
 NT—Bibs  
 T—Car seats, infant  
 T—Crib blankets  
 T—Diaper bags  
 NT—Diaper cream  
 NT—Diaper pins  
 NT—Diapers, cloth and disposable  
 NT—Diaper service  
 NT—Formula  
 T—Furniture including cribs, high chairs and booster seats  
 T—Liners (nursing bottles)  
 T—Monitors  
 NT—Receiving blankets for infants  
 NT—Rubber pants  
 \*\* NT—Wipes, baby

#### (15) Jewelry

T—Beads, materials used in jewelry-making  
 T—Earring backs  
 T—Jewelry, including those with religious symbols incorporated  
 \*\* T—Jewelry, used for body piercing  
 T—Jewelry repair services  
 T—Ornaments and pins for hats and dresses  
 \* T—Jewelry repair services

#### (16) Luggage, Handbags, Carrying Bags, Wallets, etc.

T—Bags, carrying, athletic, book, etc.  
 T—Handbags, pocketbooks and purses  
 T—Knitting bags  
 T—Leather goods, except clothing  
 T—Luggage, briefcases  
 T—Wallets and billfolds

#### (17) Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices

The tax is not imposed on prescription or nonprescription medicines and drugs or medical supplies, crutches, and wheelchairs for the use of people with disabilities, artificial limbs, artificial eyes, and artificial hearing devices, when designed to be worn on the person of the purchaser or user, false teeth and materials used by a dentist in dental treatment, eyeglasses, when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser, and artificial braces and supports designed solely for the use of people with disabilities, or any other therapeutic, prosthetic or artificial device designed for the use of a particular individual to correct or alleviate a physical incapacity, including, but not limited to, hospital beds, iron lungs, and kidney machines.

T—Acne cleaners and acne pads  
 NT—Acne treatments, lotions, creams  
 T—Adhesive removers  
 NT—Adhesives used for medical treatment  
 T—Air cleaners and electrostatic machines  
 NT—Alcohol, rubbing, swabs and wipes  
 NT—Analgesics  
 NT—Antacids  
 NT—Antiseptics, for external use only  
 NT—Applicators (See “Cotton applicators”)  
 NT—Arch supports  
 NT—Arm slings

- NT—Artificial eyes  
 NT—Artificial limbs  
 NT—Aspirin  
 T—Autoclave  
 NT—Automobile accessories, when noted by the Department of Transportation upon the motor vehicle operator's license of the purchaser that such accessories are necessary, and when charges for accessories are stated separately by the vendor on the sales invoice.  
 NT—Automobile wheelchair lifts  
 T—Baby powder  
 NT—Bandages, dressings, gauze, and cotton  
 T—Bath tub and bathroom safety devices  
 T—Batteries, unless purchased for use in medical equipment and from a medical supply house  
 NT—Bed boards  
 NT—Bed drain bags  
 NT—Bed pans  
 NT—Bed trapeze bars  
 NT—Benzoin  
 T—Bidet toilet seats  
 T—Blankets  
 T—Blood agar plates  
 NT—Blood glucose monitors used to treat diabetes (therapeutic devices)  
 NT—Blood pack units  
 T—Blood pressure testing apparatus  
 NT—Bone pins  
 NT—Braces and supports worn on the body to correct or alleviate a physical incapacity  
 NT—Braille teaching texts  
 T—Breast pumps  
 NT—Breathing units, intermittent positive pressure  
 NT—Burn ointment and lotion  
 NT—Calamine lotion  
 NT—Canes  
 NT—Cardiac emergency kit  
 NT—Cardiac pacemakers and electrodes  
 NT—Castor oil  
 NT—Catheters and accessories  
 T—Chemical agents and related supplies for analysis of patients' specimens  
 NT—Cod liver oil  
 NT—Colostomy appliances  
 NT—Colostomy deodorants  
 NT—Commodes, chair bedside  
 NT—Commode seats, elevated for use by incapacitated persons  
 NT—Contact lenses, and wetting solutions  
 T—Contact lenses cleaning solutions  
 NT—Corn pads and plasters for the removal of corns  
 NT—Cotton applicators, cotton rolls, cotton balls and cotton swabs  
 NT—Cough and cold items, cough drops, cough syrups  
 NT—Crutches  
 NT—Crutch pads  
 NT—Defibrillators  
 T—Dehumidifiers  
 NT—Dental floss  
 NT—Dental materials which are transferred to the patient, including dentures, fillings, crowns, inlays, bridges and lingual or palatal bars  
 NT—Dental supplies used in dental treatment, including X-ray film, cotton, impression and materials  
 T—Dentist chair  
 NT—Dentist drills, disposable  
 T—Dentist replacement burs, drills, reusable  
 NT—Denture products, including denture cleaners and adhesives  
 T—Deodorants, personal and room  
 T—Diagnostic equipment  
 T—Diagnostic glassware and diagnostic testing materials  
 NT—Dialysis machines  
 NT—Diathermy machines  
 NT—Dietary supplements and substitutes, in any form  
 NT—Diet pills  
 T—Disinfectants  
 NT—Drapes, paper  
 T—Ear plugs  
 T—EKG mounts and EKG paper  
 NT—Elastic bandages and braces  
 T—Electrocardiocorder  
 NT—Emesis basins or pans  
 NT—Epsom salts  
 T—Esophageal dilator  
 T—Eucalyptus oil  
 NT—Examining table paper  
 T—Exercise equipment, including exercise bikes and treadmill exercisers  
 NT—Eye ointment  
 NT—Eye pads  
 NT—Eye washes  
 NT—Eyeglasses, prescription  
 NT—False teeth  
 NT—First aid kits  
 NT—Fluidic breathing assistor  
 NT—Food substitutes  
 NT—Foot pads, insoles, all types  
 NT—Foot products for treatment of infections  
 NT—Gauze  
 NT—Gloves, surgical, disposable  
 NT—Glucose tablets  
 NT—Glycerin  
 NT—Gowns, medical  
 NT—Hearing aids and batteries  
 T—Heaters, portable, room  
 NT—Heating pads  
 NT—Hospital beds, having side rails, electric and non-electric with attachments  
 NT—Hot water bottles  
 T—Humidifiers  
 NT—Hygienic needs, douche powder, vaginal preparations  
 NT—Hydrocortisone cream  
 NT—Hydrogen peroxide  
 NT—Ice bags  
 NT—Ileostomy bags  
 NT—Incontinence products, including incontinence pants  
 NT—Infusion pumps  
 NT—Inhalation therapy equipment and equipment used to provide emergency breathing assistance  
 NT—Insulin  
 \*\* NT—Insulin pumps  
 T—Intravenous stand  
 NT—IUD devices  
 T—Laboratory testing and analysis equipment and supplies  
 NT—Lactose intolerance medication  
 NT—Lamps, ultraviolet and infrared  
 NT—Lancets  
 NT—Laxatives and cathartics  
 NT—Lice shampoo  
 NT—Lifters, patient  
 NT—Lubricating jelly  
 NT—Lymphedema pumps  
 T—MRI equipment  
 T—Mattresses, air  
 NT—Mattresses, alternating positive pressure  
 NT—Mattresses and covers for hospital beds  
 T—Medical alert cards  
 T—Medical alert systems

- NT—Medicated powder  
 NT—Medicine cups, disposable  
 T—Microscopes  
 NT—Milk of magnesia  
 T—Mouthwashes  
 NT—Muscle stimulator, electronic for physical therapy  
 NT—Nasal cannula  
 T—Nasal speculum  
 T—Needle holder  
 \* NT—Needles and syringes, disposable  
 T—Needles and syringes, reusable  
 NT—Orthodontic brackets  
 T—Orthodontic trays  
 NT—Orthopedic splints  
 T—Overbed tables  
 NT—Oxygen and oxygen equipment, when used for medical treatment  
 NT—Pads, moist heat pad, alternating positive pressure pad, flotation pad, lamb's wool pad  
 NT—Paraffin bath units, standard or portable  
 T—Percussors  
 NT—Pet medicines  
 NT—Petroleum jelly  
 NT—Physical therapy equipment, when designed exclusively for use in correcting or alleviating a physical incapacity  
 T—Plaque remover  
 T—Pore cleaners, medicated, pore strips  
 NT—Postural drainage boards  
 NT—Postural support chairs  
 \*\* NT—Prefilled syringes for injection  
 NT—Pre-moistened wipes  
 NT—Prophylactics  
 NT—Prostheses (mammary, malar, chin, urinary, incontinence, etc.)  
 T—Pumice powder  
 NT—Pump, diaphragm, pressure vacuum  
 T—Razor blades, unless disposable and used for medical procedure preparation  
 NT—Rectal preparations  
 T—Safety grab bars  
 NT—Sanitary napkins, tampons, and similar items  
 T—Sanitizer, air  
 T—Sauna baths  
 T—Scissors  
 T—Shaving products  
 T—Sheets, cloth  
 NT—Sheets, disposable  
 NT—Shoe insoles, orthopedically designed  
 NT—Sitz bath  
 NT—Smoking deterrents, gum and patch  
 T—Soaps  
 NT—Specimen containers, disposable  
 T—Sphygmomanometer  
 T—Sphygmostat  
 NT—Stair gliders for persons having a physical disability, installed in the purchaser's home and pursuant to a physician's prescription  
 T—Stethoscope  
 NT—Styptic pencils  
 T—Suction machines and pumps  
 NT—Sunburn treatment lotions or creams  
 T—Sunglasses (unless prescription)  
 T—Suntan lotion, sunblock  
 NT—Suppositories  
 T—Surgical instruments  
 NT—Surgical instruments and supplies, single use disposable  
 NT—Surgical masks, disposable  
 NT—Sutures  
 T—Tables, bedside  
 T—Tables, examining  
 T—Talcum powder  
 T—Teeth whitening strips  
 T—Telecaption equipment  
 NT—Test strips used in treatment of diabetes  
 T—Testing kits, pregnancy, UTI  
 NT—Thermal pads, disposable  
 T—Thermometer, medical  
 NT—Thermometer covers, disposable  
 NT—Tongue depressor, disposable  
 T—Tooth whitening kits  
 NT—Toothache drops  
 NT—Toothbrushes  
 NT—Toothpaste  
 T—Tooth whitening kits  
 NT—Tourniquets  
 NT—Trachea tubes  
 NT—Traction units, including bed stand, ankle, extension, pelvic or cervical units, head holder, fracture unit with trapeze bar set, weights, weight bags, pelvic lacing belt, and over door traction equipment  
 NT—Tubing, intravenous  
 NT—Urine drain bag  
 T—Vacutainers  
 NT—Vaginal diaphragms  
 T—Vapona strips  
 T—Vaporizers  
 NT—Vitamins  
 NT—Walking bars and walkers  
 NT—Wheelchairs, manual and motorized, scooters, and batteries  
 T—Whirlpool baths and whirlpool pumps  
 T—Wigs  
 T—X-ray equipment and machines  
 T—X-ray film and chemicals not used by dentists

(18) *Miscellaneous*

- \*\* NT—Acupuncture and massage services  
 T—Antiques  
 \* NT—Body tattooing and piercing services  
 NT—Bullion, investment metal  
 \*\* T—Car wash, automated or self-serve  
 \* NT—Caskets, burial vaults, markers, interred cremation urns and tombstones for human graves, including foundations  
 T—Christmas trees  
 T—Coin banks and coin holders  
 NT—Coins, investment (numismatic coins and legal tender)  
 T—Compressed air, dispensed  
 T—Corkage fee  
 NT—Coupon books sold to individual consumers  
 \*\* T—Cremation urns, not interred  
 T—Dry ice, except when sold as an internal packaging material to retailer, manufacturer, or processor  
 NT—Safety equipment and devices designed and worn by production personnel employed in manufacturing, processing, mining, public utility, farming, and dairying. Examples: asbestos suits, gloves, aprons, boots, masks, helmets, goggles, and similar items.  
 T—Equipment and devices worn by nonproduction personnel  
 T—Fencing materials  
 NT—Flags of the United States and Commonwealth. Bunting and other flags are taxable.  
 T—Flags kits, that include poles or brackets  
 T—Fuel for motor vehicles, except when subject to Liquid Fuel or Fuel Use Tax



NT—Gift cards  
 \*\* NT—Golf green fees  
 NT—Health club membership fees  
 T—Hot tubs and spas, regardless of physician recommendation  
 T—Lunch kits, thermoses, and replacement parts  
 T—Motor vehicle repair services (including labor), accessories, parts, supplies, lubricants, equipment, vehicle and emission inspection  
 T—Paper money, which is not legal tender in the United States, is taxable on full purchase price  
 T—Paper money, which is legal tender in the United States, is taxable on amount in excess of face value  
 NT—Parking fees  
 T—Party favors  
 NT—Pony rides and trail rides  
 T—Prepaid telephone cards  
 \*\* NT—Retail club memberships  
 T—Scout supplies and training manuals, except when sold to a scout troop  
 T—Sheds, unless purchaser has a building permit  
 T—Souvenirs  
 T—Stamps, uncanceled United States stamps are taxable on amount in excess of face value  
 T—Stamps, cancelled United States stamps and all foreign stamps are taxable on the full purchase price  
 NT—Tanning booth fees  
 \*\* NT—Tickets for admission to the theater, concerts, sporting events, amusement parks, and amusement or activity complexes  
 T—Trading stamp redemption for taxable property

(19) *Optical Goods*

\* NT—Contact lenses, prescription, and wetting solutions  
 T—Contact lenses cleaning solutions  
 NT—Eyeglasses, prescription  
 T—Magnifying glasses  
 T—Opera glasses and field glasses  
 T—Sunglasses (prescription sunglasses are exempt)

(20) *Pets*

NT—Boarding, sitting, or walking  
 T—Clippers and clipper lubricants  
 T—Equipment (collars, leashes, etc.)  
 T—Farrier services for pet horses  
 NT—Flea collars, flea powder, flea and tick soap, and tick sprays  
 T—Food, including food supplements and prescription food  
 T—Grooming, unless performed by a veterinarian for the purpose of or incidental to medical treatment  
 NT—Medicines and medical supplies  
 T—Pet caskets and urns  
 NT—Pet cremation and burial services  
 T—Sale or rental of pets, or adoption from shelters, which includes fees for shots and spaying or neutering  
 T—Shampoo  
 T—Veterinarian equipment  
 NT—Veterinarian services  
 T—Vitamins

(21) *Religious Articles*

Bibles, religious publications, and religious articles are subject to tax unless purchased by organizations qualifying as institutions of purely public charities which hold an exemption number prefixed by the number 75, and government entities.

T—Bibles  
 T—Candles used in religious worship  
 T—Clergy vestments and choir and altar server clothing

T—Holy water bottles  
 T—Nativity scenes  
 T—Religious statues, medals and symbols used in religious worship  
 T—Religious publications sold by religious groups  
 T—Rosaries  
 T—Wines used in religious services

(22) *Restaurant Equipment and Supplies*

Equipment, implements and similar property for use in the preparation and service of food is taxable.

NT—Carbon dioxide for soda fountain  
 T—Carbonator for soda fountain operation  
 NT—Chef hats  
 T—Disposable trays  
 T—Equipment used to prepare and serve food and beverages  
 T—Ice making equipment  
 T—Latex gloves  
 T—Napkins, wooden or plastic spoons, forks, straws, and similar articles for use in restaurants, vending machines, and other eating places  
 T—Placemats  
 T—Toothpicks  
 T—Vending machines and equipment  
 NT—Work uniforms  
 NT—Wrapping supplies, paper or plastic plates, cups, and similar articles for the delivery of food, used by restaurants or in vending machines

(23) *Shoes and Shoe Accessories*

Generally, shoes designed for everyday wear are exempt. However, shoes designed for formal wear or sporting activities are taxable.

T—Bathing (swimming) shoes  
 NT—Overshoes  
 NT—Safety shoes  
 T—Shoe brushes, applicators, and shoe trees  
 T—Shoe clips  
 NT—Shoe dye  
 NT—Shoe laces  
 NT—Shoe polish  
 NT—Shoe repairs  
 NT—Shoe soles and heels for shoe repair  
 T—Shoes for baseball, bowling, football, golf, soccer, hockey, dance, etc.  
 T—Shoes for formal wear, such as metallic cloth, brocade, satin, or silver leather, primarily for formal wear.  
 NT—Shower clogs  
 NT—Slippers  
 NT—Sneakers, jogging, tennis and aerobic shoes  
 NT—Toe sneakers

(24) *Sporting Equipment, Clothing, Supplies and Recreational Equipment*

Tax is imposed on sporting and recreational equipment, clothing and supplies which are designed to be worn and are normally worn only when engaged in sports.

T—Accessories such as ammunition belts, hip waders, and fly vests  
 T—Ballet shoes  
 NT—Baseball caps and tee shirts  
 T—Bathing caps  
 T—Bathing suits  
 T—Beach coats  
 T—Bicycles, parts, accessories, and supplies  
 T—Boats, pleasure boats, and equipment and parts  
 NT—Bowling shirts  
 T—Bowling shoes, purchase and rental

T—Equipment and supplies for baseball, football, hockey, basketball, and other sports  
 T—Exercise equipment  
 T—Guns and ammunition  
 NT—Gym suits, outfits  
 T—Helmets  
 T—Hunting accessories  
 NT—Hunting clothing, including camouflage and blaze orange  
 NT—Jogging outfits, running shoes  
 T—Mats, floor  
 T—Protective equipment, knee pads, elbow pads, forearm pads, etc.  
 T—Sleeping bags  
 NT—Sneakers, jogging, tennis and aerobic shoes, etc.  
 NT—Snowmobile suits  
 T—Uniforms, baseball, football, soccer, basketball, hockey etc.  
 NT—Warm-up suits, cloth sweat suits  
 T—Weights  
 \* T—Skates, ice, roller, in-line, sharpening and rental

(25) *Tobacco Products*

T—Chewing tobacco, all types  
 T—Cigarettes, little cigars

T—Cigars, all types  
 \*\* T—Electronic cigarettes and vaporizers, and accessories  
 \* T—Smoking accessories, including lighters  
 T—Tobacco, all types

(26) *Utilities and Fuel*

\*\* T—Cellphone services  
 NT—Coal  
 NT—Coin-operated telephone charges  
 T—Corn and corn pellets  
 T—Fire logs, processed  
 NT—Firewood, kindling and wood pellets for residential use  
 NT—Fuel oil, gas, steam, or electricity purchased for residential use  
 T—Fuel oil, gas, steam, or electricity purchased for commercial use  
 T—Interstate and intrastate telephone services for residential or commercial use  
 NT—Basic telephone service and subscriber line charges for residential use  
 T—Basic telephone service and subscriber line charges for commercial use  
 T—Utilities for office or business within home

(27) *Tires and Motor Vehicle Leases and Rentals Subject to Public Transportation Assistance Fund Taxes and Fees (PTA) (61 Pa. Code § 47.19)*

The following items are subject to a Public Transportation Assistance Fund Taxes or Fees as indicated. The tax or fee is in addition to any Sales or Use Tax which may be due. However, the Sales, Use, PTA Taxes or PTA Fees shall not be included within the tax base when imposing such taxes or fees.

<i>Item</i>	<i>PTA Tax / Fee</i>	<i>Exemption</i>
Tires, new tires for highway use (used tires and tires for off highway use are not subject to the fee).	\$1 fee upon the sale of each new tire.	Exempt only if purchased by a government entity.
Rentals of motor vehicles (the term rental shall mean the transfer of the possession of a motor vehicle for a period of less than 30 days).	\$2 fee upon each rental day or part thereof.	Exempt, if lessee qualifies for Sales Tax Exemption.
Leases of motor vehicles (the term lease shall mean the transfer of possession of a motor vehicle for a period of 30 or more days).	3% tax upon the total lease payment including down payment and accelerated lease payments.	Exempt, if lessee qualifies for Sales Tax Exemption.

(28) *Vehicle Rental Tax (VRT) (61 Pa. Code § 47.20)*

Rental companies that have available for rental 5 or more motor vehicles designed to carry 15 or less passengers, or a truck, trailer, or semi-trailer used in the transportation of property, other than commercial freight that is rented without a driver, are responsible for collecting an additional 2% tax. This tax is imposed on the purchase price, as calculated for Sales Tax purposes, of each rental contract for a period of 29 consecutive days or less. The VRT is separate from, and in addition to, any applicable state or local Sales Tax or the \$2 daily PTA fees.

Rental companies may claim a refund up to the amount of tax remitted for licensing and titling fees paid to the Commonwealth during a previous calendar year.

EILEEN H. McNULTY,  
 Secretary

[Pa.B. Doc. No. 16-1028. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Pennsylvania \$1,000,000 Fortune Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1,000,000 Fortune.

2. *Price:* The price of a Pennsylvania \$1,000,000 Fortune instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania \$1,000,000 Fortune instant game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Bank (BANK) symbol, 5X (5TIMES) symbol and a FORTUNE (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$20,000 (TWY THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$30, \$50, \$100, \$200, \$250, \$500, \$1,000, \$20,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania \$1,000,000 Fortune instant game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1MILL (ONE MIL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (BANK) symbol, and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (BANK) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a FORTUNE (WINALL) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (BANK) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a FORTUNE (WINALL) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in ten of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in

the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (BANK) symbol, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$150.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (BANK) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (BANK) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (BANK) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$30.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (BANK) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$20 w/ BANK	\$20	450,000
\$20	\$20	360,000
\$30 w/ BANK	\$30	180,000
\$30	\$30	180,000
(\$30 w/ BANK) + (\$20 w/ BANK)	\$50	90,000
\$50 w/ BANK	\$50	180,000
\$50	\$50	54,000
\$20 x 5	\$100	18,000
\$50 x 2	\$100	18,000
\$20 w/ 5X	\$100	90,000
(\$20 w/ BANK) x 5	\$100	18,000
\$100 w/ BANK	\$100	18,000
\$100	\$100	18,000
\$20 x 10	\$200	2,250
\$50 x 4	\$200	2,250
(\$20 w/ 5X) + (\$50 x 2)	\$200	4,500
(\$20 w/ 5X) x 2	\$200	2,700
(\$50 w/ BANK) x 4	\$200	4,500
\$200 w/ BANK	\$200	2,250
\$200	\$200	2,250
FORTUNE w/ ((\$30 x 10) + (\$20 x 10))	\$500	7,200
\$50 x 10	\$500	900
\$100 x 5	\$500	900
\$250 x 2	\$500	900

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 5,400,000 Tickets
(\$20 w/ 5X) × 5	\$500	6,000	900
(\$50 w/ 5X) × 2	\$500	6,000	900
\$100 w/ 5X	\$500	6,000	900
\$500 w/ BANK	\$500	6,000	900
\$500	\$500	6,000	900
FORTUNE w/ (\$50 × 20)	\$1,000	12,000	450
\$100 × 10	\$1,000	24,000	225
\$250 × 4	\$1,000	24,000	225
\$500 × 2	\$1,000	24,000	225
(\$20 w/ 5X) × 10	\$1,000	24,000	225
(\$50 w/ 5X) × 4	\$1,000	24,000	225
(((\$30 w/ 5X) × 6) + (\$50 × 2))	\$1,000	24,000	225
\$1,000 w/ BANK	\$1,000	24,000	225
\$1,000	\$1,000	24,000	225
\$20,000 w/ BANK	\$20,000	1,080,000	5
\$20,000	\$20,000	1,080,000	5
\$20,000 w/ 5X	\$100,000	1,080,000	5
\$100,000	\$100,000	1,080,000	5
\$1,000,000	\$1,000,000	1,080,000	5

Reveal a "BANK" (BANK) symbol, win prize shown under that symbol automatically.

Reveal a "5X" (5TIMES) symbol, win 5 times the prize shown under that symbol.

Reveal a "FORTUNE" (WINALL) symbol, win all 20 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania \$1,000,000 Fortune instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1,000,000 Fortune, prize money from winning Pennsylvania \$1,000,000 Fortune instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$1,000,000 Fortune instant lottery game, the right of a ticket holder to claim

the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$1,000,000 Fortune or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-1029. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Pennsylvania Money Bag Crossword Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money Bag Crossword.

2. *Price:* The price of a Pennsylvania Money Bag Crossword instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Money Bag Crossword instant lottery game ticket will feature a "YOUR LETTERS" area and two crossword puzzle play grids known as "GRID 1" and "GRID 2" respectively, and a

“BONUS” area. “GRID 1,” “GRID 2” and the “BONUS” play area are played separately. The play symbols located in the “YOUR LETTERS” area are: the letters A through and including Z. The play symbols located in “GRID 1” are: the letters A through and including Z; and a Money Bag symbol. The player shall scratch each Money Bag symbol that appears in “GRID 1.” Each Money Bag symbol is a Free Spot. When a Money Bag symbol appears in any winning combination of words, the player shall win double the corresponding prize found in the prize legend. The play symbols located in “GRID 2” are: the letters A through and including Z. The play symbols and their captions located in the “BONUS” area are: Book (NO BONUS) symbol, Magnifying Glass (TRY AGAIN) symbol, Television (NO BONUS) symbol, Eyeglasses (TRY AGAIN) symbol, Pencil (NO BONUS) symbol, Trophy (TRY AGAIN) symbol, Thimble (NO BONUS) symbol, Safety Pin (TRY AGAIN) symbol, Newspaper (NO BONUS) symbol, and a \$30 Bill (WIN30) symbol.

4. *Prizes:* The prizes that can be won in “GRID 1” are: \$3, \$10, \$30, \$50, \$100, \$300, \$1,000, \$3,000 and \$75,000. The prizes that can be won in “GRID 2” are: \$5, \$15, \$50 and \$150. The prize that can be won in the “BONUS” area is: \$30. A player can win up to 3 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 12,600,000 tickets will be printed for the Pennsylvania Money Bag Crossword instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets where the player completely matches ten words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$75,000.

(b) Holders of tickets where the player completely matches nine words in “GRID 1,” in which the winning combination contains a Money Bag symbol, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$6,000.

(c) Holders of tickets where the player completely matches nine words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets where the player completely matches eight words in “GRID 1,” in which the winning combination contains a Money Bag symbol, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$2,000.

(e) Holders of tickets where the player completely matches eight words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets where the player completely matches seven words in “GRID 1,” in which the winning combination contains a Money Bag symbol, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$600.

(g) Holders of tickets where the player completely matches seven words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$300.

(h) Holders of tickets where the player completely matches six words in “GRID 1,” in which the winning combination contains a Money Bag symbol, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets where the player completely matches five words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$150.

(j) Holders of tickets where the player completely matches six words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets where the player completely matches five words in “GRID 1,” in which the winning combination contains a Money Bag symbol, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets where the player completely matches four words in “GRID 1,” in which the winning combination contains a Money Bag symbol, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$60.

(m) Holders of tickets where the player completely matches five words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets where the player completely matches four words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets where the player completely matches four words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$30.

(p) Holders of tickets with a \$30 Bill (WIN30) symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$30.

(q) Holders of tickets where the player completely matches three words in “GRID 1,” in which the winning combination contains a Money Bag symbol, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets where the player completely matches three words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets where the player completely matches three words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets where the player completely matches two words in “GRID 1,” in which the winning combination contains a Money Bag symbol, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets where the player completely matches two words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets where the player completely matches two words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$3.

7. *Game Play Instructions for the Pennsylvania Money Bag Crossword Game* are:

(a) The player shall scratch the “YOUR LETTERS” area to reveal 18 letters. For each of the 18 letters revealed in the “YOUR LETTERS” area, the player shall rub the same letter each time it is found in “GRID 1” and “GRID 2.”

(b) When a player reveals two or more entire words in “GRID 1” or “GRID 2” the player is entitled to win a prize as described in Section 6.

(c) Only the highest prize won in each “GRID” will be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Every single letter square of a word must be matched and letters combined to form a word must

appear in an unbroken horizontal or vertical string of letters in “GRID 1” and “GRID 2.” There will only be one word in an unbroken horizontal or vertical string of letters.

(f) Every single letter in the unbroken string must be revealed in the “YOUR LETTERS” area and must be included to form a word.

(g) The possible complete words for each ticket in the game are shown on the “GRID 1” and “GRID 2” play areas. The player must match all of the letters in a possible complete word in order to complete the word.

(h) After the player has scratched “GRID 1” and “GRID 2,” the player shall scratch the “BONUS” area. If the player reveals a “\$30 BILL” (WIN30) symbol, the player is entitled to win a prize as described in Section 6.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>GRID 1</i> <i>Win With:</i>	<i>GRID 2</i> <i>Win With:</i>	<i>BONUS</i> <i>Win With:</i>	<i>Win:</i>	<i>Approximate</i> <i>Odds Are 1 In:</i>	<i>Approximate</i> <i>No. Of Winners</i> <i>Per 12,600,000</i> <i>Tickets:</i>
2 WORDS			\$3	8.33	1,512,000
	2 WORDS		\$5	16.13	781,200
2 WORDS w/ MONEY BAG			\$6	100	126,000
2 WORDS	2 WORDS		\$8	100	126,000
3 WORDS			\$10	43.48	289,800
3 WORDS	2 WORDS		\$15	250	50,400
	3 WORDS		\$15	333.33	37,800
3 WORDS w/ MONEY BAG			\$20	142.86	88,200
3 WORDS	3 WORDS		\$25	500	25,200
3 WORDS w/ MONEY BAG	2 WORDS		\$25	333.33	37,800
		\$30 w/ \$30 BILL	\$30	600	21,000
4 WORDS			\$30	1,200	10,500
3 WORDS w/ MONEY BAG		\$30 w/ \$30 BILL	\$50	1,600	7,875
	4 WORDS		\$50	2,400	5,250
5 WORDS			\$50	4,800	2,625
4 WORDS		\$30 w/ \$30 BILL	\$60	1,600	7,875
4 WORDS w/ MONEY BAG			\$60	4,800	2,625
3 WORDS	4 WORDS		\$60	4,800	2,625
3 WORDS w/ MONEY BAG	4 WORDS	\$30 w/ \$30 BILL	\$100	1,200	10,500
5 WORDS	4 WORDS		\$100	3,000	4,200
5 WORDS w/ MONEY BAG			\$100	4,000	3,150
6 WORDS			\$100	4,000	3,150
5 WORDS w/ MONEY BAG	4 WORDS		\$150	12,000	1,050
6 WORDS	4 WORDS		\$150	24,000	525
	5 WORDS		\$150	24,000	525
3 WORDS w/ MONEY BAG	5 WORDS	\$30 w/ \$30 BILL	\$200	12,000	1,050
5 WORDS	5 WORDS		\$200	12,000	1,050
6 WORDS w/ MONEY BAG			\$200	12,000	1,050
7 WORDS			\$300	12,000	1,050
7 WORDS w/ MONEY BAG			\$600	24,000	525
8 WORDS			\$1,000	210,000	60
8 WORDS w/ MONEY BAG			\$2,000	630,000	20
9 WORDS			\$3,000	315,000	40
9 WORDS w/ MONEY BAG			\$6,000	630,000	20
10 WORDS			\$75,000	1,260,000	10

Scratch each “MONEY BAG” symbol that appears in Crossword GRID 1. Each “MONEY BAG” symbol is a free spot. When a “MONEY BAG” symbol appears in any winning combination of words, DOUBLE the corresponding prize found in the PRIZE LEGEND.

BONUS: Reveal a “\$30 BILL” (WIN30) symbol, win \$30 instantly! BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Money Bag Crossword instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Bag Crossword, prize money from winning Pennsylvania Money Bag Crossword instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Money Bag Crossword instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Money Bag Crossword or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-1030. Filed for public inspection June 17, 2016, 9:00 a.m.]

## Pennsylvania Stacks of Cash '16 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Stacks of Cash '16.

2. *Price:* The price of a Pennsylvania Stacks of Cash '16 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Stacks of Cash '16 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. Additionally, each Pennsylvania Stacks of Cash '16 instant lottery game ticket will contain a "BONUS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Cash (CASH) symbol. The play symbols and their captions in the "BONUS" area are: Bank (TRY AGAIN) symbol, Stack of Coins (NO BONUS) symbol, Piggy Bank (TRY AGAIN) symbol, Wallet (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, Safe (NO BONUS) symbol and a Stacks of Cash (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" areas are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Stacks of Cash '16 instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH)



symbol and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Stacks of Cash (WINALL) symbol in the "BONUS" area, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in all ten of the "Prize" areas in the play area, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets with a Stacks of Cash (WINALL) symbol in the "BONUS" area, and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in all ten of the "Prize" areas in the play area, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Stacks of Cash (WINALL) symbol in the "BONUS" area, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in all ten of the "Prize" areas in the play area, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a Stacks of Cash (WINALL) symbol in the "BONUS" area, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in all ten of the "Prize" areas in the play area, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in

the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets with a Stacks of Cash (WINALL) symbol in the "BONUS" area, and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears in all ten of the "Prize" areas in the play area, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>.00</sup> (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$25<sup>.00</sup> (TWY FIV) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets with a Stacks of Cash (WINALL) symbol in the "BONUS" area, and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in all ten of the "Prize" areas in the play area, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>.00</sup> (FIFTN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$15<sup>.00</sup> (FIFTN) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$15.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$10.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$5.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$4.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$2 w/ CASH	\$2	11.11	648,000
\$2	\$2	25	288,000
\$2 x 2	\$4	150	48,000
\$4 w/ CASH	\$4	50	144,000
\$4	\$4	150	48,000
\$5 w/ CASH	\$5	50	144,000
\$5	\$5	150	48,000
\$2 x 5	\$10	750	9,600
\$5 x 2	\$10	750	9,600
\$10 w/ CASH	\$10	150	48,000
\$10	\$10	1,500	4,800
\$5 x 3	\$15	1,500	4,800
(\$5 w/ CASH) x 3	\$15	1,500	4,800
\$15 w/ CASH	\$15	750	9,600
\$15	\$15	1,500	4,800
STACKS OF CASH w/ (\$2 x 10)	\$20	300	24,000
\$4 x 5	\$20	1,500	4,800
\$5 x 4	\$20	1,500	4,800
\$10 x 2	\$20	1,500	4,800
\$20 w/ CASH	\$20	1,500	4,800
\$20	\$20	1,500	4,800
\$5 x 5	\$25	1,500	4,800
(\$5 w/ CASH) x 5	\$25	1,500	4,800
\$25 w/ CASH	\$25	750	9,600
\$25	\$25	1,500	4,800
STACKS OF CASH w/ (\$4 x 10)	\$40	800	9,000
\$5 x 8	\$40	12,000	600
\$10 x 4	\$40	12,000	600
(\$20 w/ CASH) x 2	\$40	12,000	600
\$40 w/ CASH	\$40	12,000	600
\$40	\$40	12,000	600
STACKS OF CASH w/ (\$5 x 10)	\$50	800	9,000
\$25 x 2	\$50	6,000	1,200
\$50 w/ CASH	\$50	12,000	600
\$50	\$50	6,000	1,200
STACKS OF CASH w/ (\$10 x 10)	\$100	1,200	6,000
\$20 x 5	\$100	6,000	1,200
\$25 x 4	\$100	6,000	1,200
(\$50 w/ CASH) x 2	\$100	6,000	1,200
\$100 w/ CASH	\$100	6,000	1,200
\$100	\$100	6,000	1,200
STACKS OF CASH w/ (\$40 x 10)	\$400	60,000	120
\$100 x 4	\$400	120,000	60
\$400 w/ CASH	\$400	120,000	60
\$400	\$400	120,000	60
STACKS OF CASH w/ (\$50 x 10)	\$500	120,000	60

When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets
\$400 + \$100	\$500	120,000	60
(\$100 w/ CASH) × 5	\$500	120,000	60
\$500 w/ CASH	\$500	120,000	60
\$500	\$500	120,000	60
\$500 × 2	\$1,000	720,000	10
\$1,000	\$1,000	720,000	10
\$50,000	\$50,000	720,000	10

Reveal a “CASH” (CASH) symbol, win prize shown under that symbol automatically.

BONUS: Reveal a “STACKS OF CASH” (WINALL) symbol, win all prizes shown in the play area below!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Stacks of Cash '16 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Stacks of Cash '16, prize money from winning Pennsylvania Stacks of Cash '16 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Stacks of Cash '16 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Stacks of Cash '16 or through normal communications methods.

EILEEN H. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 16-1031. Filed for public inspection June 17, 2016, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Upper Gwyned Township, Montgomery County. The parcel contains approximately 2.54 acres of unimproved land situated at Tax Map Parcel No. 56-00-09997-00-9 block 022 unit No. 025 Wissahickon Avenue, North Wales, PA 19454. The estimated fair market value is \$210,000.

Per the environmental report the building next door is a United States Environmental Protection Agency regulated site; this exists adjacent to the property. There are no known spills or releases on record. This facility has no violations or noncompliance on record and should not affect this transaction for hazardous/residual waste.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to the Department of Transportation, Right-of-Way Administrator, Property Management, 7000 Geerdes Boulevard, King of Prussia, PA 19406.

Persons with questions should contact Mary C. Lambright, Right of Way Administrator, Property Management, (610) 205-6107, mlambright@pa.gov.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-1032. Filed for public inspection June 17, 2016, 9:00 a.m.]

# ENVIRONMENTAL HEARING BOARD

## Chester Water Authority v. DEP and Old Dominion Electric Cooperative, Permittee; EHB Doc. No. 2015-064-L

Chester Water Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Old Dominion Electric Cooperative for a facility with a discharge located in Fulton Township, Lancaster County.

A hearing on the appeal has been scheduled to begin at 10 a.m. on July 18, 2016, at the Harrisburg office of the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Any changes to the hearing schedule may be found on the Environmental Hearing Board's (Board) web site at <http://ehb.courtapps.com>.

The appeal, and other filings related to the appeal, may be reviewed by any interested person on request during normal business hours at the Board's Harrisburg office, or through the Board's web site. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 16-1033. Filed for public inspection June 17, 2016, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, May 19, 2016, and announced the following:

### *Action Taken—Regulations Disapproved:*

Pennsylvania Public Utility Commission # 57-304: Implementation of the Alternative Energy Portfolio Standards Act of 2004 (amends 52 Pa. Code Chapter 75)

Pennsylvania Liquor Control Board # 54-85: Limited Wineries (amends 40 Pa. Code Chapters 3.62, 3.63, 3.64, 5.103 and 11.111)

### *Other Action*

*Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective June 8, 2016*

Insurance Department # 11-255: Tables Approved for use in Determining Minimum Nonforfeiture Standards and Minimum Standards for Valuation (amends 31 Pa. Code Chapter 84)

## Disapproval Order

Public Meeting Held  
May 19, 2016

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Order Issued June 2, 2016*

*Pennsylvania Public Utility Commission—  
Implementation of the Alternative Energy Portfolio  
Standards Act of 2004  
Regulation No. 57-304 (# 3061)*

On June 23, 2014, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 75. The proposed regulation was published in the July 5, 2014 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on March 22, 2016.

This final-form rulemaking revises the PUC's regulations pertaining to net metering, interconnection, and portfolio standard compliance provisions of the Alternative Energy Portfolio Standards Act (AEPS Act) to comply with Act 35 of 2007 and Act 129 of 2008 amendments to the AEPS Act and to clarify certain issues of law, administrative procedure and policy.

As described by the PUC in response to Question # 10 of the Regulatory Analysis Form submitted with this final-form regulation, the amendments are needed to:

... reasonably limit the amount of energy default service providers purchase at above market retail rates, ensuring that default service is provided at the least cost to customers over time, as required by the Act of 129 of 2008 amendments to the Public Utility Code. 66 Pa.C.S. § 2807(e). The purpose of this limitation is to avoid having default service customers pay substantial net metering subsidies to merchant scale alternative systems.

After a review of the final regulatory package and hearing statements from the PUC, the public and the regulated community at our public meeting of May 19, 2016, we find that the rulemaking is not in the public interest for the following reasons.

First, we find that the PUC does not have the statutory authority to promulgate the rulemaking. This violates Section 5.2(a) of the Regulatory Review Act (RRA). 71 P.S. § 745b(a). Section 75.13(a)(3) of the PUC's proposed rulemaking would have required alternative energy systems to be "sized to generate no more than 110% of the customer-generator's annual electric consumption." The PUC increased the percentage from 110% to 200% in the final-form rulemaking. This Commission's comments of October 3, 2014, questioned the PUC's statutory authority for this provision. In response to comments on the issue of statutory authority, the PUC cited its legislative rulemaking authority in Section 501 of the Public Utility Code (Code) (Pa.C.S. § 501(b)) and its broad rulemaking authority to implement the AEPS Act (73 P.S. § 1648.7(a)). The PUC contends that the rules of statutory construction require the Code and the AEPS Act to be construed together. Therefore, the PUC avers that it "has broad and explicit legislative rulemaking authority... to promulgate these regulations." The PUC also cites 66 Pa.C.S. § 2807(e)(3.4) as a basis for imposing the limit included in § 75.13(a)(3) of the final-form regula-

tion. This statutory provision requires electric distribution companies to procure energy for default service customers to ensure “. . . the least cost over time.” The PUC believes that the proposed 200% limit being proposed allows them to meet this statutory mandate.

At this Commission’s public meeting of May 19, 2016, the PUC was asked to identify a specific provision of law that would allow for the imposition of the limit included in § 75.13(a)(3) of the final-form regulation. The PUC was not able to identify a specific provision, but reiterated its belief that its rulemaking authority under the Code and AEPS Act, along with the “least cost over time” provision cited above provide the authority and also represents the true intent of the General Assembly in the passage of both statutes. Based on our review of the PUC’s written response to our comments and the statements presented at the meeting of May 19, 2016, we find that the PUC does not have the statutory authority to impose the limit included in § 75.13(a)(3) of the final-form regulation. As noted by parties that commented on the final-form regulation, accepting the legal analysis put forth by the PUC would allow the PUC to justify any action it decided to take by concluding that the action was needed to ensure the “least cost over time” concept.

In addition, we agree with the statements included in the final regulation package from PUC Chairman Gladys Brown and Vice Chairman Andrew Place. Chairman Brown stated that “setting such limits ignores the very specific size limitations provided in the AEPS Act.” The limits referred to by Chairman Brown are found in the AEPS Act definition of “customer generator” which reads as follows:

A nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of no greater than 50 kilowatts if installed at a residential service or no larger than 3,000 kilowatts at other customer service locations, except for customers whose systems are above three megawatts and up to five megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined the regional transmission organizations. . . . 73 P.S. § 1648.2.

Vice Chairman Place noted that “it is axiomatic that the Commission, as a creature of the legislature, has only those powers conferred upon it by statute. See *Feingold v. Bell*, 477 Pa. 1, 383 A.2d 791 (1977). Therefore I must oppose the Rulemaking because I believe that it goes beyond the Commission’s authority.”

If the PUC decides to proceed with this rulemaking by deleting the limit included in § 75.13(a)(3) of the final-form regulation, it should ensure that other provisions of the regulation do not limit a customer-generator’s ability to net-meter excess generation it produces.

The second reason we find the rulemaking is not in the public interest relates to the RRA criterion of need. 71 P.S. § 745b(b)(3)(iii). Our comments on the proposed rulemaking stated the PUC had not established the overall need for the changes being offered. In response to this comment, the PUC provided additional information in response to Question # 10 of the Regulatory Analysis Form submitted with the final-form regulation. As explained by the PUC, the purpose of the limit of § 75.13(a)(3) “is to avoid having default service customers pay *substantial* net metering subsidies to merchant scale alternative energy systems.” (Emphasis added.) After a review of the additional information provided, we find

that the PUC has not definitively quantified what the substantial net metering costs will be to customers. In addition, during the public meeting, the PUC stated that over-sized customer-generator systems are not currently a problem in the Commonwealth, but could be in the future. Based on these responses, we find that the PUC has not established the compelling need for this rule-making.

Our final reason for finding the rulemaking is not in the public interest relates to the RRA criterion of whether the regulation represents a policy decision of such a substantial nature that it requires legislative review. 71 P.S. § 745b(b)(4). Our comments noted that the implementation of the proposed rulemaking could potentially curtail the development of alternative energy in the Commonwealth in conflict with the AEPS Act. We commented that any deviation from the intent of the AEPS Act would represent a policy decision that requires legislative review. We encouraged the PUC to work closely with the members of the General Assembly and the designated standing committees to ensure the final-form regulation was within the scope of its granted regulatory authority. In addition, the PUC was asked at the public meeting of May 19, 2016, if it attempted to resolve the problem of merchant generators through a legislative remedy.

The PUC did not directly respond to our comment in the Order submitted with the final regulatory package. In response to the question asked at the public meeting, the PUC stated that the regulation was discussed at meetings held with committees of the legislature. Based on this response and our concerns related to statutory authority and need, we still question whether this rulemaking is a policy decision of such a substantial nature that it requires legislative review. The answers provided by the PUC have not alleviated our concern on this issue. If the PUC continues to believe that some customer-generators that produce excess energy are causing economic harm to default service customers, we again encourage the PUC to consult with the legislature to achieve a statutory remedy to this problem.

We have determined this regulation is not consistent with the statutory authority of the PUC and the intention of the General Assembly. As discussed above, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

The regulation # 57-304 (IRRC # 3061) from the Pennsylvania Public Utility Commission was disapproved on May 19, 2016.

### Disapproval Order

Public Meeting Held  
May 19, 2016

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq., Dissenting

*Order Issued: June 6, 2016*  
*Pennsylvania Liquor Control Board—*  
*Limited Wineries*  
*Regulation No. 54-85 (# 3117)*

On September 2, 2015, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board

(Board). This rulemaking amends 40 Pa. Code Sections 3.62, 3.63, 3.64, 5.103, and 11.111. The proposed regulation was published in the September 26, 2015 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 8, 2016.

According to the Board, the purpose of the rulemaking is to make the Board's regulations consistent with the Pennsylvania Liquor Code (Code) as it is currently written and interpreted.

Section 505.2(a)(6.3) of the Code states that holders of a limited winery license may:

[s]ell alcoholic cider, wine and wine coolers *only between the hours of nine o'clock antemeridian and eleven o'clock postmeridian*. A limited winery also may request approval from the board to extend sales hours *in individual locations* at other times during the year or beyond the limits set forth in this clause. The request shall be made *in writing* . . . and shall detail the exact locations where sales hours are proposed to be extended, the proposed hours and dates of extended operations and the reason for the proposed extended hours.

47 P.S. § 5-505.2(a)(6.3). (Emphasis added.)

In § 11.111(a)(3) of the final-form regulation, the Board is proposing to expand the hours that a limited winery may sell wine, wine coolers and alcoholic ciders from 7 a.m. until 2 a.m. of the following morning, Mondays through Saturdays, and from 9 a.m. until 2 a.m. of the following morning on Sundays. The Board is also deleting existing § 11.111(a)(4) which identifies the days and times during which sales may be made and sets forth the process for a limited winery to request approval from the Board for an extension of sales hours in individual locations.

As the basis for the amendment, the Board explains that some previous requests for extensions could not be approved because licensees were not timely with their requests. The Board conferred with the trade organization that represents limited wineries and subsequently approved a blanket request from the organization's executive director to extend the sales hours for all limited wineries.

Since the Code explicitly provides that the sales hours may be extended only upon the Board's consideration and approval of a detailed request from a limited winery, we find that the Board's proposal to provide for the automatic expansion of the sales hours for all limited wineries by regulation is not authorized by the Code. Furthermore, we do not believe that it is the intent of the General Assembly to allow blanket requests to the Board, on behalf of all limited winery licensees, to extend hours of operation indefinitely.

We have determined that this regulation is not consistent with the intention of the General Assembly in the enactment of the statute upon which the regulation is based. Section 5.2(a) of the Regulatory Review Act (71 P.S. § 745.5b(a)). Therefore, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

The regulation # 54-85 (IRRC # 3117) from the Pennsylvania Liquor Control Board was disapproved on May 19, 2016.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-1034. Filed for public inspection June 17, 2016, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
6-336	State Board of Education Nonimmunized Children 46 Pa.B. 1806 (April 9, 2016)	5/9/16	6/8/16
10-197	Department of Health School Immunizations 46 Pa.B. 1798 (April 9, 2016)	5/9/16	6/8/16

**State Board of Education Regulation # 6-336  
(IRRC # 3146)**

**Nonimmunized Children**

**June 8, 2016**

We submit for your consideration the following comments on the proposed rulemaking published in the April 9, 2016 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71

P.S. § 745.5a(a)) directs the State Board of Education (Board) to respond to all comments received from us or any other source.

**Temporary waiver.—Clarity; Implementation procedures.**

The Board is clarifying its existing provision that requires children to meet the immunization requirements established by the Department of Health (Department) in order to be admitted to a school, which is consistent with the Public School Code of 1949. 24 P.S. § 13-1303a(a).

This regulation was submitted and published simultaneously with the Department's proposed rulemaking that amends 28 Pa. Code Chapter 23, Subchapter C (relating to immunization) (regulation # 10-197/IRRC # 3147). We have a procedural concern relating to clarity and implementation of this regulation as a final-form regulation.

The Board's regulation proposes to add the phrase "temporary waiver" for consistency with the Department's proposed regulation, so that the Board's regulation will read "... temporary waiver ... admission requirements of the Department of Health, at 28 Pa. Code Chapter 23, Subchapter C..." Our concern is that temporary waivers are not part of the Board's regulation, but rather are part of the Department's proposed regulation at 28 Pa. Code § 23.85(h). In other words, temporary waivers do not yet exist in 28 Pa. Code Chapter 23, Subchapter C. While we recognize and appreciate the coordination that has occurred between the Board and the Department, it is possible that the Department could delete temporary waivers from its final-form regulation. For this reason, the Board's final-form regulation should not be submitted until after the Department's regulation is published in the *Pennsylvania Bulletin* as final and establishes temporary waivers in the Department's regulation. Until that time, we are unable to determine whether the regulation is in the public interest.

**Department of Health Regulation # 10-197  
(IRRC # 3147)**

**School Immunizations**

**June 8, 2016**

We submit for your consideration the following comments on the proposed rulemaking published in the April 9, 2016 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Department of Health (Department) to respond to all comments received from us or any other source.

**1. Economic or fiscal impacts; Protection of the public health, safety and welfare; Clarity, feasibility and reasonableness of requirements; Need for the regulation; Reasonableness of requirements, implementation procedures and timetables for compliance; Compliance with the RRA; Acceptable data.**

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under Section 5(a) of the RRA (71 P.S. § 745.5(a)) in the Regulatory Analysis Form (RAF). Some of the information contained in the RAF submitted with this rulemaking is not sufficient to allow this Commission to determine if the regulation is in the public interest. Specifically, we ask the Department to provide the following information with the final-form regulation.

- In response to RAF # 10 regarding need for the regulation, the Department states that it reviewed vaccination rates in schools and school districts, and found those rates to be "lower than is optimal" for the health of the Commonwealth. Commentators ask that the Department provide specific data to address vaccination rates.

Further, the Department cites herd immunity claims, which many commentators argue are unsupported. In the Preamble and response to the RAF, the Department should provide specific data to support the need for the regulation related to vaccination rates and herd immunity.

- RAF # 17 asks the Department to identify the financial impact of the regulation; RAF # 19 asks for specific cost estimates for the regulated community; and RAF # 22 asks for a statement of additional reporting, recordkeeping or other paperwork required of the regulated community. Commentators disagree with the Department's responses to these questions, stating that costs will run in the millions of dollars. One specific concern cited by the regulated community includes getting proof of immunity, which commentators say would be a substantial cost to parents. Additionally, many commentators question the applicability of insurance to vaccinations and note their possible expense. Commentators also state that the Department significantly understates the increased administrative and paperwork burden the proposed regulation places on school districts. The Department should address these concerns and provide specific cost estimates related to the financial impact of the final-form regulation on the regulated community.

- In response to RAF # 29 regarding the expected effective date of the final-form regulation, the Department states, "Compliance would be required on the first day of the next school year following publication as final rulemaking in the *Pennsylvania Bulletin*." It's possible that the timing of final publication may make it difficult to be in compliance on the first day of the next school year. We ask the Department to consider this as it relates to the timing for full implementation of the regulations, and to ensure that the effective date provides sufficient time for school entities to plan, implement policies and communicate with parents/guardians about the new requirements.

**2. Section 23.82. Definitions.—Clarity.**

*Medical certificate*

This definition requires a form to be filled out and signed by a "health care provider." It is not clear who specifically qualifies as a health care provider. Elsewhere in the regulation, such as in Section 23.83(b)(5)(ii)(B), a list is provided of "a physician, nurse practitioner or physician's assistant." We also recognize that immunizations can be administered by registered nurses (49 Pa. Code § 21.16) and pharmacists (63 P.S. § 390-9.2). Can a registered nurse or pharmacist also fill out and sign a medical certificate? The regulation should be clear regarding what specific professions can fill out and sign a medical certificate.

**3. Section 23.83. Immunization requirements.—Economic or fiscal impacts; Protection of public health, safety and welfare; Need for the regulation; Reasonableness of requirements, implementation procedures and timetables for compliance.**

*Subsection (b) Required for attendance.*

This subsection specifies the immunizations that are required for admittance to a Pennsylvania school. The Department should ensure that implementation of the new requirements is clear for the regulated community. Commentators raise questions regarding whether the requirements apply only to students who are entering Kindergarten and 7th and 12th grades, whether the requirements apply retroactively to all current students, and how the requirements apply to a student who moves

into a new school district. Given that not meeting the immunization requirements can affect a child's education, we ask the Department to provide clear explanations of how the requirements in the regulation will be implemented in the final-form regulation's Preamble and in its responses to comments.

Also, commentators ask that the Department exempt homeschool and cyber students. Did the Department consider such exemptions? The Department should address its consideration of this concern in the final-form regulatory package.

*Paragraph (b)(1) Diphtheria, tetanus and pertussis.*

The Department explains in the Preamble that it is combining existing requirements into proposed Paragraph (b)(1) and adding pertussis because the incidence of pertussis has been increasing since the 1980s. The Department explains that some vaccines are being removed from the regulation because these forms of vaccines are no longer available in the United States. Some commentators are opposed to the doses being administered in a combined form. If vaccines are no longer available, the Department should state this clearly in the Preamble and final-form RAF to more clearly explain the need for this change.

*Subparagraph (b)(4)(ii) Evidence of immunity.*

The Department is proposing in Subparagraph (b)(4)(ii) to no longer allow a parent or guardian to provide a written statement as proof of chicken pox. The Department explains in the Preamble, in part:

Currently, evidence of varicella immunity may be shown either by laboratory confirmation, or a statement of history from a physician, parent or guardian. This is in keeping with the Centers for Disease Control and Prevention (CDC), United States Department of Health and Human Services, Advisory Council on Immunization Practices (ACIP) recommendations, and is intended to ensure that the child has actually had chickenpox. . . . Many types of viruses can cause rashes; the Department wishes to make certain that the persons providing evidence that the child has actually had the disease are those able to diagnose chickenpox disease, and familiar with the chickenpox rash.

Commentators argue that parents should be permitted to provide evidence since they assert chicken pox is a mild illness that does not require medical intervention and that contagious children should not be taken into medical facilities where other children are present. Commentators state that this change will impose a financial burden on families.

Do the CDC and ACIP guidelines allow parents or guardians to diagnose varicella? If so, the Department should provide further support for changing this practice. Also, if so, the Department should explain the reasonableness of imposing new financial burdens when the existing practice is acceptable to the CDC.

*Subparagraph (c)(1)(i) Tetanus and diphtheria toxoid and acellular pertussis vaccine (Tdap).*

Paragraph (b)(1) includes an exemption if a child has a contraindication to pertussis. The Department should consider adding a similar exemption to Subparagraph (c)(1)(i).

Additionally, commentators note that some doctors will not give this vaccine to children at the 6th grade physical if the children are not 12 years old at the time. The

Department should ensure that implementation of this requirement is clear for the regulated community to comply.

*Paragraph (c)(2) Required for entry into 12th grade.*

The Department proposes to require an additional dose of Meningococcal Conjugate Vaccine (MCV) for entry into 12th grade. Commentators state that an additional dose of MCV is unnecessary and significantly raises costs. We ask the Department to further explain the need for the additional dose and how the benefits outweigh the costs.

Further, commentators raise questions about situations such as whether a third dose would be required for students who get a dose of MCV after 7th grade but before the 16th birthday or what happens when students come in from out of state without the first dose. The Department should ensure that the final-form regulation makes clear how the requirement is to be implemented.

**4. Section 23.85. Responsibilities of schools and school administrators.—Economic or fiscal impacts; Protection of public health, safety and welfare; Reasonableness of requirements, implementation procedures and timetables for compliance.**

*Subsection (e) Provisional admittance to school.*

The Preamble explains that under existing Subsection (e), a child could be provisionally admitted to school for up to an eight-month period. The Department is proposing to eliminate the eight-month period and set up requirements that allow for exclusion of students under certain circumstances. The requirements would differ for single dose and multiple dose vaccines. In certain circumstances a child could be provisionally admitted for a period of five school days.

Commentators generally support this proposal, but state that the length of time is not feasible for school nurses or parents, and it may put a child who needs multiple vaccines at risk. Other commentators oppose any provisional admittance. The Department should explain the reasonableness of the timeframe in the Preamble to the final-form regulation and how the timeframe adequately protects public health.

*Paragraph (e)(1) Multiple dose vaccine series.*

Clauses (e)(1)(ii) and (iii) both end with similar language which states that a child's parent or guardian will provide a medical certificate scheduling the additional required dose(s) on or before the fifth school day. It is unclear as to whether the additional dose(s) must be scheduled on or before the fifth school day, or whether the parent or guardian is to provide the medical certificate on or before the fifth school day. We ask the Department to clarify what is required by these provisions.

*Paragraph (e)(3) Completion of required immunizations.*

We have two concerns.

First, Paragraph (e)(3) shortens from 60 days to 30 days the timeframe for review of the medical certificate of provisionally admitted students. Commentators state that this change creates an administrative burden and request a middle-ground timeframe. The Department should explain the reasonableness of the timeframe in the final-form regulation and how the timeframe adequately protects public health.

Second, Paragraph (e)(3) also allows a school administrator to choose whether to exclude a child if the requirements of the medical certificate are not met upon review. Commentators ask that "may" be changed to "shall" in the



final-form regulation. If the Department requires immunizations for attendance, why should a school administrator have this discretion? The Department should explain the reasonableness of providing flexibility in the final-form regulation and how allowing non-immunized children to attend school adequately protects public health.

*Paragraph (g)(2) Applicability.*

Paragraph (g)(2) allows 30 days for a parent or guardian of a child who moves or transfers into a Commonwealth school to provide immunization records. Commentators request additional time. The Department should explain the reasonableness of the timeframe in the Preamble to the final-form regulation and how the timeframe adequately protects public health.

*Paragraph (h)(1) Temporary waiver.*

Paragraph (h)(1) allows for a temporary waiver in the case of a nationwide shortage of supply for a particular vaccine. Is it possible that there could be a regional shortage and, if so, should that also trigger a temporary waiver?

**5. Section 23.86. School reporting.—Reasonableness of requirements, implementation procedures and timetables for compliance.**

Paragraph (f)(7) requires schools to report the number of students in kindergarten, 7th grade or in an ungraded

school, age 12 only, who were denied admission because of the student's inability to provide documentation of the required vaccine doses. Since Section 23.83(c)(2) adds a new requirement for one dose of MCV for entry into 12th grade, should schools also report the number of students in 12th grade who were denied admission because they could not provide documentation of the required vaccine dose?

**6. Clarity of terms.**

The terms "nurse practitioner" and "physician's assistant" are used in Sections 23.83(b)(3)(iii) and (b)(5)(ii)(B). We have two concerns. First, in 49 Pa. Code Chapter 21, the State Board of Nursing regulates registered nurses, practical nurses and certified registered nurse practitioners. The Department's regulation is not clear regarding which of the three categories of the nursing profession qualify as a "nurse practitioner." Second, at 49 Pa. Code Chapter 18, Subchapter D, the State Board of Medicine regulates "physician assistants." For clarity and consistency, we recommend using the specific terms used by other agencies with regulatory authority over these professions to describe these medical professionals.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-1035. Filed for public inspection June 17, 2016, 9:00 a.m.]

**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](http://www.irrc.state.pa.us).

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
31-14	State Employees Retirement Board Member Purchases of Credit for Previous State Service and Re-election of Benefit Option	6/2/16	7/21/16

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-1036. Filed for public inspection June 17, 2016, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Aetna Health, Inc. and Aetna Health Insurance Company; Small Group Off-Exchange; Rate Filing**

Aetna Health Inc. and Aetna Health Insurance Company submitted a rate filing to increase the premium rates for its Small Group ACA compliant plans renewing on or after October 1, 2016. The filing represents an overall rate increase of 10.8% over the most recently approved rates and an aggregate rate increase of 27.5% to the rates these insureds are currently charged, ranging from 17.6% to 32.6%. The revised rates will affect approximately 10,431 members and the rate change proposed in this filing would generate approximately \$11.5 million of additional annual revenue.

Unless formal administrative action is taken prior to September 1, 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](http://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 "Other Health Rate Filings" from the drop down menu.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@pa.gov](mailto:mgurgiolo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1037. Filed for public inspection June 17, 2016, 9:00 a.m.]

**Aetna HealthAssurance of Pennsylvania, Inc.;  
Small Group Off-Exchange; Rate Filing**

Aetna HealthAssurance of Pennsylvania, Inc. submitted a rate filing to increase the premium rates for its Small Group ACA compliant plans renewing on or after October 1, 2016. The filing proposes an aggregate rate increase of 21.1% to the rates these insureds are currently charged, ranging from 16.0% to 34.7%. The revised rates will affect approximately 26,468 members and the rate change proposed in this filing would generate approximately \$20.8 million of additional annual revenue.

Unless formal administrative action is taken prior to September 1, 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](http://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 "Other Health Rate Filings" from the drop down menu.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@pa.gov](mailto:mgurgiolo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1038. Filed for public inspection June 17, 2016, 9:00 a.m.]

**Aetna Life Insurance Company; Small Group Off-Exchange; Rate Filing**

Aetna Life Insurance Company submitted a rate filing to increase the premium rates for its Small Group ACA compliant plans renewing on or after October 1, 2016. The filing represents an overall rate increase of 7.4% over the most recently approved rates, and an aggregate rate increase of 19.3% to the rates these insureds are currently charged, ranging from 9.2% to 26.7%. The revised rates will affect approximately 6,123 members, and the rate change proposed in this filing would generate approximately \$4.9 million of additional annual revenue.

Unless formal administrative action is taken prior to September 1, 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](http://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 "Other Health Rate Filings" from the drop down menu.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product

Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@pa.gov](mailto:mgurgiolo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1039. Filed for public inspection June 17, 2016, 9:00 a.m.]

**James A. Jones; Order to Show Cause; Doc. No. SC16-01-005**

A prehearing telephone conference initiated by the Insurance Department is scheduled for July 6, 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 July 1, 2016. A hearing shall occur on July 20, 2016, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 22, 2016, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before July 1, 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 should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1040. Filed for public inspection June 17, 2016, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Diane M. and Walter T. Steinbacher; File No. 16-116-196782; Erie Insurance Exchange; Doc. No. P16-05-020; July 13, 2016, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and other relevant evidence, or both.

Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1041. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insureds' homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of James and Avril McFarlane; File No. 16-116-196442; Goodville Mutual Casualty Company; Doc. No. P16-05-021; July 7, 2016, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues

presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1042. Filed for public inspection June 17, 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.

#### *Governor's Office*

Management Directive No. 530.18—Benefit Rights of Furloughed Employees, Amended May 10, 2016.

Administrative Circular No. 16-05—Closing Instruction No. 2, Fiscal Year 2015-16; Pre-closing at May 16, 2016, Dated May 4, 2016.

Administrative Circular No. 16-06—Closing Instruction No. 3, Fiscal Year 2015-16; Prior Fiscal Year Appropriations Subject to Act 146 Waivers and Encumbrances Carried Forward From Prior Fiscal Years (Including Contracted Repairs), Dated May 4, 2016.

Administrative Circular No. 16-07—Approval of 2016-17 Advancement Accounts and Completion of Form STD-133, Request for Approval of Advancement Account, Dated May 4, 2016.

Administrative Circular No. 16-08—Extension of the Encumbrance Deadline for the Fiscal Year Ending June 30, 2016, Dated May 23, 2016.

Administrative Circular No. 16-09—Closing Instruction No. 4, Fiscal Year 2015-16; Pending Lapse/Lapse Transactions and Reporting Deadlines, Dated May 27, 2016.

Administrative Circular No. 16-10—Closing Instruction No. 5, Fiscal Year 2015-16; Year-End Processing Deadlines and an Important Reminder about SAP Budget Period Values, Dated May 27, 2016.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 16-1043. Filed for public inspection June 17, 2016, 9:00 a.m.]

# PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

## Application for the Fire Company and Volunteer Ambulance Services Grant Program

This notice provides information about the Fire Company and Volunteer Ambulance Services Grant Program (Program) as amended by the act of June 29, 2012 (P.L. 663, No. 78) (Act 78). Fire and rescue companies and volunteer ambulance services seeking grants under Act 78 shall submit completed applications no later than 4 p.m. on October 21, 2016. Written instructions and guidelines for the Program will be available on the Office of State Fire Commissioner's (Commissioner) web site [www.osfc.pa.gov](http://www.osfc.pa.gov) no later than September 7, 2016. Grant applications will be available on the Commissioner's web site no later than September 7, 2016.

RICHARD D. FLINN, Jr.,  
*Director*

[Pa.B. Doc. No. 16-1044. Filed for public inspection June 17, 2016, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Natural Gas Service

**A-2016-2549823. Columbia Gas of Pennsylvania, Inc.** Application of Columbia Gas of Pennsylvania, Inc. for approval of the abandonment of natural gas service to one natural gas service customer located in Clarion County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 5, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* Columbia Gas of Pennsylvania, Inc.

*Through and By Counsel:* Theodore J. Gallagher, Esquire, Meagan Bielanin Moore, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317; and Andrew S. Tubbs, Esquire, 800 North Third Street, Suite 204, Harrisburg, PA 17102

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-1045. Filed for public inspection June 17, 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 July 5, 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-2015-2508216. Excellent Taxi Service, LLC** (221 South Cedar Street, Hazleton, PA 18201) for the right to begin to transport, as a common carrier, by motor vehicle, persons upon call or demand, in the City of Hazleton, Luzerne County, and within an airline distance of 13 statute miles of the limits of the City of Hazleton, excluding the Townships of Black Creek, Conyngham, Hollenback, Dorrance, Slocum and Salem, in the County of Luzerne, and the Borough of Nescopeck in the County of Luzerne, and all points in the County of Columbia.

**A-2016-2547698. Phoenix Transportation, Inc.** (152 West Main Street, Norristown, Montgomery County, PA 19041) 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 the Counties of Berks, Bucks, Chester, Delaware, Lehigh, Montgomery and Northampton, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2016-2548557. Delbo Associates, Inc. t/a Shamokin Yellow Cab** (212 West Independence Street, Shamokin, Northumberland County, PA 17872) 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 the Counties of Carbon, Columbia, Dauphin, Montour, Northumberland, Schuylkill, Snyder and Union, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2016-2548558. A+ Transit, Inc.** (208 Mountain Avenue, Pittsburgh, Allegheny County, PA 15210) 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 Allegheny County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2016-2549430. Comfort Trans, LLC** (392 Glenmeadow Road, Richboro, Bucks County, PA 18954) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from the City and County of Philadelphia, and the Counties of Bucks, Delaware and Montgomery, to points in Pennsylvania, and return.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-2015-2505857. Paradise Transit, Inc.** (758 Chessie Court, West Chester, PA 19380) for the additional right to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Chester and Delaware, to points in Pennsylvania, and return; excluding service which falls under the jurisdiction of the Philadelphia Parking Authority.

**A-2016-2544460. Safe Transportation Group, LLC** (1000 Integrity Drive, Suite 350, Pittsburgh, Allegheny County, PA 15235) for the additional right to transport as a common carrier, by motor vehicle, persons in experimental service, between points in Allegheny County, and from points in Allegheny County, to points in Armstrong, Beaver, Butler, Fayette, Lawrence, Washington and Westmoreland Counties. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-1046. Filed for public inspection June 17, 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 July 5, 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. Charles H. Edwards, Jr.; Docket No. C-2016-2537014**

CORRECTED COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Charles H. Edwards, Jr., Respondent maintains a principal place of business at 1611 Sandusky Court, Apt. 245, Pittsburgh, Pennsylvania, 15212.

2. That on March 24, 2016, at 10:40 PM, PUC Enforcement Officer Ryan Balestra observed the respondent's 2003 Hyundai SUV, bearing PA registration number JVJ3490, operating on Carson Street in the south side of Pittsburgh. The vehicle had a taxi dome light mounted on the roof that displayed the word "TAXI."

3. That Respondent, by affixing a taxi dome light to the roof of the vehicle, violated 52 Pa. Code § 29.314(d). Dome lights are only permitted on vehicles operated by call and demand carriers.

4. That Respondent, by holding out to provide passenger service between points in Pennsylvania while not having operating authority with this Commission, violated the Public Utility Code, 66 Pa.C.S. § 1101. The penalty for this violation is \$1000.00 and suspension of the registration of the vehicle referenced in paragraph 2, by the Pennsylvania Department of Transportation.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby request that the Commission fine Charles H. Edwards, Jr., the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this Complaint. In addition, Respondent's vehicle registration at license number JVJ3490 will be suspended by the Pennsylvania Department of Transportation.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/18/2016

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-1047. Filed for public inspection June 17, 2016, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Application in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has 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 July 5, 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. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant.

**Doc. No. A-16-06-01. Iggys Taxi, LLC** (2351 South Swanson Street, Philadelphia, PA 19148): An application for a medallion taxicab certificate of public convenience 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:* David R. Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 16-1048. Filed for public inspection June 17, 2016, 9:00 a.m.]

### Service of Reminder Notice of Citation Complaint

#### The Philadelphia Parking Authority, Taxicab and Limousine Division v. Edward R. Phillips; Doc. No. C-16-04-015

Attention Edward R. Phillips, last known address of 1244 South 49th Street, Philadelphia, PA 19143, this is a reminder notice that on May 7, 2016, Citation Complaint T-20693 (Citation) was issued against you by the Taxicab and Limousine Division's (TLD) Enforcement Department via publication in the *Pennsylvania Bulletin* on May 7, 2016 (see 46 Pa.B. 2395), citing a violation of 52 Pa. Code § 1021.12 "driver providing service without a valid driver's license" for your actions on February 26, 2016. The TLD Enforcement Department is seeking a penalty of \$350.

Respondents must either request a hearing on a citation or pay the penalty identified in a citation within fifteen (15) days of issuance. See 52 Pa. Code § 1005.13(b). If you fail to take immediate action by either requesting a hearing or paying the penalty identified above, it may result in the entry of a default order as to the Citation and the penalty; along with imposing any suspension or revocation identified in the Citation.

Please take the necessary actions to satisfy the above referenced citation immediately. Payments made payable to the Philadelphia Parking Authority or requests for a hearing may be submitted to:

Office of the Clerk  
Philadelphia Parking Authority  
Taxicab and Limousine Division  
2415 South Swanson Street  
Philadelphia, PA 19148

If you have any questions concerning this notice, please do not hesitate to contact the TLD's Office of the Clerk, Heidi Robb, Clerk, (215) 683-9498, TLDclerk@philapark.org.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 16-1049. Filed for public inspection June 17, 2016, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees'

Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

September 7, 2016 Alea C. Melacrinos 1 p.m.  
(Purchase of Service)

Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lori Koch, Assistant to the Executive Director at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 16-1050. Filed for public inspection June 17, 2016, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v. Brenda Lucia Golob, LPN; File No. 13-51-04516; Doc. No. 54516-51-13**

On March 18, 2016, Brenda Lucia Golob, LPN, license no. PN273405, last known of Harrisburg, Dauphin County, was issued a \$150 civil penalty based on findings that she continued to practice nursing while her license was expired.

Individuals may obtain a copy of the adjudication by writing to Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-1051. Filed for public inspection June 17, 2016, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Dirt and Gravel Roads Pollution Prevention Maintenance Program

As required by 25 Pa. Code § 83.604(f) (relating to apportionment criteria), the State Conservation Commission (Commission) is providing public notice of the apportionment of Fiscal Year (FY) 2016-2017 Dirt, Gravel and Low Volume Road Pollution Prevention Maintenance Program (Program) funds to participating County Conservation Districts. This apportionment is authorized under 75 Pa.C.S. § 9106 (relating to dirt, gravel and low-volume road maintenance).

#### A. *Effective Date*

This apportionment is effective upon publication in the *Pennsylvania Bulletin*. Allocations will be disbursed when funds are released from the Treasury after July 1, 2016.

#### B. *Background*

The Commission approved the following allocations at their public meetings on May 10, 2016: \$26.068 million of FY 2016-2017 funds were apportioned according to stipulations in 75 Pa.C.S. § 9106(c).

Copies of 25 Pa. Code § 83.604 and 75 Pa.C.S. § 9106 are available from Roy Richardson, Dirt, Gravel and Low Volume Roads Program Coordinator, Room 311, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 787-2103.

The following allocations are being made to the County Conservation Districts participating in the Program. Listed in alphabetical order, the allocations are as follows:

#### State Conservation Commission—Dirt, Gravel and Low-Volume Road Maintenance Program

#### Proposed Low-Volume Road Allocation for FY 2016-2017 for Commission Approval May 10, 2016

	<i>Proposed Allocation FY 2016-17</i>
Adams	\$121,803
Allegheny	\$267,932
Armstrong	\$131,689
Beaver	\$101,664
Bedford	\$178,081
Berks	\$262,545
Blair	\$80,817
Bradford	\$103,138
Bucks	\$182,980
Butler	\$181,592
Cambria	\$112,453
Cameron	\$40,000*
Carbon	\$50,523
Centre	\$102,926
Chester	\$201,534
Clarion	\$96,669
Clearfield	\$122,597
Clinton	\$55,175

	<i>Proposed Allocation FY 2016-17</i>		<i>Proposed Allocation FY 2016-17</i>
Columbia	\$86,206	<b>District Total</b>	<b>\$7,448,000</b>
Crawford	\$106,118	Allocation for Low Volume Road funds only. Dirt and Gravel funds allocated separately.	
Cumberland	\$128,225	*Minimum allocation of \$40,000 applies.	
Dauphin	\$120,963	No allocations were influenced by the cap of \$550,000.	
Elk	\$40,000*	<b>State Conservation Commission—Dirt, Gravel and Low-Volume Road Maintenance Program</b>	
Erie	\$128,752	<b>Proposed Dirt and Gravel Road Allocation for FY 2016-2017 for Commission Approval May 10, 2016</b>	
Fayette	\$146,934		<i>Proposed Allocation FY 2016-2017</i>
Forest	\$40,000*		
Franklin	\$124,156	Adams	\$100,000*
Fulton	\$62,167	Allegheny	\$100,000*
Greene	\$108,893	Armstrong	\$907,647
Huntingdon	\$109,624	Beaver	\$100,000*
Indiana	\$164,917	Bedford	\$282,853
Jefferson	\$94,901	Berks	\$100,000*
Juniata	\$72,467	Blair	\$100,000*
Lackawanna	\$74,655	Bradford	\$1,375,000**
Lancaster	\$285,720	Bucks	\$100,000*
Lawrence	\$103,945	Butler	\$162,760
Lebanon	\$83,995	Cambria	\$115,628
Lehigh	\$105,039	Cameron	\$134,175
Luzerne	\$152,061	Carbon	\$100,000*
Lycoming	\$117,870	Centre	\$152,322
McKean	\$62,374	Chester	\$100,000*
Mercer	\$136,377	Clarion	\$374,777
Mifflin	\$53,824	Clearfield	\$425,567
Monroe	\$113,572	Clinton	\$169,630
Montgomery	\$164,832	Columbia	\$380,598
Montour	\$40,000*	Crawford	\$748,035
Northampton	\$117,091	Cumberland	\$100,000*
Northumberland	\$104,981	Dauphin	\$100,000*
Perry	\$107,320	Elk	\$157,608
Pike	\$40,000*	Erie	\$311,257
Potter	\$55,657	Fayette	\$250,466
Schuylkill	\$157,026	Forest	\$116,208
Snyder	\$68,808	Franklin	\$100,000*
Somerset	\$180,054	Fulton	\$140,471
Sullivan	\$40,000*	Greene	\$410,859
Susquehanna	\$64,407	Huntingdon	\$278,741
Tioga	\$56,888	Indiana	\$526,749
Union	\$44,714	Jefferson	\$314,918
Venango	\$76,012	Juniata	\$103,996
Warren	\$55,029	Lackawanna	\$131,662
Washington	\$203,097	Lancaster	\$103,377
Wayne	\$85,655	Lawrence	\$100,000*
Westmoreland	\$266,215	Lebanon	\$100,000*
Wyoming	\$41,230		
York	\$261,111		



## NOTICES

	<i>Proposed Allocation FY 2016-2017</i>		<i>Proposed Allocation FY 2016-2017</i>
Lehigh	\$109,312	Tioga	\$1,058,669
Luzerne	\$204,464	Union	\$100,000*
Lycoming	\$417,928	Venango	\$536,017
McKean	\$215,248	Warren	\$587,893
Mercer	\$214,062	Washington	\$361,566
Mifflin	\$100,000*	Wayne	\$508,096
Monroe	\$100,000*	Westmoreland	\$165,953
Montgomery	\$100,000*	Wyoming	\$291,627
Montour	\$100,000*	York	\$371,340
Northampton	\$100,000*	<b>District Total</b>	<b>\$18,620,000</b>
Northumberland	\$205,971	Allocations for Dirt and Gravel funds only. Low-Volume funds allocated separately.	
Perry	\$147,807	*Minimum allocation of \$100,000 applies.	
Pike	\$120,069	**Maximum allocation of \$1,375,000 applies.	
Potter	\$778,382	All counties met Commission 2-year spending requirements and are eligible for a FY 2016-2017 allocation.	
Schuylkill	\$183,928	RUSSELL C. REDDING, <i>Chairperson</i>	
Snyder	\$121,472	[Pa.B. Doc. No. 16-1052. Filed for public inspection June 17, 2016, 9:00 a.m.]	
Somerset	\$292,407		
Sullivan	\$377,485		
Susquehanna	\$1,375,000**		

# RULES AND REGULATIONS

## Title 55—HUMAN SERVICES

### DEPARTMENT OF HUMAN SERVICES

[ 55 PA. CODE ]

#### Redesignation of Title

The act of September 24, 2014 (P.L. 2458, No. 132) (Act 132) designated the Department of Public Welfare as the Department of Human Services. Act 132 became effective November 24, 2014. Further, the act of December 28, 2015 (P.L. 500, No. 92) (Act 92) amended the title of act of June 13, 1967 (P.L. 31, No. 21) from the Public Welfare Code to the Human Services Code.

Notice was given at 44 Pa.B. 7442 (November 29, 2014) that under Act 132 references to the Department of Public Welfare were updated, as appropriate, to the Department of Human Services throughout 55 Pa. Code in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 483).

Accordingly, under Act 92, the designation of Title 55 of the *Pennsylvania Code* is being updated to Human Services effective upon publication of this notice.

THEODORE DALLAS,  
*Secretary*

[Pa.B. Doc. No. 16-1053. Filed for public inspection June 17, 2016, 9:00 a.m.]

### DEPARTMENT OF HUMAN SERVICES

[ 55 PA. CODE CHS. 13, 14, 20, 2380, 2390, 2600, 2800, 3800, 4200, 4210, 4215, 4220, 4230, 4300, 4305, 4310, 6201, 6210, 6211, 6250, 6350, 6400, 6500 AND 6600 ]

#### Intellectual Disability Terminology Update

The Department of Human Services (Department) adopts this final-omitted rulemaking under the authority of sections 201(2), 211, 213, 443.1(2) and (3) and Articles IX and X of the Human Services Code (62 P.S. §§ 201(2), 211, 213, 443.1(2) and (3), 901—922 and 1001—1088) and sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

#### *Omission of Proposed Rulemaking*

Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(3)), known as the Commonwealth Documents Law (CDL), and 1 Pa. Code § 7.4(3) (relating to omission of notice of proposed rulemaking) because the Department for good cause finds that proposed rulemaking is unnecessary and that a delay in the promulgation of these amendments is contrary to the public interest. Under Federal and State law, the terminology “intellectual disability” has replaced the archaic and offensive terminology “mental retardation.” See the act of November 22, 2011 (P.L. 429, No. 105) and Rosa’s Law (Pub.L. No. 111-256). Further, the affected individuals with an intellectual disability, friends and family members of affected individuals, providers of services and supports for individuals with an intellectual disability, and county

mental health/intellectual disability programs support the use of the up-to-date and appropriate terms “intellectual disability” and “integration” to replace the archaic terms “the retarded,” “mentally retarded,” “retarded person,” “mental retardation” and “normalization” in 55 Pa. Code (relating to human services).

#### *Purpose*

The purpose of this final-omitted rulemaking is to support Pennsylvanians with an intellectual disability by updating the language in 24 chapters of 55 Pa. Code to replace the terms “the retarded,” “mentally retarded,” “retarded person” and “mental retardation” with the up-to-date and appropriate term “intellectual disability.” This final-omitted rulemaking also replaces the term “normalization” with the up-to-date and appropriate term “integration” in Chapter 6400 (relating to community homes for individuals with an intellectual disability).

#### *Requirements*

Various chapters of licensing, State center, mental health/intellectual disability and intellectual disability regulations used the inappropriate and outdated terminology. These chapters apply to State-operated intellectual disability centers, intellectual disability programs funded through the Office of Developmental Programs and facilities licensed by the Department. Amendments to Chapters 51, 4226 and 6200 (relating to Office of Developmental Programs home and community-based services; early intervention services; and room and board charges) are not included in this final-omitted rulemaking, because rulemakings pertaining to these chapters are concurrently moving through the regulatory process.

The correct terminology of “intellectual disability” is updated in Chapters 13, 14, 20, 2380, 2390, 2600, 2800, 3800, 4200, 4210, 4215, 4220, 4230, 4300, 4305, 4310, 6201, 6210, 6211, 6250, 6350, 6400, 6500 and 6600.

#### *Affected Individuals and Organizations*

This final-omitted rulemaking affects individuals with an intellectual disability, and families of these individuals, who receive funded services and supports through the Office of Developmental Programs; State-operated intellectual disability centers; providers of State and Federally-funded intellectual disability services and supports and facilities licensed by the Department.

This final-omitted rulemaking was requested by and is very important to the intellectual disability self-advocacy and advocacy communities, families, providers, local government and others, as the terms “the retarded,” “mentally retarded,” “retarded person,” “mental retardation” and “normalization” are offensive and archaic. In July 2015, a draft of this final-omitted rulemaking was shared with and reviewed by external stakeholders that included self-advocacy, advocacy, provider and local government organizations. External stakeholders applaud this long overdue effort to update the language in 55 Pa. Code.

#### *Accomplishments and Benefits*

This final-omitted rulemaking promotes respect, community integration and an array of opportunities for an individual with an intellectual disability by using words that are positive and up-to-date.

#### *Fiscal Impact*

There is no fiscal impact to the Commonwealth, individuals, families, advocates, providers or local government.

*Paperwork Requirements*

There is no increase or decrease in paperwork requirements.

*Public Comment*

Although this rulemaking is being adopted without publication as a proposed rulemaking, interested persons are invited to submit written comments, suggestions or objections to Julie Mochon, Human Service Program Specialist Supervisor, Office of Developmental Programs, Department of Human Services, Room 502 Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, [jmochon@pa.gov](mailto:jmochon@pa.gov). Comments will be reviewed and considered for any subsequent revision of these regulations.

Persons with a disability who require an auxiliary aid or service may submit comments by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

*Regulatory Review Act*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on April 14, 2016, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Human Services and the Senate Committee on Public Health and Welfare. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on May 18, 2016, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 19, 2016, and approved the final-omitted rulemaking.

*Findings*

The Department finds that:

(1) Notice of proposed rulemaking is omitted under section 204(3) of the CDL and 1 Pa. Code § 7.4(3) because the Department for good cause finds that proposed rulemaking is unnecessary and that a delay in the promulgation of these amendments is contrary to the public interest. The affected individuals with an intellectual disability, friends and family members of affected individuals, providers of services and supports for individuals with an intellectual disability, and county mental health/intellectual disability programs support the use of the up-to-date and appropriate term “intellectual disability.”

(2) The adoption of this final-omitted rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the Human Services Code (62 P.S. §§ 101—1503).

*Order*

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

(a) The regulations of the Department, 55 Pa. Code Chapters 13, 14, 20, 2380, 2390, 2600, 2800, 3800, 4200, 4210, 4215, 4220, 4230, 4300, 4305, 4310, 6201, 6210, 6211, 6250, 6350, 6400, 6500 and 6600, are amended by amending §§ 13.1, 13.8, 14.1, 20.42, 2380.2, 2380.3, 2380.17, 2380.18, 2380.182, 2390.5, 2390.18, 2390.19, 2390.152, 2600.4, 2600.64, 2600.65, 2600.222, 2600.224, 2600.228, 2800.4, 2800.64, 2800.65, 2800.222, 2800.228,

3800.3, 3800.5, 3800.20, 3800.56, 4200.1, 4200.2, 4200.3, 4200.4, 4200.11, 4200.24, 4200.32, 4200.33, 4210.1, 4210.2, 4210.4, 4210.5, 4210.6, 4210.11, 4210.12, 4210.26, 4210.32, 4210.42, 4210.51, 4210.52, 4210.62, 4210.71, 4210.91, 4210.92, 4210.93, 4210.101, 4210.113, 4210.123, 4210.141, 4210.142, 4210.143, 4210.144, 4210.151, 4210.153, 4210.182, 4210.191, 4215.1, 4215.2, 4215.3, 4215.4, 4215.21, 4215.22, 4215.23, 4215.24, 4215.25, 4215.26, 4220.1, 4220.2, 4220.3, 4220.11, 4220.12, 4220.13, 4220.14, 4230.1, 4230.2, 4230.3, 4230.11, 4230.12, 4230.14, 4230.15, 4230.16, 4230.17, 4300.1, 4300.2, 4300.3, 4300.4, 4300.21, 4300.22, 4300.23, 4300.25, 4300.26, 4300.45, 4300.46, 4300.48, 4300.56, 4300.63, 4300.68, 4300.83, 4300.86, 4300.94, 4300.95, 4300.106, 4300.117, 4300.118, 4300.132, 4300.134, 4300.135, 4300.136, 4300.137, 4300.139, 4300.148, 4300.155, 4300.158, 4300.159, 4300.161, 4305.1, 4305.2, 4305.3, 4305.4, 4305.5, 4305.11, 4305.13, 4305.15, 4305.17, 4305.21, 4305.31, 4305.33, 4305.42, 4305.43, 4305.51, 4305.52, 4305.61, 4305.66, 4310.1, 4310.3, 4310.4, 4310.6, 4310.9, 4310.17, 4310.20, 6201.1, 6201.2, 6201.3, 6201.4, 6201.11, 6201.12, 6201.13, 6201.14, 6210.1, 6210.2, 6210.3, 6210.11, 6210.13, 6210.21, 6210.22, 6210.32, 6210.33, 6210.34, 6210.35, 6210.42, 6210.43, 6210.44, 6210.46, 6210.61, 6210.62, 6210.63, 6210.64, 6210.65, 6210.71, 6210.72, 6210.75, 6210.76, 6210.78, 6210.79, 6210.81, 6210.93, 6210.101, 6210.108, 6211.1, 6211.2, 6211.45, 6211.78, 6211.79, 6211.87, 6250.1, 6250.2, 6250.3, 6250.11, 6250.21, 6250.22, 6350.1, 6350.3, 6350.4, 6350.5, 6350.11, 6350.13, 6350.14, 6350.15, 6350.16, 6350.21, 6350.22, 6350.23, 6350.24, 6350.25, 6350.26, 6350.27, 6400.1, 6400.2, 6400.3, 6400.4, 6400.15, 6400.18, 6400.19, 6400.44, 6400.46, 6400.143, 6500.1, 6500.2, 6500.3, 6500.4, 6500.12, 6500.20, 6500.21, 6500.43, 6500.45, 6500.46, 6500.123, 6600.1, 6600.2 and 6600.3 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

THEODORE DALLAS,  
*Secretary*

(*Editor's Note:* See 46 Pa.B. 2919 (June 4, 2016) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 14-539 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 55. HUMAN SERVICES****PART I. DEPARTMENT OF HUMAN SERVICES****Subpart B. RIGHTS****CHAPTER 13. USE OF RESTRAINTS IN TREATING PATIENTS/RESIDENTS****§ 13.1. Scope.**

This chapter is applicable in institutions operated by the Department, regardless of the type of facility, patient/resident composition or services covered. Facilities covered include Youth Development Centers, Youth Forestry Camps, Restoration Centers, State general hospitals and

State-operated institutions for individuals with a mental illness or an intellectual disability.

§ 13.8. Seclusion.

(a) *Definition.*

(1) *Seclusion.*

(i) The placement of a patient/resident in a locked room may be used as a therapeutic technique only.

(ii) The patient's/resident's request to spend time in a private unlocked room is not to be considered seclusion and shall be granted if feasible and not therapeutically contra indicated. Quarantine or other preventive health measures are not considered seclusion.

(iii) In mental health facilities children under 14 years of age requiring seclusion shall be continuously monitored within or just outside the seclusion area by mental health personnel, and the room shall not be locked or otherwise secured. Soft inanimate objects shall be made available to the patient to permit the venting of aggression.

(iv) Seclusion shall be used only under the following conditions:

(A) When necessary to protect the patient/resident or others from physical injury.

(B) To decrease the level of stimulation when a patient/resident is in a state of hyperactivity.

(C) When less restrictive measures and techniques have proven ineffective.

(D) Seclusion as defined in this paragraph may not be employed in a State center for individuals with an intellectual disability.

(2) *Exclusion.* Within mental health/intellectual disability facilities the removing of the patient/resident from his immediate environment and restricting him to another area. Exclusion shall only be employed when it is clearly documented that another less restrictive method has been unsuccessful in controlling the unacceptable behavior. Exclusion shall be limited and documented as a therapeutic technique in the resident's individual treatment plan. In mental health facilities children under 14 years of age requiring seclusion or exclusion shall be continuously monitored within or just outside the exclusion area by mental health personnel, and the room may not be locked or otherwise secured. Soft inanimate objects shall be made available to the patient to permit the venting of aggression.

(b) *Procedures.*

(1) In mental health facilities if a patient/resident in voluntary treatment requires seclusion, will not consent to such and requests to be discharged, this request shall be granted unless the procedures and standards of section 302 of the Mental Health Procedures Act (50 P.S. § 7302) regarding emergency involuntary treatment and § 5100.76 (relating to notice of withdrawal) are followed. Similarly, the procedures of section 405 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4405) shall be followed for persons with an intellectual disability who have been voluntarily admitted, require seclusion, and request to be discharged.

(2) In the case of mental health facilities, authority for seclusion of a patient/resident rests with the Director or his designee. In intellectual disability facilities, authority for exclusion rests with the qualified intellectual disability professional. In the case of Youth Development Centers, Youth Forestry Camps and all other Departmental institutions authority for seclusion rests with the

Superintendent/Assistant Superintendent. Normally, written orders shall precede the placement of a patient/resident in seclusion or exclusion. In emergencies, telephone orders may be accepted, but an order shall be properly countersigned within the time specified by the institution. In no case, however, shall this period exceed 24 hours.

(3) An order for seclusion or exclusion is good for only 24 hours. The time the order is received shall be recorded with the order on the order sheet.

(4) In mental health/intellectual disability facilities, telephone orders are not acceptable for continued seclusion or exclusion. The patient/resident shall be seen by a physician within 24 hours, and the order shall be rewritten and supported by a progress note. In Youth Development Centers and Youth Forestry Camps, the resident/patient must be seen by the Superintendent/Assistant Superintendent who will assess the resident's/patient's needs and seek professional consultation if indicated.

(5) In the absence of a written or telephone order, a patient/resident may be placed in seclusion or exclusion as a protective measure for no more than 1 hour when the action is immediately necessary.

(6) If a patient/resident is placed in seclusion or exclusion as an emergency procedure, the unit program supervisor or appropriate designated program specialist of the area shall be notified immediately.

(7) In mental health/intellectual disability facilities, if the nursing supervisor/designated program specialist, after visiting the patient/resident, deems seclusion or exclusion necessary, the attending physician or his delegate shall be notified immediately. In Youth Development Center or Youth Forestry Camp facilities, if the designated program specialist, after visiting the patient/resident, deems seclusion necessary, the Superintendent/Assistant Superintendent shall be notified immediately.

(8) In facilities, the nursing supervisor or designated program specialist shall document his observations fully on an appropriate progress report.

(9) The following procedure is to be followed when a patient/resident is in seclusion:

(i) Potentially dangerous articles will be removed from the patient/resident. This includes articles of clothing if there are reasonable grounds to believe such clothing constitutes a substantial threat to the health or safety of the patient/resident or others.

(ii) The patient/resident will be checked at no less than 15-minute intervals by personnel.

(iii) The physical needs of the patient/resident will be given prompt response.

(iv) Concise and informative written reports concerning the status of the patient/resident will be prepared and retained in the record of the patient/resident in seclusion or exclusion. Daily written reports concerning patient/residents in seclusion or exclusion shall be prepared and sent to appropriate designated staff of the facility. These reports shall include information as follows:

(A) Identifying data concerning name, age, location in building and record number of patient/resident.

(B) Reason for seclusion or exclusion.

(C) Period of time in seclusion or exclusion.

(D) Brief statement regarding status of patient/resident.

(E) Record of time given for attention to personal needs.

**CHAPTER 14. ABUSE OF PATIENTS/RESIDENTS**

**§ 14.1. Scope.**

(a) *Applicability.* This chapter is applicable in institutions operated by the Department, regardless of the type of facility, patient/resident composition or services provided. Facilities covered include Youth Development Centers, Youth Forestry Camps, Restoration Centers, State general hospitals and State-operated institutions for individuals with a mental illness or an intellectual disability. In those institutions serving children covered by 23 Pa.C.S. §§ 6301—6386 (relating to Child Protective Services Law) the facility shall also comply with the Departmental reporting procedures applicable to this act and the procedures of § 7084, Administrative Manual, relating to management of incidents and deaths. Nothing in this chapter may be construed to limit or affect an employee's existing appeal rights under Civil Service statutes or collective bargaining agreements.

(b) *Definitions.* For purposes of this chapter, Department refers to the Department of Human Services of the Commonwealth.

**Subpart C. LICENSING/APPROVAL**

**CHAPTER 20. LICENSURE OR APPROVAL OF FACILITIES AND AGENCIES**

**FEEES**

**§ 20.42. Amount of fees.**

(a) The following fees shall be paid for a regular certificate of compliance:

<i>Type of Facility</i>	<i>Profit</i>	<i>Public or Nonprofit</i>
Adult Day Care Center	\$15	0
Maternity Home	\$15	0
Community Residential Intellectual Disability Facility or Agency	\$50	0
Psychiatric Clinic	\$50	0
Partial Hospitalization Programs	\$50	0
Private Psychiatric Hospital	\$50	0
Vocational Facility Serving Primarily Individuals with Mental Illness or an Intellectual Disability, or Both	\$50	0

(b) No fee is required for a facility or agency not listed in subsection (a).

(c) The fee for a provisional certificate of compliance is 1/12 of the fee for the annual certificate of compliance multiplied by the number of months for which the certificate of compliance is issued.

(d) The application fee for personal care homes applies regardless of profit or nonprofit status and is based on the number of beds licensed, as follows:

<i>Number of Beds</i>	<i>Fee</i>
0—20	\$15
21—50	\$20
51—100	\$30
101 beds and over	\$50

**PART IV. ADULT SERVICES MANUAL**

**Subpart D. NONRESIDENTIAL AGENCIES/FACILITIES/SERVICES**

**CHAPTER 2380. ADULT TRAINING FACILITIES**

**GENERAL PROVISIONS**

**§ 2380.2. Applicability.**

(a) This chapter applies to adult training facilities, except as provided in subsection (f).

(b) This chapter contains the minimum requirements that shall be met to obtain a certificate of compliance. Each adult training facility will be inspected by the Department each year and shall obtain a certificate of compliance to operate or continue to operate.

(c) This chapter applies to profit, nonprofit, publicly-funded and privately-funded facilities.

(d) This chapter applies to adult training facilities operated on the grounds of or in a community residential rehabilitation mental health facility or a community home for individuals with an intellectual disability if permitted in accordance with Chapter 6400 (relating to community homes for individuals with an intellectual disability).

(e) This chapter applies to adult training facilities operated on the grounds of or in a non-State operated intermediate care facility for individuals with an intellectual disability, unless it is medically necessary or in the individual's best interest to remain at home.

(f) This chapter does not apply to the following:

(1) Older adult daily living centers as defined in the Older Adult Daily Living Centers Licensing Act (62 P.S. §§ 1511.1—1511.22), serving four or more adults who are 60 years of age or older or adults who are 59 years of age or younger but have a dementia-related disease, such as Alzheimer's disease, as a primary diagnosis, but serving no more than three adults with disabilities who are 59 years of age or younger and who do not have a dementia-related disease as a primary diagnosis.

(2) Vocational facilities as defined in Chapter 2390 (relating to vocational facilities).

(3) Partial hospitalization facilities as defined in Chapter 5210 (relating to partial hospitalization).

(4) Summer recreation programs, camping programs and socialization clubs.

(5) Adult day care facilities located in nursing homes that serve only individuals who live in the nursing home.

(6) Adult training facilities operated by the Department or the Department of Education.

(7) Community homes for individuals with an intellectual disability licensed in accordance with Chapter 6400 and intermediate care facilities for individuals with an intellectual disability licensed in accordance with Chapter 6600 (relating to intermediate care facilities for individuals with an intellectual disability) that provide day services in the same building in which the individuals live to individuals who remain at home because they are medically unable to attend a community day program or because it is in the individual's best interest to remain at the home.

(8) Activities occurring at a location other than the facility and the facility grounds, during the time an individual is away from the facility.

**§ 2380.3. Definitions.**

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

\* \* \* \* \*

*Individual*—An adult with disabilities who receives care in an adult training facility and who has developmental needs that require assistance to meet personal needs and to perform basic daily activities. Examples of adults with disabilities include adults who exhibit one or more of the following:

- (i) A physical disability such as blindness, visual impairment, deafness, hearing impairment, speech or language impairment, or a physical handicap.
- (ii) A mental illness.
- (iii) A neurological disability such as cerebral palsy, autism or epilepsy.
- (iv) An intellectual disability.
- (v) A traumatic brain injury.

\* \* \* \* \*

**GENERAL REQUIREMENTS**

**§ 2380.17. Reporting of unusual incidents.**

- (a) An unusual incident is:
  - (1) Abuse or suspected abuse of an individual.
  - (2) Injury, trauma or illness requiring inpatient hospitalization, that occurs while the individual is at the facility or under the supervision of the facility.
  - (3) A suicide attempt by an individual.
  - (4) A violation or alleged violation of an individual's rights.
  - (5) An individual whose absence is unaccounted for, and is therefore presumed to be at risk.
  - (6) The misuse or alleged misuse of an individual's funds or property.
  - (7) An outbreak of a serious communicable disease, as defined in 28 Pa. Code § 27.2 (relating to specific identified reportable diseases, infections and conditions) to the extent that confidentiality laws permit reporting.
  - (8) An incident requiring the services of a fire department or law enforcement agency.
  - (9) A condition, except for snow or ice conditions, that results in closure of the facility for more than 1 scheduled day of operation.
    - (b) Written policies and procedures on the prevention, reporting, investigation and management of unusual incidents shall be developed and kept at the facility.
    - (c) The facility shall orally notify, within 24 hours after abuse or suspected abuse of an individual or an incident requiring the services of a fire department or law enforcement agency occurs:
      - (1) The county mental health and intellectual disability program of the county in which the facility is located if the individual involved in the unusual incident has mental illness or an intellectual disability.
      - (2) The funding agency.
      - (3) The appropriate regional office of the Department.
      - (d) The facility shall initiate an investigation of the unusual incident and complete and send copies of an

unusual incident report on a form specified by the Department, within 72 hours after an unusual incident occurs, to:

- (1) The county mental health and intellectual disability program of the county in which the facility is located if the individual involved in the unusual incident has mental illness or an intellectual disability.
- (2) The funding agency.
- (3) The appropriate regional office of the Department.
- (e) At the conclusion of the investigation the facility shall send a copy of the final unusual incident report to:
  - (1) The county mental health and intellectual disability program of the county in which the facility is located if the individual involved in the unusual incident has mental illness or an intellectual disability.
  - (2) The funding agency.
  - (3) The appropriate regional office of the Department.
  - (f) A copy of unusual incident reports relating to an individual shall be kept in the individual's record.
  - (g) A copy of unusual incident reports relating to the facility itself, such as those requiring the services of a fire department, shall be kept.
  - (h) The individual's family, if appropriate, and the residential services provider, if applicable, shall be immediately notified in the event of an unusual incident relating to the individual.

**§ 2380.18. Reporting of deaths.**

- (a) The facility shall complete and send copies of a death report on a form specified by the Department, within 24 hours after a death of an individual that occurs at the facility or while under the supervision of the facility, to:
  - (1) The county mental health and intellectual disability program of the county in which the facility is located if the individual had mental illness or an intellectual disability.
  - (2) The funding agency.
  - (3) The regional office of the Department.
  - (b) The facility shall investigate and orally notify, within 24 hours after an unusual or unexpected death occurs:
    - (1) The county mental health and intellectual disability program of the county in which the facility is located if the individual had mental illness or an intellectual disability.
    - (2) The funding agency.
    - (3) The regional office of the Department.
    - (c) A copy of death reports shall be kept in the individual's record.
    - (d) The individual's family, and the residential service provider, if applicable, shall be immediately notified in the event of a death of an individual.

**PROGRAM**

**§ 2380.182. Development, annual update and revision of the ISP.**

\* \* \* \* \*

- (b) When an individual is not receiving services through an SCO and does not reside in a home licensed under Chapter 6400 or 6500 (relating to community

homes for individuals with an intellectual disability; and family living homes), the adult training facility program specialist shall be the plan lead when one of the following applies:

\* \* \* \* \*

**CHAPTER 2390. VOCATIONAL FACILITIES  
GENERAL PROVISIONS**

**§ 2390.5. Definitions.**

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

\* \* \* \* \*

*Disabled adult—*

(i) A person who because of a disability requires special help or special services on a regular basis to function vocationally.

(ii) The term includes persons who exhibit any of the following characteristics:

(A) A physical disability, such as visual impairment, hearing impairment, speech or language impairment, or other physical handicap.

(B) Social or emotional maladjustment.

(C) A neurologically based condition such as cerebral palsy, autism or epilepsy.

(D) An intellectual disability.

*Documentation—*Written statements that accurately record details, substantiate a claim or provide evidence of an event.

*Handicapped employment—*A vocational program in which the individual client does not require rehabilitation, habilitation or ongoing training to work at the facility.

*ISP—Individual Support Plan—*The comprehensive document that identifies services and expected outcomes for a client.

*Interdisciplinary team—*A group of persons representing one or more service areas relevant to identifying a client's needs, including at a minimum the county case manager if the client is funded through the county mental health and intellectual disability program, the client and the program specialist.

\* \* \* \* \*

**GENERAL REQUIREMENTS**

**§ 2390.18. Unusual incident report.**

(a) An unusual incident report shall be completed by the facility on a form specified by the Department for a serious event, including death of a client, injury or illness of a client requiring inpatient hospitalization, or a fire requiring the services of a fire department. The facility shall send copies of the report to the regional office of the Department and the funding agency within 24 hours after the event occurs. A copy of unusual incident reports shall be kept on file by the facility.

(b) If an unusual incident occurs during a weekend, the regional office of the Department and the funding agency shall be notified within 24 hours after the event occurs and the unusual incident report shall be sent on the first business day following the event.

**§ 2390.19. Abuse.**

(a) Abusive acts against clients are prohibited.

(b) Staff or clients witnessing or having knowledge of an abusive act to a client shall report it to the chief executive officer or designee within 24 hours.

(c) The chief executive officer or designee shall investigate reports of abuse and prepare and send a report to the regional office of the Department and the funding agency within 24 hours of the initial report. If the initial report occurs during a weekend, the regional office of the Department and the funding agency shall be notified within 24 hours after the initial report and the abuse investigation report shall be sent on the first business day following the initial report. The report shall either support or deny the allegation and make recommendations for appropriate action. The chief executive officer or designee shall implement changes immediately to prevent abuse in the future.

(d) Incidents of criminal abuse shall be reported immediately to law enforcement authorities.

**PROGRAM**

**§ 2390.152. Development, annual update and revision of the ISP.**

(a) A client shall have one ISP.

(b) When a client is not receiving services through an SCO and is not receiving services in a facility or home licensed under Chapters 2380, 6400 or 6500 (relating to adult training facilities; community homes for individuals with an intellectual disability; and family living homes), the vocational facility program specialist shall be the plan lead.

(c) The plan lead shall be responsible for developing and implementing the ISP, including annual updates and revisions.

(d) The plan lead shall develop, update and revise the ISP according to the following:

(1) The ISP shall be initially developed, updated annually and revised based upon the client's current assessment as required under §§ 2380.181, 2390.151, 6400.181 and 6500.151 (relating to assessment).

(2) The initial ISP shall be developed within 90 calendar days after the client's admission date to the facility.

(3) The ISP, annual updates and revisions shall be documented on the Department-designated form located in the Home and Community Services Information System (HCSIS) and also on the Department's web site.

(4) An invitation shall be sent to plan team members at least 30 calendar days prior to an ISP meeting.

(5) Copies of the ISP, including annual updates and revisions under § 2390.156 (relating to ISP review and revision), shall be provided as required under § 2390.157 (relating to copies).

**Subpart E. RESIDENTIAL  
AGENCIES/FACILITIES/SERVICES**

**CHAPTER 2600. PERSONAL CARE HOMES  
GENERAL PROVISIONS**

**§ 2600.4. Definitions.**

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

\* \* \* \* \*

*Appropriate assessment agency*—An organization serving adults who are older or adults with disabilities, such as a county mental health/intellectual disability agency, a drug and alcohol agency, an area agency on aging or another human service agency, or an individual in an occupation maintaining contact with adults who are older and adults with disabilities, such as medicine, nursing or rehabilitative therapies.

\* \* \* \* \*

**STAFFING**

**§ 2600.64. Administrator training and orientation.**

\* \* \* \* \*

(b) The standardized Department-approved administrator training course specified in subsection (a)(2) shall include the following:

\* \* \* \* \*

- (11) Care for residents with an intellectual disability.

\* \* \* \* \*

**§ 2600.65. Direct care staff person training and orientation.**

\* \* \* \* \*

(d) Direct care staff persons hired after April 24, 2006, may not provide unsupervised ADL services until completion of the following:

- (1) Training that includes a demonstration of job duties, followed by supervised practice.
- (2) Successful completion and passing the Department-approved direct care training course and passing of the competency test.
- (3) Initial direct care staff person training to include the following:
  - (i) Safe management techniques.
  - (ii) ADLs and IADLs.
  - (iii) Personal hygiene.
  - (iv) Care of residents with dementia, mental illness, cognitive impairments, an intellectual disability and other mental disabilities.

\* \* \* \* \*

(f) Training topics for the annual training for direct care staff persons shall include the following:

- (1) Medication self-administration training.
- (2) Instruction on meeting the needs of the residents as described in the preadmission screening form, assessment tool, medical evaluation and support plan.
- (3) Care for residents with dementia and cognitive impairments.
- (4) Infection control and general principles of cleanliness and hygiene and areas associated with immobility, such as prevention of decubitus ulcers, incontinence, malnutrition and dehydration.
- (5) Personal care service needs of the resident.
- (6) Safe management techniques
- (7) Care for residents with mental illness or an intellectual disability, or both, if the population is served in the home.

\* \* \* \* \*

**SERVICES**

**§ 2600.222. Community social services.**

Residents shall be encouraged and assisted in the access to and use of social services in the community which may benefit the resident, including a county mental health and intellectual disability program, a drug and alcohol program, a senior citizens center, an area agency on aging or a home health care agency.

**§ 2600.224. Preadmission screening.**

(a) A determination shall be made within 30 days prior to admission and documented on the Department's preadmission screening form that the needs of the resident can be met by the services provided by the home.

(b) An applicant whose personal care service needs cannot be met by the home shall be referred to a local appropriate assessment agency.

(c) The preadmission screening shall be completed by the administrator or designee. If the resident is referred by a State-operated facility, a county mental health and intellectual disability program, a drug and alcohol program or an area agency on aging, a representative of the referral agent may complete the preadmission screening.

**§ 2600.228. Notification of termination.**

\* \* \* \* \*

(h) The only grounds for discharge or transfer of a resident from a home are for the following conditions:

- (1) If a resident is a danger to himself or others.
- (2) If the legal entity chooses to voluntarily close the home, or a portion of the home.
- (3) If a home determines that a resident's functional level has advanced or declined so that the resident's needs cannot be met in the home. If a resident or the resident's designated person disagrees with the home's decision to discharge or transfer, consultation with an appropriate assessment agency or the resident's physician shall be made to determine if the resident needs a higher level of care. A plan for other placement shall be made as soon as possible by the administrator in conjunction with the resident and the resident's designated person, if any. If assistance with relocation is needed, the administrator shall contact appropriate local agencies, such as the area agency on aging, county mental health/intellectual disability program or drug and alcohol program, for assistance. The administrator shall also contact the Department's personal care home regional office.
- (4) If meeting the resident's needs would require a fundamental alteration in the home's program or building site, or would create an undue financial or programmatic burden on the home.

(5) If the resident has failed to pay after reasonable documented efforts by the home to obtain payment.

(6) If closure of the home is initiated by the Department.

(7) Documented, repeated violation of the home rules.

**CHAPTER 2800. ASSISTED LIVING RESIDENCES  
GENERAL PROVISIONS**

**§ 2800.4. Definitions.**

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

\* \* \* \* \*



*Appropriate assessment agency*—An organization serving adults who are older or adults with disabilities, such as a county mental health/intellectual disability agency, a drug and alcohol agency, an area agency on aging or another human service agency, or an individual in an occupation maintaining contact with adults who are older and adults with disabilities, such as medicine, nursing or rehabilitative therapies.

\* \* \* \* \*

*Health care or human services field*—Includes the following:

- (i) Child welfare services.
- (ii) Adult services.
- (iii) Older adult services.
- (iv) Mental health/intellectual disability services.
- (v) Drug and alcohol services.
- (vi) Services for individuals with disabilities.
- (vii) Medicine.
- (viii) Nursing.
- (ix) Rehabilitative services.
- (x) Any other human service or occupation that maintains contact with adults who are older or adults and children with disabilities.

\* \* \* \* \*

**STAFFING**

**§ 2800.64. Administrator training and orientation.**

\* \* \* \* \*

(b) The standardized Department-approved administrator training course specified in subsection (a)(2) must include the following:

\* \* \* \* \*

- (11) Care for residents with an intellectual disability.

\* \* \* \* \*

**§ 2800.65. Staff orientation and direct care staff person training and orientation.**

\* \* \* \* \*

(g) Direct care staff persons may not provide unsupervised assisted living services until completion of 18 hours of training in the following areas:

- (1) Training that includes a demonstration of job duties, followed by supervised practice.
- (2) Successful completion and passing the Department-approved direct care training course and passing of the competency test.
- (3) Initial direct care staff person training to include the following:
  - (i) Safe management techniques.
  - (ii) Assisting with ADLs and IADLs.
  - (iii) Personal hygiene.
  - (iv) Care of residents with mental illness, neurological impairments, an intellectual disability and other mental disabilities.

\* \* \* \* \*

(i) Training topics for the annual training for direct care staff persons must include the following:

- (1) Medication self-administration training.

(2) Instruction on meeting the needs of the residents as described in the assessment tool, medical evaluation and support plan.

(3) Care for residents with dementia, cognitive and neurological impairments.

(4) Infection control and general principles of cleanliness and hygiene and areas associated with immobility, such as prevention of decubitus ulcers, incontinence, malnutrition and dehydration.

(5) Assisted living service needs of the resident.

(6) Safe management techniques.

(7) Care for residents with mental illness or an intellectual disability, or both, if the population is served in the residence.

\* \* \* \* \*

**SERVICES**

**§ 2800.222. Community social services.**

Residents shall be encouraged and assisted in the access to and use of social services in the community which may benefit the resident, including a county mental health and intellectual disability program, a drug and alcohol program, a senior citizens center, an area agency on aging or a home health care agency.

**§ 2800.228. Transfer and discharge.**

\* \* \* \* \*

(h) The only grounds for transfer or discharge of a resident from a residence are for the following conditions:

(1) If a resident is a danger to himself or others and the behavior cannot be managed through interventions, services planning or informed consent agreements.

(2) If the legal entity chooses to voluntarily close the residence, or a portion of the residence.

(3) If a residence determines that a resident's functional level has advanced or declined so that the resident's needs cannot be met in the residence under § 2800.229 (relating to excludable conditions; exceptions) or within the scope of licensure for a residence. In that case, the residence shall notify the resident and the resident's designated person. The residence shall provide justification for the residence's determination that the needs of the resident cannot be met. In the event that there is no disagreement related to the transfer or discharge, a plan for other placement shall be made as soon as possible by the administrator in conjunction with the resident and the resident's designated person, if any. If assistance with relocation is needed, the administrator shall contact appropriate local agencies, such as the area agency on aging, county mental health/intellectual disability program or drug and alcohol program, for assistance. The administrator shall also contact the Department.

\* \* \* \* \*

**PART V. CHILDREN, YOUTH AND FAMILIES  
MANUAL**

**Subpart E. RESIDENTIAL AGENCIES, FACILITIES  
AND SERVICES**

**ARTICLE I. LICENSING/APPROVAL**

**CHAPTER 3800. CHILD RESIDENTIAL AND DAY  
TREATMENT FACILITIES**

**GENERAL PROVISIONS**

**§ 3800.3. Exemptions.**

This chapter does not apply to the following:

(1) Child residential and child day treatment facilities operated directly by the Department.

(2) Transitional living residences which are located in freestanding private residences.

(3) Residential camps for children who are enrolled in a grade or educational level higher than kindergarten which operate for fewer than 90 days per year.

(4) Residential children's schools which are licensed and operated solely as private academic schools or registered and operated solely as nonpublic nonlicensed schools by the Department of Education.

(5) Foster care homes that are licensed under Chapter 3700 (relating to foster family care agency).

(6) Family living homes for children with an intellectual disability that are licensed under Chapter 6500 (relating to family living homes).

(7) Community homes for individuals with an intellectual disability that provide care to both children and adults in the same facility and that are licensed under Chapter 6400 (relating to community homes for individuals with an intellectual disability).

(8) Community residences for individuals with mental illness that provide care to both children and adults in the same facility or community residential host homes for individuals with mental illness that are certified under Chapter 5310 (relating to community residential rehabilitation services for the mentally ill).

(9) Drug and alcohol residential facilities that provide care exclusively to residents whose sole need is the treatment of drug and alcohol dependence and that are licensed under 28 Pa. Code Chapters 701, 704 and 709 (relating to general provisions; staffing requirements for drug and alcohol treatment activities; and standards for licensure of freestanding treatment facilities).

(10) Child day care facilities certified or registered under Chapter 3270, 3280 or 3290 (relating to child day care centers; group child day care homes; and family child day care homes).

(11) Private homes of persons providing care to a relative, except homes in which children live with their own children but no other relative, unless the home is a transitional living residence that is exempt from this chapter under paragraph (2).

**§ 3800.5. Definitions.**

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

*Child*—An individual who meets one of the following conditions:

- (i) Is under 18 years of age.
- (ii) Is under 21 years of age and committed an act of delinquency before reaching 18 years of age and remains under the jurisdiction of the juvenile court.
- (iii) Was adjudicated dependent before reaching 18 years of age and while engaged in instruction or treatment, requests the court to retain jurisdiction until the instruction or treatment is completed, but a child may not remain in a course of instruction or treatment past 21 years of age.

(iv) Has an intellectual disability, a mental illness or a serious emotional disturbance, with a transfer plan to move to an adult setting by 21 years of age.

\* \* \* \* \*

**GENERAL REQUIREMENTS**

**§ 3800.20. Confidentiality of records.**

(a) The facility shall comply with the following statutes and regulations relating to confidentiality of records, to the extent applicable:

(1) 23 Pa.C.S. §§ 6301—6386 (relating to Child Protective Services Law).

(2) 23 Pa.C.S. §§ 2101—2938 (relating to Adoption Act).

(3) The Mental Health Procedures Act (50 P.S. §§ 7101—7503).

(4) Section 602(d) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4602(d)).

(5) The Confidentiality of HIV-Related Information Act (35 P.S. §§ 7601—7612).

(6) Sections 5100.31—5100.39 (relating to confidentiality of mental health records).

(7) Sections 3490.91—3490.95 (relating to confidentiality).

(8) Other applicable statutes and regulations.

(b) The following confidentiality requirements apply unless in conflict with the requirements of applicable statutes and regulations specified in subsection (a):

(1) A child's record, information concerning a child or family, and information that may identify a child or family by name or address, is confidential and may not be disclosed or used other than in the course of official facility duties.

(2) Information specified in paragraph (1) shall be released upon request only to the child's parent, the child's guardian or custodian, if applicable, the child's and parent's attorney, the court and court services, including probation staff, county government agencies, authorized agents of the Department and to the child if the child is 14 years of age or older. Information may be withheld from a child if the information may be harmful to the child. Documentation of the harm to be prevented by withholding of information shall be kept in the child's record.

(3) Information specified in paragraph (1) may be released to other providers of service to the child if the information is necessary for the provider to carry out its responsibilities. Documentation of the need for release of the information shall be kept in the child's record.

(4) Information specified in paragraph (1) may not be used for teaching or research purposes unless the information released does not contain information which would identify the child or family.

(5) Information specified in paragraph (1) may not be released to anyone not specified in paragraphs (2)—(4), without written authorization from the court, if applicable, and the child's parent and, if applicable, the child's guardian or custodian.

(6) Release of information specified in paragraph (1) may not violate the confidentiality of another child.

## STAFFING

## § 3800.56. Exceptions for staff qualifications.

(a) The staff qualification requirements specified in §§ 3800.53(c), 3800.54(d), 3800.55(g) and 3800.283(1) do not apply to staff persons hired or promoted to the specified positions prior to October 26, 1999.

(b) For facilities previously certified under Chapter 5310 or 6400 (relating to community residential rehabilitation services for the mentally ill; and community homes for individuals with an intellectual disability), the age requirements specified in § 3800.55(h) (relating to child care worker) do not apply to staff persons hired, or counted in the worker to child ratio, prior to October 26, 1999.

PART VI. MENTAL HEALTH/INTELLECTUAL  
DISABILITY/AUTISM MANUALSubpart C. ADMINISTRATION AND FISCAL  
MANAGEMENTCHAPTER 4200. COUNTY BOARD AND PROGRAM  
ADMINISTRATION

## GENERAL PROVISIONS

## § 4200.1. Purpose.

The purpose of this chapter is to specify requirements for the county mental health and intellectual disability board and the county mental health and intellectual disability administrator.

## § 4200.2. Applicability.

This chapter applies to county mental health/intellectual disability (MH/ID) programs.

## § 4200.3. Legal base.

The legal authority for this chapter is section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

## § 4200.4. Definitions.

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

*Act*—The Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704).

*Administrator*—The county mental health and intellectual disability administrator appointed by the local authorities.

*Board*—The county mental health and intellectual disability board appointed by the local authorities.

*County*—A county or a first class city.

*Department*—The Department of Human Services of the Commonwealth.

*Facility*—A mental health establishment, hospital, clinic, institution, center, day care center or other organizational unit, or part thereof, which is devoted primarily to the diagnosis, treatment, care, rehabilitation or detention of individuals with a mental disability.

*Intellectual disability*—Subaverage general intellectual functioning which originates during the developmental period and is associated with impairment of maturation, learning or social adjustment.

*Local authorities*—The county commissioners of a county, or the city councils and the mayors of first class cities, or two or more of these acting in concert.

*Mental disability*—A mental illness, mental impairment, intellectual disability, or mental deficiency, which so lessens the capacity of a person to use his customary self-control, judgment and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under care as provided in the act. The term includes conditions and terms heretofore defined as “mental retardation,” “insanity,” “unsoundness of mind,” “lunacy,” “mental disease,” “mental disorder,” “feble-minded,” “moron,” “idiot” and “imbecile.” The term does not include senility, unless mental illness or intellectual disability is superimposed.

*Nurse*—A person licensed by the State Board of Nursing to engage in the practice of professional nursing within the meaning of The Professional Nurse Law (63 P.S. §§ 211—225.5).

*Physician*—A physician licensed to practice in this Commonwealth.

*Program*—A mental health and intellectual disability program established by the local authorities and includes a complex of services providing a continuum of care in the community for the mentally disabled.

*Psychiatrist*—A physician who by years of study, training and experience has achieved professional recognition and standing in the field of psychiatry.

*Psychologist*—A person who by years of study, training and experience has achieved professional recognition and standing in the field of clinical psychology.

*Secretary*—The Secretary of the Department.

*Social worker*—A person who by years of study, training, and experience has achieved professional recognition and standing in the field of social work.

## CONSTITUTION OF THE BOARD

## § 4200.11. Single county board.

Except in counties of the first class where the board will be appointed, and members will hold office under the provisions of the city charter, the local authorities of a county shall appoint a board which must consist of 13 resident members constituted as follows:

(1) One representative of the board of county commissioners.

(2) At least two physicians and, when possible, one shall be a psychiatrist and the other a pediatrician.

(3) There shall be appropriate representation drawn from the following groups:

(i) The professional fields of psychology, social work, nursing, education and religion.

(ii) Local citizens' organizations active in the field of mental health.

(iii) Local citizens' organizations active in the field of intellectual disability.

(iv) Local health and welfare planning organizations.

(v) Local general hospitals.

(vi) Community groups whose membership represents the economically, socially, and culturally disadvantaged.

(4) Appropriate representation shall be deemed to mean representation approved by the Secretary and shall include the following:

(i) At least two representatives from paragraph (3)(i).

(ii) At least one representative from paragraph (3)(ii) and (iii).

- (iii) At least one from either paragraph (3)(iv) or (v).
- (iv) At least one, two when possible, from paragraph (3)(vi).

**DUTIES TO THE BOARD**

**§ 4200.24. Powers and duties.**

The board shall have the power and its duty shall be:

- (1) To review and evaluate mental health and intellectual disability needs, services, facilities, and special problems in relation to the local health and welfare needs, services and programs.
- (2) Except in cities of the first class, to recommend to local authorities not less than two persons for the position of administrator. Persons shall meet the standards of professional skill and experience as defined in § 4200.33 (relating to qualifications).
- (3) To develop, together with the administrator, annual plans for the program.
- (4) To make recommendations to the local authorities regarding the program and other matters relating to mental health and intellectual disability services in the county, including purchase of service, contracts and funds required to implement the program.
- (5) To review performance under the program and to recommend a system of program evaluation. The system of program evaluation recommended by the board, in accordance with this section, will be on file with the administrator, the local authorities, and the Department.
- (6) To perform other functions as required.

**ADMINISTRATOR**

**§ 4200.32. Powers and duties.**

The administrator shall have the power and his duty shall be:

- (1) To administer the program.
- (2) To insure that mental health and intellectual disability services required by the act are available.
- (3) To attend board meetings and to provide staff services to the board.
- (4) To make reports to the Department in form and containing the information as may be required.
- (5) To develop, together with the board annual plans for the program.
- (6) To submit to local authorities annual plans and estimated costs for the provision of service, establishment and operation of facilities, and other related matters for review, approval and transmittal to the Department.
- (7) To review and evaluate facilities and to cooperate with the Department in the maintenance of established standards.
- (8) To maintain liaison with governmental and private community health and welfare agencies and organizations and State-operated facilities.
- (9) To submit an annual report to the local authorities, the board and the Department reporting the activities of the program and his administration thereof.
- (10) To analyze and evaluate mental health and intellectual disability needs and services in the county and recommend improvements to the board and local authorities, conduct research studies and take steps and adopt measures as are necessary for the proper discharge of his duties.

(11) To designate a competent person on his staff to act for him during his absence.

(12) To designate facilities for the purposes of the act or as places of reception.

(13) To perform other functions as required.

**§ 4200.33. Qualifications.**

The minimum requirements for the position of the administrator shall be 5 years' progressively responsible experience in fields as medicine, clinical psychology, social work, sociology, nursing, public health, education, hospital administration or public administration including 3 years' experience in the planning, development, or administration of mental health or intellectual disability services, and a bachelor's degree from an accredited college or university, supplemented by graduate study to the level of a master's degree. Appropriate experience may be substituted for the required graduate study on a year for year basis.

**CHAPTER 4210. DESCRIPTION OF SERVICES AND SERVICE AREAS**

**GENERAL PROVISIONS**

**§ 4210.1. Purpose.**

This chapter specifies the range of services that must be provided or arranged by the county Mental Health/Intellectual Disability (MH/ID) Program.

**§ 4210.2. Applicability.**

This chapter applies to county Mental Health/Intellectual Disability (MH/ID) Programs.

**§ 4210.4. Definitions.**

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

*Act*—The Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704).

*Annual plan*—The description, submitted to the Department, of the services to be provided through the county program, the facilities which will furnish services, and the terms under which services will be furnished.

*Catchment area*—A geographical territory of a city, county or combination of counties which has a minimum population of 75,000 and a maximum population of 200,000 and in which a full range of mental health and intellectual disability services is available.

*Department*—The Department of Human Services of the Commonwealth.

*Mental health/intellectual disability (MH/ID) establishment*—Premises or parts thereof, private or public, for the care of individuals who require care because of mental illness, an intellectual disability or inebriety. The term does not include the private home of a person who is rendering care to a relative.

**§ 4210.5. General purpose and principles.**

The purpose of the act is to make it possible for every person with a mental disability to receive the kind of treatment he needs, when and where he needs it. The act requires that a range of services be available to persons with a mental illness or an intellectual disability so that they will receive a comprehensive treatment program through a continuum of care in their own communities and, whenever possible, while they remain in their own homes.

**§ 4210.6. Scope of the program.**

(a) The minimum services to be made available by counties are specified in the act. These services may be provided outside the county program by the Department if a waiver has been granted under section 508 of the act (50 P.S. § 4508). These mental health and intellectual disability services must be available to persons of any age with a mental disability. Mental illness, mental impairment, intellectual disability or mental deficiency is a mental disability if it so lessens the capacity of a person to use customary self-control, judgment and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to receive mental health or intellectual disability services.

\* \* \* \* \*

(e) For the program to be effective, not only are services to patients necessary; also essential are consultation to welfare, probation, court, health, school, and other agencies as well as specifically those organizations whose membership represents the low income consumer community to help them to:

(1) Identify their own clients who are in need of services because of serious mental disability.

(2) Strengthen their staffs' ability to help their clients solve their problems and thus prevent the development of seriously impaired psycho-social functioning.

(3) Differentiate their services from those of specialized mental health or intellectual disability facilities and to provide their agency services to persons with a mental disability as freely as to other members of the community.

(4) Be aware of the mental health and intellectual disability implications of their programs.

**GENERAL REQUIREMENTS****§ 4210.11. Community mental health and intellectual disability centers.**

For that portion of a county served by a community mental health or intellectual disability center, the local authorities shall contract with them for the services specified in the act, to be made available by counties, which the center can provide. If the local authorities do not wish to contract with an existing center on the grounds that its operations are inconsistent with the county program, the annual plan must substantiate the allegations in detail.

**§ 4210.12. Court committed patients.**

Regulations and programs pertaining to intake, transfer, leave of absence and discharge of patients are subject to specific court orders relating to individual court committed patients under the provisions of Article IV of the act (50 P.S. §§ 4401—4426). It is the responsibility of the administrator to designate appropriate mental health and intellectual disability facilities to which the court may commit patients. The designations may be made by way of prior blanket notification to the court or on an ad hoc basis.

**BASE SERVICE UNIT****§ 4210.26. Methods of providing base service units.**

(a) To the extent that a community mental health or intellectual disability center can staff a base service unit, the local authorities shall contract with it to carry out the responsibilities and provide the functions of the base service unit in the manner determined by the administrator under the same conditions as described for services in § 4210.11 (relating to community mental health and

intellectual disability centers). To the extent that a center cannot fully staff a base service unit, the local authorities shall contract with the center for those services which it can furnish and, in the same contract, with other persons or facilities as necessary and appropriate to complete the staffing of a base service unit.

(b) The local authorities may staff base service units fully or partly by employing personnel directly on the staff of the administrator.

(c) The local authorities may contract for supplemental services required by base service units.

**SHORT TERM INPATIENT SERVICES****§ 4210.32. Where services may be provided.**

Short term inpatient services may be furnished by mental health/intellectual disability (MH/ID) establishments by the Department to give short term inpatient care, or by State general hospitals approved to furnish such services.

**EMERGENCY SERVICES****§ 4210.42. Where services may be provided.**

Emergency services shall be provided by a community mental health or intellectual disability center where feasible or by other licensed or approved facilities with whom the local authorities may contract to provide these services. Comprehensive community-wide 24 hour a day emergency services may be directly operated by the Administrator.

**OUTPATIENT SERVICES****§ 4210.51. Description.**

Outpatient services consist of the following: diagnosis, evaluation and treatment of persons with a mental disability who live outside of a mental health or intellectual disability institution while receiving services. This includes working with the patient, his family and significant other persons, utilizing such personnel and modalities as are appropriate to the needs of the patient. As one of the services in the continuum of care established by the county program, outpatient services may precede or follow inpatient care for some individuals and for others may continue while they receive rehabilitative services including sheltered workshop or training services.

**§ 4210.52. Where services may be provided.**

Outpatient services may be furnished under the county program by the base service unit, by community mental health and intellectual disability providers, by community clinics or by clinics conducted by hospitals or by institutions for persons with a mental disability. Facilities providing outpatient services must be licensed as mental health/intellectual disability (MH/ID) establishments to give outpatient services or, if operated by the State, meet the standards for these services.

**PARTIAL HOSPITALIZATION****§ 4210.62. Where services may be provided.**

Partial hospitalization services may be furnished by mental health/intellectual disability (MH/ID) establishments licensed by the Department to give partial hospitalization care, or by State general hospitals approved to furnish services.

**REHABILITATIVE AND TRAINING SERVICES****§ 4210.71. Description.**

(a) Rehabilitative and training services are ancillary to mental health and intellectual disability care provided on an inpatient or outpatient basis.

(b) These services consist of vocational evaluation, work adjustment training, job placement and group living experiences to assist an individual handicapped by mental disability, who may or may not have a physical adaptation, to reach his best level of social and vocational adaptation. According to the capacity of each individual, services may be successful if they result in competitive employment, transitional or indefinite employment in a sheltered workshop or work activity center, ability to maintain a home, or in enabling the client to achieve his maximum possible level or independent living.

(c) These services consist of group programs for teaching or improving self care, personal behavior and social adjustment for persons with a mental disability. Through group training, day care centers may prepare children with a mental disability to attend special classes in the public schools. For other children and for adults these services make continued community living possible by raising the level of social competency and by decreasing the necessity of constant supervision given by their families and others. The services shall include extended work activity programs in sheltered workshops or work activity centers.

**INTERIM CARE OF INDIVIDUALS WITH AN INTELLECTUAL DISABILITY**

**§ 4210.91. Description.**

(a) All of the patient services described previously shall be available to persons with an intellectual disability. In addition, interim care is exclusively for those persons with an intellectual disability.

(b) Inpatient care of persons with an intellectual disability is the responsibility of State operated institutions. The final determination as to whether a person is in need of inpatient care is the responsibility of the Department. When the Department determines that a person is eligible for care in a State operated facility, but that there is no room for him at the time of that determination, the Department will place the person on a waiting list. Interim care is intended for a person who, having been removed from his home, is on a waiting list.

**§ 4210.92. Where interim care may be provided.**

The Department will approve interim care placement in an appropriate licensed mental health/intellectual disability establishment. Placements may be made in institutions similarly licensed by neighboring states when the placement brings services closer to the person's home and when equally appropriate facilities are not available in this Commonwealth.

**§ 4210.93. Application to State institution.**

When the base service unit determines in a case that a person appears to be in need of inpatient care for individuals with an intellectual disability it shall forward a completed Preliminary Application, ID-71, to the appropriate State school and hospital.

**INTAKE PROCEDURES**

**§ 4210.101. Services provided by a base service unit.**

(a) All intake into the county program shall be through the base service unit. Within 15 days of the initial interview, if the client is found in need of services from the county program, the Intake and Proposed Service Plan, Form MH/ID 10, is completed and forwarded in two copies to the administrator.

(b) When recommending treatment, a base service unit develops a service plan best suited to the needs of the

patient and the available service resources. The base service unit classifies the patient's mental disability to reflect the severity of his functional disorder and priority for intervention according to the Intervention Priority Scale in § 4210.191 (relating to description).

(c) If service is to be provided by the base service unit, the Intake and Proposed Service Plan, Form MH/ID 10, serves only to inform the administrator that intake has taken place and what is planned for the patient. No additional approval is necessary for the base service unit to proceed with its proposed service plan. In addition this form provides the basic information necessary for the patient service accountability system described in § 4210.121 (relating to patient service accountability system).

(d) If the recommendation of the base service unit on Form MH/ID 10 is for a service to be provided by a facility already under contract to the local authorities, the base service unit shall make arrangements directly with the facility to provide the services required by the patient.

(e) If the recommendation of the base service unit on Form MH/ID 10 is to arrange for supplemental services, the administrator uses Form MH/ID 10 as his basis for issuing an Authorization for Service, Form MH/ID 11. This authorization for service shall constitute a contract as described in § 4210.26(c) (relating to methods of providing base service units).

(f) In those instances where the patient is already under care by other than a base service unit and is referred for intake into the county program, arrangements should be made, whenever possible and indicated, for him to continue this treatment with the referring practitioner or facility to maintain continuity of care. The base service unit requests the administrator's authorization of this proposed service plan.

(g) If any portion of the cost of the patient's care under the proposed service plan is to be paid from funds of the county program, the administrator's decision is governed by the availability of funds and the requests for services to other patients. The administrator is guided in his decision by the base service unit's classification of the patient's mental disability according to the intervention priority scale. When the funds available do not permit the carrying out of the proposed service plan in relation to other demands, the administrator notes this on the Intake and Proposed Service Plan, Form MH/ID 10, and requests the base service unit to work out an alternate service plan if indicated and necessary.

**LIABILITY**

**§ 4210.113. Client liability.**

(a) When the patient is not eligible for payment of a portion of the cost of his care through a benefit, he and his legally responsible relatives are liable for payment of that portion of the cost of his care not covered by payment through a benefit. The extent of this liability shall be determined according to the procedure described in Chapter 4305 (relating to liability for community mental health and intellectual disability services).

(b) The extent of liability so determined is the total liability of the patient and his legally responsible relatives for all services rendered during the specified time and as such includes drugs.

**RECORDS****§ 4210.123. Report of services provided.**

(a) All services provided are reported on Service Rendered Report, Form MH/ID 13. Regardless of where services are provided, this form must be processed through the base service unit which serves the area in which the patient resides so that the base service unit can continue to monitor the services provided. Where the service is on a continuing basis, the service rendered report may be a monthly summary. If the base service unit certifies Form MH/ID 13 indicating that the report is in keeping with the proposed service plan, Form MH/ID 13 shall be forwarded to the administrator for payment.

(b) At all times, there must be due respect for confidentiality. Service rendered reports should include only basic data concerning the course of service to the patient and his progress in general, and must not contain therapy notes or information communicated by the patient which could be considered confidential.

**CONSULTATION AND EDUCATION SERVICES****§ 4210.141. General requirements.**

For the county program to be effective, consultation and education services are essential. The administrator shall arrange for the consultation and education services as are necessary to carry out the functions described in § 4210.6 (relating to scope of the program), by developing a county-wide program for these services. This program shall reflect:

(1) The requests received by the administrator from community agencies and groups for consultation and education services.

(2) Consultation and education services which the administrator plans to provide.

(3) Consultation and education services which the administrator has arranged to be provided by community mental health or intellectual disability centers, by other facilities serving persons with a mental disability and by individual practitioners in the fields of mental health and intellectual disability.

**§ 4210.142. Consultation service.**

Consultation service is an organized method by which professional advice is given by a practitioner in the mental health or intellectual disability fields to a practitioner of another discipline or field regarding the mental health or intellectual disability aspects of a problem and the most effective way of dealing with these aspects. The problem may be that of an individual, a specific group or a community. Consultation service by extending the expertise of a mental health or intellectual disability practitioner enables the consultee to become a more effective care-giving person thus making possible a greater use of mental health and intellectual disability professionals as well as identifying those persons who are a high risk. In addition to dealing with individual care-giving persons, mental health and intellectual disability consultation service can also be of great benefit in helping a variety of agencies and groups to be aware of the mental health and intellectual disability implications of their programs and to develop more appropriate and effective services.

**§ 4210.143. Education service.**

Education service is an organized method by which a practitioner in the field of mental health or intellectual disability furnishes professional groups, community agencies and the general public with information about mental health and intellectual disability. By disseminating men-

tal health and intellectual disability information, education service facilities both primary and secondary prevention by the early identification of those members of the population who are at risk. When possible, provisions should be made by the administrator through base service units or other contractual facilities for sufficient out-reaching personnel with the objective of bringing persons so identified into the care-taking network. In the field of tertiary prevention, education is important in helping the public accept persons with a mental disability, provide employment and in other ways enhance their returning to and remaining in the community in useful roles.

**§ 4210.144. How services may be provided.**

(a) The administrator may provide for consultation and education services through the following:

(1) Utilizing his own staff.

(2) Contracting with community mental health and intellectual disability centers and with other facilities serving persons with a mental disability.

(3) Payment of a fee to individual practitioners in the fields of mental health and intellectual disability.

(b) Although consultation and education services are provided as a specific element of the county program, both the administrator and the providers of these services shall conduct a continuing investigation of sources available for funding consultation and education services, and assist the prospective recipients in their effort to secure funding.

**TRAINING OF PERSONNEL****§ 4210.151. Description.**

Training of personnel may include:

(1) In-service instruction regarding objectives, regulations, procedures and other matters specific to the county program.

(2) Staff development through attendance at State, regional and National meetings in the fields of mental health and intellectual disability.

**§ 4210.153. Staff development.**

Expenses for staff development may be authorized by the local authorities for the administrator, the program personnel of his staff and the program personnel of services provided under contract with the local authorities to attend State, regional and National meetings in the fields of mental health and intellectual disability.

**PROGRAM AND SERVICES EVALUATION****§ 4210.182. Responsibility for the program and services evaluation.**

(a) Under the act, the evaluation is a joint responsibility of the administrator and the Board.

(b) The responsibility of the administrator for the evaluation shall be to:

(1) Review and evaluate facilities, and to cooperate with the Department in the maintenance of established standards.

(2) Analyze and evaluate mental health and intellectual disability needs and services in the county.

(3) Recommend improvements to the Board and local authorities.

(c) The Board shall have the following responsibility for the evaluation:

(1) To recommend a system of program evaluation.

(2) To appoint a utilization review committee composed of at least one member of the Board and a multidiscipline group selected from the base service units and nearby State facilities to assist the administrator in his evaluation.

(3) Based on the analysis prepared by the administrator, to review and evaluate the county's mental health and intellectual disability needs, services, facilities and special problems in relation to the local health and welfare needs, services and programs.

(4) To make recommendations to the local authorities regarding the program and other matters relating to mental health and intellectual disability services in the county.

**INTERVENTION PRIORITY SCALE**

**§ 4210.191. Description.**

The base service unit classifies the patient's mental disability to reflect the severity of his functional disorders and priority for intervention. This is noted on I, II, III or IV on Intake and Proposed Service Plan, Form MH/ID 10, under the following Intervention Priority Scale:

\* \* \* \* \*

**CHAPTER 4215. ANNUAL PLAN AND ESTIMATE OF EXPENDITURES**

**GENERAL PROVISIONS**

**§ 4215.1. Purpose.**

The purpose of this chapter is to specify the requirements for submission of an annual plan and estimate of expenditures by County Mental Health and Intellectual Disability (MH/ID) Programs to the Department.

**§ 4215.2. Applicability.**

This chapter applies to county mental health/intellectual disability (MH/ID) programs.

**§ 4215.3. Legal base.**

The legal authority for this chapter is section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

**§ 4215.4. Definitions.**

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

*Approve*—Acceptance based upon formal compliance with this chapter. The term does not imply the Department's agreement with the content of county mental health/intellectual disability (MH/ID) annual plan and estimate of expenditures regarding budget priorities.

*Board*—A group of persons appointed by the local authorities of a county, or two or more counties participating in concert in a county mental health and intellectual disability program, to review and evaluate the county's MH/ID needs, services, facilities and special problems in relation to local health and welfare needs, services and programs.

*County administrator*—The administrator of the county mental health and intellectual disability program, or the administrator's designee.

*Department*—The Department of Human Services of the Commonwealth.

*Local authorities*—The county commissioners or county executives of a county, or the city councils and the mayors of first class cities, or two or more of these acting in concert.

*Secretary*—The Secretary of the Department of Human Services.

**GENERAL REQUIREMENTS**

**§ 4215.21. Preparation of annual plan and estimate of expenditures.**

The county mental health/intellectual disability (MH/ID) administrator and the Board shall prepare an annual plan and estimate of expenditures in accordance with written instructions specified by the Department, including, but not limited to, instructions on budget estimates, needs assessments, and goal statements. The annual plan and estimate of expenditure shall describe how the services specified in Chapter 4210 (relating to description of services and service areas) are to be made available and shall estimate the anticipated expenditures for the services.

**§ 4215.22. Public hearing.**

(a) The county mental health/intellectual disability (MH/ID) administrator and the Board shall hold a public hearing to consider the annual plan and estimate of expenditures, prior to submission of the annual plan and estimate of expenditures to the Department.

(b) The county MH/ID administrator shall give adequate notice of the date, time and location of the public hearing to persons affected by the annual plan and estimate of expenditures.

(c) The county MH/ID administrator shall provide notification of the public hearing through a widely distributed local newspaper, prior to the public hearing.

**§ 4215.23. Report of the public hearing.**

(a) The county mental health/intellectual disability (MH/ID) administrator shall prepare and maintain a summary report of the public hearing, including a list of people who testified and written comments received.

(b) The county MH/ID administrator shall provide copies of the summary report of the public hearing to the Department upon request.

**§ 4215.24. Review and approval by local authorities.**

(a) The county mental health/intellectual disability (MH/ID) administrator and the Board shall submit the annual plan and estimate of expenditures to the local authorities for review and approval.

(b) Local authorities shall indicate their approval by signing and dating the annual plan and estimate of expenditures.

**§ 4215.25. Submission of the notice of public hearing and the annual plan and estimate of expenditures to the Department.**

After approval by the local authorities, the county mental health/intellectual disability (MH/ID) administrator and the Board shall submit to the Department the notice of public hearing and the annual plan and estimate of expenditures.

**§ 4215.26. Review of the annual plan and estimate of expenditures by the Department.**

(a) The Department will review and approve the annual plan and estimate of expenditures against predetermined criteria.

(b) The Department will notify the county mental health/intellectual disability (MH/ID) administrator of the result of the review against predetermined criteria.



**CHAPTER 4220. REIMBURSEMENT FOR  
MEDICATIONS**

**GENERAL PROVISIONS**

**§ 4220.1. Purpose.**

This chapter specifies requirements pertaining to reimbursement by the county mental health and intellectual disability program for the cost of drugs.

**§ 4220.2. Applicability.**

This chapter applies to county mental health and intellectual disability programs.

**§ 4220.3. Legal base.**

The legal authority for this chapter is section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

**GENERAL REQUIREMENTS**

**§ 4220.11. Purchase of drugs.**

(a) For the cost of a drug to be reimbursed by the county mental health and intellectual disability program it must be prescribed by a practitioner licensed by statute to prescribe the drugs and must be specifically for the mental disorder under treatment. Client liability and third party revenues must be exhausted before county mental health and intellectual disability funds are used.

(b) For a pharmacy to receive reimbursement from the county mental health and intellectual disability program it must be licensed by the State Board of Pharmacy.

**§ 4220.12. Limitations.**

(a) Drugs in the following general categories may be reimbursed by the county mental health and intellectual disability program.

(1) Major tranquilizers. Includes:

- (i) Phenothiazines.
- (ii) Butyrophenones.
- (iii) Thioxanthenes.
- (iv) Rauwolfia Alkaloids.
- (v) Dibenzoxazepines.
- (vi) Molindones.

(2) Minor tranquilizers. Includes:

- (i) Propanediole.
- (ii) Benzodiazepines.
- (iii) Diphenylmethane Derivatives.

(3) Hypnotics and sedatives. Includes:

- (i) Barbiturates.
- (ii) Nonbarbiturates.

(4) Antidepressants. Includes:

- (i) Tricyclics.
- (ii) Monamine Oxidase Inhibitors.
- (iii) Lithium.

(5) Central nervous system stimulants.

(6) Anticonvulsant agents.

(7) Antiparkinsonian agents.

(8) Various geriatric psychotropic agents.

(b) The county mental health and intellectual disability program may also reimburse for an item not falling in the general categories listed in subsection (a)(1)—(8) if, in the

licensed practitioner's professional opinion, it is essential for the present treatment of the patient's mental disorder. The county mental health and intellectual disability program may require, as a condition of reimbursement for these items, that prior approval be given by the County MH/ID Program. Where prior approval is required, it is the responsibility of the county administrator to ensure that proper notification of approval be given to the pharmacy at the time the prescription is presented to be filled.

(c) An initial prescription is limited to a 45-day supply and a maximum of one refill may be requested on an initial prescription. The quantity dispensed on the refill prescription cannot exceed the quantity prescribed on the initial prescription.

(d) The County MH/ID Program's maximum rate of reimbursement for drugs is the pharmacy's usual and customary charges to the general public for psychotropic drugs. Discounts given to special groups such as senior citizens must also be given to County MH/ID clients who are members of those specialized groups.

**§ 4220.13. Procedures.**

(a) The prescription must be made on Prescription and Pharmacist's Invoice, Form MH/ID 12. The number of refills permitted—not to exceed one—should be indicated on the MH/ID 12. It is the responsibility of the physician to ensure that the patient's drug costs are eligible for reimbursement by the County MH/ID Program and have been authorized for payment by the county administrator before using an MH/ID 12 prescription form.

(b) The pharmacy submits the MH/ID 12 on a monthly basis to the county MH/ID administrator for reimbursement. Refills of prescriptions should be reported to the county program on a monthly basis on a form of the county program's choosing.

(c) The county administrator is responsible for providing authorization for purchase of medication. The county administrator is also responsible for ensuring that the invoice is correctly priced and is for eligible drugs. The county administrator makes payment to the pharmacy for invoices submitted under subsection (b). It is the responsibility of the county administrator to ensure that patient liability and third party revenues are exhausted before County Mental Health/Intellectual Disability (MH/ID) funds are used. This responsibility may be delegated; however, the county administrator shall make every effort to ensure that pharmacies are reimbursed in a timely fashion. The goal should be reimbursement within 30 days of receipt of the claim.

**§ 4220.14. Cost and quality control measures.**

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(d) The following cost control measures are available to county programs when taken in consultation with a county PTRC. These measures should only be used when limited resources cause expenditure on medication to impact adversely on other service areas. Caution should be exercised in the use of these measures. The goal of the PTRC program should be to ensure cost benefit and sound practice in the county drug program, while at the same time permitting flexibility, easy access by clients, and encouraging the private model of human service delivery and of the dispensing of drugs.

(1) The county program may establish a formulary of drugs for which it will reimburse and may exclude from that formulary specific drugs or classes of drugs even though they fall in the general categories in § 4220.12(a)

(relating to limitations). A county drug formulary must be published at least annually in a newspaper or papers having side circulation in the county program service area.

(2) The county program may establish limits on the total allocation or dollar amount for which it will reimburse.

(3) The county program may require prior approval or post-review by the PTRC for reimbursement to occur. Post-review procedures are to be preferred to prior approval procedures and should be used where possible.

(4) The county program may limit the number of refills to less than one refill, or limit the number of days to fewer than 45 days. The maximum limits under § 4220.12(c) may not be exceeded.

(5) The county program PTRC may conduct a review or audit of pharmacies participating in the Mental Health/Intellectual Disability (MH/ID) drug program to ensure that charges made by the pharmacy to the county program are the usual and customary charges of the pharmacy to the general public.

(6) Where any of the cost control measures under this subsection are enacted, the county administrator must make provision for appeals by prescribers, pharmacies or providers on a "special case" basis.

(7) Cost control measures enacted by county programs under this subsection are subject to review and approval by the Department.

**CHAPTER 4230. WAIVER OF SERVICE  
GENERAL PROVISIONS**

**§ 4230.1. Purpose.**

This chapter defines the process for requesting a waiver of the duty to provide mental health and intellectual disability mandated services. Section 301(d) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4301(d)) requires county mental health and intellectual disability programs to provide the following nine mandated services:

- (1) Short-term inpatient services.
- (2) Outpatient services.
- (3) Partial hospitalization services.
- (4) Emergency services.
- (5) Consultation and education.
- (6) Aftercare services.
- (7) Rehabilitative and training services.
- (8) Interim care of individuals with an intellectual disability.
- (9) Unified intake.

**§ 4230.2. Applicability.**

This chapter applies to county mental health and intellectual disability programs.

**§ 4230.3. Legal base.**

The legal authority for this chapter is sections 201(2) and 508 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and 4508).

**WAIVER OF SERVICE**

**§ 4230.11. Requesting waivers.**

(a) A county mental health and intellectual disability program is permitted to request a waiver of one or more

of the nine mandated services if the service is not available or if the county mental health and intellectual disability program shows that it is economically unsound to provide the service.

(b) A request for waiver shall be to waive the provision of an entire service. Waivers may not be requested for a reduction in the level of service.

(c) Waivers shall be requested for a period of one fiscal year or less.

(d) A request for waiver for the next fiscal year shall be submitted to the Department between April 15 and May 15 of the current fiscal year.

(e) Waivers may not be requested for the current fiscal year.

**§ 4230.12. Documentation.**

(a) The county mental health and intellectual disability program shall submit a written request for waiver to the Secretary of the Department of Human Services, with a copy of the request for waiver to the Deputy Secretary, Office of Developmental Programs and the Deputy Secretary, Office of Mental Health and Substance Abuse Services.

(b) A request for waiver shall include the following:

- (1) The service for which the waiver is requested.
- (2) The fiscal year for which the waiver is requested.
- (3) Justification for the waiver.

(4) The total expenditure by the county mental health and intellectual disability program for the service in the previous and current fiscal years.

(5) Clients and units of service for the previous and current fiscal years.

**§ 4230.14. Hearing.**

(a) The Department will hold a hearing in the county requesting the waiver by June 15 of the year in which the waiver request was made.

(b) The county mental health and intellectual disability program shall arrange a location for the hearing.

(c) The county mental health and intellectual disability program shall inform the public of the date, time, location and purpose of the hearing.

(d) The county mental health and intellectual disability program shall present the request for waiver and justification for the waiver at the hearing.

**§ 4230.15. Waiver decision.**

The Department will provide a written waiver decision to the county mental health and intellectual disability program by June 30 of the year in which the waiver request was made.

**§ 4230.16. Provision for mandated service.**

(a) If the waiver is granted, the county mental health and intellectual disability program is not required to provide the mandated service for the fiscal year for which the waiver was granted.

(b) If a waiver is granted and the Department decides to provide the service according to section 508(b) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4508(b)), the county mental health and intellectual disability program is liable for the total county share for the service waived, under section 508(c) of the Mental Health and Intellectual Disability Act of 1966. The county's mental health and intellectual disability allocation

shall be reduced by the total State amount expended in the fiscal year immediately preceding the fiscal year of the waiver, for the service waived. The actual amount reduced from the county's mental health and intellectual disability allocation is deducted in the year of the waiver.

(c) If a waiver is granted, and the Department decides not to provide the service according to section 508(b) of the Mental Health and Intellectual Disability Act of 1966, the county mental health and intellectual disability allocation shall be reduced by the total State amount expended in the fiscal year immediately preceding the fiscal year of the waiver, for the service waived. The actual amount reduced from the county's mental health and intellectual disability allocation is deducted in the year of the waiver.

(d) If the waiver is denied, the county mental health and intellectual disability program shall provide the service for which the waiver was requested.

#### § 4230.17. Right to appeal.

The county mental health and intellectual disability program has the right to appeal the Department's decision under 2 Pa.C.S. §§ 501–508 and 701–704 (relating to Administrative Agency Law). Appeals shall be submitted within 15 days of receipt of the Department's waiver decision to the Department's Hearing and Appeals Unit, according to the appeal procedures in 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

### CHAPTER 4300. COUNTY MENTAL HEALTH AND INTELLECTUAL DISABILITY FISCAL MANUAL

#### GENERAL PROVISIONS

#### § 4300.1. Purpose.

This chapter specifies the fiscal requirements for county mental health and intellectual disability programs.

#### § 4300.2. Applicability.

This chapter applies to county mental health and intellectual disability programs. County mental health and intellectual disability programs shall use this chapter to reimburse providers of service.

#### § 4300.3. Legal base.

The legal authority for this chapter is section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

#### § 4300.4. Definitions.

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

*Act*—The Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101–4704).

*County*—A county or a first class city.

*County authority*—The county official responsible for certain functions related to the administration of the county program. The responsibility and authority may be established by statute or the delegation of duties by the county commissioners, county executive, county councils or the city councils of first class cities, or two or more of these acting in concert.

*County program*—A mental health and intellectual disability program established by a county, or two or more counties acting in concert. The term includes a program

which contains a variety of services and provides a continuum of care in the community for individuals with a mental disability.

*Department*—The Department of Human Services of the Commonwealth.

*Direct costs*—Costs that can be identified and immediately charged to a specific cost or service category.

*Expensing*—Payment for an item in full at the time of acquisition or within the fiscal period in which it was acquired.

*Facility*—An establishment, hospital, clinic, institution, center, day care center or other organizational unit, or part thereof, which is devoted primarily to the diagnosis and treatment of individuals with a mental disability.

*Fixed assets*—Major items, excluding real estate, which can be expected to have a useful life of more than 1 year, or which can be used repeatedly without materially changing or impairing their physical condition by normal repair, maintenance or replacement of components with a purchase price of \$500 or more.

*Indirect costs*—Costs incurred for a common or joint purpose and not readily assignable to a specific cost or service category.

*Joinder*—Two or more counties acting in concert to establish a county program.

*Modified Classification Review (MCR)*—A personnel classification system whereby the county authority has the authority to crosswalk positions in contracted agencies into a structure of categorical position definitions developed by the Department.

*Mortgaged real estate*—A conveyance of real property subject to certain financial conditions or obligations which are satisfied by payment according to stipulated terms. The conveyance of real property through bonded indebtedness shall be considered as mortgaged real estate.

*New program*—A program initiated and approved by the Department that is not a mandated service identified in section 301 of the act (50 P.S. § 4301).

*Personnel Action Plan (PAP)*—A personnel classification system whereby the county authority has the authority to crosswalk positions in contracted agencies into a structure of categorical positions developed by the county within a broad structure developed by the Department.

*Prevailing county practice for agencies funded by multiple counties*—Policies agreed upon by the involved county programs, when two or more county programs fund an agency.

*Prevailing county practice for joinders*—A policy agreed upon by the counties in the joinder.

*Related party*—A party who meets the tests of common ownership or control.

*Secretary*—The Secretary of the Department.

#### DEPARTMENT GRANTS AND PAYMENTS

#### § 4300.21. Departmental powers.

The Department has the power to make grants, pay subsidies, purchase service and provide reimbursement for mental health and intellectual disability services under the act.

#### § 4300.22. Departmental financial participation.

A service shall qualify for Departmental financial participation if it is authorized by the act and is specifically provided for in this chapter or approved by the Depart-

ment in advance of its incorporation in the county plan as training, research, or another service or program designed to prevent mental disability or the necessity of admitting or committing the individual with a mental disability to a facility.

**§ 4300.23. Percentage of expenditures reimbursable.**

(a) Subject to the appropriation of funds and under the act and this chapter, the Department will participate at 100% of the approved expenditures for the following:

(1) Diagnosis, evaluation and care in Commonwealth-operated facilities, or in a facility with which the Commonwealth may contract.

(2) Payments for inpatient care and partial hospitalization for persons financially ineligible for care under public assistance law.

(3) Licensed community residential programs for individuals with an intellectual disability.

(4) Other obligations that may arise under a new program established by the Department.

(b) The Department will participate at 90% of the approved expenditures for other services or activities qualifying for financial support under the county program. The remaining 10% is the county obligation or the local match of the county program.

**§ 4300.25. Direct provision of services.**

Direct provision of services is the provision of mental health and intellectual disability services by county employees under the supervision of the county authority. Costs associated with the direct provision of services, subject to the limitations contained in this chapter, are eligible for Departmental participation.

**§ 4300.26. Unit of service funding.**

Unit of service funding is the procedure used to fund facilities based on a charge per unit of service. Unit of service funding applies to facilities which are administered separately from the county or county joinder and which receive reimbursement by a contracted per diem or fee rate. Funding is based on a charge per service.

(1) The following services shall be purchased only by the unit of service:

- (i) Inpatient care.
- (ii) Partial hospitalization.
- (iii) Laboratory services.
- (iv) Drugs.
- (v) Respite care.
- (vi) Interim care.

(vii) Services where the provision of the service is not limited to individuals with a mental disability, such as a workshop service or day care.

(2) An exception to paragraph (1) will be allowed when a regional mental health official authorizes, in writing, the initiation of a new partial hospitalization program and determines that it is necessary to expend funds to staff and equip the program prior to providing services to clients. The Department will then authorize program-funding of this particular partial hospitalization program for a period not to exceed 1 year from the initial date of funding.

(3) Domiciliary care placement agencies shall be funded only by unit of service funding after the initial

year of operation. During the initial full year of operation, domiciliary care may be purchased by unit of service funding or program-funding.

(4) During the first year, the county or county joinder may program-fund a share of the cost of operating the domiciliary care placement agency. After the first year, these services shall be purchased on a unit of service basis. Payment may be made either by cash or in-kind contribution.

**COUNTY AND COUNTY JOINDER ALLOWABLE COST STANDARDS**

**§ 4300.45. Staff development.**

(a) Staff development includes the training of personnel through inservice instruction and recognized professional education programs, or through attendance at State, regional and National meetings, seminars or conferences.

(b) The Department will participate in the cost of training of staff to the extent that the training is related to the objectives of the county program or is essential for the continuation or improvement of the program.

(c) Training for staff shall be in or directly related to the fields of mental health and intellectual disability, or the administration of these programs.

(d) Expenses for staff development shall be approved by the appropriate county authority or a designee.

**§ 4300.46. Purchased personnel services.**

(a) Purchased personnel services are allowable expenses for justifiable programmatic or administrative reasons. A written agreement shall state the services to be provided, the rate of compensation and the method of payment. Consultant fees shall be determined in accordance with prevailing county practice. Participation in the cost for fees and expenses of professional practitioners and consultants, who are board members, directors, commissioners, county elected officials or regular employees requires the prior approval of the Department.

(b) County employees may not receive remuneration for acting as consultants or in another capacity to facilities with which the county/joinder contracts for mental health and intellectual disability services, or with Commonwealth agencies.

**§ 4300.48. Occupancy.**

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(d) Mortgaged real estate which is owned and utilized by a county/joinder may be charged to the Department, except that no charge may be made for the refinancing of buildings unless a lower interest rate is available. The original amortization period may not be extended. Departmental participation is limited to the mortgaged cost associated with acquisition or renovation/improvement/repair/maintenance, or both, of property. The amount of these charges shall be the lesser of the fair rental value of the space and use, or the actual cost of the principal and interest incurred in the mortgage amortization, including any amortized minor or major renovation/improvement/repair/maintenance costs. The amount charged shall be prorated in relation to the percentage of space used by the program.

(1) The Department will participate in closing costs and downpayments required by lending institutions for the acquisition of real estate to be used for the county mental health and intellectual disability program. The Department will participate in a downpayment not to

exceed 25% of the property value. Real estate purchased with a downpayment reimbursed by the Department shall be used in the county program for at least 5 years.

\* \* \* \* \*

**§ 4300.56. Library expenses.**

The Department will participate in the purchase of books, documents and subscriptions to journals pertaining to mental health, intellectual disability and other relevant topics.

**§ 4300.63. Commitment procedures.**

(a) The Department will participate in costs incurred by counties for the commitment of individuals under the Mental Health Procedures Act (50 P.S. §§ 7101—7503) and intellectual disability commitments under the act.

(b) The following costs are allowable:

- (1) Mental health review officer time and related costs.
- (2) Attorney for the county mental health and intellectual disability program or the facility.
- (3) Examination and expert medical testimony by the examining physician.
- (4) Cost of client transportation to or from hearing.
- (5) Client's expert witness as provided under section 304(d) of the Mental Health Procedures Act (50 P.S. § 7304(d)).

(6) Commitment delegate expenses.

(c) The following costs are not allowable:

- (1) Court costs or fees.
- (2) Court clerical costs.
- (3) Transcription costs.
- (4) Client's attorney.
- (5) Court reporter.
- (6) Attorney for the petitioner when the petitioner is not the county administrator.
- (7) Fees for testimony by witnesses other than expert medical and client's expert witnesses.

**§ 4300.68. Title to fixed assets.**

(a) Title to fixed assets, excluding real estate, acquired with mental health and intellectual disability funds shall remain with the county/joinder.

(b) Income received by the county program when disposing of fixed assets obtained with mental health and intellectual disability funds shall be used to reduce gross expenditures submitted by the county program for Departmental participation. The county may reimburse the Department in direct proportion to the Department's participation in the purchase of the fixed assets—either 90% or 100%.

(c) Fixed assets acquired with mental health and intellectual disability funds shall be solely for the benefit of the mental health and intellectual disability program. If fixed assets are transferred from the mental health and intellectual disability program, the county/joinder shall reimburse the Department for its percentage of the remaining value of the equipment based on an independent appraisal of the value of the fixed assets. The county program may not transfer fixed assets purchased with categorical funding to another component of the county program without the prior written approval of the appropriate program deputy secretary.

**CONTRACTED AGENCY ALLOWABLE COST STANDARDS**

**§ 4300.83. Compensation.**

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(c) The Department will participate in the costs of compensation for employees of agencies funded on a unit of service basis. The Department will participate in compensation for the chief executive officers of these agencies up to the combined salaries and benefits approved for these positions. A chief executive officer reimbursement grid methodology will be used to determine eligible salaries. It classifies agencies according to total expenditures, and as multiple or single service providers. Multiple service providers are those providers for which counties reported expenditures of at least \$100,000 in at least two cost centers. Single service providers are those providers for which counties reported expenditures of at least \$100,000 in a single cost center. Total provider expenditures and expenditures by cost center will be based on annual county program income and expenditure reports submitted by counties under § 4300.133 (relating to financial reporting requirements) and the cost reports submitted to the Department by intermediate care facilities for individuals with an intellectual disability. The Department will entertain waiver requests submitted under § 4300.11 (relating to waivers) to include other expenditures, not normally reported to the Department, for classifying agencies.

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**§ 4300.86. Staff development.**

(a) The Department will participate in the cost of training of staff to the extent that the training is essential for the continuation or improvement of the program.

(b) Training for staff shall be in or directly related to the fields of mental health and intellectual disability, or the administration of these programs.

**§ 4300.94. Agency indirect costs.**

\* \* \* \* \*

(g) To be allowable for Departmental participation, indirect costs shall meet the following criteria:

- (1) Be necessary and reasonable for the proper and efficient operation and administration of the contract.
- (2) Be authorized under statutes and regulations.
- (3) Conform to limitations, exclusions or allowable cost standards for items of expenditure as included in this chapter if more than 50% of the agency's indirect costs are allocated to mental health or intellectual disability programs, or both, funded by a county/joinder or a combination of Commonwealth counties/joinders.
- (4) Be accorded consistent treatment as either a direct or indirect cost.

**§ 4300.95. Library expenses.**

The Department will participate in the purchase of books, documents and subscriptions to journals pertaining to mental health, intellectual disability and other relevant topics.

**§ 4300.106. Title to fixed assets.**

(a) Title to fixed assets which are depreciated under § 4300.105 (relating to depreciation allowances) shall remain with the contracted agency.

(b) Title to fixed assets which are expensed or loans amortized using county mental health and mental retardation funds shall remain with the county/joinder or the provider.

(c) If title remains with the county/joinder, contracted agencies may not sell, leave, donate or dispose of county fixed assets without written permission from the appropriate county authority. Upon termination or cancellation of the contract and within a fixed period determined in that contract, the county shall at its discretion:

(1) Retain possession for county use or permit the use of fixed assets by another provider of services.

(2) Dispose of fixed assets purchased with mental health and intellectual disability funds upon obtaining an independent appraisal of the fixed assets.

(3) Allow the contracted agency to purchase the fixed assets upon obtaining an independent appraisal of the fixed assets.

(d) If title remains with the provider under subsection (b), the fixed asset shall be made available by the provider for use in the county program for its useful life. If the provider holds title to the asset, the provider may pledge the asset as collateral for loans necessary to the agency.

(e) Income received when disposing of fixed assets, or received by the county in refunds from agencies, shall be used to reduce gross eligible expenditures in determining the amount eligible for Departmental participation.

**UNIT OF SERVICE FUNDING**

**§ 4300.117. Computation of reimbursement.**

(a) The Department will participate in the cost of reimbursement to unit of service providers when computed according to the following procedure.

(b) The potential reimbursement by the county is computed as follows:

(1) Multiply each unit of service provided during a given month to a client by one of the following:

(i) The county program rate of reimbursement for that service if the provider's client fee schedule rate—as defined in § 4305.3 (relating to definitions)—for that service is equal to or exceeds the county program rate of reimbursement.

(ii) The provider's client fee schedule rate for that service, if the provider's client fee schedule rate is less than the county program rate of reimbursement for the same service.

(2) Total the products found under paragraph (1). This sum is the potential reimbursement by the county.

(3) If the sum of the net charge to the liable person—as defined in § 4305.3—and the net charge to a third party—as defined in § 4305.3—is less than the potential reimbursement by the county, the Department will participate in reimbursing the provider for the difference between the potential reimbursement by the county and the sum of the net charge to the liable person and the net charge to a third party.

(4) If the sum of the net charge to the liable person and the net charge to a third party is greater than or equal to the potential reimbursement by the county, the Department will not participate in reimbursement to the provider.

(5) If collection has been pursued according to Chapter 4305 (relating to liability for community mental health

and intellectual disability services), the Department will participate in reimbursement to a provider of the uncollectable net charge to the liable person or the uncollectable net charge to a third party up to the potential reimbursement by the county.

**§ 4300.118. Special limitations on unit of service funding.**

(a) Costs of partial hospitalization services provided under this title shall be limited to 240 3-hour sessions (720 total hours) in a consecutive 365-day period per patient. Six hours of partial hospitalization equals 1 day of partial hospitalization.

(b) A benefit period begins with the first day of inpatient hospital care and includes a maximum of 60 days of care in one consecutive stay or in a number of lesser stays that add up to 60 days. If the Department pays for part of a day, the day shall be counted as a full day in the benefit period. A patient's benefit period ends after 60 consecutive days on which he is not hospitalized, regardless of the number of days of hospitalization he has had. After one benefit period ends, a new benefit period begins with the first day of hospitalization and is subject to appropriate utilization review standards.

(c) The payment for hospital visits by a psychiatrist, when the fee is not included in the inpatient rate, shall be allowed.

(d) The Department will participate in the cost of drugs according to Chapter 4220 (relating to reimbursement for medications).

(e) Charges to clients of the county program shall be in accordance with Chapter 4305 (relating to liability for community mental health and intellectual disability services). A facility may not seek reimbursement from a client of the county program above that provided for under this title.

(f) The Department of Labor and Industry, Office of Vocational Rehabilitation, establishes fees for selected vocational program services. The Department will financially participate in the costs of county programs purchasing these same services at the established fees.

**FISCAL MANAGEMENT OF THE COUNTY PROGRAM**

**§ 4300.132. Accountability for expenditures of mental health and intellectual disability funds for clients.**

(a) The appropriate county authority is responsible for the accounting of funds expended through the county program, and the authorization of expenditures consistent with this chapter. Service provided without proper authorization or accountability, or both, may not be considered as reimbursable. Services purchased on a fee per unit of service basis shall have prior authorization of the administrator or designee.

(b) The county program and providers with whom the county contracts for services shall maintain books, records, documents and other evidence according to standard accounting procedures and practices, sufficient to reflect properly direct and indirect costs claimed to have been incurred and anticipated to be incurred for funds supported by the act and for which reimbursement is claimed. Records shall be kept for a minimum of 4 years after the close of the fiscal year.

(c) Time and attendance and payroll distribution records shall be maintained for each employee. Any method of keeping the records is acceptable as long as it is complete and accurate.

§ 4300.134. Apportionment of administrator’s office costs.

The costs of the administrator’s office as defined in this chapter are funded from both mental health and intellectual disability allocations. Two alternatives are available for apportioning these costs. The costs of the administrator’s office may be apportioned according to the actual cost incurred for the administration of each program or as a proportion of program costs. Documentation supporting the apportionment of these costs shall be retained by the county program.

§ 4300.135. Actual costs.

The intention of this method is to determine and assign the actual costs related to the provision of mental health or intellectual disability services. Once a county program has developed and implemented a methodology for apportionment based on actual costs, it may not assign costs according to a proportion of program costs methodology. Costs shall be assigned as follows:

- (1) Costs which can be readily identified as mental health or intellectual disability shall be appropriately assigned.
- (2) Time records or a random time study shall be used to apportion individual staff salaries, benefits, and operating and fixed asset expenses related to staff. Time which cannot be assigned, not to exceed 25% of available time, can be ignored in developing an apportionment ratio.
- (3) Other costs shall be apportioned based on the overall ratio resulting from the assignment of costs in paragraphs (1) and (2).

§ 4300.136. Proportion of program costs.

The Department’s grants to county programs include base allocations, categorical allocations and allocations of Federal funds. The ratios of the mental health and intellectual disability allocations to the total allocation received from the Department shall be used to assign the costs of the administrator’s office when using this method.

§ 4300.137. County joinder contracts.

When a mental health and intellectual disability program is administered by two or more counties, the local authorities acting in concert shall enter into a contract to establish the policies of that program.

- (1) The contract shall provide for proportionate costs of the program to be borne by each participating county.
- (2) A separate bank account shall be established into which funds received from the Department and from the participating counties for the purposes of the program shall be paid and out of which payments for the program shall be made.
- (3) The contract shall designate the person authorized to sign checks, indicate services and facility operation to be administered jointly and address other matters necessary or proper for the accomplishment of program objectives.
- (4) The contract shall include a description of policies agreed to by the counties as prevailing county practice for the mental health and intellectual disability program. These include the policies of leave, travel, recruitment and consultant fees.
- (5) Contracts shall be reviewed at least once every 10 years.

§ 4300.139. Contracting requirements.

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(c) A signed contract becomes the authorization for the expenditure of funds for services identified by the agreement. County mental health and intellectual disability funds cannot be expended for provider expenses until a contract exists. For licensed inpatient and authorized partial hospital providers, an authorization for service form may be used, in lieu of a contract, to purchase services.

(d) Counties shall establish a procedure to provide contract agencies with an opportunity to be heard by the county mental health and intellectual disability board, or a committee thereof, regarding contract disputes arising under this chapter. The purpose shall be for the board to hear the issues and arguments involved in the dispute and develop recommendations to the appropriate county authority.

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§ 4300.148. Uncollected revenue.

Income referred to as accounts receivable may be adjusted for uncollected revenues when a request for abatement or write-off has been approved under Chapter 4305 (relating to liability for community mental health and intellectual disability services).

§ 4300.155. Categorical funding.

(a) Categorical funding is the identification of a certain dollar amount in a county mental health and intellectual disability allocation to be used for a specific component of the county program. The funding may occur as the result of an authorization by the Secretary. The funds shall be considered restricted and available for the stated purpose only. This also applies to the base program allocation as a whole.

(b) Unexpended categorical funds may not be used to offset a deficit incurred in the base program or another categorical program unless approved by the Secretary.

(c) Unexpended categorical funds are carried over into the next fiscal year and considered by the Department in the computation of the allocation for the next fiscal year.

§ 4300.158. Revenue.

(a) Allocations from the Department are to defray part of the cost of county programs authorized by the act and approved by the Department. Income from the amounts paid for the same purpose from a public or private source directly to participating counties, facilities or individuals shall be deducted from approved expenditures to determine the amount eligible for Departmental participation.

(b) The Department will not participate in costs for a mentally disabled person until the person, who has been admitted or committed, or is receiving services or benefits under the act, has exhausted his eligibility and receipt of benefits under other private, public, local, Commonwealth or Federal programs.

(c) Unrestricted donations and gifts shall be considered as income to reduce gross eligible expenditures in arriving at expenditures eligible for Departmental participation. Since donations and gifts are a revenue of the county or contracted agency, they are available for use by the county or contracted agency to increase the level of eligible expenditures.

(d) Donations and gifts may be used for paying expenses which are eligible or ineligible for Departmental participation if given or restricted by the donor for that

purpose. This includes income from fund-raising activities which publicly identify the purpose for which contributions are solicited and their restricted use.

(e) Donations and gifts from fund-raising organizations may be used for paying expenses which are eligible or ineligible for Departmental participation if given or restricted by the fund-raising organization for that purpose. A fund-raising organization shall be separate from the contract agency in that it is not involved in the delivery of service and is not funded directly or indirectly by Department grants.

(f) Interest earned on Departmental funds shall be considered as other income to reduce total expenditures in arriving at eligible expenditures for Departmental participation. Since interest is considered a legitimate revenue of the county program, it is available for use by the program to increase the level of service provided. Interest may not be used to offset the county's 10% matching share, to fund nonmental health/intellectual disability services, or to fund general county expenses not properly apportioned to the mental health/intellectual disability program.

**§ 4300.159. Restricted receipt account.**

The funds for the county mental health/intellectual disability program shall be used for this specific purpose and accounted for separately from other monies. This may be accomplished by maintaining separate bank accounts or by fund accounting. Monies may be combined if the following exist:

- (1) Clear audit trails are established.
- (2) Earnings for each account are individually computed, credited and recorded.
- (3) Receipts, disbursements and transfers are processed through separate accounts.
- (4) The general principles of fund accounting are observed.

**§ 4300.161. Contracted agency audits.**

(a) The audits performed on contracted agencies shall contribute to the county audit. The county may require the agency to retain an independent certified/registered public accountant to perform the audit, contract for an independent certified/registered public accountant directly to perform the audit, perform the audit using qualified county auditors who meet the independence requirements and professional standards in the "Standards for Audit of Governmental Organizations, Programs, Activities and Functions" promulgated by the Comptroller General of the United States, General Accounting Office. Under generally accepted auditing standards, contracted agency audits will be evaluated for the rendering of an opinion on total county funding.

(b) The purpose of the provider audit is to ensure that reimbursement is based on the reasonable costs of contracted services, to provide verified financial information for making a final determination of allowable costs, and to develop other information as counties/joinders may need to fulfill their responsibilities. It shall include an examination of financial transactions, accounts and reports, an evaluation of the adequacy of accounting and administrative controls and an evaluation of compliance with provisions of the contract, including applicable statutes and regulations. It shall be of sufficient depth and detail for the auditor to render an opinion that invoicing is based upon the terms and conditions negotiated by the

county/joinder and provider in developing the contract budget or unit costs, or both.

(c) This chapter may not be construed to limit the authority of the Department, the Department's Comptroller's Office, the Auditor General, Federal auditors or other authorized agencies to perform audits of contracted agencies. The county or its agents shall have access to and the right to examine records of contracted agencies involving transactions related to mental health and intellectual disability funding.

**CHAPTER 4305. LIABILITY FOR COMMUNITY MENTAL HEALTH AND INTELLECTUAL DISABILITY SERVICES  
GENERAL PROVISIONS**

**§ 4305.1. General.**

One of the primary goals of the public mental health and intellectual disability program is to provide easy access to treatment or habilitation services and to encourage people to seek help.

**§ 4305.2. Purpose.**

The purpose of this chapter is to specify the liability and describe the procedures for establishing and collecting liability for clients receiving community mental health or intellectual disability services funded in whole or in part through the county mental health and intellectual disability program.

**§ 4305.3. Applicability.**

(a) This chapter applies to county mental health and intellectual disability programs.

(b) This chapter does not apply to a client who is receiving services covered by Medical Assistance under the Commonwealth's Medical Assistance Program.

**§ 4305.4. Definitions.**

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

*Base service unit*—The functional unit responsible for assessing and evaluating client needs, planning comprehensive treatment programs and making available the necessary services on a continuing basis.

*County administrator*—The administrator of the county mental health and intellectual disability program, or a designee.

*Intellectual disability professional*—A case manager or an individual who is responsible for the clinical treatment program for the client.

*Liability*—The maximum monthly amount the liable person is charged toward the cost of service for the client. The term does not include the cost of the client's room or board.

*Liable person*—The person responsible for payment of the liability. The term includes the following persons:

(i) If the client is 18 years of age or older, the client is not married and the client does not have a legal guardian of estate or a representative payee, the client is the liable person.

(ii) If the client is married, and the client does not have a legal guardian of estate or a representative payee, the client and the client's spouse are the liable persons.

(iii) If the client is under 18 years of age, the client is not married, the client is not an emancipated minor and



the client does not have a legal guardian of estate or a representative payee, both of the client's parents are the liable persons.

(iv) If the client is under 18 years of age, the client is not married, the client is an emancipated minor and the client does not have a legal guardian of estate or a representative payee, the client is the liable person.

(v) If the client has a legal guardian of estate or a representative payee, the legal guardian of estate or the representative payee is the liable person.

*Mental health client fee schedule*—A list of the provider's usual and customary charges to the general public for a unit of service.

*Mental health professional*—An individual practicing in a generally recognized clinical discipline including, but not limited to, psychiatry, social work, psychology, nursing, rehabilitation or activity therapies, who has a graduate degree and clinical experience.

*Net charge*—The amount the provider bills for services provided.

*Outpatient unit of service*—One-half hour of treatment in a licensed mental health outpatient clinic/program.

*Parent*—A biological or adoptive mother or father of the client.

*Partial hospitalization unit of service*—Three hours per day of treatment in a licensed mental health partial hospitalization program.

*Representative payee*—A person or an organization selected by a benefit issuing agency to receive and manage benefits on behalf of a beneficiary.

#### § 4305.5. Legal base.

The legal authority for this chapter is sections 201(2) and 504(d) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and 4504(d)).

### GENERAL REQUIREMENTS

#### § 4305.11. Exempt services.

The following mental health and intellectual disability community services are exempt from liability requirements specified in the chapter:

- (1) Vocational, as defined in Chapter 2390 (relating to vocational facilities).
- (2) Early intervention, as defined in Chapter 4226 (relating to early intervention services).
- (3) Adult day care, as defined in Chapter 2380 (relating to adult training facilities).
- (4) Respite care, as defined in Chapters 6350 and 6400 (relating to family resource services; and community homes for individuals with an intellectual disability).
- (5) Family aid services, as defined in Chapter 6350.
- (6) In-home therapy, as defined in Chapter 6350.
- (7) Homemaker services, as defined in Chapter 6350.
- (8) Family education and training, as defined in Chapter 6350.
- (9) Recreation/leisure activities, as defined in Chapter 6350.
- (10) Specialized vocational training services that are outside the scope of Chapter 2390.
- (11) Other intellectual disability family support services including and limited to sitter and companionship

services, parent and family training, speech therapy, aural rehabilitation, hearing aid evaluations, dactylogic therapy, physical therapy, occupational therapy, mobility training, behavioral programming, adaptive appliances, special diets and home rehabilitation.

#### § 4305.13. Nonexempt service.

Liability requirements specified in this chapter apply to a mental health and intellectual disability community service not listed in § 4305.11 (relating to exempt services).

#### § 4305.15. Delegation of authority.

(a) The county administrator has the authority to delegate the functions required in this chapter to base service units or providers of community mental health and intellectual disability services, except for the functions of adjusting liability amounts specified in §§ 4305.61—4305.69 (relating to adjustment of liability) and write-off of past due accounts specified in §§ 4305.91—4305.94 (relating to write-off of past due account).

(b) If functions required in this chapter are delegated to providers of community mental health and intellectual disability services, the county administrator shall retain responsibility for compliance with the requirements of this chapter.

#### § 4305.17. Eligibility of expenditures.

Expenditures by a county mental health and intellectual disability program on behalf of a client are eligible for reimbursement by the Department only if a liability has been billed and collection has been pursued according to the requirements specified in this chapter.

#### § 4305.21. Contributions.

Contributions made to the county mental health and intellectual disability program or the provider by charitable organizations, friends or neighbors on behalf of the client toward the cost of care shall be treated as payment by the liable person. Contributions may not be counted as income to the client as part of the total family income.

### DETERMINATION OF LIABILITY

#### § 4305.31. Determinations.

(a) The county administrator shall determine a liability for clients receiving a community mental health or intellectual disability service funded in whole or in part through the county mental health or intellectual disability program that is not listed as an exempt service in § 4305.11 (relating to exempt services).

(b) The liability shall be determined prior to client referral to or placement into community mental health and intellectual disability services, except for emergency referrals or placements in which the liability shall be determined within 15 days after emergency referral or placement.

#### § 4305.33. Income to be considered.

(a) If the client is 18 years of age or older and the client is not married, the client's income alone shall be considered the total family income.

(b) If the client is married, the client's income and the client's spouse's income shall be combined to determine the total family income.

(c) If the client is under 18 years of age, the client is not married, and the client is not an emancipated minor, the client's income that is in excess of the Internal

Revenue Service tax threshold, and both parents' income shall be combined to determine the total family income.

(d) If the client is under 18 years of age, the client is not married, and the client is an emancipated minor, the client's income alone shall be considered the total family income.

(e) If the parents of an unmarried, nonemancipated client under 18 years of age are separated or divorced and have a legally binding financial agreement, the parents are individually financially responsible in accordance with the terms of that financial agreement. If the client earns more than the Internal Revenue Service tax threshold, the client's income that is in excess of the Internal Revenue Service tax threshold shall be included in the total family income of the parent who has legal custody of the client. If there is joint custody, the client's income that is in excess of the Internal Revenue Service tax threshold shall be divided equally and included in the total family income of both parents.

(f) If the parents of an unmarried, nonemancipated client under 18 years of age are separated or divorced and there is no legally binding financial agreement, a separate total family income shall be determined for each parent. If the client earns more than the Internal Revenue Service tax threshold, the client's income that is in excess of the Internal Revenue Service tax threshold shall be included in the total family income of the parent who has legal custody of the client. If there is joint custody, the client's income that is in excess of the Internal Revenue Service tax threshold shall be divided equally and included in the total family income of both parents.

(g) Parents who adopt children under the Pennsylvania Adoption Assistance program, § 3140.207 (relating to entitlement to other services and benefits), have no liability for mental health and intellectual disability services. The child shall be considered a family of one and liability shall be determined based on the income of the child.

**§ 4305.42. More than one client receiving service.**

(a) If more than one client in the family is receiving services, only one liability shall be determined and billed.

(b) If at least one client in the family is receiving community mental health or intellectual disability residential services or short-term inpatient services, the liability shall be the amount listed in Appendix B.

(c) If clients in the family are receiving only community mental health or intellectual disability nonresidential services, the liability shall be the amount listed in Appendix A.

**§ 4305.43. Client receiving more than one service.**

(a) If services received by the client in a calendar month are community mental health and intellectual disability nonresidential services or noninpatient services, the liability shall be the amount listed in Appendix A.

(b) If services received by the client in a calendar month are community mental health and intellectual disability residential services or short-term inpatient services, even if community mental health and intellectual disability nonresidential services or short-term inpatient services are also provided, the liability shall be the amount listed in Appendix B.

**BILLING FOR LIABILITY**

**§ 4305.51. Billing.**

(a) The county administrator shall bill the liable person each month that community mental health and intellectual disability services are received.

(b) If the liability exceeds the actual cost of intellectual disability services or the net charge for mental health services received for a month, the county administrator shall bill the liable person for the actual cost of intellectual disability services or the net charge for mental health services received.

**§ 4305.52. Insurance.**

(a) If a client is receiving or is expected to receive a community mental health or intellectual disability service, or both, that is eligible for insurance, the county administrator or the provider of service shall bill the insurance company for the service prior to billing the liable person. The amount received from the insurance company for services provided over a calendar month shall be deducted from the liability for intellectual disability services or the client fee schedule per unit times the number of units delivered that month for mental health services. The liable person shall be billed the remainder up to the liability.

(b) If insurance benefits are not assignable, the provider shall bill the liable person for the total amount of the liability or the amount the insurance company will pay, whichever is greater, and shall assist the person in completing the insurance forms if necessary or requested.

**ADJUSTMENT OF LIABILITY**

**§ 4305.61. Request for adjustment of liability.**

(a) The liable person has the right to request adjustment of liability.

(b) Requests for adjustment of liability shall be made within 30 calendar days of the time that conditions warranting the adjustment occur.

(c) Requests for adjustment of liability shall be made by the liable person, the client, or the mental health or intellectual disability professional.

(d) Requests for adjustment of liability shall be submitted to the county administrator on a form prescribed by the Department.

**§ 4305.66. Reason for adjustment of liability—nullify result of care.**

(a) The county administrator shall have the power to reduce or eliminate the liability if the imposition of the liability would create a financial burden upon the client as to nullify the results of care, treatment, service or other benefits.

(b) Requests for an adjustment of the liability due to nullification of the result of care shall include documentation by a mental health/intellectual disability professional justifying the clinical reasons for the request and how the client's welfare would be seriously harmed if the liability is not adjusted.

**APPENDIX A**

Monthly Liability for Community Mental Health and Intellectual Disability Nonresidential Services

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**APPENDIX B**

Monthly Liability for Community Mental Health and Intellectual Disability Residential and Short-Term Inpatient Services

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**CHAPTER 4310. CLIENT LIABILITY—STATE  
MH/ID FACILITIES  
GENERAL PROVISIONS**

**§ 4310.1. Legal base.**

The legal base for this chapter is sections 201(2) and 504(d) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and 4504(d)).

**§ 4310.3. Applicability.**

This chapter applies to State mental hospitals and State intellectual disability centers. Liability for services received at these facilities is determined according to this chapter.

**§ 4310.4. Definitions.**

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

*Abatement*—The reduction by the Department of an assessed liability amount to zero for a specified period.

*Assets*—Any resource available to the client to meet the cost of services, except real estate constituting the home residence of the client, his spouse or dependent children.

*Benefit*—A payment or other assistance given by an insurance company, mutual retirement fund, or public or private agency.

*Benefit recipient*—A client receiving income in the form of a benefit for which no services have been rendered.

*Client*—A patient/resident of a State mental hospital or State intellectual disability center.

*Department*—The Department of Human Services of this Commonwealth.

*Head of household*—The adult member of the household who is recognized by other family members as the primary household representative.

*Home maintenance exemption*—Documented and verified expenses currently being paid and necessary to maintain a home or rental residence, which includes mortgage or rental payments, utility bills and taxes on the home residence during the period of hospitalization.

*Household*—A group of persons living together, consisting of the head of household and all other household members for whom the head of household has a legal responsibility to provide support.

*Household member*—A person, including the head of household, for whom the head of household is liable.

*IRS tax form*—The forms filed by the household for Federal income tax purposes—most commonly Forms 1040 and 1040A.

*Institutional collections officer*—The Department's employee responsible for applying for all resources available to meet the costs of services and establishing client and legally liable relative liability.

*Intellectual disability professional*—A case manager or an individual who is responsible for the clinical treatment program of the resident.

*LLR—Legally liable relative*—A parent or spouse responsible for the costs of service for a client in a State mental hospital or State intellectual disability center, or a client who is legally responsible for the support of his spouse or dependent children.

*Liability*—The portion of the cost of service for which the client or legally liable relative is required to pay.

*Liable person*—A person who has responsibility to pay the assessed liability. Liable persons are the client and the legally liable relative. In the event that assets, income, or benefits, or both, of the client or legally liable relative are controlled by a representative payee, a guardian of the estate, or trustee, these persons are responsible for assessments made against assets, income, or benefits, or both, belonging to the client or legally liable relative.

*MAMIS*—The Medical Assistance Management Information System responsible for reimbursement to facilities providing care to Medical Assistance eligible clients.

*Maximum liability*—The most which a liable person is required to pay toward the costs of service.

*Mental health professional*—An individual practicing in a generally recognized clinical discipline including, but not limited to, psychiatry, social work, psychology, nursing, rehabilitation or activity therapies, who has a graduate degree and clinical experience.

*Modification*—A reduction of an assessed liability, by the Department, to an amount greater than zero, but less than the original amount for a specified period.

*Nonresident property*—Real property is considered "nonresident" if the property:

(i) Is not used as a home by the client.

(ii) Has been the home of the client or his spouse but has not been used for 6 consecutive months and there appears to be little likelihood that either will return to it.

*Resident property*—A client's real property, used as the client's primary residence, during the first 6 months of institutionalization.

**MAXIMUM LIABILITY FOR SERVICES PROVIDED**

**§ 4310.6. Maximum liability—payors/liable persons.**

The maximum liability for services provided is established by the institutional collections officer for both payors and liable persons within the following:

\* \* \* \* \*

(6) *Client/resident maximum liability.*

(i) Maximum client liability is based on income or assets of the client, or both, in excess of amounts paid by third party payors or other agencies, up to the per diem rate established for the facility. Monthly charges for services provided to mental health and intellectual disability clients may not exceed the product of the per diem rate multiplied by the number of days in the month.

\* \* \* \* \*

**DETERMINING LIABILITY AND ASSESSMENTS**

**§ 4310.9. Working client income.**

When a client residing in a State mental hospital or State intellectual disability center receives income for services rendered at sheltered workshops or other employment, 50% of all income over \$65 per month is assessed for his cost of service provided. Any amount less than \$65 per month is exempted as personal use monies. Personal use monies may be conserved for his use up to a maximum of \$1,500. When the conserved fund maximum is reached, the full amount of income is assessed less \$25 per month personal use monies. If, after the assessment, the conserved fund level still exceeds the maximum of \$1,500, the excess income over \$1,500 is assessed. If the

conserved fund account falls below \$1,500, the assessment returns to 50% of all income over \$65 until funds again reach \$1,500.

**BILLING AND COLLECTION**

**§ 4310.17. Abatement or modification of liability.**

(a) Only in extraordinary circumstances will consideration be given to abatement or modification of liability in accordance with the following criteria under section 504(a) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4504(a)). The imposition of such liability would:

- (1) "result in the loss of financial payments or other benefits from any public or private source which the mentally disabled person would receive, would be eligible to receive or which would be expended on his behalf except for such liability";
- (2) "result in a substantial hardship upon the mentally disabled person, a person owing a legal duty to support such person or the family of either";
- (3) "result in a greater financial burden upon the people of the Commonwealth"; or
- (4) "create such a financial burden upon such mentally disabled person as to nullify the results of care and treatment, service or other benefits afforded to such person under any of this act."

(b) The institutional collections officer may assist the client or his legally liable relative, or both, in the preparation of a request for an abatement or modification, if so requested. This may include checking to insure the inclusion of all required information, typing the final copy, and forwarding the request to the Secretary of Human Services or his designee. (Complete PW-83 and PW-833.)

**§ 4310.20. Clinical abatement or modification of liability.**

(a) The Department may make a clinical abatement or modification of liability if the imposition of liability would result in a greater financial burden upon the people of this Commonwealth or would create such a financial burden upon such mentally disabled person as to nullify the result of care and treatment, service, or other benefits afforded to the person under the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704). Clinical abatements will be granted only if:

- (1) The imposition of liability would be likely to negate the effectiveness of treatment, or prohibit the client's entry into treatment.
- (2) The failure to provide the treatment would result in serious harm to the client's welfare or in greater cost to this Commonwealth due to the deterioration of the client's condition.
- (b) Requests for clinical abatement or modification may be initiated either by the MH or intellectual disability professional who is treating the client or by the liable person. If initiated by the liable person, the request shall be endorsed by the MH or intellectual disability professional who is treating the client.

(c) When making a request for clinical abatement, the treating MH or intellectual disability professional shall justify the request in the client's case record by stating why he believes that the client qualifies for clinical abatement or modification. The request for clinical abatement or modification shall be forwarded to the Secretary's designee on Form PW-1075. The Secretary's designee

shall review the request and notify the MH or intellectual disability professional and the institutional collections officer of the decision.

**APPENDIX A**

**LLR  
MONTHLY LIABILITY SCALE**

\* \* \* \* \*

Dear

Under Sections 501, 502 and 503 of the Mental Health and Intellectual Disability Act of 1966, you are liable for services provided the client mentioned above. According to the Department of Human Service's Regulations promulgated as Chapter 4310 your monthly liability has been assessed in the maximum amount specified above. You will be billed monthly for services provided in accordance with charges established by the Department of Human Services or the amount of your liability, whichever is the lesser amount. It is your responsibility to report significant changes in income which may effect the amount of your liability.

\* \* \* \* \*

**REQUEST FOR DEPARTMENTAL REVIEW**

**CLINICAL ABATEMENT**

\* \* \* \* \*

Date

Signature of MH/ID Professional  
PW 1075

**PART VIII. INTELLECTUAL DISABILITY AND  
AUTISM MANUAL**

**Subpart C. ADMINISTRATION AND FISCAL  
MANAGEMENT**

**CHAPTER 6201. COUNTY INTELLECTUAL  
DISABILITY SERVICES**

**GENERAL PROVISIONS**

**§ 6201.1. Introduction.**

(a) The county program is the means by which minimum services, as described in the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704), are available to promote the social, personal, physical and economical habilitation or rehabilitation of persons with an intellectual disability with respect for the full human, social and legal rights of each person. This means that the health, social, educational, vocational, environmental and legal resources that serve the general population shall be marshalled and coordinated by the county program to meet the personal development goals of persons with an intellectual disability, in accordance with the principle of integration. Integration means to ensure for every person with an intellectual disability and his family the right to live a life as close as possible to that which is typical for the general population. The mandated services, the provision of service mechanisms and the fiscal support of the program shall be used to secure for each person and his family the conditions and circumstances of day-to-day life that comes as close as possible to representing typical life patterns.

(b) In keeping with this principle of integration, the county program shall serve as an advocate for persons with an intellectual disability and secure for them their full entitlement to existing and future human services available to the general population.

**§ 6201.2. Purpose.**

This chapter establishes county responsibilities and content of services for county MH/ID programs.

**§ 6201.3. Applicability.**

This chapter applies to county MH/ID programs.

**§ 6201.4. Legal base.**

The legal authority for this chapter is section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

**SERVICE DELIVERY****§ 6201.11. County program.**

The county is responsible for the following objectives:

- (1) Primary prevention of organic and functional intellectual disability.
- (2) Earliest possible case finding and diagnosis.
- (3) Medical and surgical correction or amelioration of systemic defects, when possible.
- (4) Shaping and maintaining an environment most productive of basic human personality qualities involving parent-child and sibling relationships, environmental adaptation, self-awareness and learning motivation and ability.
- (5) Specific training and learning situations designed and implemented to develop all potential.
- (6) Community development and restructuring to achieve the maximum integration for individuals with an intellectual disability.

**§ 6201.12. Base service unit.**

(a) The county administrator is responsible for establishing an organizational unit consisting of multidisciplinary professional and nonprofessional staff capable of planning, directing and coordinating appropriate services for individuals with an intellectual disability and in need of service from the county program. This unit shall be called the base service unit, and the county administrator shall have the authority to direct, control and monitor the activities of the base service unit.

(b) The base service unit is responsible for performing the following functions in such a way as to carry out the following objectives of the county program:

- (1) Establish or develop a system utilizing preventive services in the community for persons with an intellectual disability.
- (2) Establish and operate a system for earliest possible casefinding.
- (3) Maintain a continuing relationship with the person with an intellectual disability and with a facility or provider of service responsible for service to the person with an intellectual disability during any stage of his life-management process.
- (4) Constitute a fixed point of referral and information for persons with an intellectual disability and their families.
- (5) Initiate, develop and maintain a pattern of interaction between the diagnostic and evaluation team and others concerned with services to any person with an intellectual disability and his family. This pattern shall emphasize participation in the life-management planning process of persons such as the family, physician, local public health nurse, teacher, representative of human service resources, vocational rehabilitation counselor,

other providers of service, advocates and the person with an intellectual disability, whenever possible.

(6) Provide opportunities for advancing the knowledge and understanding of persons inside and outside its immediate setting, particularly those who have a responsibility in carrying out the life-management process.

(7) Foster cooperation through the use of multidisciplinary approach.

(8) Ensure that if service to the person with an intellectual disability is provided by other than the base service unit and the person with an intellectual disability is referred for intake into the county program, the referring agency or the provider of service are invited to cooperate with the base service unit in diagnosis, evaluation and planning for the person.

(9) Ensure that services will not be authorized for funding by the county program unless they are consistent with the life-management plan as developed by the base service unit and approved by the county administrator.

(10) Provide for comprehensive diagnosis and evaluation services to do all of the following:

- (i) Diagnose, appraise and evaluate intellectual disability and associated disabilities; define the strengths, skills, abilities and potentials for improvement of the individual.
- (ii) Assess the needs of the individual and his family.
- (iii) Develop a practical life-management plan for individuals and their families and provide the necessary counseling and follow-along services.

(iv) Reassess the progress of the individual at regular intervals to determine continuing needs for service and for changes in his management plan.

**§ 6201.13. Intake services.**

(a) Intake into the county program shall be through the base service unit.

(b) The condition and circumstances of each individual presumed to require service shall be thoroughly assessed before a disposition is made of his referral.

(1) If it is determined after the assessment that the individual does not currently require further service from the base service unit, the presenting problem, the results of the assessment and the disposition of the case—alternative referral or recommendation—shall be recorded on Form MH/ID 10, Intake and Proposed Service Plan.

(2) If it is determined after assessment that the person requires service, he shall be provided with coordinated services necessary to identify the presence of an intellectual disability, its cause and complications, and the extent to which the intellectual disability limits or is likely limit the individual's daily living and work activities.

(c) Assessment services shall include a systematic appraisal of the findings in terms of pertinent physical, psychological, vocational, educational, cultural, social, economic, legal, environmental and other factors of the person with an intellectual disability and his family for all of the following:

- (1) To determine how and to what extent the disabling condition may be expected to be removed, corrected or minimized by services.
- (2) To determine the nature and scope of services to be provided.

(3) To select the service objectives which are commensurate to the individual's interests, capacities and limitations.

(4) To devise an individualized program of action to be followed, at the intervals needed, by periodic reappraisals.

(5) To reevaluate progress of the person at intervals as necessary for the periodic appraisal.

(d) Each program service authorized shall have a service objective in keeping with the personal development goal of the person with an intellectual disability; this goal shall be the basis for individualized life management planning.

(1) This information shall be recorded on the Intake and Proposed Service Plan, Form MH/ID 10, along with a listing of the counseling, follow-along, and other services to be provided within a specified period of time in coordinated association with the program service immediately authorized.

(2) A specific date for evaluation of the person's progress and reevaluation of his life-management plan shall also be part of the Intake and Proposed Service Plan.

(3) In all cases, the family of the person with an intellectual disability; the social, economic, cultural, educational, vocational, legal and environmental circumstances affecting him; and his physical and psychological condition shall be considered essential aspects of the life management plan.

**§ 6201.14. Aftercare services.**

(a) Aftercare services shall be available to prevent unnecessary and prolonged institutionalization and to facilitate the return of persons to their homes or communities. These services shall be designed to enable persons with an intellectual disability to achieve their maximum potential for self-care, self-support, self-sufficiency and social competence.

(b) Aftercare services shall include the following:

(1) Evaluation of persons currently in residential placement.

(2) Preparation of individual life-management plans for persons in placement, to include a definition of the special purpose served by the placement as part of the life-management plan of each individual.

(3) Establishment of an individually appropriate and realistic social development goal to be accomplished by each placement.

(4) Regular liaison with the facility to ensure that time spent in residence is limited to the time required to accomplish the established goal, and that service provided by the facility is consistently more suitable than the person might receive in the community.

(5) Prerelease counseling services to resident and family, referral with follow-through to appropriate community resources for post-release services and follow-along responsibility for post-release life management.

(6) Provision of short-term inpatient, emergency, outpatient, partial hospitalization and rehabilitation and training services, as indicated by individual life-management plans.

(7) Nursing home care for older individuals primarily in need of medically supervised nursing services.

(8) Supervised sheltered personal care living arrangements—groups or singly—for those whose primary need is not medical.

(9) Foster home care, individual and group living.

**CHAPTER 6210. PARTICIPATION REQUIREMENTS FOR THE INTERMEDIATE CARE FACILITIES FOR THE INTELLECTUAL DISABILITY PROGRAM**

**GENERAL PROVISIONS**

**§ 6210.1. Purpose.**

The purpose of this chapter is to specify the requirements for State operated and non-State operated ICFs/ID to receive payment for services through the MA Program.

**§ 6210.2. Applicability.**

(a) This chapter applies to State operated and non-State operated ICFs/ID.

(b) This chapter applies to non-State operated ICFs/ORC.

(c) Section 6210.63(1) (relating to diagnosis of an intellectual disability) does not apply to ICFs/ORC.

(d) If a provision specified in Chapter 1101 (relating to general provisions) is inconsistent with this chapter, this chapter prevails.

(e) If a provision specified in this chapter is inconsistent with Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for individuals with an intellectual disability), Chapter 6211 prevails.

**§ 6210.3. Definitions.**

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

\* \* \* \* \*

*ICF/ID—Intermediate care facility for individuals with an intellectual disability (facility)*—A State operated or non-State operated facility, licensed by the Department in accordance with Chapter 6600 (relating to intermediate care facilities for individuals with an intellectual disability), to provide a level of care specially designed to meet the needs of persons who have an intellectual disability, or persons with related conditions, who require specialized health and rehabilitative services; that is, active treatment.

\* \* \* \* \*

**GENERAL REQUIREMENTS**

**§ 6210.11. Payment.**

(a) The MA Program provides payment for intermediate care for an individual with an intellectual disability provided to eligible recipients by providers enrolled in the MA Program.

(b) Payment for services is made in accordance with this chapter, Chapter 1101 (relating to general provisions), HIM-15, the Medicaid State Plan, Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for individuals with an intellectual disability) and the Department's "Cost Apportionment Manual for State Mental Hospitals and Intellectual Disability Centers" for State operated ICFs/ID.

**§ 6210.13. Licensure.**

ICFs/ID shall be licensed by the Department in accordance with Chapter 6600 (relating to intermediate care facilities for individuals with an intellectual disability).

**SCOPE OF BENEFITS****§ 6210.21. Categorically needy and medically needy recipients.**

Categorically needy and medically needy recipients are eligible for ICF/ID subject to the conditions specified in this chapter and Chapters 1101 and 6211 (relating to general provisions; and allowable cost reimbursement for non-State operated intermediate care facilities for individuals with an intellectual disability).

**§ 6210.22. State Blind Pension recipients.**

State Blind Pension recipients are not eligible for ICF/ID under the MA Program. Blind and visually impaired individuals are eligible for ICF/ID services if they qualify as categorically or medically needy recipients.

**PROVIDER PARTICIPATION****§ 6210.32. Budgets and cost reports for State operated facilities.**

(a) State operated ICFs/ID shall submit budgets to the Department's Office of Developmental Programs.

(b) State operated ICFs/ID shall submit cost reports to the Department's Bureau of Financial Operations.

**§ 6210.33. Budgets and cost reports for non-State operated facilities.**

(a) Non-State operated ICFs/ID shall submit cost reports or a budget, if a waiver is granted in accordance with Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for individuals with an intellectual disability), to the Department's Office of Developmental Programs.

(b) Cost reports and budgets shall be submitted on forms and by deadlines specified by the Department.

**§ 6210.34. Approved funding level.**

The Department's Office of Developmental Programs is responsible for establishing an approved funding level for non-State operated ICFs/ID.

**§ 6210.35. Ongoing provider responsibilities.**

\* \* \* \* \*

(c) A cost report shall be filed with the Department's Office of Developmental Programs for non-State operated ICFs/ID and with the Department's Bureau of Financial Operations for State operated ICFs/ID within the time limit specified in § 6210.77 (relating to cost finding) if the facility is continuing its participation in the MA Program or within the time limit specified in § 6210.92 (relating to final reporting) if the facility is sold, transferred by merger or consolidation, terminated or withdraws from participation in the MA Program.

\* \* \* \* \*

**PAYMENT CONDITIONS****§ 6210.42. Certification of initial need for care.**

(a) A physician shall certify in writing in the medical record that the applicant or recipient needs intermediate care for individuals with an intellectual disability.

(b) A nurse practitioner or clinical nurse specialist, who is not an employee of the facility, but who is working in collaboration with a physician, may complete the certification specified in subsection (a).

(c) The certification specified in subsections (a) and (b) shall be signed and dated not more than 30 days prior to either the admission of an applicant or recipient to a facility, or, if an individual applies for assistance while in

a facility before the Department authorizes payment for intermediate care for individuals with an intellectual disability.

**§ 6210.43. Recertification of continued need for care.**

(a) A physician, a physician's assistant under the supervision of a physician or a nurse practitioner, or clinical nurse specialist shall enter into the recipient's medical record a signed and dated statement that the recipient continued to need intermediate care for individuals with an intellectual disability.

(b) In a non-State operated ICF/ID, the person who certifies the need for continued care specified in subsection (a), may not be an employee of the facility but shall work in collaboration with the recipient's physician.

(c) The recertification specified in subsection (a) shall be completed at least once every 365 days after initial certification.

**§ 6210.44. Evaluations.**

(a) Before admission to a facility, or before authorization for payment, an interdisciplinary team of health professionals shall make a comprehensive medical, social and psychological evaluation of each applicant's or recipient's need for intermediate care for individuals with an intellectual disability. The psychological evaluation shall be completed within 3 months prior to admission.

(b) If a recipient moves from one facility to another facility, this is not considered a new admission and new evaluations as required in subsection (a) are not required, if the prior evaluations are transferred with the recipient.

(c) Medical, social and psychological evaluations shall be recorded in the recipient's medical record and if applicable on forms specified by the Department.

**§ 6210.46. Plan of care.**

Before admission to an ICF/ID, or before authorization for payment, the attending physician shall establish a written plan of care for each applicant or recipient. The plan of care shall indicate time-limited and measurable care objectives and goals to be accomplished and who is to give each element of care.

**ASSESSMENT****§ 6210.61. Eligibility for an ICF/ID level of care.**

An applicant or recipient shall receive active treatment to be determined eligible for an ICF/ID level of care. The ICF/ID Program shall have only one level of care. The level of care determination is based upon the developmental needs of each applicant or recipient.

**§ 6210.62. Level of care criteria.**

(a) There are three fundamental criteria which shall be met prior to an applicant or recipient qualifying for an ICF/ID level of care. The ICF/ID level of care shall be indicated only when the applicant or recipient:

(1) Requires active treatment.

(2) Has a diagnosis of an intellectual disability.

(3) Has been recommended for an ICF/ID level of care based on a medical evaluation.

(b) A physician shall certify the ICF/ID level of care on a form specified by the Department and that ICF/ID services are needed, for each applicant and current ICF/ID resident. Before the facility requests payment from MA, the certification shall have been made at the

time of admission, or at the time a resident applied for assistance while in an ICF/ID.

(c) For purposes of an ICF/ORC, subsection (a)(2) means a diagnosis of other related condition.

**§ 6210.63. Diagnosis of an intellectual disability.**

The facility shall document the applicant's or recipient's diagnosis of an intellectual disability by meeting the following requirements:

(1) A licensed psychologist, certified school psychologist or a licensed physician who practices psychiatry shall certify that the applicant or recipient has significantly subaverage intellectual functioning which is documented by one of the following:

(i) Performance that is more than two standard deviations below the mean as measurable on a standardized general intelligence test.

(ii) Performance that is slightly higher than two standard deviations below the mean of a standardized general intelligence test during a period when the person manifests serious impairments of adaptive behavior.

(2) A qualified intellectual disability professional as defined in 42 CFR 483.430 (relating to condition of participation: facility staffing) shall certify that the applicant or recipient has impairments in adaptive behavior as provided by a standardized assessment of adaptive functioning which shows that the applicant or recipient has one of the following:

(i) Significant limitations in meeting the standards of maturation, learning, personal independence or social responsibility of his age and cultural group.

(ii) Substantial functional limitation in three or more of the following areas of major life activity:

- (A) Self-care.
- (B) Receptive and expressive language.
- (C) Learning.
- (D) Mobility.
- (E) Self-direction.
- (F) Capacity for independent living.
- (G) Economic self-sufficiency.

(3) It has been certified that documentation to substantiate that the applicant's or recipient's conditions were manifest before the applicant's or recipient's 22nd birthday, as established in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C.A. § 6001) (Repealed).

**§ 6210.64. Medical evaluation.**

Applicants or recipients meeting the criteria for ICF/ID level of care shall have a medical evaluation completed by a licensed physician not more than 60 days prior to admission to an ICF/ID or before authorization for payment. The physician shall recommend the applicant or recipient for an ICF/ID level of care based on the medical evaluation.

**§ 6210.65. Recertification.**

(a) Recertification shall be on a form specified by the Department and based on the applicant's or recipient's continuing need for an ICF/ID level of care, progress toward meeting plan objectives, the appropriateness of the plan of care and consideration of alternate methods of care.

(b) Recertification of need for an ICF/ID level of care shall be made at least once every 365 days after the initial certification.

**PAYMENT LIMITATIONS**

**§ 6210.71. Limitations on payment for reserved bed days.**

(a) Hospital leave is a reserve bed day, limited in number, during which a client is temporarily absent from the facility for hospitalization.

(b) For each hospitalization, a recipient receiving intermediate care for individuals with an intellectual disability, except for a recipient in a State operated ICF/ID, is eligible for a maximum 15 consecutive reserve bed days for hospital leave. The Department will pay a facility at the interim per diem rate on file with the Department for a hospital reserve bed day. Subject to this limit, a facility may include hospital reserve bed days in its census as client days, and costs associated with hospital reserve bed days shall be included in the facility's cost report. A reserve bed will be available for the recipient upon the recipient's return to the facility.

(c) Therapeutic leave is a reserve bed day, subject to limits, during which the recipient is temporarily absent from the facility due to the need to obtain a component of the recipient's individual program plan which cannot be provided directly by the facility. Therapeutic leave is included in the recipient's individual program plan, and the facility is required to monitor and document therapeutic leave. Therapeutic leave is primarily intended to maintain and further enhance relationships between the recipient and his family. Therapeutic leave includes leave for camp or other special programs.

(d) The Department will make payment to a facility for a reserved bed day when the recipient is absent from the facility for a continuous 24-hour period because of therapeutic leave. Each reserved bed day for therapeutic leave shall be recorded on the facility's daily census record and invoice. A reserved bed shall be available for the recipient upon the recipient's return to the facility.

(e) A recipient receiving intermediate care for individuals with an intellectual disability is eligible for a maximum of 75 days per calendar year for therapeutic leave outside the facility.

(f) For each continuous 24-hour period the recipient is absent from the facility, the facility shall bill the Department for a therapeutic leave day, under the limitations in this chapter. When the continuous 24-hour period is broken, this will not count as a reserved bed day.

**§ 6210.72. Limitations on payment for prescription drugs.**

The Department's interim per diem rate for non-State operated ICFs/ID does not include prescription drugs. Prescribed drugs for categorically needy recipients are reimbursable directly to a licensed pharmacy according to regulations contained in Chapter 1121 (relating to pharmaceutical services).

**§ 6210.75. Noncompensable services.**

Payment will not be made for:

(1) Services provided to a recipient who no longer requires the level of care for which payment is authorized by the CAO.

(2) Reserved bed days that exceed the limits specified in § 6210.71 (relating to limitations on payment for reserved bed days).



(3) Services provided to a recipient occupying a bed which is not certified for the level of care for which payment is authorized by the CAO.

(4) Services covered but disallowed by Medicare.

(5) Services rendered by a provider that do not meet the conditions for payment established by this chapter and Chapters 1101 and 6211 (relating to general provisions; and allowable cost reimbursement for non-State operated intermediate care facilities for individuals with an intellectual disability).

(6) Services directly reimbursable under the MA Program.

**§ 6210.76. Cost reporting.**

(a) Each facility shall submit a cost report to the Department within 90 days following the close of each fiscal year as designated by the facility in accordance with § 6210.91 (relating to annual reporting).

(b) The time frame for submission of cost reports may be extended for an additional 30 days with written approval from the Department's Office of Developmental Programs for non-State operated ICFs/ID and from the Department's Bureau of Financial Operations for State operated ICFs/ID.

(c) Cost reports shall be submitted on Department form MA-11.

(d) The cost report shall be prepared using the accrual basis of accounting and shall cover a fiscal period of 12 consecutive months.

(e) Facilities beginning operations during a fiscal period shall prepare a cost report from the date of approval for participation to the end of the facility's fiscal year.

(f) The cost report shall identify costs of services, facilities and supplies furnished by organizations related to the provider by common ownership or control.

**§ 6210.78. Allowable costs.**

(a) For State operated ICFs/ID, allowable costs shall be determined by the Department's "Cost Apportionment Manual for State Mental Hospitals and Intellectual Disability Centers" and HIM-15.

(b) For non-State operated ICFs/ID, allowable costs shall be determined based on Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for individuals with an intellectual disability) and HIM-15.

(c) State operated ICFs/ID shall be reimbursed actual allowable costs under the Statewide Cost Allocation Plan and Medicare principles, subject to MA regulations.

(d) Non-State operated ICFs/ID shall be reimbursed actual, allowable reasonable costs under Chapter 6211 and other applicable MA regulations.

**§ 6210.79. Setting interim per diem rates.**

(a) For State operated ICFs/ID, interim per diem rates shall be established by the Department based on the latest adjusted reported costs and approved budgets.

(b) For non-State operated ICFs/ID, interim per diem rates shall be established by the Department based on the latest adjusted cost report plus an inflationary factor, or a submitted budget if a waiver is granted in accordance with Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for individuals with an intellectual disability).

**§ 6210.81. Upper limits of payment.**

(a) The upper limits of payment for State operated ICFs/ID are the full allowable costs as specified in the Department's "Cost Apportionment Manual for State Mental Hospitals and Intellectual Disability Centers" and HIM-15.

(b) The upper limits of payment for non-State operated ICFs/ID are the lower of costs or the total projected operating cost or if a waiver is granted under Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for individuals with an intellectual disability) an approved budget level as specified in Chapter 6211.

**REPORTING AND AUDITING**

**§ 6210.93. Auditing requirements related to cost reports.**

(a) Except in cases of provider delay or delay requested by State or Federal agencies investigating possible criminal or civil fraud, the Department will conduct either a field audit or desk review of each cost report within 1 year of the latter of its receipt in acceptable form, as defined in § 6210.78 (relating to allowable costs) or, if the facility participates in Medicare and has reported home office costs to the Department on its cost report, the Department's receipt of the facility's Medicare home office audit, to verify, to the extent possible, that the facility has complied with:

(1) This chapter.

(2) Chapter 1101 (relating to general provisions).

(3) The limits established in Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for individuals with an intellectual disability).

(4) The Department's "Cost Apportionment Manual for State Mental Hospitals and Intellectual Disability Centers" for State operated ICFs/ID.

(5) HIM-15.

(6) The Department's cost allocation plan for State operated ICFs/ID.

(b) An onsite field audit will be performed on a periodic basis at reporting facilities. Participating facilities will receive a field audit or a desk audit each year. Full scope field audits will be conducted in accordance with auditing requirements in Federal regulations and generally accepted auditing standards.

(c) An auditor may validate the costs and statistics of the annual report by an onsite visit to the facility. The auditors will then certify to the Department the allowable cost for the facility as a basis for calculating a per diem and an annual adjustment. Based on the certification and total interim payments received by the facility, the Department will compute adjustments due the facility or due the Department for the fiscal year. The Department will notify the facility of the annual adjustment due after the annual cost report is audited.

(d) Financial and statistical records to support cost reports shall be available to State and Federal agents upon request.

**UTILIZATION CONTROL**

**§ 6210.101. Scope of claims review procedures.**

Claims submitted for payment under the MA Program are subject to the utilization review procedures established in Chapter 1101 (relating to general provisions). In

addition, the Department will perform the reviews specified in this section and §§ 6210.102—6210.109 for controlling the utilization of ICF/ID services.

**§ 6210.108. Facility utilization review.**

(a) Each facility furnishing services to eligible MA recipients shall have in effect a written utilization review plan that provides for review of each recipient’s need for the services.

(b) If the utilization review committee of a facility finds that the continued stay of a recipient at a specific level of care is not needed, the committee shall, within 1 working day of its decision, request additional information from the recipient’s qualified intellectual disability professional, who shall respond within 2 working days. A physician member of the committee, in cases involving a medical determination, or the utilization review committee, in cases not involving a medical determination, shall review the additional information and make the final recommendation. If the additional information is not received within 2 working days, the committee’s decision will be deemed final.

(c) The utilization review committee shall send written notice of adverse final decisions on the need for continued stay to:

- (1) The facility administrator.
- (2) The qualified intellectual disability professional of the recipient.
- (3) The CAO.

(d) The CAO shall notify the recipient or the person acting on behalf of the recipient and the facility of the recommended change in the level of care. The recipient has the right of appeal in accordance with Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings). Neither the facility nor the attending physician may appeal the decision of the utilization review committee on its own behalf.

**CHAPTER 6211. ALLOWABLE COST REIMBURSEMENT FOR NON-STATE OPERATED INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY**

**GENERAL PROVISIONS**

**§ 6211.1. Purpose.**

This chapter specifies the requirements for MA reimbursement and allowable costs for non-State operated intermediate care facilities for individuals with an intellectual disability.

**§ 6211.2. Applicability.**

(a) This chapter applies to non-State operated intermediate care facilities for persons with an intellectual disability and non-State operated intermediate care facilities for persons with other related conditions.

(b) The following chapters apply to non-State operated intermediate care facilities for persons with an intellectual disability and non-State operated intermediate care facilities for persons with other related conditions: Chapters 1101 and 6210 (relating to general provisions; and participation requirements for the intermediate care facilities for the intellectual disability program).

(c) In addition to this chapter, the Medicare Provider Reimbursement Manual (HIM-15) applies for costs that

are included in this chapter as allowable and for reimbursable costs that are not specifically addressed in this chapter.

(d) If this subchapter is inconsistent with Chapter 6210 or HIM-15, this chapter prevails.

**REIMBURSEMENT**

**§ 6211.45. Disclosure.**

(a) If costs have been allocated between programs and supporting services, disclosure shall be made in accordance with generally accepted accounting principles.

(b) If the facility is a controlling organization, disclosure of the affiliate existence and its relationship to the established intermediate care facility for individuals with an intellectual disability shall be made, including the nature of any financial transaction between the affiliate and the facility.

**ALLOWABLE COSTS**

**§ 6211.78. Staff development and training costs.**

(a) Costs associated with staff development and training costs are allowable if the training and development is associated with the individual program goals and objectives of the intermediate care facilities for the intellectual disability program.

(b) Staff development and training costs are allowable in accordance with intermediate care facilities for individuals with an intellectual disability certification requirements.

**§ 6211.79. Depreciation allowance.**

\* \* \* \* \*

(n) The reasonable cost of depreciation will be recognized for the construction and renovation of buildings to meet applicable Federal, State or local laws and building codes for intermediate care facilities for individuals with an intellectual disability. Costs are allowable if the facility has either a certificate of need or a letter of nonreviewability for the project from the Department of Health under subsection (r)(1) and (2). In accordance with Federal and State regulations, the facility shall submit to the Department the certificate of need or letter of nonreviewability, as appropriate, or the provider will not receive reimbursement for interest on capital indebtedness, depreciation and operating expenses.

(o) If the purchase of a facility or improvements to the facility are financed by tax exempt bonds, the acquired property, plant or equipment shall be capitalized and depreciated over the life of the assets. The acquired property, plant or equipment are the only items that may be capitalized. If the principal amount of the bond issue was expended in whole or in part on capital assets that fail to meet the requirements of the subsections (m) and (n) regarding eligibility for depreciation, the includable depreciation will be proportionately reduced.

(p) The fixed asset records shall include all of the following:

- (1) The depreciation method used.
- (2) A description of the asset.
- (3) The date the asset was acquired.
- (4) The cost of the asset.
- (5) The salvage value of the asset.
- (6) The depreciation cost.
- (7) The estimated useful life of the asset.

- (8) The depreciation for the year.  
 (9) The accumulated depreciation.

(q) Effective July 1, 1984, for non-State ICF/ID providers, the funding of depreciation is recommended so that funds may be available for the acquisition and future replacement of assets by the facility. To qualify for treatment as a funded depreciation account, the funds shall be clearly designated in the provider's records as funded depreciation accounts and shall be maintained in accordance with the provisions of HIM-15.

\* \* \* \* \*

**§ 6211.87. Return on equity.**

(a) The Department will not contribute to a return on equity for proprietary intermediate care facility for individuals with an intellectual disability programs.

(b) Excess funds shall be returned to the Department within 6 months from the close of an audit or cost settlement determination.

**CHAPTER 6250. COMMITMENT AND ADMISSION PROCEDURES FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY**  
**GENERAL PROVISIONS**

**§ 6250.1. Purpose.**

The purpose of this chapter is to specify commitment and admission procedures for individuals with an intellectual disability.

**§ 6250.2. Applicability.**

This chapter applies to State Intellectual Disability Centers and Intellectual Disability Units at State Mental Health Hospitals.

**§ 6250.3. Legal base.**

The legal authority for this chapter is *Goldy v. Beal* (C. A. No. 75—191, M. D. Pa., October 28, 1976) and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

**INVOLUNTARY COMMITMENT PROCEDURES**

**§ 6250.11. Determination.**

Until new legislation is enacted, and becomes effective, commitments of adults with an intellectual disability under section 406 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4406) may be processed provided that the Secretary of Human Services, his agents and assigns, those under his direction, and all facility directors may not receive a person committed under section 406 of the Mental Health and Intellectual Disability Act of 1966 except upon judicial determination that the standards in this section are met: A person shall be determined to be an individual with an intellectual disability in need of residency placement only upon the following findings:

(1) The person is impaired in adaptive behavior to a significant degree and is functioning at an intellectual level two standard deviation measurements below the norm as determined by acceptable psychological testing techniques.

(2) The impairment and the resultant disability were manifested before the person's 18th birthday and are likely to continue for an indefinite period.

(3) The person, because of his intellectual disability, presents a substantial risk of physical injury to himself or physical debilitation as demonstrated by behavior within 30 days of the petition which shows that he is unable to

provide for, and is not providing for his most basic need for nourishment, personal and medical care, shelter, self-protection and safety and that provision for such needs is not available and cannot be developed or provided in his own home or in his own community without residential placement.

**ADMISSION PROCEDURES FOR JUVENILES**

**§ 6250.21. Admission procedures.**

(a) All juveniles 18 years of age and younger to be admitted to an institution must be referred from a recognized medical facility, intellectual disability therapist, pediatrician, general physician, or psychologist.

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**§ 6250.22. Notice.**

Juveniles aged 13 and older shall be given the following notice:

**RIGHTS OF CHILDREN UNDER SECTIONS 402 AND 403 OF THE MENTAL HEALTH AND INTELLECTUAL DISABILITY ACT OF 1966**

\* \* \* \* \*

**Subpart D. NONRESIDENTIAL AGENCIES/FACILITIES/SERVICES**

**ARTICLE II. FUNDING**

**CHAPTER 6350. FAMILY RESOURCE SERVICES**

**GENERAL PROVISIONS**

**§ 6350.1. Introduction.**

The Family Resource Services (FRS) Program is designed to offer a variety of services to the family which has a family member with an intellectual disability living within the community, as well as to individuals with an intellectual disability who reside in community settings. The intent of the FRS Program is to reduce the need for institutionalization. The primary purpose of the FRS Program is:

(1) To provide adequate resources within the community to enable the family with a family member with an intellectual disability to maintain that member at home with minimal stress or disruption to the family unit.

(2) To provide adequate resources within the community to enable the individual with an intellectual disability to remain in a family context in a community setting, thus leading as normal a life as possible.

**§ 6350.3. Applicability.**

This chapter applies to county mental health and intellectual disability programs.

**§ 6350.4. Legal base.**

The legal authority for this chapter is sections 201, 301, 305, 506 and 509 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201, 4301, 4305, 4506 and 4509).

**§ 6350.5. Definitions.**

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

*Community Living Arrangements (CLA)*—Apartments, group homes, developmental maximization units and foster homes.

*Department*—The Department of Human Services.

*Family*—A family exists in the following situations:

(i) Natural or adoptive parents who provide care for their child or adult with an intellectual disability in the home of the parents.

(ii) Foster parents who care for their child or adult with an intellectual disability in the home of the foster parents.

(iii) Related or unrelated persons who provide care for a child or adult with an intellectual disability within their home.

*Family aid*—A “sitter-type” service offered to parents who need a person to care for their family member with an intellectual disability for a few hours at a time.

*Family education training*—Programs offered to assist parents of a child or adult with an intellectual disability, individual with an intellectual disability who are parents, spouses and siblings or other family members in dealing appropriately with a family member with an intellectual disability. This may include education/training in family dynamics, parent-child relationships, behavior management, genetic counseling, family planning, or other type of program designed to maintain the family as a cohesive unit.

*Homemaker services*—Homemakers may be available to perform essential household duties when family members or individuals are unable to manage such tasks effectively. This type of service may be to maintain continuity of care of an individual with an intellectual disability within the home during a family illness or similar circumstance or to provide training in proper home management for the individual with an intellectual disability or his family or legal guardian with whom he resides.

*Independent residence*—Individuals with an intellectual disability who are residing in the community, usually in their own home or apartment, who are able to pay for their own room, board, and clothing-type expenses.

*Individual*—A child or adult who is deemed to have an intellectual disability by the county mental health/intellectual disability administrator responsible for the county in which the individual resides. The evaluation process for an intellectual disability shall be in compliance with the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704).

*In-home therapy*—This service insures that the family member with an intellectual disability will receive necessary treatment or therapy even when he is homebound. These therapies include but are not necessarily limited to the following:

- (i) Visiting nurses.
- (ii) Physical/occupational therapy.
- (iii) Speech/language therapy/audiology.
- (iv) Visual/mobility therapy.
- (v) Vocational therapy.
- (vi) Recreational therapy.
- (vii) Dental hygienics.
- (viii) Behavioral programming.

*Recreation/leisure time activities*—Services that allow the individual with an intellectual disability to experience normal community leisure time activities and increase his ability to participate more independently in similar activities.

*Respite care*—A temporary residence available to an individual with an intellectual disability when his family or legal guardian with whom he is residing is experiencing stress, personal crisis, or a need for a vacation.

*Special innovative services*—All services/opportunities considered for Family Resource Services (FRS) funding under this category must have written approval by the appropriate Department regional office prior to implementation. The expenditures for all services/opportunities funded under this category by a given County Mental Health/Intellectual Disability (MH/ID) Office may not exceed 10% of the total FRS allocation for that county office.

*State centers*—Residential facilities owned and operated by the Department for the care and treatment of individuals with an intellectual disability.

**PROGRAM COSTS**

**§ 6350.11. Funding.**

(a) Funding of the Family Resource Services (FRS) Program is based upon the 90% State/10% county matching formula.

(b) FRS funds may be utilized only to pay for eligible services.

(c) FRS funds may not be utilized to subsidize regular day programs, such as vocational, educational, day care.

(d) FRS funds may not be utilized to cover the direct costs of staff salaries; however, an agency which is program-funded by the County Mental Health/Intellectual Disability (MH/ID) Office to provide FRS-eligible services may include the costs of staff salaries in its charges to the County MH/ID Office for the provision of those services for which it is program-funded.

**§ 6350.13. Collection of costs.**

Payment for and collection of costs for Family Resource Services (FRS) Program services shall be made with county procedures consistent with section 506 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4506).

**§ 6350.14. Charges.**

The charges to clients and legally responsible relatives shall not exceed the verified going rate for similar services to persons without a disability. In those situations in which no local prevailing fee exists, costs of such services may be negotiated between the County Mental Health/Intellectual Disability (MH/ID) Program and the service provider. The difference between the actual cost and liability, if any, shall be borne by the County MH/ID Program.

**§ 6350.15. Liability insurance for service providers.**

Liability insurance for providers of services funded through the Family Resource Services Program is handled under current Department policy which covers the issue of liability insurance for the provision of community-based mental health and intellectual disability services.

**§ 6350.16. Waiver option.**

(a) The Department’s regional directors for the office of developmental programs may, in special situations, waive specific provisions within this chapter which govern the Family Resource Services (FRS) Program when an identified need for an FRS-eligible service cannot be met because of a restriction imposed by this chapter. This

waiver option does not apply to Chapter 4305 (relating to liability for community mental health and intellectual disability services).

(b) The request for a waiver of a provision of this chapter shall be consistent with the philosophy and intent of the FRS Program and shall relate to an FRS-eligible service.

(c) The County Mental Health/Intellectual Disability (MH/ID) Administrator shall submit a written request to the appropriate Department's regional commissioner for intellectual disability to have a specific provision of this chapter waived for a specific situation.

(d) The written request shall include documentation which explains why it is necessary to have a provision of this chapter waived.

(e) The request shall be for a specific situation and involve a specific person or group of persons to be served for a specific period of time.

(f) The Department's regional commissioner for the office of developmental programs shall submit to the county mental health and intellectual disability administrator written notification of the approval or disapproval of the request for a waiver prior to the implementation of the service.

(g) Copies of requests and decisions related to the waiver option shall be submitted to the central office of developmental programs for review.

#### SERVICE AREAS

##### § 6350.21. Respite care.

(a) The Family Resource Services (FRS) funds shall be made available for respite care services at the following places:

(1) The home or place of residence of an individual with an intellectual disability.

(2) The home of a family that the county mental health and intellectual disability office has approved. The "host" family may offer respite care to no more than two individuals with an intellectual disability at one time.

(3) If the individual with an intellectual disability is in need of medical care and supervision, an approved medical facility such as a general hospital or nursing home may be utilized. For a facility to be used for respite care, the county mental health and intellectual disability office or its designate shall document the medical needs of the individual with an intellectual disability, and the county mental health and intellectual disability administrator shall give approval of the placement in the medical facility of the individual with an intellectual disability.

(b) FRS funds may not be used to pay for respite care in the following situations:

(1) State centers for individuals with an intellectual disability. The county mental health and intellectual disability program is not responsible for paying for the care of individuals with an intellectual disability who are permanently or temporarily residing in State centers.

(2) County residential facilities which are not licensed by Chapter 6400 (relating to community homes for individuals with an intellectual disability).

(c) Allowable time periods for respite care are as follows:

(1) Respite care shall be considered relief care lasting between 24 hours and 4 weeks.

(2) Respite care for any individual shall not exceed 4 weeks within a given fiscal year, that is, July 1 of a given year through June 30 of the following year.

(d) Respite care is provided only for the individual with an intellectual disability family member and does not include caring for siblings who do not have an intellectual disability.

##### § 6350.22. Family aid.

(a) This service shall provide relief lasting less than 24 hours in any one time period. This resource is available to families who previously have not been able to obtain "sitter" type service because the family member has an intellectual disability.

(b) Each family aide shall be approved by the county mental health and intellectual disability office after successful completion of a training program before working as a family aide.

(1) A portion of Family Resources Services (FRS) money may be set aside for basic training for those persons who will function as family aides.

(2) Follow-up training must be provided no less than once a year.

(3) The family aides may be paid while attending training sessions.

(4) The training program must be approved by the county mental health and intellectual disability office.

(c) If the county mental health and intellectual disability office contracts with another agency to provide this service, the following applies:

(1) The agency shall provide a training program approved by the County MH/ID Office.

(2) Each family must provide the Base Service Unit with information necessary for determining liability.

(d) Family aides should be recruited and screened.

(e) A list of approved aides will be kept in the County MH/ID Office or its designee, or both.

(f) Families must contact the County MH/ID Office, Base Service Unit, or the contracting agency to request the service. Unless the County MH/ID Office or its designate has made the appropriate arrangements, the family aide will not be eligible to receive payment with FRS funds.

(g) The family aide will be responsible for the care of every family member left in his charge. If any siblings are to be cared for other than the individual with an intellectual disability, the aide must be so advised before being given the assignment. The County MH/ID Office or its designate will determine the additional charge, if any, for the care of other siblings.

(h) At the end of each care period, the aide must submit to the County MH/ID Office or its designate a written report which should include remarks about any significant events, incidents, and the like, that occurred during the care period and which may prove beneficial to other aides when and if the family receives FRS in the future. Such reports must be treated within the context of the rules of confidentiality and privacy so as to protect the rights of the service recipients.

(i) Aides may not accept gifts from families for whom they are providing family aid.

(j) The maximum time allowed for family aid service will be 24 hours per session. This may be overnight but shall not exceed the maximum time limit.

(k) A recommended maximum of four sessions should be allowed per family per month. This may be adjusted by the County MH/ID Office based on individual needs and resources at a given time.

(l) This service shall not take the place of day programming for the individual with an intellectual disability.

(m) Family aid shall not be provided daily unless authorized in writing by the County MH/ID Administrator.

(n) Family aid can be provided in the home or place of residence of the individual with an intellectual disability, or the home of a family that the County MH/ID Office has approved.

(o) If there is an expressed need, this service should be made available on a group as well as an individual basis within a home or appropriate facility.

**§ 6350.23. Homemaker services.**

(a) The primary functions of homemaker services are to provide adult care and supervision for individuals with an intellectual disability and other members of the family within the home when the adults regularly responsible are unable to provide them, and to provide training in proper home management. The homemaker not only provides personal care but also insures that regular daily homemaking and housekeeping tasks are performed. These services are also available to adults with an intellectual disability who are living independently in the community.

(b) The homemaker's responsibilities may include, but are not limited to, any combination of the following:

(1) Household chores, such as cleaning, cooking, meal planning, laundry, ironing, and marketing.

(2) Personal care of dependent children—not limited to the family member with an intellectual disability.

(3) Budgeting or money management, or both.

(4) Instructing the family members or the individual with an intellectual disability, or both, in how to perform homemaking duties more effectively and efficiently.

(c) The homemaker will be given, in writing, a list of specific responsibilities before an assignment.

(d) The homemaker may assume live-in responsibilities if there is no other responsible adult who is able to care for the dependent children during the evening and night. This is allowable only if the homemaker is providing daytime duties within the same household. An example of this type of service would be a single parent who has no close relative and the parent is hospitalized, one parent is hospitalized and the other parent is out-of-town, or the parents are unable to care for the needs of their dependent children. The homemaker would then provide direct service, day and night, as well as instruction.

(e) The homemaker must be assigned for a specific period of time for specific duties and responsibilities:

(1) The initial time period may not be for more than 1 month. A mandatory 2-week interval must be observed for evaluation purposes prior to any extension of this service.

(2) All requests for extension must be evaluated by the Base Service Unit and approved in writing by the County Mental Health/Intellectual Disability (MH/ID) Adminis-

trator with a copy to the regional commissioner for the office of developmental programs.

(3) For an extension after 6 weeks from the beginning of the service, the County MH/ID Office must document the lack of feasibility of other alternatives. Specific goals must be determined, and reasonable time limits necessary to meet them must be established.

(f) A homemaker is not to be used for babysitting purposes only. This precludes the assignment of a homemaker, on an ongoing basis, to care for an individual with an intellectual disability while the adult family members work. A family aide may be assigned intermittently to a family for that purpose. Neither service should take the place of a "day program" for the individual with an intellectual disability.

**§ 6350.24. Inhome therapy.**

(a) This service should be available when the family member with an intellectual disability must receive therapy or a nonpublic school program in his own home. It insures the family that the family member with an intellectual disability will receive important treatment or therapy even in the event that he is "homebound." This service is primarily directed to those individuals with an intellectual disability who have multiple disabilities or significant medical needs, or both. Except in unusual circumstances, it should not be utilized when the individual with an intellectual disability is capable of leaving his home to receive such needed therapy.

(1) Visiting nurses/related inhome medical therapy is an acceptable inhome therapy service. This service may include professional or paraprofessional personnel who perform such tasks as:

(i) Assisting the parents with special medically related problems and training these parents to perform these functions when possible.

(ii) Tube feeding, respiration control (oxygen), other special feeding techniques.

(iii) Administering medication.

(iv) Exercising.

(v) Dietetics.

(vi) Other medical treatment as directed by the physician.

(vii) General health care.

(viii) Caring for the convalescing individual with an intellectual disability after he has been hospitalized.

(2) Only a registered nurse or a licensed practical nurse may perform or direct inhome medical therapy.

(3) Inhome medical therapy will be paid for only if a physician has, in writing, prescribed the specific services required.

(4) The physician's written prescription must be available to the Base Service Unit and the County Mental Health/Intellectual Disability (MH/ID) Office.

(b) Physical/occupational therapy services may be vital to the individual with an intellectual disability and a physical disability whose family, because of these disabilities, will need additional assistance in physical care and in basic self-care skills development. This service not only will help the individual with an intellectual disability to be self-sufficient but will also provide relief to other family members.

(1) The following eligible persons are listed in order of priority:

(i) Persons who are “homebound” and not able to go out of the home for therapy.

(ii) Persons who are attending a day program where no formal physical or occupational therapy is provided.

(iii) Persons who have had a minimal amount of physical and occupational therapy, but professional evaluation indicates that the person needs a more consistent program than has been available.

(2) A licensed physical therapist must perform or direct physical therapy. A registered occupational therapist must perform or direct occupational therapy.

(3) Physical therapy or occupational therapy will be paid for only if a physician has, in writing, either documented the need for or prescribed a specific therapy program.

(4) The written therapy prescription and program plan must be available to the Base Service Unit and the County MH/ID Office.

(5) Responsible family members must receive instruction and be a part of the therapy program.

(6) If an individual with an intellectual disability is of school age, the public school system should provide the therapy service when it is a part of the person’s individual prescriptive educational plan.

(c) Speech/language therapy/audiology services are acceptable Family Resource Service (FRS) Programs.

(1) The “eligible persons” listed in subsection (b)(1) apply equally to speech/language therapy/audiology.

(2) To be eligible, the individual with an intellectual disability must have been examined by a certified or certification-eligible audiologist for possible hearing deficiencies or a certified or certification-eligible speech therapist who have recommended a formal speech/language/audiology program. The ensuing program must be professionally prescribed and directed.

(3) A written program, including short- and long-range goals, must be available to both the Base Service Unit and the County MH/ID Office.

(4) There must be evidence of involvement of responsible family members in the speech/language/audiology program.

(5) If the individual with an intellectual disability is of school age, the public school system should provide this service.

(d) Visual/mobility therapy (training) service may be vital to the individual with an intellectual disability and a severe visual impairment, who because of these disabilities, is unable to navigate around his place of residence or in the community.

(1) The “eligible persons” listed in subsection (b)(1) apply equally to visual/mobility therapy (training).

(2) To be eligible, the individual with an intellectual disability must have been examined by a physician to determine the extent of visual impairment and to document the need for visual/mobility therapy (training).

(3) A trained mobility specialist/instructor must evaluate the individual with an intellectual disability and a visual impairment and develop a written visual/mobility training program plan specific to the service recipient.

(4) A trained mobility specialist/instructor must perform the visual/mobility therapy (training).

(5) The written therapy program plan, including short- and long-range goals, must be available to the Base Service Unit and the County MH/ID Office.

(6) There must be evidence of involvement by responsible family members in the visual/mobility training program.

(7) If an individual with an intellectual disability is of school age, the public school system should provide this service.

(e) Vocational therapy consists of the provision of vocationally oriented services in the home of an individual with an intellectual disability to help the individual with an intellectual disability become more self-sufficient, progress to an out-of-home setting, or maintain vocational skills previously acquired.

(1) The following are eligible persons for inhome vocational therapy:

(i) Persons who are engaged in community vocational programs but are temporarily “homebound” while convalescing from an illness, accident, or are receiving medical treatment related to a chronic handicapping condition.

(ii) Persons who are not currently engaged in a community vocational habilitation program and who are indefinitely “homebound” due to the severity of their mental or physical handicap. These persons could benefit from vocational services:

(A) To enhance their self-worth and self-sufficiency within the homebound situation.

(B) To assess their vocational potential and develop their social/vocational functioning to the point that they can enter an out-of-home vocationally-oriented setting.

(2) For eligible persons to participate inhome vocational therapy, the following procedures must be followed:

(i) There must be a written physician’s statement that the person’s medical condition permits him to participate in homebound employment and which includes an estimate of the time needed for convalescence.

(ii) There must be a written individual habilitation plan for the homebound work prepared and implemented by the community vocational program in which the person has been participating.

(iii) The written program must be available to the Base Service Unit and the County MH/ID Office.

(3) Homebound employment may be funded for an initial interval of 2 months. Extensions, in intervals of 2 months, or less, may also be funded, provided that a medical statement indicates the person may not yet return to the vocational program in the community. Homebound employment may not be utilized beyond the point when the individual with an intellectual disability is capable of leaving his home to participate in an out-of-home vocational program.

(4) There should be evidence that the family supports the homebound employment program in terms of available work space and time in the home but does not do the work for the individual with an intellectual disability.

(5) For eligible persons to participate in inhome vocational therapy:

(i) The individual with an intellectual disability must be evaluated initially by a qualified vocational evaluator who recommends an inhome vocational therapy program.

(ii) There must be evidence, preferably a physician's statement, that the person cannot participate in a vocational program at an out-of-home setting due to the severity of his mental or physical handicap with an estimate of the duration of the homebound state.

(iii) There must be an individual inhome vocational therapy plan prepared and directed by a recognized community vocational habilitation program.

(iv) Except in unusual circumstances, as determined by the County MH/ID Office, there should be evidence within the individual's program plan that the inhome program will result in the individual eventually entering an out-of-home vocationally oriented setting.

(v) This written program plan must be available to the Base Service Unit and the County MH/ID Office.

(vi) Quarterly status reports must be submitted to the Base Service Unit and County MH/ID Office as part of the program plan implementation.

(vii) Vocational therapy for eligible persons may be funded for an initial interval of 6 months).

(viii) The initial vocational evaluation in the home may also be funded through the FRS Program. Extensions, in intervals of 3 months or less, may also be funded, provided that the quarterly program status report indicates that extended service is an integral part of the individual's vocational habilitation plan.

(f) Recreational therapy/therapeutic recreation is for individuals with an intellectual disability who, due to the severity of their mental or physical handicap, or both, may be deprived of having their minimal socio-recreative needs met because of their homebound state and, consequently, may be showing signs of psycho-social regression or physical atrophy, or both.

(1) Inhome recreational therapy services may only be made available to those individuals with an intellectual disability who are "homebound."

(2) Recreational therapy/therapeutic recreation services should be provided or directed by an individual with training in recreation or an allied human services field. Appropriate training may be obtained from a formal academic education as well as participation in seminars, workshops, inservice training programs, and the like.

(3) Inhome recreational therapy services may be paid for through the FRS Program provided that the services result from a goal-oriented recreational therapy plan for the individual service recipient with an intellectual disability. This program plan must include the following:

(i) A statement which defines the needs of the individual with an intellectual disability for inhome recreational therapy service.

(ii) A statement of short- and long-term goals which serve as the rationale for the recreational therapy program.

(iii) A general description of the program.

(4) The written plan for the recreational therapy program must be available to the Base Service Unit and the County MH/ID Office.

(5) Responsible family members must receive instruction in and be a part of the recreational therapy program.

(g) Professional inhome dental hygiene services may be made available to those individuals with an intellectual disability who because of the mental or physical disabilities, or both, are "homebound."

(1) Only those inhome dental hygiene services provided by a dentist or licensed dental hygienist are eligible for FRS funding.

(2) The dental hygiene program must be approved by the County MH/ID Office.

(3) A copy of the dental hygiene treatment plan/program must be available to the Base Service Unit and the County MH/ID Office.

(4) Responsible family members must receive instruction in and be a part of the approved dental hygiene program.

(h) Behavioral programming and other related services may be provided through the FRS Program with the provision that they are consistent with the general intent of the FRS Program and the specific inhome therapy guidelines.

**§ 6350.25. Family education/training.**

(a) Family education/training services may be made available to parents of a child or adult with an intellectual disability, to individuals with an intellectual disability who are parents, and to spouses and siblings or other family members to assist them in dealing appropriately with a family member with an intellectual disability. Programs under this service may include education/training in family dynamics, parent/child relationships, behavior management, genetic counseling, family planning, or any other type of program designed to maintain the family as a cohesive unit.

(b) Family education training services may be funded through the Family Resource Services (FRS) Program provided that they are consistent with the following criteria:

(1) The nature and purpose of the training program must be consistent with the intent of the FRS Program.

(2) All education/training programs funded through the FRS Program must be approved by the County Mental Health/Intellectual Disability (MH/ID) Office.

(c) The County MH/ID Administrator has the following options in providing family education/training through the FRS Program:

(1) The education/training program may be provided directly through the County MH/ID Office.

(2) It may be provided indirectly by purchasing the education/training service from another individual or agency vendor.

(3) The education/training program may be provided indirectly by paying on a fee-for-service basis the charges incurred by a service recipient's participation in a family education/training program approved, but not sponsored directly, by the County MH/ID Office.

(d) FRS funds may be used to pay for education/training programs designed for families who have family members with an intellectual disability within the home as well as individuals with an intellectual disability who are parents. FRS funds may not be used to pay for inservice or staff training programs. Other resources should be utilized for those programs.

(e) FRS funds should be used for family education/training programs when all other applicable funding sources have been eliminated.



**§ 6350.26. Recreation/leisure-time activities.**

(a) Recreation programs should allow the individual with an intellectual disability to experience regular community leisure-time activities, increase his ability to participate in these activities independently, and enhance his physical or psycho-social development, or both.

(b) It is important that the individual with an intellectual disability is given every opportunity to interact with nonrelated people in the mainstream of activity within the community. The following eligible situations are listed in order of priority and should be considered when funding recreation programs through the Family Resource Services (FRS) Program:

(1) The individual with an intellectual disability is integrated into regular community facilities and programs, that is, the individual with an intellectual disability participates in a regular program designed for individuals without an intellectual disability.

(2) The individual with an intellectual disability is in a segregated program but in existing community facilities intended for the general population and where individuals without an intellectual disability are recreating at the same time, such as, a summer recreation program designed specifically for a group of individuals with an intellectual disability which takes place on a community playground where individuals without an intellectual disability are also recreating.

(3) The individual with an intellectual disability is in segregated programs in existing community facilities intended for the general population but regular recreation programs are not scheduled at the same time, such as, a scout troop with membership limited to individuals with an intellectual disability may hold its functions in a community facility during times when individuals without an intellectual disability are not scheduled to participate in programs at the facility.

(4) Special facilities and programs within the community serving only individuals with disabilities are used for recreation purposes, such as, a sheltered workshop which operates an evening recreation program.

(5) Segregated recreation programs are provided in isolated areas outside of the community which do not allow any socially integrative opportunities, such as, recreation programs designed for individuals with an intellectual disability living within the community which take place on State center grounds.

(c) The County Mental Health/Intellectual Disability (MH/ID) Office may arrange for or provide recreation services/opportunities which may be funded through the FRS Program preferably on a fee-for-service basis:

(1) Existing community recreation services should be utilized whenever they are available, such as, YMCA, municipal recreation programs, community parks and pools, and the like.

(2) Private agencies or organizations that serve only individuals with a disability, such as United Cerebral Palsy, The Arc, Easter Seal, and the like, should operate FRS funded programs only when alternatives are not and cannot be readily available.

(3) The charges for these services/opportunities should generally be based upon the number of persons served in the recreational program and shall include the cost of facilities, equipment, supplies, and staff; however, to assure maximum benefit for the individual service recipient, blanket program funding allocated to agencies or

organizations for the provision of recreational services/opportunities must be considered the exception rather than the rule.

(d) Recreation programs should be ancillary to day programs which operate daily during the week.

(1) Evening programs which operate during the week, Monday through Friday.

(2) Day or evening programs which operate on Saturdays and Sundays.

(3) Day recreational services/opportunities may be provided for adults with an intellectual disability who are currently unemployed. This provision must be secondary to full day programming.

(4) Day or evening recreational services/opportunities may be provided during periods of time in which the individual with an intellectual disability is on vacation from employment or school.

(e) Programs must be recreational in nature. They should not take the place of educational programs but may substitute for family aid services.

(f) Recreational programs should encourage skill development, be designed to meet the socio-recreative needs of the individual, and be normal leisure-time activities, such as, bowling, swimming, dancing, camping.

(g) Each recreational program must be approved by the County MH/ID Office as being therapeutic for the service recipient.

(h) Whenever possible, the participants should assist in deciding on particular activities within the program. Services/opportunities designed for adults must provide for client involvement in the selection of activities.

(i) FRS funded recreation programs may not be a part of a regular day program. A portion of a day program—day care or vocational—may not be paid for with FRS recreation funds even though part of the day program provides recreational opportunities.

(j) FRS funds may be used for individual activities as well as for group recreation programs.

(k) Rationale for the use of FRS funds to pay for the service recipient's participation in individual or group recreational programs, or both, must be consistent with the overall FRS Program philosophy.

(l) The participation of service recipients in FRS funded individual or group recreation programs must be approved by the County MH/ID Office as being therapeutic for the individual service recipient.

(m) "Therapeutic" is defined here as that which is designed to meet the specific socio-recreative needs of the individual service recipient in the context of socially acceptable norms.

**§ 6350.27. Special innovative services.**

It is recognized that there may be instances in which a given County MH/ID Office may discover an unmet need for the provision of a new, innovative service/opportunity for individuals with an intellectual disability living in a community setting or for families who have a family member with an intellectual disability living within the home, and such a service/opportunity may not be specifically defined in this chapter. Such services/opportunities may only be funded through the Family Resources Services (FRS) Program if they meet the following criteria:

(1) The new, innovative program must conform to and be consistent with the definition and intent of the FRS Program.

(2) The new, innovative program must not contain provisions which are contradictory to any of the provisions specified in the existing FRS Program service areas as defined in this chapter.

(3) All services/opportunities considered for FRS funding under this category must have written approval by the appropriate Department's DHS regional office prior to implementation.

(4) The expenditures for all services/opportunities funded under this category by a given County MH/ID Office may not exceed 10% of the total FRS annual allocation for the County MH/ID Office.

**Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES**

**ARTICLE I. LICENSING/APPROVAL**

**CHAPTER 6400. COMMUNITY HOMES FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY**

**GENERAL PROVISIONS**

**§ 6400.1. Introduction.**

This chapter is based on the principle of integration and the right of the individual with an intellectual disability to live a life that is as close as possible in all aspects to the life which any member of the community might choose. For the individual with an intellectual disability who requires a residential service, the design of the service shall be made with the individual's unique needs in mind so that the service will facilitate the person's ongoing growth and development.

**§ 6400.2. Purpose.**

The purpose of this chapter is to protect the health, safety and well-being of individuals with an intellectual disability, through the formulation, implementation and enforcement of minimum requirements for the operation of community homes for individuals with an intellectual disability.

**§ 6400.3. Applicability.**

(a) This chapter applies to community homes for individuals with an intellectual disability, except as provided in subsection (f).

(b) This chapter contains the minimum requirements that shall be met to obtain a certificate of compliance. A certificate of compliance shall be obtained prior to operation of a community home for individuals with an intellectual disability.

(c) This chapter applies to profit, nonprofit, publicly funded and privately funded homes.

(d) Each home serving nine or more individuals shall be inspected by the Department each year and shall have an individual certificate of compliance specific for each building.

(e) Each agency operating one or more homes serving eight or fewer individuals shall have at least a sample of its homes inspected by the Department each year. The certificate of compliance issued to an agency shall specify the location and maximum capacity of each home the agency is permitted to operate.

(f) This chapter does not apply to the following:

(1) Private homes of persons providing care to a relative with an intellectual disability.

(2) Residential facilities operated by the Department.

(3) Intermediate care facilities for individuals with an intellectual disability licensed by the Department in accordance with Chapter 6600 (relating to intermediate care facilities for individuals with an intellectual disability).

(4) Foster family care homes licensed by the Office of Children, Youth and Families of the Department that serve only foster care children.

(5) Summer camps.

(6) Facilities serving exclusively personal care home, drug and alcohol, mental health or domiciliary care residents.

(7) Residential homes for three or fewer people with an intellectual disability who are 18 years of age or older and who need a yearly average of 30 hours or less direct staff contact per week per home.

(8) Child residential facilities which serve exclusively children, which are regulated under Chapter 3800 (relating to child residential and day treatment facilities).

(g) This chapter does not measure or assure compliance with other applicable Federal, State and local statutes, regulations, codes and ordinances. It is the responsibility of the home to comply with other applicable laws, regulations, codes and ordinances.

**§ 6400.4. Definitions.**

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

*Agency*—A person or legally constituted organization operating one or more community homes for people with an intellectual disability serving eight or fewer individuals.

*Community home for individuals with an intellectual disability (home)*—A building or separate dwelling unit in which residential care is provided to one or more individuals with an intellectual disability, except as provided in § 6400.3(f) (relating to applicability). Each apartment unit within an apartment building is considered a separate home. Each part of a duplex, if there is physical separation between the living areas, is considered a separate home.

\* \* \* \* \*

*Individual*—An individual with an intellectual disability who resides, or receives residential respite care, in a home and who is not a relative of the owner of the home.

*Intellectual disability*—Subaverage general intellectual functioning which originates during the developmental period and is associated with impairment of one or more of the following:

(i) Maturation.

(ii) Learning.

(iii) Social adjustment.

*Outcomes*—Goals the individual and individual's plan team choose for the individual to acquire, maintain or improve.

\* \* \* \* \*

**GENERAL REQUIREMENTS****§ 6400.15. Self-assessment of homes.**

(a) The agency shall complete a self-assessment of each home the agency operates serving eight or fewer individuals, within 3 to 6 months prior to the expiration date of the agency's certificate of compliance, to measure and record compliance with this chapter.

(b) The agency shall use the Department's licensing inspection instrument for the community homes for individuals with an intellectual disability regulations to measure and record compliance.

(c) A copy of the agency's self-assessment results and a written summary of corrections made shall be kept by the agency for at least 1 year.

**§ 6400.18. Reporting of unusual incidents.**

(a) An unusual incident is abuse or suspected abuse of an individual; injury, trauma or illness of an individual requiring inpatient hospitalization; suicide attempt by an individual; violation or alleged violation of an individual's rights; an individual who is missing for more than 24 hours or who could be in jeopardy if missing at all; alleged misuse or misuse of individual funds or property; outbreak of a serious communicable disease as defined in 28 Pa. Code § 27.2 (relating to specific identified reportable diseases, infections and conditions); an incident requiring the services of a fire department or law enforcement agency; and any condition that results in closure of the home for more than 1 day.

(b) Written policies and procedures on the prevention, reporting, investigation and management of unusual incidents shall be developed and kept at the home.

(c) The home shall orally notify the county intellectual disability program of the county in which the home is located, the funding agency and the appropriate regional office of the Department, within 24 hours after abuse or suspected abuse of an individual or an incident requiring the services of a fire department or law enforcement agency occurs.

(d) The home shall initiate an investigation of the unusual incident and complete and send copies of an unusual incident report on a form specified by the Department to the county intellectual disability program of the county in which the home is located, the funding agency and the appropriate regional office of the Department, within 72 hours after an unusual incident occurs.

(e) The home shall send a copy of the final unusual incident report to the county intellectual disability program of the county in which the home is located, the funding agency and the appropriate regional office of the Department at the conclusion of the investigation.

(f) A copy of unusual incident reports relating to an individual shall be kept in the individual's record.

(g) A copy of unusual incident reports relating to the home itself, such as those requiring the services of a fire department, shall be kept.

(h) The individual's family or guardian shall be immediately notified in the event of an unusual incident relating to the individual, if appropriate.

**§ 6400.19. Reporting of deaths.**

(a) The home shall complete and send copies of a death report on a form specified by the Department to the county intellectual disability program of the county in which the home is located, the funding agency and the

regional office of the Department, within 24 hours after a death of an individual occurs.

(b) The home shall investigate and orally notify the county intellectual disability program of the county in which the home is located, the funding agency and the appropriate regional office of the Department within 24 hours after an unusual or unexpected death occurs.

(c) A copy of death reports shall be kept in the individual's record.

(d) The individual's family or guardian shall be immediately notified in the event of a death of an individual.

**STAFFING****§ 6400.44. Program specialist.**

\* \* \* \* \*

(c) A program specialist shall have one of the following groups of qualifications:

(1) A master's degree or above from an accredited college or university and 1 year work experience working directly with individuals with an intellectual disability.

(2) A bachelor's degree from an accredited college or university and 2 years work experience working directly with individuals with an intellectual disability.

(3) An associate's degree or 60 credit hours from an accredited college or university and 4 years work experience working directly with individuals with an intellectual disability.

**§ 6400.46. Staff training.**

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(e) Program specialists and direct service workers shall have training in the areas of intellectual disability, the principles of integration, rights and program planning and implementation, within 30 calendar days after the day of initial employment or within 12 months prior to initial employment.

\* \* \* \* \*

**INDIVIDUAL HEALTH****§ 6400.143. Refusal of treatment.**

(a) If an individual refuses routine medical or dental examination or treatment, the refusal and continued attempts to train the individual about the need for health care shall be documented in the individual's record.

(b) If an individual has a serious medical or dental condition, reasonable efforts shall be made to obtain consent from the individual or substitute consent in accordance with applicable law. See section 417(c) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4417(c)).

**CHAPTER 6500. FAMILY LIVING HOMES****GENERAL PROVISIONS****§ 6500.1. Introduction.**

Family living is based on the importance of enduring and permanent relationships as the foundation for learning life skills, developing self-esteem and learning to exist in interdependence with others; the opportunity for each individual with an intellectual disability to grow and develop to their fullest potential; the provision of individualized attention based on the needs of the individual

with an intellectual disability; and the participation of the individual with an intellectual disability in everyday community activities. Family living offers an opportunity for an individual with an intellectual disability and a family to share their lives together.

**§ 6500.2. Purpose.**

The purpose of this chapter is to protect the health, safety and well-being of individuals with an intellectual disability, through the formulation, implementation and enforcement of minimum requirements for family living homes.

**§ 6500.3. Applicability.**

(a) This chapter applies to family living homes, except as provided in subsection (f).

(b) This chapter contains the minimum requirements that shall be met to obtain a certificate of compliance. A certificate of compliance shall be obtained prior to an individual with an intellectual disability living or receiving respite care in a family living home.

(c) This chapter applies to profit, nonprofit, publicly funded and privately funded family living homes.

(d) Each agency administering one or more family living homes shall have at least a sample of their homes inspected by the Department each year. Each new family living home administered by an agency shall be inspected by the Department prior to an individual with an intellectual disability living or receiving respite care in the home. The certificate of compliance issued to an agency shall specify the location and maximum capacity of each family living home.

(e) A family living home that is not administered by an agency will be inspected by the Department each year.

(f) This chapter does not apply to the following:

(1) Private homes of persons providing care to a relative with an intellectual disability.

(2) A community home for individuals with an intellectual disability licensed by the Department in accordance with Chapter 6400 (relating to community homes for individuals with an intellectual disability).

(3) A foster family care home licensed by the Office of Children, Youth and Families of the Department that serves only foster care children.

(4) A home serving exclusively personal care home, drug and alcohol, mental health or domiciliary care residents.

(5) A home providing room and board for one or two people with an intellectual disability who are 18 years of age or older and who need a yearly average of 30 hours or less direct training and assistance per week per home, from the agency, the county intellectual disability program or the family.

(6) A home providing 90 or fewer calendar days of respite care per calendar year.

**§ 6500.4. Definitions.**

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

\* \* \* \* \*

*Family living home or home—*

(i) The private home of an individual or a family in which residential care is provided to one or two individu-

als with an intellectual disability, except as provided in § 6500.3(f) (relating to applicability).

(ii) The term does not include a home if there are more than two individuals, including respite care individuals, living in the home at any one time who are not family members or relatives of the family members.

(iii) If relatives of the individual live in the home, the total number of people living in the home at any one time who are not family members or relatives of the family members may not exceed four.

*ISP—Individual Support Plan—*The comprehensive document that identifies services and expected outcomes for an individual.

*Individual—*

(i) A person with an intellectual disability who resides, or receives residential respite care, in a family living home and who is not a relative of the owner of the family members.

(ii) The term does not include family members.

*Intellectual disability—*Subaverage general intellectual functioning which originates during the developmental period and is associated with impairment of one or more of the following:

(i) Maturation.

(ii) Learning.

(iii) Social adjustment.

*Outcomes—*Goals the individual and individual's plan team choose for the individual to acquire, maintain or improve.

\* \* \* \* \*

**GENERAL REQUIREMENTS**

**§ 6500.12. Waivers.**

A waiver of a specific section, subsection or paragraph of this chapter may be requested by writing to the appropriate Deputy Secretary of the Department. A waiver will be considered if the following criteria are met.

(1) The waiver does not jeopardize the health, safety or well-being of any of the individuals in the home.

(2) The waiver is based on the best interests and needs of the individuals.

(3) Noncompliance with the regulation is of greater benefit to the individuals than compliance with the regulation.

(4) There is an alternative method for meeting the intent of the regulation.

(5) There are special circumstances that make this home different from other homes complying with the regulation.

(6) The waiver does not violate any other State regulation or statute.

(7) The waiver is not requested for §§ 6500.1—6500.4 (relating to general provisions).

**§ 6500.20. Reporting of unusual incidents.**

(a) An unusual incident is abuse or suspected abuse of an individual; injury, trauma or illness of an individual requiring inpatient hospitalization; suicide attempt by an individual; violation or alleged violation of an individual's rights; an individual who is missing for more than 24 hours or could be in jeopardy if missing at all; misuse or alleged misuse of individual funds or property; outbreak of a serious communicable disease as defined in 28 Pa. Code § 27.2 (relating to specific identified reportable diseases, infections and conditions); or an incident requiring the services of a fire department or law enforcement agency.

(b) Written policies and procedures on the prevention, reporting, investigation and management of unusual incidents shall be kept.

(c) Oral notification of the county intellectual disability program of the county in which the home is located, the funding agency if applicable, and the appropriate regional office of the Department shall be given within 24 hours after abuse or suspected abuse of an individual or an incident requiring the services of a fire department or law enforcement agency occurs.

(d) An investigation of the unusual incident shall be initiated and an unusual incident report shall be completed on a form specified by the Department. Copies of the unusual incident report shall be sent to the county intellectual disability program of the county in which the home is located, the funding agency if applicable, and the appropriate regional office of the Department, within 72 hours after an unusual incident occurs.

(e) A copy of the final unusual incident report shall be sent to the county intellectual disability program of the county in which the home is located, the funding agency if applicable, and the appropriate regional office of the Department at the conclusion of the investigation.

(f) A copy of unusual incident reports relating to an individual shall be kept in the individual's record.

(g) A copy of unusual incident reports relating to the home itself, such as those requiring the services of a fire department, shall be kept.

(h) The individual's family or guardian shall be immediately notified in the event of an unusual incident relating to the individual, if appropriate.

**§ 6500.21. Reporting of deaths.**

(a) A death report shall be completed on a form specified by the Department and sent to the county intellectual disability program of the county in which the home is located, the funding agency and the regional office of the Department, within 24 hours after a death of an individual occurs.

(b) An investigation shall be initiated and oral notification of the county intellectual disability program of the county in which the facility is located, the funding agency and the appropriate regional office of the Department shall be given within 24 hours after an unusual or unexpected death occurs.

(c) A copy of death reports shall be kept.

(d) The individual's family or guardian shall be immediately notified of the death of an individual.

**STAFFING****§ 6500.43. Family living specialist.**

\* \* \* \* \*

(e) A family living specialist shall have one of the following groups of qualifications:

(1) A master's degree or above from an accredited college or university and 1 year work experience working directly with persons with an intellectual disability.

(2) A bachelor's degree from an accredited college or university and 2 years work experience working directly with persons with an intellectual disability.

(3) An associate's degree or 60 credit hours from an accredited college or university and 4 years work experience working directly with persons with an intellectual disability.

(4) A high school diploma or general education development certificate and 6 years work experience working directly with persons with an intellectual disability.

**§ 6500.45. Training.**

(a) The adult family member who will have primary responsibility for caring for and providing services to the individual shall have at least 24 hours of training related to intellectual disability, family dynamics, community participation, individual service planning and delivery, relationship building and the requirements specified in this chapter, prior to an individual living in the home.

(b) The primary caregiver shall be trained by an individual certified as a trainer by a hospital or other recognized health care organization, in first aid and Heimlich techniques prior to an individual living in the home and annually thereafter.

(c) The primary caregiver shall be trained and certified by an individual certified as a trainer by a hospital or other recognized health care organization, in cardiopulmonary resuscitation, if indicated by the medical needs of the individual, prior to the individual living in the home and annually thereafter.

**§ 6500.46. Annual training.**

(a) The adult family member who will have primary responsibility for caring for and providing services to the individual shall have at least 24 hours of training in the human services field annually.

(b) A family living specialist who is employed by an agency for more than 40 hours per month shall have at least 24 hours of training related to intellectual disability and the requirements specified in this chapter annually.

**HEALTH****§ 6500.123. Refusal of treatment.**

(a) If an individual refuses routine medical or dental examination or treatment, the refusal and continued attempts to train the individual about the need for health care shall be documented in the individual's record.

(b) If an individual has a serious medical or dental condition, reasonable efforts shall be made to obtain consent from the individual or substitute consent in accordance with applicable law. See section 417(c) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4417(c)).

**CHAPTER 6600. INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY**

**§ 6600.1. Purpose.**

This chapter protects the health, safety and well-being of residents living in intermediate care facilities for individuals with an intellectual disability.

**§ 6600.2. Applicability.**

This chapter applies to a residential facility receiving intermediate care facilities for individuals with an intellectual disability monies.

**§ 6600.3. Requirements.**

The Department incorporates by reference 53 FR 20494 (June 3, 1988) codified at 42 CFR 483.400—483.480 (relating to conditions of participation for intermediate care facilities for individuals with intellectual disabilities) as the licensing regulations for intermediate care facilities for individuals with an intellectual disability.

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