



Volume 46 (2016)

Pennsylvania Bulletin
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June 25, 2016 (Pages 3223-3404)

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PENNSYLVANIA BULLETIN

Volume 46

Number 26

Saturday, June 25, 2016 • Harrisburg, PA

Pages 3223—3404

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Development

Department of Conservation and Natural
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Susquehanna River Basin Commission

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

No. 499, June 2016

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BULLETIN

(ISSN 0162-2137)

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

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Mechanicsburg, Pennsylvania 17055-3198
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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 5]

Order Amending Rule 531 of the Rules of Appellate Procedure; No. 262 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 7th day of June, 2016, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published before adoption at 44 Pa.B. 5324 (August 9, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 531 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2016.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 5. PERSONS WHO MAY TAKE OR PARTICIPATE IN APPEALS

AMICUS CURIAE

Rule 531. Participation by *Amicus Curiae*.

[(a) *Briefs*.—Anyone interested in the questions involved in any matter pending in an appellate court, excluding Petitions for Allowance of Appeal, although not a party, may, without applying for leave to do so, file a brief *amicus curiae* in regard to those questions.

(1) Unless otherwise ordered by the court, any *amicus curiae* shall file and serve its brief in the manner and number required and within the time allowed by these rules with respect to the party whose position as to affirmance or reversal the *amicus* brief will support, or with respect to the appellant, if the *amicus* brief does not support the position of any party.

(2) In an appeal proceeding under Rules 2154(b), 2185(c) and 2187(b), any *amicus curiae* shall file and serve its brief within the time allowed by these rules for service of the advance text of the brief by the party whose position as to affirmance or reversal the *amicus* brief will support or, if the *amicus* brief does not support the position of any party, within the time allowed by these rules for service of the advance text by the appellant. Alternatively, the *amicus curiae* may, but is not required to, serve an advance text and then file and serve a definitive copy of its brief. If the *amicus curiae* chooses to serve an advance copy and then file and serve a definitive copy, its deadlines for each are the same

as for the party whose position as to affirmance or reversal the *amicus* brief supports or, if the *amicus* brief does not support the position of any party, as for the appellant.]

(a) *General*.—An *amicus curiae* is a non-party interested in the questions involved in any matter pending in an appellate court.

(b) *Briefs*

(1) *Amicus Curiae Briefs Authorized*.—An *amicus curiae* may file a brief (i) during merits briefing; (ii) in support of or against a petition for allowance of appeal, if the *amicus curiae* participated in the underlying proceeding as to which the petition for allowance of appeal seeks review; or (iii) by leave of court. An *amicus curiae* does not need to support the position of any party in its brief.

(2) *Content*.—An *amicus curiae* brief must contain a statement of the interest of *amicus curiae*. The statement of interest shall disclose the identity of any person or entity other than the *amicus curiae*, its members, or counsel who (i) paid in whole or in part for the preparation of the *amicus curiae* brief or (ii) authored in whole or in part the *amicus curiae* brief. It does not need to contain a Statement of the Case and does not need to address jurisdiction or the order or other determinations in question.

(3) *Length*.—An *amicus curiae* brief under subparagraph (b)(1)(i) is limited to 7,000 words. An *amicus curiae* brief under subparagraph (b)(1)(ii) is limited to 4,500 words. An *amicus curiae* brief under subparagraph (b)(1)(iii) is limited to the length specified by the court in approving the motion or, if no length is specified, to half the length that a party would be permitted under the rules of appellate procedure. Any *amicus curiae* brief must comply with the technical requirements for briefs, including certificates of compliance, set forth in Pa.R.A.P. 1115, 2135(b)—(d), 2171—2174, and 2187, or other pertinent rules.

(4) *Time for filing briefs*.—An *amicus curiae* brief must be filed on or before the date of the filing of the party whose position as to affirmance or reversal the *amicus curiae* will support. If the *amicus curiae* will not support the position of any party, the *amicus curiae* brief must be filed on or before the date of the appellant's filing. In an appeal proceeding under Pa.R.A.P. 2154(b), 2185(c), and 2187(b), the *amicus curiae* must file on or before the date of service of the advance text by the party whose position as to affirmance or reversal the *amicus curiae* supports or, if the *amicus curiae* does not support the position of any party, on or before the date of service of the advance text of the appellant.

[(b)] (c) *Oral argument*.—Oral argument may be presented by *amicus curiae* only as the appellate court may direct. Requests for leave to present oral argument shall be by application and will be granted only for extraordinary reasons.

Official Note: [Where the *amicus* cannot comply with the requirements of this rule because of ignorance of the pendency of the question, relief may be

sought under Rule 105(b). The last eight words of the rule are new. In *Piccirilli Bros. v. Lewis*, 282 Pa. 328, 336, 127 Atl. 832, 835 (1925) the court noted the applicability of this rule to public officers who are represented by official counsel with an adverse position.] The Pennsylvania Supreme Court has held that “[a]n *amicus curiae* is not a party and cannot raise issues that have not been preserved by the parties.” *Commonwealth v. Cotto*, 753 A.2d 217, 224 n.6 (Pa. 2000). In addition, the Court shares the view of the United States Supreme Court that “[a]n *amicus curiae* brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court. An *amicus curiae* brief that does not serve this purpose burdens the Court, and its filing is not favored.” See U.S. Supreme Ct. R. 37.1.

The rule allows interested persons to be *amicus curiae* as to one or more questions during the merits briefing on that question. An *amicus curiae* can file a brief of right in support of or against a petition for allowance of appeal only if the *amicus curiae* participated in the underlying proceedings giving rise to the order for which further review is sought. Any persons wishing to file *amicus curiae* briefs in any other circumstance must seek leave of court.

The 2016 amendment to the rule set forth content and length requirements for *amicus curiae* briefs. The amendment also established a requirement that all *amicus curiae* briefs include a statement of interest disclosing whether any party to the appeal has paid in whole or in part for the preparation of the brief.

The 2011 amendment to the rule clarified when those filing *amicus curiae* briefs should serve and file their briefs when the appellant has chosen or the parties have been directed to proceed under the rules related to large records ([Rule] Pa.R.A.P. 2154(b)), advance text ([Rule] Pa.R.A.P. 2187(b)) and definitive copies ([Rule] Pa.R.A.P. 2185(c)). Under those rules, the appellant may defer preparation of the reproduced record until after the briefs have been served. The parties serve on one another (but do not file) advance texts of their briefs within the times required by [Rule 2187] Pa.R.A.P. 2185(c). At the time they file their advance texts, each party includes certified record designations for inclusion in the reproduced record. The appellant must then prepare and file the reproduced record within 21 days of service of the appellee’s advance text ([Rule] Pa.R.A.P. 2186(a)(2)). Within 14 days of the filing of the reproduced record, each party that served a brief in advance text may file and serve definitive copies of their briefs. The definitive copy must include references to the pages of the reproduced record, but it may not otherwise include changes from the advance text other than correction of typographical errors. Those filing *amicus curiae* briefs may choose to serve an advance text and then file and serve definitive copies according to the procedure required of the parties or they may choose to file a definitive brief without citations to the reproduced record.

[Pa.B. Doc. No. 16-1055. Filed for public inspection June 24, 2016, 9:00 a.m.]

PART I. RULES OF APPELLATE PROCEDURE
[210 PA. CODE CH. 17]

Order Amending Rule 1737 of the Rules of Appellate Procedure; No. 263 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 7th day of June, 2016, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published before adoption at 45 Pa.B. 6113 (October 10, 2015):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 1737 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2016.

Annex A

TITLE 210. APPELLATE PROCEDURE
PART I. RULES OF APPELLATE PROCEDURE
ARTICLE II. APPELLATE PROCEDURE
CHAPTER 17. EFFECT OF APPEALS;
SUPERSEDEAS AND STAYS
STAY OR INJUNCTION IN CIVIL MATTERS

Rule 1737. [**Objections to Security**] **Modification of Terms of *Supersedeas*.**

(a) The [**lower**] trial court or the appellate court, may at any time, upon application of any party and after notice and opportunity for hearing[, **upon cause shown**]:

(1) [**Require**] **require** security of a party otherwise exempt from the requirement of filing security[, **or increase, decrease or eliminate the amount of any security which has been or is to be filed.**] **upon cause shown;**

(2) [**Strike**] **strike** off security improperly filed[.];

(3) [**Permit**] **permit** the substitution of surety and enter an exoneration of the former surety[.] **or**

(4) **increase, decrease, eliminate, or otherwise alter the amount or type of any security that has been or is to be filed by a party, upon cause shown for the modification.**

(b) **The parties may at any time stipulate to the type or amount of security and, upon filing, such a written stipulation will act to set the terms of a *supersedeas* of the judgment to the same extent as would an order of the court.**

Official Note: The amount of automatic *supersedeas* of money judgments has been set at 120 percent of the verdict, and in most instances that amount will assure payment of a judgment and interest accrued during an appeal without imposing undue hardship on an appellant. See Pa.R.A.P. 1731. Nonetheless, there may be circumstances in which it would be appropriate for a court to modify the default approach to security, either in type, method, or time for posting, or in amount. Courts

have the discretion to increase or decrease and to eliminate the requirement that security be posted, based upon the proofs offered by the parties. The parties by agreement may also determine to modify the amount or type of *supersedeas*, particularly given that Pa.R.A.P. 2771 provides for the premium paid for the cost of *supersedeas* bonds or other appellate bonds to be taxable as a cost on appeal.

A party may seek appellate review of an order resolving an application under this rule. See Pa.R.A.P. 1732 and Pa.R.A.P. 3315.

[Pa.B. Doc. No. 16-1056. Filed for public inspection June 24, 2016, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1920]

Order Amending Rule 1920.33 of the Rules of Civil Procedure; No. 644 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 10th day of June, 2016, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 45 Pa.B. 6975 (December 12, 2015):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1920.33 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2016.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.33. Joinder of Related Claims. [**Distribution of Property**] **Equitable Division**. Enforcement.

(a) [**Each party shall file an inventory specifically describing all property owned or possessed at the date of separation. A party may not file a motion for the appointment of a master or a request for court action regarding equitable distribution until at least 30 days following the filing of that party's inventory. The other party shall file the inventory within 20 days of service of the moving party's inventory. The inventory shall set forth as of the date of separation:**] If a pleading or petition raises a claim for equitable division of marital property under Section 3502 of the Divorce Code, the parties shall file and serve on the other party an inventory, which shall include the information in subdivisions (1) through (3) and shall be substan-

tially in the form set forth in Pa.R.C.P. No. 1920.75. Within 20 days of service of the moving party's inventory, the non-moving party shall file an inventory. A party may not file a motion for the appointment of a master or a request for court action regarding equitable division until at least 30 days following the filing of that party's inventory.

The inventory shall set forth as of the date of separation:

(1) [a specific description of all marital property in which either or both have a legal or equitable interest individually or with any other person and the name of such other person and all marital liabilities;] a specific description of the marital assets, which either or both parties have a legal or equitable interest, individually or jointly with another person, the name of the co-owners, if applicable, and the marital liabilities, which either party incurred individually or jointly with another person, and the name of any co-debtors, if applicable;

(2) a specific description of [**all property**] the assets or liabilities [**that are**] claimed to be non-marital and the basis for such claim; and

(3) the estimated value of [**each item of**] the marital and non-marital [**property**] assets and the amount [**of**] due for each marital and non-marital liability.

Official Note: Subdivision (c) [**of this rule**] provides for sanctions for failure to file an inventory as required by [**this**] subdivision (a). An inventory may be incomplete [**where the party filing it does not know of all of the property**] if a party lacks comprehensive knowledge of the assets and liabilities involved in the claim for equitable [**distribution**] division. Consequently, the rule does not contemplate that a party will be precluded from presenting testimony or offering evidence as to [**property**] assets or liabilities omitted from the inventory. The omission may be [**supplied by**] remedied by inclusion of the omitted information in the pre-trial statement required by subdivision (b).

(b) Within the time required by order of court or written directive of the master or, if none, at least [**sixty**] 60 days before the scheduled hearing on the claim for [**the determination and distribution of property, each party**] equitable division, the parties shall file and serve upon the other party a pre-trial statement. The pre-trial statement shall include the following matters, together with any additional information required by special order of the court:

(1) a list of assets, which may be in chart form, specifying:

[(i) the marital assets, their value, the date of the valuation, whether any portion of the value is non-marital, and any liens or encumbrances thereon; and

(ii) the non-marital assets, their value, the date of the valuation, and any liens or encumbrances thereon;]

(i) The marital assets:

a. the value;

b. the date of the valuation;

- c. the value of any non-marital portion;
- d. the facts and documentation upon which the party relies to support the valuation; and
- e. any liens or encumbrances associated with the asset.

(ii) The non-marital assets:

- a. the value;
- b. the date of the valuation;
- c. the facts and documentation upon which the party relies to support the valuation; and
- d. any liens or encumbrances associated with the asset.

(2) the name and address of [each expert whom] the expert witness(es) the party intends to call at trial [as a witness]. A report of each expert witness listed shall be attached to the pre-trial statement. The report shall describe the [witness's] expert's qualifications and experience[and], state the substance of the facts and opinions to which the expert is expected to testify and [a summary of] summarize the grounds for each opinion;

(3) the name, address, and a short summary of the testimony of [each person] the witnesses, other than the party, whom the party intends to call at trial [as a witness];

(4) a list of [all of the] exhibits [which] that the party expects to offer [in] into evidence[, each containing an identifying mark. Any exhibits that do not exceed]. Exhibits not exceeding three pages shall be attached to the pre-trial statement and shall have an identifying exhibit number affixed to or incorporated into the document, and [any exhibits which exceed] exhibits exceeding three pages shall be described specifically and shall have an exhibit number in the description;

(5) the party's gross income from all sources, [each payroll deduction, and the party's net income, including] payroll deductions, net income, and the party's most recent state and federal income tax returns and pay stubs;

(6) if the party intends to offer [any] testimony as to his or her expenses, an Expense Statement in the form required by [Rule] Pa.R.C.P. No. 1910.27(c)(2)(B);

[(7) the value of a pension or retirement benefits, the marital portion thereof, and the facts and documentation upon which the party relies to support the valuation;

(8)] (7) if there is a claim for counsel fees, the amount of fees to be charged, the basis for the charge, and a detailed itemization of the services rendered;

[(9) where there is a dispute, the description and value of any items of] (8) the description and value of disputed tangible personal property, specifically the personalty contemplated by item number 25 of the form in Pa.R.C.P. No. 1920.75, the method of [evaluating] valuing each item, and the evidence, including documentation, to be offered in support of the valuation;

[(10) a list of marital debts including the amount of each debt as of the date of separation, the date on which the debt was initially incurred, the initial amount of the debt and its purpose, the amounts and dates of payments made since the date of separation, and the evidence that will be offered in support of the claim;]

(9) a list of liabilities, which may be in chart form, specifying:

(i) The marital liabilities:

- a. amount of the liability;
- b. date of the valuation;
- c. amount of any non-marital portion;

d. the facts and documentation upon which the party relies to support the valuation; and

e. amount, if any, of payments made on the liabilities after the date of separation.

(ii) The non-marital liabilities:

- a. amount of the liability;
- b. date of the valuation; and

c. the facts and documentation upon which the party relies to support the valuation.

[(11)] (10) a proposed resolution of the economic issues raised in the pleadings.

(c) If a party fails to file either an inventory, as required by subdivision (a), or a pre-trial statement, as required by subdivision (b), the court may make an appropriate order under [Rule] Pa.R.C.P. No. 4019(c) governing sanctions.

(d)(1) A party who fails to comply with a requirement of subdivision (b) [of this rule shall, except upon good cause shown,] may be barred from offering [any] testimony or introducing [any] evidence in support of or in opposition to claims for the matters [not covered therein] omitted.

(2) A party [shall, except upon good cause shown,] may be barred from offering [any] testimony or introducing [any] evidence that is inconsistent with or [which] goes beyond the fair scope of the information set forth in the pre-trial statement.

(e) An order [distributing property under] entered by the court pursuant to Section 3502 of the Divorce Code may be enforced as provided by the rules governing actions for support and divorce[,] and in the Divorce Code.

Explanatory Comment—1994

23 Pa.C.S. § 3105(a) states that an agreement is enforceable by any means available pursuant to the Divorce Code for enforcement on an order, as though the agreement were an order of court, except as otherwise provided in the agreement. Thus, although Rule 1920.33 refers only to enforcement of orders, it also applies to enforcement of agreements.

[Pa.B. Doc. No. 16-1057. Filed for public inspection June 24, 2016, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4 AND 10]

Order Amending Rules 408, 413, 423, 452, 455 and 1031 of the Rules of Criminal Procedure; No. 474 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 10th day of June, 2016, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 45 Pa.B. 1846 (April 11, 2015), and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 110), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Pennsylvania Rules of Criminal Procedure 408, 413, 423, 452, 455, and 1031 are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2016.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART B(1). Procedures When Citation Is Issued to Defendant

Rule 408. Not Guilty Pleas—Notice of Trial.

(A) A defendant may plead not guilty by:

(1) appearing before the issuing authority, entering the plea, and depositing such collateral for appearance at trial as the issuing authority shall require; or

(2) notifying the issuing authority in writing of the plea and forwarding as collateral for appearance at trial an amount equal to the fine and costs specified in the citation, plus any additional fee required by law. If the fine and costs are not specified, the defendant shall forward the sum of \$50 as collateral for appearance at trial.

(B) The issuing authority, upon receiving a plea of not guilty, shall:

(1) fix a date and hour for trial;

(2) notify the defendant and the law enforcement officer of the date and hour fixed for trial; and

(3) advise the defendant that failure to appear for trial shall constitute consent to trial in the defendant's absence and if the defendant is found guilty, the collateral deposited shall be forfeited and applied toward the fine [**and**], costs, **and restitution**, and the defendant shall have the right to appeal within [**thirty**] 30 days for a trial *de novo*.

Comment

It is intended that the defendant will appear in person before the issuing authority to plead not guilty when the defendant cannot afford to deposit the amount of collateral specified in the citation or the \$50 when no amount is specified. A plea entered by mail must be accompanied by the full amount of collateral. See Rule 452. All checks

deposited as collateral shall be made payable to the magisterial district number set forth on the citation.

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offense charged.

Paragraph (B)(3) was amended in 2016 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority. See 18 Pa.C.S. § 1106(d) for the authority of a magisterial district judge to impose restitution on a defendant.

Official Note: Previous Rule 58, adopted September 18, 1973, effective January 1, 1974; amended to correct printing error June 28, 1976, effective immediately; rescinded July 12, 1985, effective January 1, 1986, and not replaced in the present rules. Present Rule 58 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 408 and amended March 1, 2000, effective April 1, 2001; **amended June 10, 2016, effective August 1, 2016.**

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

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

Final Report explaining the June 10, 2016 amendments clarifying that forfeited collateral may be applied to restitution published with the Court's Order at 46 Pa.B. 3238 (June 25, 2016).

PART B(2). Procedures When Citation Filed

Rule 413. Not Guilty Pleas—Notice of Trial.

(A) A defendant may plead not guilty by:

(1) appearing before the issuing authority, entering the plea, and depositing such collateral for appearance at trial as the issuing authority shall require; or

(2) notifying the issuing authority in writing of the plea and forwarding as collateral for appearance at trial an amount equal to the fine and costs specified in the summons, plus any additional fee required by law. If the fine and costs are not specified, the defendant shall forward the sum of \$50 as collateral for appearance at trial.

(B) The issuing authority, upon receiving a plea of not guilty, shall:

(1) fix a date and hour for trial;

(2) notify the defendant and the law enforcement officer of the date and hour fixed for the trial; and

(3) advise the defendant that failure to appear for trial shall constitute consent to trial in the defendant's absence and if the defendant is found guilty, the collateral deposited shall be forfeited and applied toward the fine [**and**], costs, **and restitution**, and the defendant shall have the right to appeal within [**thirty**] 30 days for a trial *de novo*.

Comment

It is intended that the defendant will appear in person before the issuing authority to plead not guilty when the defendant cannot afford to deposit the amount of collateral specified in the summons or the \$50 when no amount is specified. A plea entered by mail must be accompanied by the full amount of collateral. *See* Rule 452. All checks for collateral shall be made payable to the magisterial district number set forth on the summons.

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offense charged.

Paragraph (B)(3) was amended in 2016 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority. See 18 Pa.C.S. § 1106(d) for the authority of a magisterial district judge to impose restitution on a defendant.

Official Note: Previous rule, originally numbered Rules 141 and 142, adopted January 31, 1970, effective May 1, 1970; combined, and renumbered Rule 63, and amended September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 454. Present Rule 63 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 413 and amended March 1, 2000, effective April 1, 2001; **amended June 10, 2016, effective August 1, 2016.**

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. (February 16, 1991).

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

Final Report explaining the June 10, 2016 amendments clarifying that forfeited collateral may be applied to restitution published with the Court's Order at 46 Pa.B. 3238 (June 25, 2016).

PART C. Procedures in Summary Cases When Complaint Filed

Rule 423. Not Guilty Pleas—Notice of Trial.

(A) A defendant may plead not guilty by:

(1) appearing before the issuing authority, entering the plea, and depositing such collateral for appearance at trial as the issuing authority shall require; or

(2) notifying the issuing authority in writing of the plea and forwarding as collateral for appearance at trial an amount equal to the fine and costs specified in the summons, plus any additional fee required by law. If the fine and costs are not specified, the defendant shall forward the sum of \$50 as collateral for appearance at trial.

(B) The issuing authority, upon receiving a plea of not guilty, shall:

(1) fix a date and hour for trial;

(2) notify the defendant and the affiant of the date and hour fixed for the trial; and

(3) advise the defendant that failure to appear for trial shall constitute consent to trial in the defendant's absence and if the defendant is found guilty, the collateral deposited shall be forfeited and applied toward the fine [and], costs, and restitution, and the defendant shall have the right to appeal within 30 days for a trial *de novo*.

Comment

It is intended that the defendant will appear in person before the issuing authority to plead not guilty when the defendant cannot afford to deposit the amount of collateral specified in the summons or the \$50 when no amount is specified. A plea entered by mail must be accompanied by the full amount of collateral. *See* Rule 452. All checks for collateral shall be made payable to the magisterial district number set forth on the summons.

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offenses charged.

Paragraph (B)(3) was amended in 2016 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority. See 18 Pa.C.S. § 1106(d) for the authority of a magisterial district judge to impose restitution on a defendant.

Official Note: Previous Rule 68 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and not replaced in the present rules. Present Rule 68 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 423 and amended March 1, 2000, effective April 1, 2001; **amended June 10, 2016, effective August 1, 2016.**

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

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

Final Report explaining the June 10, 2016 amendments clarifying that forfeited collateral may be applied to restitution published with the Court's Order at 46 Pa.B. 3238 (June 25, 2016).

PART E. General Procedures in Summary Cases

Rule 452. Collateral.

* * * * *

(G) The collateral deposited may be forfeited after conviction at the summary trial and applied to payment of the fine [and], costs, and restitution.

Comment

The term "collateral" is intended to convey the dual purpose of the amount of money that is deposited. First, the amount deposited is used as bail to secure the defendant's appearance at the summary trial. Second, the amount deposited is used as security, and may be forfeited in the event of a conviction to satisfy any fine [and], costs, and restitution.

A defendant may not be penalized or denied a hearing because he or she cannot pay the full amount of the fine and costs as collateral.

For the purpose of paragraph (F), any guaranteed arrest bond certificate issued by an automobile club or association pursuant to 40 P.S. § 837 (1959) would constitute a “cash equivalent.”

Paragraph (G) was amended in 2016 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority. See 18 Pa.C.S. § 1106(d) for the authority of a magisterial district judge to impose restitution on a defendant.

Official Note: Rule 81 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; Comment revised May 14, 1999, effective July 1, 1999; renumbered Rule 452 and Comment revised March 1, 2000, effective April 1, 2001; amended April 10, 2015, effective July 10, 2015; **amended June 10, 2016, effective August 1, 2016.**

Committee Explanatory Reports:

Final Report explaining the May 14, 1999 Comment revisions published with the Court’s Order at 29 Pa.B. 2775 (May 29, 1999).

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

Final Report explaining the April 10, 2015 amendment concerning the setting of collateral published with the Court’s Order at 45 Pa.B. 2045 (April 25, 2015).

Final Report explaining the June 10, 2016 addition of “restitution” to the list of items for which collateral may be forfeited after conviction published with the Court’s Order at 46 Pa.B. 3238 (June 25, 2016).

Rule 455. Trial in Defendant’s Absence.

* * * * *

(E) Any collateral previously deposited shall be forfeited and applied only to the payment of the fine [**and**], costs, **and restitution**. When the amount of collateral deposited is more than the fine [**and**], costs, **and restitution**, the balance shall be returned to the defendant.

(F) If the defendant does not respond within 10 days to the notice in paragraph (D), the issuing authority may issue a warrant for the defendant’s arrest.

Comment

* * * * *

If the defendant is 18 years of age or older and fails to pay or appear as required in paragraph (D), the issuing authority must proceed under these rules.

Paragraph (E) was amended in 2016 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority. See 18 Pa.C.S. § 1106(d) for the authority of a magisterial district judge to impose restitution on a defendant.

Concerning the appointment or waiver of counsel, see Rules 121 and 122.

For arrest warrant procedures in summary cases, see Rules 430 and 431.

Official Note: Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended August 15, 2005, effective February 1, 2006; Comment revised January 17, 2013, effective May 1, 2013; Comment revised July 17, 2013, effective August 17, 2013 ; Comment revised March 9, 2016, effective July 1, 2016; **amended June 10, 2016, effective August 1, 2016.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 9, 2016 Comment revision cross-referencing the sentencing provisions in Rule 454(F) published with the Court’s Order at 46 Pa.B. 1540 (March 26, 2016).

Final Report explaining the June 10, 2016 amendments clarifying that forfeited collateral may be applied to restitution published with the Court’s Order at 46 Pa.B. 3238 (June 25, 2016).

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

PART B. Philadelphia Municipal Court Traffic Division Procedures

Rule 1031. Institution of Proceedings in Summary Traffic Cases.

(A) Summary traffic cases in Philadelphia shall be instituted by:

- (1) issuing a citation to the defendant as provided in Rules 405—409;
- (2) filing a citation with the Philadelphia Municipal Court Traffic Division as provided in Rules 410—414; or
- (3) arresting without a warrant when arrest is specifically authorized by law as provided in Rules 440 and 441.

(B) When provided by local rule as an exception to the trial notice procedures in Rule 408(B), the law enforcement officer also shall give the defendant written notice of the date and time and location set for the summary trial when a citation is issued to the defendant as provided in Rule 405.

(1) The trial notice shall include an explanation that if the defendant enters a guilty plea and pays the fine and costs indicated on the citation within the specified time, the summary trial will be cancelled.

(2) The trial notice also shall include notice to the defendant that:

- (a) failure to appear for the trial shall constitute consent for the trial to be conducted in the defendant’s absence;
- (b) if the defendant is found guilty, the collateral deposited will be forfeited and applied [**toward the fine and costs**] to payment of the fine, costs, and restitution; and
- (c) the defendant will have the right to appeal within 30 days for a trial *de novo* in the court of common pleas.

Comment

See Rule 403 for the contents of the citation.

The trial notice permitted in paragraph (B) may be added to the citation form.

Paragraph (B)(2)(b) was amended in 2016 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority.

See Rule 105 for the procedures for promulgating local rules.

Official Note: Adopted September 9, 2005, effective February 1, 2006; amended May 7, 2014, effective immediately; **amended June 10, 2016, effective August 1, 2016.**

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 5242 (September 24, 2005).

Final Report explaining the May 7, 2014 amendments concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Final Report explaining the June 10, 2016 addition of "restitution" to the list of items for which collateral may be forfeited after conviction published with the Court's Order at 46 Pa.B. 3238 (June 25, 2016)

FINAL REPORT¹

Amendments to Pa.Rs.Crim.P. 408, 413, 423, 452, 455, and 1031

Restitution and Forfeited Collateral in Summary Cases

On June 15, 2016, effective August 1, 2016, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 408 (Not Guilty Pleas—Notice of Trial), 413 (Not Guilty Pleas—Notice of Trial), 423 (Not Guilty Pleas—Notice of Trial), 452 (Collateral), 455 (Trial in Defendant's Absence), and 1031 (Institution of Proceedings in Summary Traffic Cases) to clarify that restitution is one of the types of assessments for which collateral may be forfeited after conviction in a summary case.

Retention of summary case collateral has long been permitted under Rule 452(G) which states, "The collateral deposited may be forfeited after conviction at the summary trial and applied to payment of the fine and costs." The Minor Judiciary Education Board asked the Committee to consider whether collateral that had been previously set could be similarly applied to pay restitution awarded in summary cases. This question was prompted by the Court's recent adoption of amendments to Rule 528 (Monetary Condition for Release of Bail) and Rule 535 (Receipt for Deposit; Return of Deposit) that provided procedures in court cases for applying bail that would be otherwise returnable to case assessments including restitution. The Board suggested the Committee consider an amendment to Rule 452 to include specific mention of restitution.

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

The language regarding forfeiture of collateral has been in Rule 452 (originally Rule 81) since it first was adopted in 1985. It appears that this provision developed in consideration of the traditional summary citation case, usually involving traffic offenses, where the defendant is permitted to post collateral for a fixed fine and costs while awaiting the summary trial. This collateral then could be applied to the fine and costs if the defendant failed to appear or could be applied directly if the defendant were convicted. In these types of cases, restitution was rarely awarded. However, in developing the rule, the Committee did not appear to have considered other summary cases, such as non-traffic offenses, where there is no fixed fine and where restitution can be a factor in the potential sentence.

Additionally, at the time, there was a question among some issuing authorities of their power to impose restitution as part of a summary sentence. Certainly, if there was previously a question on the authority of MDJs to award restitution, that has been addressed statutorily in paragraph (d) of Section 1106 of Title 18, the general restitution provision. Furthermore, the summary case rules contain numerous references to the award of restitution in summary cases. For example, Rule 403 (Contents of Citation), while not requiring restitution to be listed on the citation, contains Comment language making passing reference to the award of restitution as part of a summary sentence. Similarly, Rule 462 (Trial *De Novo*) references restitution as part of the sentence. Furthermore, the collection of restitution by magisterial district judges in summary cases appears to have been a long-standing practice, particularly in non-traffic summaries such as criminal mischief, bad checks, retail theft and other crimes where there may have been loss of property or damages. In addition, the Magisterial District Justice System (MDJS) currently permits collateral in summary cases to be used to offset restitution.

The allowance under Rule 452(G) that collateral may be forfeited to be applied to case assessments was, until recently, one of the major differences between summary collateral and court case bail. As noted in the Comment to Rule 452, collateral has a dual purpose as bail to secure the defendant's appearance at the summary trial, and as security for the payment of fines and costs. With the Court's recent approval of the changes to Rules 528 and 535, that permits returnable bail money to be retained to pay case assessments, that distinction has become less pronounced.

The Committee therefore concluded that there is not a compelling reason why collateral should not be used to satisfy restitution. Furthermore, it is inconsistent to permit the application of bail money to restitution in court cases but not collateral for restitution in summary cases. This is especially compelling in light of the Court's recent adoption of Rule 705.1 and associated correlative rule changes designed to enhance the collection of restitution in court cases.² Finally, the amendment to Rule 452(G) codifies current practice.

The Committee considered whether the amendments should include procedures similar to those contained in the amendments to Rules 528 and 535 for the retention of bail, such as requiring a motion by the attorney for the Commonwealth. The Committee concluded that, given the relatively small amount of money set for collateral in summary cases which is limited under Rule 452(A) to the full amount of fines and costs, incorporating such exten-

² See 46 Pa.B. 1532 (March 26, 2016).

sive procedures would needlessly complicate a process currently being accomplished without reported problem.

As a result of post-submission comments from the Court, the Committee considered the advisability of making changes to Rules 408, 413, 423, and 455. Paragraph (B)(3) of Rules 408, 413, and 423 provide for several notices to be given to a defendant in response to a not guilty plea being entered. In addition to notice of when the summary trial will take place, the defendant is advised that the collateral will be forfeited if he or she fails to appear for the trial. Restitution usually would not be calculated when setting the collateral because that would usually occur at sentencing. However, there is a potential in some cases in which the defendant is tried *in absentia* and restitution awarded as part of the sentence. Then a court could have the collateral forfeited which could then be applied to the restitution owed. Therefore, the Committee concluded that inclusion of restitution in the notice would avoid any possible confusion. Accordingly, changes similar to those made to Rule 452 have been made to these three rules.

During the development of these rule changes, the Committee discovered that Paragraph (B)(3) of Rule 423 contained a typographical error in that it failed to state the number of days that a defendant has in which to file an appeal for a trial *de novo*. It appears that this error occurred during the renumbering of the rules in 2000. As part of those amendments, when numbers were contained in the rules, they were converted from text to Arabic numerals. It appears that the term “thirty” was removed from Rule 423(B)(3) but that the numeral “30” had not been added. Also, the term “thirty” in the identical paragraphs in Rules 408 and 413 had not been converted to the numeral “30.” This technical correction has been made to all three of these rules.

Rule 455(E)³ describes the handling of collateral following a trial *in absentia* including the distribution of forfeited collateral. As the language of this paragraph mirrors Rule 452(B), the Committee determined that the language of the rules should be consistent. Therefore, amendments comparable to the changes to Rule 452(B) have been made to Rule 455(E).

The Committee also considered a similar change to Rule 1031(B)(2)(b) that governs the institution of summary traffic cases in the Philadelphia Municipal Court Traffic Division. Although currently restitution sentences are not being awarded in these cases, the Committee considered whether the changes should be included for consistency. Committee members consulted with representatives of the Traffic Division who indicated that while sentences of restitution are not currently issued in traffic cases, they did not want to preclude the possibility of using forfeited collateral for any such awards should they be used in the future. It should be noted that, while 18 Pa.C.S. § 1106 does not specifically provide for restitution in traffic cases, there are several provisions of the Motor Vehicle Code that permits restitution to be awarded for certain cases. *See, e.g.*, 75 Pa.C.S. § 6126. Therefore, amendments similar to the other rules have been made to Rule 1031.

[Pa.B. Doc. No. 16-1058. Filed for public inspection June 24, 2016, 9:00 a.m.]

³ The text of Rule 455 included in this rule change package reflects the changes that were approved by the Court on March 9, 2016 and will become effective July 1, 2016. *See* 46 Pa.B. 1532 (March 26, 2016).

Title 25—LOCAL COURT RULES

ADAMS COUNTY

Rules of Judicial Administration; Administrative Order No. 5 of 2016

Order of Court

And Now, this 9th day of June, 2016, *It Is Hereby Ordered* that the following rule be added to the Adams County Rules of Judicial Administration:

325. Exhibits Generally.

A. When the Clerk of Courts or Prothonotary is serving the Court and present during a judicial proceeding and an attorney or party needs to have an exhibit entered into evidence:

1. The Clerk of Courts or Prothonotary shall be responsible for marking the exhibit.
2. For criminal matters, the Clerk of Courts shall be responsible for maintaining an exhibit sheet.
3. When the proceeding has adjourned, the Clerk of Courts or Prothonotary shall be responsible for taking and maintaining possession of all exhibits that have been admitted into evidence;

a. Placement of the document exhibits in the appropriate file;

b. If there are other physical exhibits (weapons, instruments of crime/fraud, etc.), the Sheriff's Office will provide the Clerk of Courts or Prothonotary with an escort to the filing office.

4. Court Reporters shall be responsible for providing blank exhibit tags to the Clerk of Courts or Prothonotary.

B. If neither the Clerk of Courts nor Prothonotary is serving the Court and present during a judicial proceeding and an attorney or party needs to have an exhibit entered into evidence:

1. The Court Reporter shall be responsible for marking exhibits;

2. For criminal matters, the Court Reporter shall be responsible for maintaining an exhibit sheet to be filed with the Clerk of Courts.

3. When the proceeding for which neither the Clerk of Courts nor Prothonotary were present has concluded for the day:

a. The Tipstaff in charge of the courtroom shall be responsible for:

- i. Gathering all exhibits;
- ii. For criminal matters, gathering the exhibit sheet from the Court Reporter;
- iii. If applicable, verifying that the exhibits match the items listed on the sheet;

iv. Returning the exhibits and exhibit sheet, if applicable, to the appropriate filing office, who shall verify receipt of all exhibits upon acceptance.

b. The Sheriff in charge of the courtroom shall be responsible to escort the Tipstaff to the filing office if there are other physical exhibits (weapons, instruments of crime/fraud, illegal substances, etc.).

4. If the court proceeding ends for the day after the closing of a filing office, the Chief Tipstaff or designee shall ensure the securing of all exhibits in a locked area that is only accessible to the Chief Tipstaff or designee.

a. If the court proceeding resumes the next business day, the Chief Tipstaff or designee shall return the exhibits to the courtroom unless otherwise instructed by the presiding Judge.

b. If the court proceeding has concluded, the Chief Tipstaff or designee shall return the exhibits to the appropriate filing office at the beginning of the next business day, to be escorted by the Sheriff's Office if there are other physical exhibits (weapons, instruments of crime/fraud, illegal substances, etc.).

C. In the event the Court takes a matter under advisement and needs to maintain the exhibits, the Tipstaff in charge of the courtroom shall:

1. Gather the exhibits;
2. For criminal matters, gather the exhibit sheet from the Court Reporter;
3. Secure the exhibits in a locked area that is only accessible to the Chief Tipstaff or designee and to allow them to be removed when the presiding Judge requests to examine them, and to re-secure them when the presiding Judge is no longer needs them;
4. When instructed by the presiding Judge, return the exhibits to the appropriate filing office, to be escorted by the Sheriff's Office if there are other physical exhibits (weapons, instruments of crime/fraud, illegal substances, etc.).

D. The handling of exhibits as described in this Rule only applies to exhibits that have been admitted by the Court. Any exhibits introduced but not admitted by the Court shall be the responsibility of the party that introduced the exhibit.

This rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. *It Is Further Directed that:*

A. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts Office and the Adams County Law Library for inspection and copying;

B. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts for distribution in accordance with the provisions of Pa.R.J.A. 103(c)(5); and

C. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format per 1 Pa. Code § 13.11(d), containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 16-1059. Filed for public inspection June 24, 2016, 9:00 a.m.]

CUMBERLAND COUNTY Local Rule 456; 96-1335 Civil

Order

And Now this 16th day of May, 2016, effective June 1, 2016, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, the following Cumberland County Summary Warrant Policy/Procedure is herewith made a Local Rule of Court to be known and numbered as Cumberland County Local Rule 456.

Pursuant to Pa.R.Crim.P. 105, the Court Administrator is directed to distribute two certified paper copies of the Local Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The Court Administrator shall also distribute to the Legislative Reference Bureau a copy of the Local Rule on a computer diskette or on a CD-ROM, that complies with the requirement of 1 Pa. Code § 13.11(b). It is further directed that the Court Administrator file one certified copy of the Local Rule with the Administrative Office of Pennsylvania Courts and forward a copy of the Local Rule for the purpose of publication on the Unified Judicial System's website at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

By the Court

EDWARD E. GUIDO,
President Judge

Cumberland County Summary Warrant Policy/ Procedure:

1. Central Booking is available during defined time periods to hold defendants with summary warrants that police encounter during their normal course of duty or constables executing warrants issued to them directly by a Magisterial District Judge.

2. *Defined hours:* Sunday through Thursday during non-court hours. Central Booking will not accept defendants with summary warrants on Friday, Saturday, and County holidays. At any time during the defined hours that Central Booking may experience full capacity, police and/or constables will be informed of a temporary suspension of acceptance of Summary Warrant defendants over the 911 Police Radio System.

3. This policy does not pertain to juvenile defendants with summary warrants. Juvenile defendants with summary warrants will not be accepted at Central Booking.

4. In the event that Central Booking is able to ascertain that the defendant has medical issues that put them at risk during holding, Central Booking will issue a Payment Determination Hearing Notice and release the defendant. An officer or constable serving a summary warrant should ask the defendant if they require life-sustaining medication over the period of time until the defendant might be released (the next day) and attempt to obtain that medicine for the defendant.

5. If the defendant suffers a medical episode while in Central Booking, the defendant will be released to EMS.

6. Central Booking will complete an Intake form on each defendant brought in on a summary warrant so that updated contact information is collected.

7. Warrant Procedures:

a. Summary Warrants for Non-Payment:

• Per this policy, warrants not issued to a constable for service by an MDJ should be verified on AOPC <https://ujportal.pacourts.us/>.

- For verified active warrants, the defendant's case attached to the warrant can be located at <https://ujsportal.pacourts.us/> by accessing ePay. You will need the defendant's first name, last name, and DOB. Select MDJ cases and the case associated with the warrant.

- The defendant must pay the amount necessary to bring the payment plan on the warrant's case up to date. If the delinquent payment amount cannot be made in full at the time of service, the defendant may be transported to Central Booking.

- *For constables:* A Fee bill must be attached to the warrant paperwork at Central Booking in order to facilitate proper addition of fees to the defendant's case. Central Booking will forward the Fee bill to the Magisterial District Judge for review and assessment.

- The defendant will be held at Central Booking until either a). A release amount as defined in this policy can be paid, or b). the issuing Magisterial District Judge is informed and makes a determination of action.

- *Release Policy:* The Central Booking Center will release defendants immediately when the following release amounts are met:

- The release amount will be based on the delinquent payment amount as determined through AOPC's ePay system. If the full amount of the delinquent payment plan is under \$200, delinquent payment amount must be paid in full.

- If the full amount of the delinquent payment plan is \$200 or over, the minimum amount of \$200 or 50% of the total, whichever is greater, must be paid.

- If the defendant has multiple summary warrants, the total of all warrants delinquent payment plans will determine the release amount. If the total of all of the amounts owed on all cases exceeds \$1000.00, the defendant must pay a minimum of \$500. That amount should be put towards the oldest case first, next oldest, etc.

- A chart of release amounts is attached to this policy.

- If the release amount is met, but bringing the payment plan into current status is not equal to the full amount owed on the warrant, the defendant will be given a Payment Determination Hearing Notice scheduling such hearing on a weekday and time selected by each Magisterial District Judge for their cases. This date shall be not less than 2 weeks following release (providing at least 10 days notice per Rule 456).

- Central Booking will email a copy of the receipt and the hearing notice, if applicable, to the Magisterial District Judge to notify them of the payment and release. The Magisterial District Judge shall clear the warrant.

- If the defendant is not able to make the release amount, Central Booking may still collect a lesser amount towards the summary warrant total. The defendant will be held until court hours the next morning and the issuing Magisterial District Judge is informed and makes a determination of action.

- No defendant shall be committed without following the steps outlined in Title 42 Pa.C.S. 4137 for sections (a3) and (a4). After issuance of a warrant, bail and a contempt hearing shall be set. If imprisonment is a possibility, hearings should be set on Public Defender day. For District Courts that regularly schedule hearings in only the morning or afternoon on PD day, select a time that corresponds with the Public Defender's normal schedule (am or pm).

b. *Summary Warrants for Failure to Respond:*

- Per this policy, warrants not issued to a constable for service by an MDJ should be verified on AOPC <https://ujsportal.pacourts.us/>.

- Pursuant to Rule 431, the police officer or constable serving the warrant shall:

- 1) Accept a signed guilty plea and the full amount of fines and costs if stated on the warrant;

- 2) Accept a signed not guilty plea and the full amount of the collateral on the warrant if stated on the warrant; or

- 3) If the defendant is unable to pay the full amount of fines and costs or the defendant is unable to pay the collateral, transport the defendant to Central Booking.

- Signed plea paperwork shall be forwarded to the MDJ office. The Magisterial District Judge shall clear the warrant.

- *For constables:* A Fee bill must be attached to the warrant paperwork at Central Booking in order to facilitate proper addition of fees to the defendant's case. Central Booking will forward the Fee bill to the Magisterial District Judge for review and assessment.

- *Release Policy:* The Central Booking Center will release defendants immediately when the following release amounts are met:

- 1) For a guilty plea, the release amount will be based on the total amount of fines and costs if stated on the warrant. If the full amount of the fines and costs is under \$200, the amount must be paid in full.

- 2) If the full amount of the fines and costs is \$200 or over, the minimum amount of \$200 or 50% of the total, whichever is greater, must be paid.

- 3) If the defendant has multiple summary warrants for Failure to Respond, the total of all warrants' fines and costs will determine the release amount. If the total of all of the amounts owed on all cases exceeds \$1000.00, the defendant must pay a minimum of \$500. That amount should be put towards the oldest case first, next oldest, etc.

- 4) If the release amount is met, but the full amount of fines and costs is not paid, the defendant will be given a Payment Determination Hearing Notice for a date and time selected by each Magisterial District Judge for their cases for the following week.

- 5) For not guilty pleas, 100% of the collateral, if stated on the warrant, must be paid.

- If a defendant has summary warrants for Failure to Pay and Failure to Respond, apply the appropriate policy to each type, separately.

- Central Booking will email a copy of the signed receipt, signed plea paperwork, and any hearing notices to the Magisterial District Judge to notify them of the payment and release. The Magisterial District Judge shall clear the warrant.

- If the defendant cannot meet the release amount or the collateral, the Magisterial District Judge shall conduct a bench warrant hearing. If the Magisterial District Judge is unavailable, please refer to c. (Release without payment).

- *c. Release without payment:* Central Booking will email the Magisterial District Office that a defendant is being held on a summary warrant. If the Magisterial District Office has not contacted Central Booking regarding hold-

ing a bench warrant hearing for the defendant by noon the following day, the defendant will be released with a Payment Determination Hearing Notice scheduling such hearing on a weekday and time selected by each Magisterial District Judge for their cases. This date shall be not less than 2 weeks following release (providing at least 10 days notice per Rule 456).

d. *Collection of Money:*

- Warrants must clearly establish the total amount owed or collateral amount. If a Failure to Respond Warrant has no fines and costs or collateral listed, you should accept the guilty plea or not guilty plea without payment and forward to the Magisterial District Judge per the policy below (“Upon facilitating payment” and “When a warrant is served and payment is facilitated”). The amount paid shall be “warrant satisfied.”

- Each Police Department may determine if they will facilitate the monetary satisfaction of the warrant as described below. If a department does not want to participate in the payment process, the defendants may be transported to Central Booking.

- *For Failure to Pay:* Police or Constables serving a warrant and facilitating collection may assist the defendant to make a payment through AOPC’s ePay (<https://ujportal.pacourts.us/>).

- *For Failure to Respond:* Police or constables serving a warrant and facilitating collection may assist the defendant to make a payment through the Valu Payment System.

- Upon facilitating payment, the defendant should be given a copy of the warrant as a receipt with the following information:

- 1) Amount Paid
- 2) Date
- 3) Officer/Constable Name and Signature
- 4) Identifying Badge #/Constable Id
- 5) Signature of Defendant

- When a warrant is served and payment is facilitated by an officer or a constable, the issuing MDJ Office must be informed by the police officer or constable via email that the warrant has been served, and the amount paid, so that the warrant can be cleared from the system. The Magisterial District Judge shall clear the warrant. A copy of the receipt must be forwarded to the Magisterial District Judge.

- At Central Booking, defendants will be allowed to use the phone to make calls to obtain payments.

- Central Booking will utilize ePay and Official payments as detailed above.

- Cash payments collected at Central Booking will be received per booking policy and payments will be submitted to Magisterial District Court 09-2-02 for processing.

- Magisterial District Court 09-2-02 shall enter the information as a new case and provide a refund to the originating MDJ’s office.

- 1) Enter district court number 09-2-02. Click on Payment Icon that says “Receipt by Responsible Participant.”

- 2) The “Responsible Participant” entered is the Court receiving the payment.

- 3) It will then say that there is no balance due.

- 4) Click “Add” and a new screen appears.

- 5) In “Assessment Category” choose “Escrow”

- 6) For “Assessment Type” choose “Night Court Payment”

- 7) For “Assessment Amount” type in the amount collected

- 8) There is a place for docket number, which is the case that had the warrant.

- 9) In the comments, we would put “Warrant served for _____ defendant. _____ amount collected.”

e. Procedure for Central Booking when a defendant comes in with a Fingerprint Order and is found to have a summary warrant:

- If the defendant is currently housed in another institution, Central Booking will notify the Magisterial District Judge by faxing a copy of the warrant with the name of the institution on it.

- If the defendant comes in during business hours on a Fingerprint Order or on a View Arrest and they have a Summary Warrant:

- 1) If the defendant has the cash or the ability to pay via a credit card, Central Booking will collect the payment.

- 2) If the defendant does not have the ability to pay, Central Booking will contact the Constable for that MDJ and request that they pick the defendant up and take him to the MDJ’s Office. If the Constable is not available, Central Booking will issue a Payment Determination Hearing Notice.

- 3) If the defendant enters Central Booking and he or she has children in the car, Central Booking will attempt to collect payment as detailed above, but will issue a Payment Determination Hearing Notice if the defendant is unable to pay.

f. Procedure for Cumberland County Prison when a defendant is incarcerated on another matter and has summary warrants:

- Apply the policy for both types of warrants as detailed above by attempting to collect the release amount.

- If the release amount is met, notify the Magisterial District Judge to cancel the warrant and provide the defendant with a receipt copy of the warrant and a Payment Determination Hearing upon release.

- If the release amount cannot be met, Cumberland County Prison will notify the Magisterial District Judge that the defendant has been issued a Payment Determination Hearing Notice upon release, provide the defendant with a receipt copy of the warrant upon release documenting “Payment Determination Hearing Notice has been served, date of release, and correction officer signature.” The Magisterial District Judge will cancel the warrant.

[Pa.B. Doc. No. 16-1060. Filed for public inspection June 24, 2016, 9:00 a.m.]

JUNIATA COUNTY

Repeal and Adoption of Rules of Orphans' Court Procedure; No. 201601972**Order**

And Now, May 31, 2016, it is hereby ordered and decreed that all Juniata County Rules of Orphans' Court Procedure filed prior to September 1, 2016 are repealed effective the date that the rules herein become effective. The Court hereby adopts the following Perry/Juniata County Rules of Orphans' Court Procedure to be effective as follows:

(1) All following local rules shall be effective September 1, 2016. It is further ordered that the District Court Administrator shall file:

(a) seven (7) certified copies of the Local Rules with Administrative Office of Pennsylvania Courts;

(b) two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) one (1) certified copy to the Civil Procedural Rules Committee, and the Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary and upon request and payment of reasonable costs of reproduction and/or mailing the Prothonotary shall furnish to any person a copy of the requested Local Rules.

By the Court

KATHY A. MORROW,
President Judge

Local Rules of Orphans' Court Procedure**Rule 1. Judges Local Rules.****Rule 1.1-1. Citation of Rules.**

These rules shall be known as the Rules of the Court of Common Pleas of Perry and Juniata Counties, Orphans' Court Division, adopted pursuant to PA O.C. Rule 1.5.

Rule 1.2-1. Certificates of Appointment of Fiduciary.

The Clerk of the Orphans' Court Division shall not issue a certificate of the appointment of any fiduciary until the security, if required by the Court, has been entered.

Rule 1.2-2. Corporate Sureties. Approval.

Surety companies authorized to do business in this Commonwealth may become surety on any bond or obligation required to be filed in the Court; provided that a current certificate of the right to do business, issued by the Insurance Department of this Commonwealth; shall be on file with the Clerk of the Orphans' Court, and provided, further, that no bond shall be executed by any surety company after May of any year, until such certificate, issued after March 31 of that year, shall have been on file with the Court.

Rule 1.6. Orphans' Court Mediation Program.

(a) Cases filed in the Orphans' Court division may be ordered into the Orphans' Court Mediation Program by the Judge to whom the case is assigned, or by request of any of the parties by filing a Request for a Court Appointed Mediator. Upon filing a request for a Court appointed mediator, the Judge to whom the case is assigned, shall appoint said mediator.

(b) The mediators shall be practicing attorneys that are members of the Perry County Bar Association and/or the

Juniata County Bar Association with an emphasis in their practice on Orphans' Court matters. A list of mediators shall be maintained by the District Court Administrator, and selected by the Court from said list.

(c) Upon appointment, the mediator shall schedule the mediation within forty five (45) days of the order of Court. The attendance of legal counsel, the parties and a representative, including an insurance carrier, with authority to enter into a full and complete compromise and settlement is mandatory, if applicable. If lead counsel, the parties or a representative fail to appear after having been properly notified, absent good cause, the mediation will be held as schedule.

(d) At least ten (10) days prior to the mediation, each party shall file and serve on the other party a mediation statement which must include the following: (1) a succinct explanation of the facts and relief sought; (2) significant legal issues that remain unsolved; (3) summary of medical and expert reports (if applicable); (4) itemized list of damages; and (5) settlement posture and rationale. Failure to file a mediation statement may result in sanctions if requested by the mediator.

(e) Each party to the case selected for mediation shall pay a mediation fee to be made payable to the Clerk of the Orphans' Court and submitted to the Clerk of the Orphans' Court. The mediation fee shall be set by administrative order, and information with regard to the fee shall be available from the Clerk of the Orphans' Court.

(f) If the case has not been resolved, within fourteen (14) days from the date of the mediation, the mediator shall send a report setting forth the mediator's assessment of the case and the mediator's recommendation regarding settlement. A copy of the report shall be provided to and maintained by the District Court Administrator until the case is closed.

(g) If the case is resolved and a settlement agreed upon, the mediator shall send a letter to the Judge, with copies to counsel and the District Court Administrator.

(h) The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be liable and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to Common Pleas Judges. Notwithstanding the preceding subsections the court may in its discretion set a case for an alternative dispute resolution ("ADR") before a private mediator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-ordered private mediation; provided, however, that the Court shall take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

1.6-1. Forms.

Attached to these rules, is the form to be used for the Request for a Court Appointed Mediator in Orphans' Court matters.

Rule 5.10(b). Public Sale of Real Property.

(a) After allowance of public sale of real property, the petitioner shall, in addition to such notice as required by law, give notice of the sale to each party in interest. The notice may be given by first class mail and must be given

at least twenty (20) day prior to the date of the proposed sale. In addition, notice of the sale must be published at least one time in a newspaper of general circulation in the county where the real property is located.

(b) The published public notice of the sale shall contain the following information:

(i) the address of the property and the municipality in which it is located;

(ii) the area of the property in terms of acres or square feet;

(iii) a list of the improvements of the property, if one is available;

(iv) a deed or survey description of the property, if one is available

(v) the name of the grantee of the last recorded deed for the property, together with the deed/record book or instrument number.

Rule 5.16-1. Procedure under § 3102.

Probate, Estates and Fiduciaries Code of 1972.

(a) *Contents of Petition.* A Petition under section 3102 of the Probates, Estates and Fiduciaries Code of 1972 (20 P.S. Section 3102), for the settlement of a small estate shall set forth

(1) the name, date of death and residence of decedent;

(2) the name and address of the petitioner, his relationship to the decedent and whether or not he formed a part of the decedent's household at the date of his death;

(3) if petitioner be the surviving spouse, the date and place of the ceremonial marriage, and the name and official capacity of the person who performed the ceremony; or, in the case of a common law marriage, all averments necessary to establish the validity of such marriage;

(4) whether the decedent died testate or intestate; where, when and to whom letters were granted, and the amount of bond given by the personal representative;

(5) the names, relationships and a brief description of the interest of all persons entitled to share in the decedent's estate under the will or intestate laws, stating which are minors, incompetents or deceased, with the names of their fiduciaries, and whether any of them has received or retained any property of the decedent by payment of wages under Section 3101 of the Probate, Estates and Fiduciaries Code (20 P.S. Section 3101) or otherwise;

(6) the person entitled to the family exemption, and the facts on which the claim is based;

(7) an itemized statement of the property of the decedent and an appraisal thereof;

(8) the disbursements made prior to the filing of the petition; the date and name of the person to whom paid; and the nature and amount of each payment;

(9) the names and all unpaid claimants of whom the petitioner has notice or knowledge; the nature and amount of each claim; and whether such claims are admitted;

(10) that a schedule of assets and deductions for inheritance tax purposes has been filed with the Register; the amount of any inheritance tax assessed; and the date of payment thereof;

(11) that ten days' written notice of intention to present the petition has been given to every unpaid beneficiary,

heir or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown; and

(12) a prayer for distribution of the property, setting forth the persons entitled and their distributive shares and requesting the discharge of the personal representative and the release of their surety, if letters have been granted and advertised.

(b) *Exhibits.* The following exhibits will be attached to the petition;

(1) a copy of decedent's will;

(2) consents of the surety, and of unpaid beneficiaries, heirs and claimants who consent thereto;

(3) a copy of the notice given; and

(4) the inheritance tax voucher, or in lieu therefore a statement from the Pennsylvania Department of Revenue that no tax is due.

(c) *Appraisal.* No formal appraisal is required, unless ordered by the court.

Rule 5-16-2. Procedures Under § 3546.

Probate, Estate and Fiduciaries Code of 1972.

(a) *Contents of Petition.* A petition under section 3546 of the Probate, Estates and Fiduciaries Code of 1972 (20 P.S. Section 3546) for the determination of title shall set forth

(1) the name of the petitioner and his relationship to the decedent;

(2) the facts on which the claim of the petitioner is based;

(3) whether the decedent died testate or intestate, and where, when and to whom letters were granted;

(4) a description of the real property located within the Commonwealth, and the place, book and page and/or instrument number of recording of the last deed thereto.;

(5) the names and addresses of all known creditors and parties in interest; and

(6) the facts material to a determination of the title.

(b) *Exhibits.* The following exhibits shall be attached to the Petition:

(1) the notice which has been given to creditors, and parties in interest; if the heirs of the decedent are unknown, a copy of the notice given to the Attorney General; and a

(2) a copy of the decedent's will.

Rule 9.1. Notice of Hearings.

Notice of the initial hearing shall be given by regular mail to the counsel of record for the Estate, counsel of record for the exceptant(s), each heir at the last known address, to each unpaid creditor and to the Department of Revenue, the Department of Human Services, or other agency of the Commonwealth of Pennsylvania, if such Department or agency has, according to the information of the Clerk, a claim against the estate to be audited. If a party is unrepresented, notice shall be mailed to the last known address of record.

To the extent possible, the auditor shall expedite the hearings, and any party in interest may apply to the Court for an order on the auditor to proceed and file a report or else give the reasons for the alleged delay, if there be an unreasonable delay.

9.1.-1. Pre-Hearing Conference.

The auditor shall schedule a pre-hearing conference at which time the accountant or his attorney shall present to the auditor all written notices of claims of creditors, legatees, devisees, next of kin and others interested in the estate given the accountant and also a list of all other creditors of which he/she has any information and mention the claims of creditors he recommends for allowance.

Rule 9.6. Notice of Filing Report.

When the auditor has his report completed, he/she shall present it to the Court along with a proposed Decree Nisi for consideration by the Court. A copy of said report and the signed Decree Nisi shall be mailed via regular mail to all attorneys who appeared before him and all exceptants who appeared without attorneys.

9.7. Confirmation of Report.

When an auditor's report is presented to the Court, it will be confirmed nisi and filed. Exceptions to the Report must be filed within fifteen (15) days of the date of the Decree Nisi. When no exceptions to an auditor's report are filed within the said period, the Clerk of the Orphans' Court shall endorse the absolute confirmation on the report.

9.8-1. Security for Expenses and Fees.

The Estate and exceptant(s) shall each provide to the Auditor an estimate of the amount of time needed to present their case. Thereafter, the Auditor shall recommend to the Court an amount to be held in escrow by the Register of Wills. Said deposit shall be applied to the Auditor's bill of costs as submitted by the Auditor and approved by the Court.

If exceptions are filed to the Report prior to confirmation absolute or if an appeal is filed after the confirmation, the party filing the same must pay in full all outstanding auditor's fees and costs as set forth on the Auditor's bill of costs, regardless of the recommendation of the Auditor as to allocation of the payment. The Court may address the issue of auditor's fees and costs at the time of the disposition of the exceptions or appeal.

10.1.-1. Certification of Record.

(a) *Contents of Petition.* A Petition to fix a date for a hearing from a certification of record to the court from the Register shall be promptly presented to the court and shall set forth;

- (1) the nature of the proceedings before the Register;
- (2) the basis for the certification of record; and
- (3) the names and address of all parties in interest including those who have not been made parties to the record.

(b) *Certification by Register.* When the record has been certified by the Register, the petition required by subparagraph (a) shall be presented by the party who instituted the contest, or, in special circumstances, as the Court may direct.

(c) *Citation.* Upon allowance of the petition, a citation will be issued, directed to all parties in interest, including those not represented on the record, to show cause why the matter upon which the certification is requested or based, as the case may be, should not be determined by the Court on a day certain therein indicated.

10.4. Appeals for the Register of Wills.

(a) *Contents of Petition.* When an appeal is taken from a judicial act of, or proceeding before, the Register, the appellant shall promptly present a petition to the Court, which shall set forth:

- (1) the nature of the proceeding before the Register;
- (2) the basis for the appeal; and
- (3) the names and address of all parties in interest, including those who have not been made parties to the record.

(b) *Citation.* If the petition sets forth a prima facie case, a citation will be issued, directed to all parties in interest, including those not represented on the record, to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside.

10.4.1. Grant of Jury Trial.

(a) On appeal from the Register, or in a proceeding removed from or certified by the Register, the Court in its discretion may impanel a jury at any stage of the proceedings and forthwith proceed with a jury trial.

(b) On appeal from the Register, or in a proceeding removed from or certified by the Register, the Court in its discretion may, either at the conclusion of all the evidence presented by proponents and contestants or before all such evidence has been produced, when it is satisfied that sufficient evident has been presented so as to warrant, grant a jury trial at a future date.

(c) If a jury trial is granted, as provided in subparagraph (a) or (b) hereof, the Court shall enter a decree specifying the issues to be tried, which may be in the form agreed upon by the parties, or as the court shall determine.

[Pa.B. Doc. No. 16-1061. Filed for public inspection June 24, 2016, 9:00 a.m.]

LUZERNE COUNTY**Order Amending Rule of Civil Procedure 1301 (Arbitration); No. 5666 of 2016****Order**

And Now, this 23rd day of May, 2016, it is hereby *Ordered*, as follows:

1. Luzerne County Rule of Civil Procedure (Luz.Co.R.Civ.P.) 1301 et seq. is Rescinded, and new Luzerne County Rule of Civil Procedure (Luz.Co.R.Civ.P.) 1301, a copy of which follows, is hereby adopted as Luzerne County Rules of Civil Procedure (Luz.Co.R.Civ.P.) 1301—13, effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. It is further Ordered that the Court Administrator shall file one (1) certified copy of this Rule with the Administrative Office of Pennsylvania Courts, two (2) copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

3. It is further Ordered that these local rules shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County.

By the Court

RICHARD M. HUGHES, III,
President Judge

Rule 1301—Arbitration

Rule 1301. Cases Subject to Arbitration.

(a) All civil actions, actions in replevin and actions upon mechanics' liens wherein the amount in controversy shall be \$50,000.00 or less shall first be submitted to and heard by a Board of Arbitrators pursuant to Pa.R.C.P. 1301 et seq.

(b) For purposes of determining the amount in controversy, every complaint or counterclaim in such civil actions, in replevin or upon a mechanics' lien, shall set forth a statement that the total amount of damages claimed in such pleading, exclusive of interest and costs, is \$50,000.00 or less or is more than \$50,000.00, or in replevin, that the value of the property claimed is \$50,000.00 or less or is more than \$50,000.00.

(c) The amount in controversy shall be determined from the complaint and/or counterclaim as required by Subsection (b) or by a Stipulated Agreement filed by the attorneys. The term "amount in controversy" shall be exclusive of interest and costs. The amount in controversy when determined from the pleadings shall be the largest amount claimed by any one party.

(d) The following types of actions shall not be subject to arbitration under this rule: mandamus, quo warranto, quiet title actions involving title to real estate, ejection, municipal claims, tax claims, mortgage foreclosure, and actions upon ground rents.

Rule 1302. Certification for Arbitration.

(a) When a case is ready in all respects, an attorney or a party may file a Certification for Arbitration with a time-stamped copy delivered to the Office of Court Administration. The form of the Certification for Arbitration shall be provided by these rules. At least 30 days prior to the filing of a Certification for Arbitration, an unrepresented party (pro se) or attorney must notify all other unrepresented (pro se) parties or attorneys of one's intention to file the Certification for Arbitration. All required information must be completed on the Certification for Arbitration. Failure to provide the required information will result in the Certification for Arbitration being rejected. All hearings shall be conducted at the Luzerne County Court House.

(b) In the event that there is a dispute between or amongst the parties as to whether or not a case is ripe for the filing of a Certification for Arbitration, any party may file a Petition and Rule Returnable for hearing on said issue which shall be made returnable for hearing in Miscellaneous Court in accordance with the normal scheduling process in regard to same. The Court shall then determine suitability for arbitration.

(c) The following form, or a form substantially similar, shall be used as the Certification for Arbitration:

(CAPTION)

CERTIFICATION FOR ARBITRATION

TO THE CLERK OF JUDICIAL RECORDS AND SERVICES (PROTHONOTARY) OF THE COURT OF COMMON PLEAS OF LUZERNE COUNTY:

The undersigned hereby certifies pursuant to Luzerne County Local Rule 1302 as follows:

1. The amount in controversy is \$50,000.00 or less;
2. The case is ripe in all respects to be heard by a Board of Arbitration;
3. At least thirty (30) days prior notice was given of the intention to file this Certification for Arbitration to all counsel who have entered their appearance and to all unrepresented parties; and,
4. No objection has been made to the appointment of a Board of Arbitration by any party.

The following information is submitted:

Plaintiff: _____	Defendant: _____
Attorney: _____	Attorney: _____
Address: _____	Address: _____
_____	_____
Telephone: _____	Telephone: _____
Facsimile: _____	Facsimile: _____
Email: _____	Email: _____

For any party unrepresented by legal counsel, or additional parties represented by legal counsel, the following is submitted:

Party: _____

Status: _____
(Plaintiff, Defendant, Add'tl Defendant, etc.)

Address: _____

Telephone: _____

Facsimile: _____

Email: _____

RESPECTFULLY SUBMITTED:

Signature

Name

Rule 1303. Administration.

(a) Proceedings under this rule shall be administered by the Office of Court Administration as directed by the District Court Administrator. Court Administration shall have the power to interpret these rules and prescribe forms subject to review by the Court.

(b) In order to be considered for appointment to the Board of Arbitrators, an attorney must:

1. be admitted to practice within the Commonwealth of Pennsylvania and be in good standing before the Supreme Court of Pennsylvania; and,
2. be actively engaged in the practice of law within Luzerne County; and,
3. maintain an office in Luzerne County; and,
4. file the required Arbitrator Registration Form with the Office of Court Administration.

(c) The Office of Court Administration shall promulgate an Arbitrator Registration Form to be completed in full by attorneys seeking appointment to Boards of Arbitration. In addition to general and contact information, the Arbitrator Registration Form shall state whether the attorney is practicing alone, is a member of a firm, or is associated in some way with one or more other attorneys, either in private practice, as an employee of a public office, such as District Attorney or Public Defender, legal aid, in-house legal counsel, etc. Any change of status must be promptly reported to Court Administration.

(d) Upon receipt of a fully completed certified Arbitrator Registration Form, the Court Administrator will add the name of the person submitting the form to the list of those eligible to serve as a member of an arbitration board. Boards of Arbitration will be appointed from the list of members of the bar who have filed such information. The Court Administrator shall have sole authority to determine whether an arbitrator is qualified under these rules.

(e) The following form, or a form substantially similar, shall be used as the Arbitrator Registration Form:

REGISTRATION TO SERVE AS ARBITRATOR

By completing and filing this Arbitrator's Registration form with the Office of Court Administration, I hereby certify my eligibility and request that I be placed upon the list of attorneys for appointment to a Board of Arbitrators. I certify that I am familiar with the Rules of Procedure governing Arbitration and Boards of Arbitrators and will at all times act in compliance with those rules.

The following information is submitted:

Name: _____
 Atty. I.D. No: _____
 Address: _____

 Telephone: _____
 Facsimile: _____
 Email: _____

I further hereby certify as follows:

1. I am admitted to the practice of law in the Commonwealth of Pennsylvania and am currently on active status with the Supreme Court of Pennsylvania;
2. I am actively engaged in the practice of law in Luzerne County and maintain a professional office within Luzerne County.
3. I maintain a solo legal practice, or maintain the following association with other attorneys:

I verify that the foregoing statements are true and correct

RESPECTFULLY SUBMITTED:

Signature

Name

Rule 1304. Selection of Arbitrators.

Boards shall consist of three (3) members, one of whom shall serve as the chair. The chair shall be a member of the bar admitted to practice of law for at least three years. The chair of the Board of Arbitrators shall be appointed by the Court Administrator and shall be responsible for the preparation and filing of the Board's report and award. All other members of the Board of Arbitrators shall also be appointed by the Court Administrator. No more than one member of a family, firm association or other entity shall serve on an arbitration panel. The Court Administrator shall maintain a list of attorneys eligible to serve as arbitrators which shall be maintained in the Office of Court Administration and be available to the public for inspection.

An attorney may resign by letter addressed to the Court Administrator, whereupon the Court Administrator shall note the resignation and date thereof on the appropriate list or list behind the attorney's name.

The Court Administrator shall also note all deletions from the aforementioned lists whether by death, removal of principal office from Luzerne County, cessation of active practice before this court, suspension from practice or disbarment and the date thereof.

It is the professional obligation of all members of the bar who qualify under these Rules to serve on Boards of Arbitrators when scheduled, unless absent or excused for good cause and compelling reason. If an arbitrator fails to appear, or appears late for a scheduled arbitration hearing without compelling reasons, his or her name will be stricken from the arbitration list, and he or she will be so notified by the Court Administrator. He or she may be reinstated by application to the court, upon cause shown.

The President Judge may strike from the list of eligible arbitrators the name of any attorney who has consistently demonstrated an inability to serve with civility.

In the event that an arbitrator is unavailable to attend a scheduled hearing, he or she shall give prompt notice to the Office of Court Administration so that a substitute may be appointed. Repeated unavailability after appointment may result in the removal of the attorney from the eligible list of attorneys for appointment.

A member of a board who would be disqualified for any reason that would disqualify a judge under the Code of Judicial Conduct shall immediately withdraw as arbitrator.

Rule 1305. Striking of Case from Arbitration List or Trial List.

The Court may, on its own motion or upon the motion of any party, strike any case from the trial list which should have first been arbitrated, or, strike any case from the arbitration list which the Court determines should be tried by a jury or by a judge without a jury. If a case is stricken from the trial list by the Court, counsel or an unrepresented (pro se) party shall file a Certification for Arbitration on the form approved by the Court, together with the appropriate filing fee.

If a case is stricken from the arbitration list, counsel or an unrepresented (pro se) party shall file a Certificate of Readiness for Trial immediately with the Clerk of Judicial Services and Records (Prothonotary) and serve copies of same upon counsel, unrepresented (pro se) parties and Court Administration.

Rule 1306. Notice of Hearing.

The Office of Judicial Services and Records (Prothonotary), under the direction of Court Administration, shall mail a copy of the Order scheduling the hearing date, time and place to each attorney of record and, in the event a party is not represented of record by an attorney, to such party at his or her last known address by first-class mail and file of record proof of service in each case. E-mail notice shall be allowed whenever permitted by rules of procedure.

a) The hearing shall be scheduled within 45 days of the filing of the Certificate for Arbitration.

b) The written notice of hearing shall contain the following statement:

"NOTICE OF DUTY TO APPEAR AT ARBITRATION HEARING

This matter will be heard by a Board of Arbitrators at the time, date and place specified, but, if one or more the parties is not present at the hearing, the matter may be heard at the same time and date before a Judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a Judge."

Rule 1307. Continuances.

(a) More than seven (7) days prior to the hearing date, a case may be continued one (1) time by agreement of all counsel and unrepresented parties. The request for continuance must be in writing and presented to Court Administration. Court Administration shall reschedule the arbitration hearing to the next available date, but not more than sixty (60) days after the original date.

(b) Requests for continuance made less than seven (7) days before the scheduled hearing, or in instances when all parties and/or counsel do not concur in the request for continuance, shall, after notice to all parties, be presented to the Motions Judge for adjudication.

Rule 1308. Hearing.

1. All hearings shall commence promptly at the time scheduled.

2. Hearings shall be conducted by the Chairman with decorum in full compliance with judicial proceedings. Witnesses shall be sworn in the customary manner. Testimony shall be taken through the same procedures and decorum as used before the Court of Common Pleas. Testimony before a Board of Arbitrators is not transcribed unless by special request and at the expense of the requestor.

3. Boards of Arbitrators shall conduct hearings with due regard to the law and rules of evidence. Boards of Arbitrators shall have the general powers of the Court including administering oaths or affirmations, determining admissibility of evidence, permitting testimony to be offered by deposition and deciding the law and the facts of the case submitted.

Rule 1309. Award.

1. The Boards of Arbitrators shall file its findings and award, if any, as well as any written opinion (as in its discretion it may choose to submit), within three (3) business days from the conclusion of the hearing in each case. If a member of the panel dissents from the majority's findings or award, that arbitrator shall so state on the award form and may, in his or her discretion, submit an opinion indicating the reason(s) for such dissent.

2. The Report and Award shall be in the form set forth in Pa.R.C.P. 1312.

3. Arbitrators may not award punitive damages.

4. Arbitrators may award costs.

5. Arbitrators may award possession in Landlord/Tenant matters.

6. Arbitrators may award possession and monetary value of the property or special damages sustained in a replevin action.

7. Monetary awards shall not exceed the jurisdictional limit of \$50,000.00 exclusive of interest and costs.

8. Arbitrators may award delay damages when that issue is properly pending in the action.

Rule 1310. Delay Damages.

1. In all cases subject to the provisions of this Rule where damages for delay are claimed, the Plaintiff shall, no later than the commencement of the hearing, present to the Chairman of the Board of Arbitrators in a sealed envelope a statement containing the required information, which shall be substantially in the form contained in subsection 3 below. Each question on the form shall be answered and the form shall be executed by all parties to the action or their counsel.

Those parties not concurring in the information contained on the form to be submitted by Plaintiff shall state thereon a brief explanation as to the reasons for their nonconcurrency. Parties failing to state the reasons for nonconcurrency shall be deemed to be in concurrence.

Plaintiff shall serve a copy of the executed form upon all other parties or their counsel at or before the time the same is presented to the arbitrators. Failure of Plaintiff to comply with this rule shall be deemed to be a waiver of any delay damages.

2. No arbitrator shall open the aforesaid envelope or in any other manner attempt to ascertain the contents thereof until the Board of Arbitrators has reached a decision on the merits in the case, and then, only if delay damages are applicable. If, after deciding the merits of the case, delay damages are not applicable, the Chairman of the Board of Arbitrators shall return the unopened envelope to the Office of Judicial Services and Records (Prothonotary), together with the report of the Board.

3. The form referred to in sub-section 1 shall be as follows:

**IN THE COURT OF COMMON PLEAS
OF LUZERNE COUNTY**

Plaintiff/s :
vs. :
Civil Action - :
Defendant/s : NO. _____

DELAY DAMAGES

This Court finds that Plaintiff/s has/have not established the probable validity of its claim for the property described in its Complaint.

1. On what date did the cause of action accrue?

2. On what date was the Complaint filed?

3. Was a written offer of settlement made by any Defendant, or additional Defendant? If so state:

a. The date of the written offer.

b. Whether it was in effect at the time of commencement of the hearing;

c. The amount of the offer of settlement; and,

d. Attach a copy of the written offer of settlement.

_____ Attorney for Plaintiff/s

_____ Attorney for Defendant/s

I do not concur for the following reasons:

_____ Attorney for Defendant/s

_____ Attorney for Add'l Defendant/s

Where opposing counsel refuses to execute the document, the following shall be attached:

ATTORNEY'S CERTIFICATE

I hereby certify that I served a copy of the foregoing document on opposing counsel on the _____ day of _____, 20____, and sought concurrence.

_____ Attorney for Plaintiff/s

Rule 1311. Award Docketing, Notice, Lien and Judgment.

Upon the filing of the award, if any, said award shall have full force and effect as would any decision of the Court subject to right of appeal. Notice of the Report and Award, if any, shall be served by the Office of Judicial Services and Records (Prothonotary) upon all counsel and pro se parties.

Rule 1311. Appeal.

1. Any party may appeal from the findings or award of the Board of Arbitrators to the Court of Common Pleas of Luzerne County. Appeals shall result in de novo proceedings before the trial court. The right of appeal is limited by Rule 1301(f) which concerns failure of a party to be present at time of arbitration.

2. The cost of appeal shall be set by Court order and shall include a sum to compensate the fees of the Arbitration board.

3. Simultaneously with the filing of the appeal, appellant shall file a Certificate of Readiness for Trial with the Office of Judicial Services and Records (Prothonotary), serve all counsel and unrepresented parties and shall deliver a time-stamped copy to Court Administration which shall assign the case to a Judge for trial in the ordinary course.

Rule 1313. Compensation.

Each arbitrator shall receive a fee of \$200.00 as compensation for each half day of hearing required (a half-day shall be no more than three hours regardless of the number of cases heard within a half-day period). Members of the Board shall not be entitled to compensation until after the filing of the original report and/or award with the Office of Judicial Services and Records (Prothonotary) with a time-stamped copy delivered to Court Administration.

[Pa.B. Doc. No. 16-1062. Filed for public inspection June 24, 2016, 9:00 a.m.]

MIFFLIN COUNTY

Crime Victim's Compensation Fund; Victim Witness Services Fund; CP-44-CV-2-2016

Administrative Order

And Now, To Wit, this 10th day of May, 2016, this Court pursuant to Title 18, Section 11.1101, Costs, (a) *Orders* the increased assessment of the Crime Victim's Compensation Fund and Victim Witness Services Fund to a total of one hundred (\$100.00), unless otherwise ordered by the Court. This cost shall be imposed at both the Magisterial District Courts and the Common Pleas Court of the Judicial District notwithstanding any statutory provision to the contrary.

Pursuant to Title 18, Section 11.1101 Costs (b) Disposition,

(1) Thirty-five (\$35.00) dollars of the costs imposed under subsection (a)(1) and (2) plus thirty (30%) percent of the costs imposed under subsection (a)(1) which exceed sixty (\$60.00) dollars (a total of forty-seven (\$47.00) dollars) shall be paid into the Crime Victim's Compensation Fund, and:

(2) Twenty-five (\$25.00) dollars of the costs imposed under subsection (a)(1) and (2) plus seventy (70%) percent of the costs imposed under subsection (a)(1) and (2) which exceed sixty (\$60.00) dollars (a total of fifty-three (\$53.00) dollars) shall be paid into the Victim Witness Services Fund.

The cost assessed and collected under Section (b)(2) that exceed sixty (\$60.00) dollars shall be returned by the Pennsylvania Commission on Crime and Delinquency to the County of Mifflin for victim witness services.

It Is Further Ordered that in accordance with the Pa.R.Crim.P. 105, the District Court Administrator shall:

(a) File seven (7) certified copy of this Order with the Administrative Office of the Pennsylvania Courts,

(b) Distribute two (2) certified copies and one (1) CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

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

(d) Supervise the distribution of this Order to all Judges and all members of the Criminal Bar of this Court.

By the Court

DAVID W. BARRON,
President Judge

[Pa.B. Doc. No. 16-1063. Filed for public inspection June 24, 2016, 9:00 a.m.]

PERRY COUNTY

Repeal and Adoption of Rules of Orphans' Court Procedure; No. 201603524

Order

And Now, May 31, 2016, it is hereby ordered and decreed that all Perry County Rules of Orphans' Court Procedure filed prior to September 1, 2016 are repealed effective the date that the rules herein become effective.

The Court hereby adopts the following Perry/Juniata County Rules of Orphans' Court Procedure to be effective as follows:

(1) All following local rules shall be effective September 1, 2016. It is further ordered that the District Court Administrator shall file:

(a) seven (7) certified copies of the Local Rules with Administrative Office of Pennsylvania Courts;

(b) two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) one (1) certified copy to the Civil Procedural Rules Committee, and the Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary and upon request and payment of reasonable costs of reproduction and/or mailing the Prothonotary shall furnish to any person a copy of the requested Local Rules.

By the Court

KATHY A. MORROW,
President Judge

**LOCAL RULES OF ORPHANS' COURT
PROCEDURE**

Rule 1. Judges Local Rules.

Rule 1.1-1. Citation of Rules.

These rules shall be known as the Rules of the Court of Common Pleas of Perry and Juniata Counties, Orphans' Court Division, adopted pursuant to PA O.C. Rule 1.5.

Rule 1.2-1. Certificates of Appointment of Fiduciary.

The Clerk of the Orphans' Court Division shall not issue a certificate of the appointment of any fiduciary until the security, if required by the Court, has been entered.

Rule 1.2-2. Corporate Sureties. Approval.

Surety companies authorized to do business in this Commonwealth may become surety on any bond or obligation required to be filed in the Court; provided that a current certificate of the right to do business, issued by the Insurance Department of this Commonwealth; shall be on file with the Clerk of the Orphans' Court, and provided, further, that no bond shall be executed by any surety company after May of any year, until such certificate, issued after March 31 of that year, shall have been on file with the Court.

Rule 1.6. Orphans' Court Mediation Program.

(a) Cases filed in the Orphans' Court division may be ordered into the Orphans' Court Mediation Program by the Judge to whom the case is assigned, or by request of any of the parties by filing a Request for a Court Appointed Mediator. Upon filing a request for a Court appointed mediator, the Judge to whom the case is assigned, shall appoint said mediator.

(b) The mediators shall be practicing attorneys that are members of the Perry County Bar Association and/or the Juniata County Bar Association with an emphasis in their practice on Orphans' Court matters. A list of mediators shall be maintained by the District Court Administrator, and selected by the Court from said list.

(c) Upon appointment, the mediator shall schedule the mediation within forty five (45) days of the order of Court. The attendance of legal counsel, the parties and a representative, including an insurance carrier, with au-

thority to enter into a full and complete compromise and settlement is mandatory, if applicable. If lead counsel, the parties or a representative fail to appear after having been properly notified, absent good cause, the mediation will be held as schedule.

(d) At least ten (10) days prior to the mediation, each party shall file and serve on the other party a mediation statement which must include the following: (1) a succinct explanation of the facts and relief sought; (2) significant legal issues that remain unsolved; (3) summary of medical and expert reports (if applicable); (4) itemized list of damages; and (5) settlement posture and rationale. Failure to file a mediation statement may result in sanctions if requested by the mediator.

(e) Each party to the case selected for mediation shall pay a mediation fee to be made payable to the Clerk of the Orphans' Court and submitted to the Clerk of the Orphans' Court. The mediation fee shall be set by administrative order, and information with regard to the fee shall be available from the Clerk of the Orphans' Court.

(f) If the case has not been resolved, within fourteen (14) days from the date of the mediation, the mediator shall send a report setting forth the mediator's assessment of the case and the mediator's recommendation regarding settlement. A copy of the report shall be provided to and maintained by the District Court Administrator until the case is closed.

(g) If the case is resolved and a settlement agreed upon, the mediator shall send a letter to the Judge, with copies to counsel and the District Court Administrator.

(h) The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be liable and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to Common Pleas Judges. Notwithstanding the preceding subsections the court may in its discretion set a case for an alternative dispute resolution ("ADR") before a private mediator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-ordered private mediation; provided, however, that the Court shall take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

1.6-1. Forms.

Attached to these rules, is the form to be used for the Request for a Court Appointed Mediator in Orphans' Court matters.

Rule 5.10(b). Public Sale of Real Property.

(a) After allowance of public sale of real property, the petitioner shall, in addition to such notice as required by law, give notice of the sale to each party in interest. The notice may be given by first class mail and must be given at least twenty (20) day prior to the date of the proposed sale. In addition, notice of the sale must be published at least one time in a newspaper of general circulation in the county where the real property is located.

(b) The published public notice of the sale shall contain the following information:

(i) the address of the property and the municipality in which it is located;

(ii) the area of the property in terms of acres or square feet;

(iii) a list of the improvements of the property, if one is available;

(iv) a deed or survey description of the property, if one is available

(v) the name of the grantee of the last recorded deed for the property, together with the deed/record book or instrument number.

Rule 5.16-1. Procedure under § 3102.

Probate, Estates and Fiduciaries Code of 1972.

(a) *Contents of Petition.* A Petition under section 3102 of the Probates, Estates and Fiduciaries Code of 1972 (20 P.S. Section 3102), for the settlement of a small estate shall set forth

(1) the name, date of death and residence of decedent;

(2) the name and address of the petitioner, his relationship to the decedent and whether or not he formed a part of the decedent's household at the date of his death;

(3) if petitioner be the surviving spouse, the date and place of the ceremonial marriage, and the name and official capacity of the person who performed the ceremony; or, in the case of a common law marriage, all averments necessary to establish the validity of such marriage;

(4) whether the decedent died testate or intestate; where, when and to whom letters were granted, and the amount of bond given by the personal representative;

(5) the names, relationships and a brief description of the interest of all persons entitled to share in the decedent's estate under the will or intestate laws, stating which are minors, incompetents or deceased, with the names of their fiduciaries, and whether any of them has received or retained any property of the decedent by payment of wages under Section 3101 of the Probate, Estates and Fiduciaries Code (20 P.S. Section 3101) or otherwise;

(6) the person entitled to the family exemption, and the facts on which the claim is based;

(7) an itemized statement of the property of the decedent and an appraisal thereof;

(8) the disbursements made prior to the filing of the petition; the date and name of the person to whom paid; and the nature and amount of each payment;

(9) the names and all unpaid claimants of whom the petitioner has notice or knowledge; the nature and amount of each claim; and whether such claims are admitted;

(10) that a schedule of assets and deductions for inheritance tax purposes has been filed with the Register; the amount of any inheritance tax assessed; and the date of payment thereof;

(11) that ten days' written notice of intention to present the petition has been given to every unpaid beneficiary, heir or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown; and

(12) a prayer for distribution of the property, setting forth the persons entitled and their distributive shares and requesting the discharge of the personal representative and the release of their surety, if letters have been granted and advertised.

(b) *Exhibits*. The following exhibits will be attached to the petition;

- (1) a copy of decedent's will;
- (2) consents of the surety, and of unpaid beneficiaries, heirs and claimants who consent thereto;
- (3) a copy of the notice given; and
- (4) the inheritance tax voucher, or in lieu therefore a statement from the Pennsylvania Department of Revenue that no tax is due.

(c) *Appraisal*. No formal appraisal is required, unless ordered by the court.

Rule 5-16-2. Procedures Under § 3546.

Probate, Estate and Fiduciaries Code of 1972.

(a) *Contents of Petition*. A petition under section 3546 of the Probate, Estates and Fiduciaries Code of 1972 (20 P.S. Section 3546) for the determination of title shall set forth

- (1) the name of the petitioner and his relationship to the decedent;
- (2) the facts on which the claim of the petitioner is based;
- (3) whether the decedent died testate or intestate, and where, when and to whom letters were granted;
- (4) a description of the real property located within the Commonwealth, and the place, book and page and/or instrument number of recording of the last deed thereto.;
- (5) the names and addresses of all known creditors and parties in interest; and
- (6) the facts material to a determination of the title.

(b) *Exhibits*. The following exhibits shall be attached to the Petition:

- (1) the notice which has been given to creditors, and parties in interest; if the heirs of the decedent are unknown, a copy of the notice given to the Attorney General; and a
- (2) a copy of the decedent's will.

Rule 9.1. Notice of Hearings.

Notice of the initial hearing shall be given by regular mail to the counsel of record for the Estate, counsel of record for the exceptant(s), each heir at the last known address, to each unpaid creditor and to the Department of Revenue, the Department of Human Services, or other agency of the Commonwealth of Pennsylvania, if such Department or agency has, according to the information of the Clerk, a claim against the estate to be audited. If a party is unrepresented, notice shall be mailed to the last known address of record.

To the extent possible, the auditor shall expedite the hearings, and any party in interest may apply to the Court for an order on the auditor to proceed and file a report or else give the reasons for the alleged delay, if there be an unreasonable delay.

9.1.-1. Pre-Hearing Conference.

The auditor shall schedule a pre-hearing conference at which time the accountant or his attorney shall present to the auditor all written notices of claims of creditors, legatees, devisees, next of kin and others interested in the estate given the accountant and also a list of all other creditors of which he/she has any information and mention the claims of creditors he recommends for allowance.

Rule 9.6. Notice of Filing Report.

When the auditor has his report completed, he/she shall present it to the Court along with a proposed Decree Nisi for consideration by the Court. A copy of said report and the signed Decree Nisi shall be mailed via regular mail to all attorneys who appeared before him and all exceptants who appeared without attorneys.

9.7. Confirmation of Report.

When an auditor's report is presented to the Court, it will be confirmed nisi and filed. Exceptions to the Report must be filed within fifteen (15) days of the date of the Decree Nisi. When no exceptions to an auditor's report are filed within the said period, the Clerk of the Orphans' Court shall endorse the absolute confirmation on the report.

9.8-1. Security for Expenses and Fees.

The Estate and exceptant(s) shall each provide to the Auditor an estimate of the amount of time needed to present their case. Thereafter, the Auditor shall recommend to the Court an amount to be held in escrow by the Register of Wills. Said deposit shall be applied to the Auditor's bill of costs as submitted by the Auditor and approved by the Court.

If exceptions are filed to the Report prior to confirmation absolute or if an appeal is filed after the confirmation, the party filing the same must pay in full all outstanding auditor's fees and costs as set forth on the Auditor's bill of costs, regardless of the recommendation of the Auditor as to allocation of the payment. The Court may address the issue of auditor's fees and costs at the time of the disposition of the exceptions or appeal.

10.1.-1. Certification of Record.

(a) *Contents of Petition*. A Petition to fix a date for a hearing from a certification of record to the court from the Register shall be promptly presented to the court and shall set forth;

- (1) the nature of the proceedings before the Register;
- (2) the basis for the certification of record; and
- (3) the names and address of all parties in interest including those who have not been made parties to the record.

(b) *Certification by Register*. When the record has been certified by the Register, the petition required by subparagraph (a) shall be presented by the party who instituted the contest, or, in special circumstances, as the Court may direct.

(c) *Citation*. Upon allowance of the petition, a citation will be issued, directed to all parties in interest, including those not represented on the record, to show cause why the matter upon which the certification is requested or based, as the case may be, should not be determined by the Court on a day certain therein indicated.

10.4. Appeals for the Register of Wills.

(a) *Contents of Petition*. When an appeal is taken from a judicial act of, or proceeding before, the Register, the appellant shall promptly present a petition to the Court, which shall set forth:

- (1) the nature of the proceeding before the Register;
- (2) the basis for the appeal; and
- (3) the names and address of all parties in interest, including those who have not been made parties to the record.

(b) *Citation.* If the petition sets forth a prima facie case, a citation will be issued, directed to all parties in interest, including those not represented on the record, to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside.

10.4.1. Grant of Jury Trial.

(a) On appeal from the Register, or in a proceeding removed from or certified by the Register, the Court in its discretion may impanel a jury at any stage of the proceedings and forthwith proceed with a jury trial.

(b) On appeal from the Register, or in a proceeding removed from or certified by the Register, the Court in its discretion may, either at the conclusion of all the evidence presented by proponents and contestants or before all such evidence has been produced, when it is satisfied that sufficient evidence has been presented so as to warrant, grant a jury trial at a future date.

(c) If a jury trial is granted, as provided in subparagraph (a) or (b) hereof, the Court shall enter a decree specifying the issues to be tried, which may be in the form agreed upon by the parties, or as the court shall determine.

[Pa.B. Doc. No. 16-1064. Filed for public inspection June 24, 2016, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Gregory Danese (# 20304), having been disbarred from the practice of law in the state of New Jersey, the Supreme Court of Pennsylvania issued an Order on June 10, 2016, disbaring Gregory Danese from the Bar of this Commonwealth, effective July 10, 2016. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 16-1065. Filed for public inspection June 24, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 1131]

Medical Marijuana; Safe Harbor Letter for Minors with a Serious Medical Condition; Temporary Regulations

The Department of Health (Department) is publishing temporary regulations in Chapter 1131 (relating to Safe Harbor Letter) to read as set forth in Annex A. The temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)). The Department will be periodically publishing temporary regulations regarding various sections of the act.

These temporary regulations pertain to section 2106 of the act (35 P.S. § 10231.2106), regarding a parent or guardian of a minor under 18 years of age lawfully obtaining medical marijuana from another state, territory of the United States or any other country to be administered to the minor. These temporary regulations will expire on May 17, 2018, or upon the Department's publication in the *Pennsylvania Bulletin* that the Commonwealth's Medical Marijuana Program has been implemented, whichever comes first.

Interested persons are invited to submit written comments, suggestions or objections regarding the temporary regulations to Sunny D. Podolak, Bureau of Community Health Systems, Department of Health, Room 628, Health and Welfare Building, 625 Forester Street, Harrisburg, PA 17120, (717) 547-3085, spodolak@pa.gov. Persons with a disability who wish to submit comments, suggestions or objections regarding the temporary regulations may do so by using the previous contact information. Speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT). Persons who require an alternative format of this document may contact Sunny D. Podolak so that necessary arrangements may be made.

Sections 1131.1—1131.7 are effective upon publication of this temporary rulemaking and expire as set forth in § 1131.7 (relating to sunset provision).

KAREN M. MURPHY, PhD, RN,
Secretary

Fiscal Note: 10-198. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IX. MEDICAL MARIJUANA

Chap. 1131. SAFE HARBOR LETTER

CHAPTER 1131. SAFE HARBOR LETTER

Sec.

- 1131.1. Definitions.
- 1131.2. Medical marijuana from outside this Commonwealth.
- 1131.3. Application.
- 1131.4. Validity of Safe Harbor Letter.
- 1131.5. Penalties and sanctions.
- 1131.6. Confidentiality.
- 1131.7. Sunset provision.

§ 1131.1. Definitions.

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

Act—The Medical Marijuana Act (35 P.S. §§ 10231.101—10231.2110).

Applicant—One of the following who intends to obtain and administer medical marijuana to a minor under this chapter:

- (i) A parent.
- (ii) A legal guardian.
- (iii) A caregiver.
- (iv) An appropriate individual approved by the Department under section 506 of the act (35 P.S. § 10231.506).

Caregiver—An appropriate individual approved by Department under § 1131.2(c)(1) (relating to medical marijuana from outside this Commonwealth).

Certified medical use—The acquisition, possession, use or transportation of medical marijuana by a minor, or the acquisition, possession, delivery, transportation or administration of medical marijuana by the applicant, for use as part of the treatment of the minor's serious medical condition.

Department—The Department of Health of the Commonwealth.

Form of medical marijuana—The characteristics of the medical marijuana recommended or limited for a particular minor, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

Legal guardian—An individual lawfully invested with the power, and charged with the obligation, of taking care of and managing the property and rights of an individual under 18 years of age.

Medical marijuana—Marijuana used for a certified medical use by a minor with a serious medical condition, limited to the following forms:

- (i) Pill.
- (ii) Oil.
- (iii) Topical forms, including gel, creams and ointments.

(iv) A form medically appropriate for administration by vaporization or nebulization, excluding dry leaf or plant form.

- (v) Tincture.
- (vi) Liquid.

Medical Marijuana Program—The program enacted and administered by the Department under the act.

Minor—A patient under 18 years of age under the treatment of a physician for a serious medical condition under section 2106 of the act (35 P.S. § 10231.2106) who is a resident of this Commonwealth.

Parent—The natural or adoptive mother or father of a minor.

Safe Harbor Letter—A letter provided by the Department to an applicant under section 2106 of the act and this chapter that allows the applicant to administer medical marijuana to a minor in this Commonwealth.

Serious medical condition—One of the following conditions for which a minor may be permitted to use medical marijuana in this Commonwealth:

- (i) Cancer.
- (ii) Positive status for Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome.
- (iii) Amyotrophic lateral sclerosis.
- (iv) Parkinson’s disease.
- (v) Multiple sclerosis.
- (vi) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.
- (vii) Epilepsy.
- (viii) Inflammatory bowel disease.
- (ix) Neuropathies.
- (x) Huntington’s disease.
- (xi) Crohn’s disease.
- (xii) Post-traumatic stress disorder.
- (xiii) Intractable seizures.
- (xiv) Glaucoma.
- (xv) Sickle cell anemia.
- (xvi) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective.
- (xvii) Autism.

§ 1131.2. Medical marijuana from outside this Commonwealth.

(a) *Application for Safe Harbor Letter.* An applicant may apply to the Department for a Safe Harbor Letter allowing the applicant to administer medical marijuana to a minor in this Commonwealth regardless of whether the medical marijuana was obtained from outside this Commonwealth as specified by section 2106 of the act (35 P.S. § 10231.2106).

(b) *Limitation.* The medical marijuana obtained from outside this Commonwealth is limited to the form of medical marijuana lawful in this Commonwealth as specified in the act.

(c) *Approval of caregiver.*

(1) The Department may approve a caregiver for a minor under one of the following circumstances:

- (i) The minor does not have either a parent or legal guardian.
- (ii) The minor is married to an individual under 21 years of age.
- (iii) A parent or legal guardian is not appropriate or available under the act or this chapter.

(2) An individual who is under 21 years of age may not be a caregiver to a minor unless:

- (i) The caregiver is married to the minor.
- (ii) An applicant makes a sufficient showing to the Department under section 507 of the act (35 P.S. § 10231.507).

§ 1131.3. Application.

(a) An applicant shall submit an application for a Safe Harbor Letter under this chapter on a form provided by the Department under subsection (d), and shall include the following information and any other information deemed necessary by the Department:

- (1) The name, address and date of birth of the following:
 - (i) The minor.
 - (ii) The applicant.
- (2) The minor’s state and county of birth, if the minor was not born in this Commonwealth.
- (3) The relationship of the applicant to the minor.
- (4) A copy of legal guardianship papers, if the applicant is a legal guardian.
- (5) A copy of legal proof of marriage, if the applicant is under 21 years of age and the minor’s spouse.
- (6) The applicant’s proof of residency by submitting one of the following:
 - (i) A Pennsylvania driver’s license.
 - (ii) A Department of Transportation-issued identification card.
 - (iii) Another form of identification that contains a photo and is approved by the Department in the application.
- (7) The applicant’s criminal history record information obtained from the Pennsylvania State Police or its authorized agent.
- (8) A written statement from a licensed physician in this Commonwealth listing the serious medical condition of the minor, the physician’s name, address of practice, telephone number and State license number.

(9) An applicant shall verify that the applicant will obtain the medical marijuana lawfully in another state.

(b) The applicant shall complete every required section of the application before it will be considered by the Department.

(1) If the Department deems an application submitted by an applicant to be incomplete, the Department will notify the applicant in writing of the factors for which further documentation is required.

(2) The applicant shall have 30 days from the mailing date of the notification to submit the additional material to the Department or the Department will deem the application as denied and the applicant will be required to submit a new application.

(c) The applicant shall certify as part of the application that the applicant understands and agrees to the following:

(1) Marijuana is a prohibited Schedule I controlled substance under Federal law.

(2) Participation in the Medical Marijuana Program is permitted only to the extent provided by the act and this chapter.

(3) An activity not sanctioned by the act or this chapter is a violation of State law.

(4) Growing, distributing or possessing marijuana in any capacity, except through a Federally-approved research program, is a violation of Federal law.

(5) Improper use or acquisition of medical marijuana may be a violation of State or Federal law.

(6) Participation in the Medical Marijuana Program does not authorize a person to violate Federal or State law and does not provide immunity from or affirmative defense to arrest or prosecution under Federal or State law except as provided under the act.

(7) An applicant, physician or minor shall indemnify, hold harmless and defend the Commonwealth for any and all civil or criminal penalties resulting from participation in the Medical Marijuana Program, including obtaining medical marijuana from outside this Commonwealth as set forth in section 2106 of the act (35 P.S. § 10231.2106).

(d) The applicant shall agree to and accept the limitations of liability and the requirements to indemnify, hold harmless and defend the Commonwealth by certifying that the applicant understands and agrees to the following:

(1) *Limitation of liability.* The Commonwealth is not liable to the state or entity from which the parent, guardian or caregiver obtained medical marijuana, the physician who provided a statement listing the serious medical condition of the minor, a caregiver of the minor, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of or resulting from the growing, processing, dispensing, transportation or sale of medical marijuana to the applicant or minor, including, but not limited to, the following:

- (i) Arrest.
- (ii) Seizure of persons or property, or both.
- (iii) Prosecution under State or Federal law by State or Federal prosecutors.
- (iv) Fire, robbery, theft, mysterious disappearance or any other casualty.
- (v) The actions of any other permittees, registrants or persons.

(2) *Criminal prosecution.* The United States Congress has determined that marijuana is a controlled substance. Growing, distributing, transporting, possessing and using marijuana in any capacity, except as part of a Federally-authorized research program, is a violation of Federal law. The Pennsylvania General Assembly has placed marijuana in Schedule I of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144). Growing, distributing, transporting, possessing and

using marijuana is a violation of State law, except as specifically set forth in the act and this part.

(e) An application shall be obtained and submitted as required by the Department.

(f) The application must include a notice that a false statement by the applicant is punishable under the application provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

§ 1131.4. Validity of Safe Harbor Letter.

(a) The Safe Harbor Letter will be valid from the date of issuance by the Department until May 17, 2018, or unless any of the following occurs:

- (1) The minor reaches 18 years of age.
- (2) The minor dies.
- (3) The applicant dies or is no longer capable of carrying out the applicant's responsibilities.
- (4) The minor changes physicians.
- (5) The minor's physician knows or has reason to know that the minor no longer suffers from a serious medical condition and that use of medical marijuana would not be medically indicated.
- (6) The minor establishes residency in another state.
- (7) The applicant receives notice under subsection (f).

(b) The applicant or physician, or both, shall notify the Department in writing immediately upon knowledge of any change in the information in the original application and upon the occurrence of an event listed in subsection (a). The applicant shall return the invalid Safe Harbor Letter to the Department.

(c) A new application shall be submitted to the Department under the following circumstances:

- (1) The minor changes physicians. The application must include a written statement from the new physician that the minor suffers from a serious medical condition and state the nature of that condition.
- (2) The applicant is no longer capable of carrying out his responsibilities under section 2106 of the act (35 P.S. § 10231.2106) or this chapter. The new applicant shall submit an application including his relevant information.
- (3) The applicant has not submitted information within 30 days under § 1131.3(b)(2) (relating to application).

(d) The new application shall be submitted to the Department within a reasonable time period of the occurrence of the triggering event.

(e) The submission of a new application will not be considered to be effective notice under subsection (b).

(f) In the event that the Commonwealth's Medical Marijuana Program becomes effective prior to the expiration of Safe Harbor Letters, the Department will publish notice in the *Pennsylvania Bulletin* that Safe Harbor Letters will be invalid as of the effective date of the regulations. Individuals wishing to participate in the Medical Marijuana Program shall obtain the requisite identification cards and registrations under the act and this part.

(g) In the event that the Commonwealth's Medical Marijuana Program becomes effective prior to the expiration of Safe Harbor Letters, the Department will publish notice in the *Pennsylvania Bulletin* that Safe Harbor Letters will be invalid as of the effective date of the regulations. Individuals wishing to participate in the Medical Marijuana Program shall obtain the requisite identification cards and registrations under the act and this part.

§ 1131.5. Penalties and sanctions.

(a) In addition to the penalties in sections 1301—1309 of the act (35 P.S. §§ 10231.1301—10231.1309), the Department may deny, revoke or suspend a Safe Harbor Letter if the Department has evidence of the following:

(1) A conviction of a criminal offense that occurred within the 5 years relating to the sale or possession of drugs, narcotics or controlled substances.

(2) A history of drug abuse.

(3) A history of diversion of a controlled substance or illegal drugs.

(4) Falsified information on the application.

(5) A conviction of a crime of moral turpitude, such that the Department would not be able to find the applicant of good moral character.

(6) An intentional, knowing or reckless violation of a provision of the act or this chapter.

(b) An applicant whose Safe Harbor Letter is denied, suspended or revoked under subsection (a)(1) or (3)—(6) may be prohibited from participating in the Medical Marijuana Program for 5 years.

(c) Chapter 5 of 2 Pa.C.S. (relating to practice and procedure) applies to all actions of the Department under

this chapter constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

§ 1131.6. Confidentiality.

Information obtained by the Department regarding a minor and applicant under this chapter is confidential and not subject to public disclosure, including disclosure under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104), including the following:

(1) Individual identifying information of minors or an applicant.

(2) Information regarding the minor’s serious medical condition, including the physician’s written statements.

§ 1131.7. Sunset provision.

This chapter expires upon the earlier of the following:

(1) May 17, 2018.

(2) Upon publication of a notice in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 16-1066. Filed for public inspection June 24, 2016, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings; State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 5, 2016, meeting to amend § 135.41 (relating to State game lands) to prohibit the operation of unmanned aerial vehicles on or over lands and waters designated as State game lands.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 5, 2016, meeting of the Commission. Comments can be sent until July 8, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission has observed a dramatic, if not explosive, increase in the popularity and use of unmanned aerial vehicles (commonly referred to as drones) across this Commonwealth during the past year. This increase has unfortunately resulted in unintended uses on lands designated as State game lands that compromise the purposes for which these lands were acquired. These activities range from degradation of the natural and scenic values of these lands to actual wildlife disturbance and harassment activities. The Commission is also concerned that use of these devices on State game lands may expand to interference with lawful hunting and trapping activities in the future. The Commission is proposing to amend § 135.41 to prohibit the operation of unmanned aerial vehicles on or over lands and waters designated as State game lands.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.41 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 135.41 to prohibit the operation of unmanned aerial vehicles on or over lands and waters designated as State game lands.

3. Persons Affected

Persons wishing to operate unmanned aerial vehicles on or over lands or waters designated as State game lands will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

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

6. Contact Person

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-396. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

* * * * *

(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

(22) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

(23) Operate, control, retrieve or launch an unmanned aerial vehicle of any size, design or specification on or from lands or waters designated as State game lands. This provision may not be construed to limit activities specifically authorized by the Commission in writing or Federal, State or local governmental response to fire, rescue, police or other emergency matter, or engagement in legitimate governmental function.

[Pa.B. Doc. No. 16-1067. Filed for public inspection June 24, 2016, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

Reorganization of the Department of Corrections

The Executive Board approved a reorganization of the Department of Corrections effective June 9, 2016.

The organization chart at 46 Pa.B. 3260 (June 25, 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. 16-1068. Filed for public inspection June 24, 2016, 9:00 a.m.]



PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective June 3, 2016.

The organization chart at 46 Pa.B. 3261 (June 25, 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*).

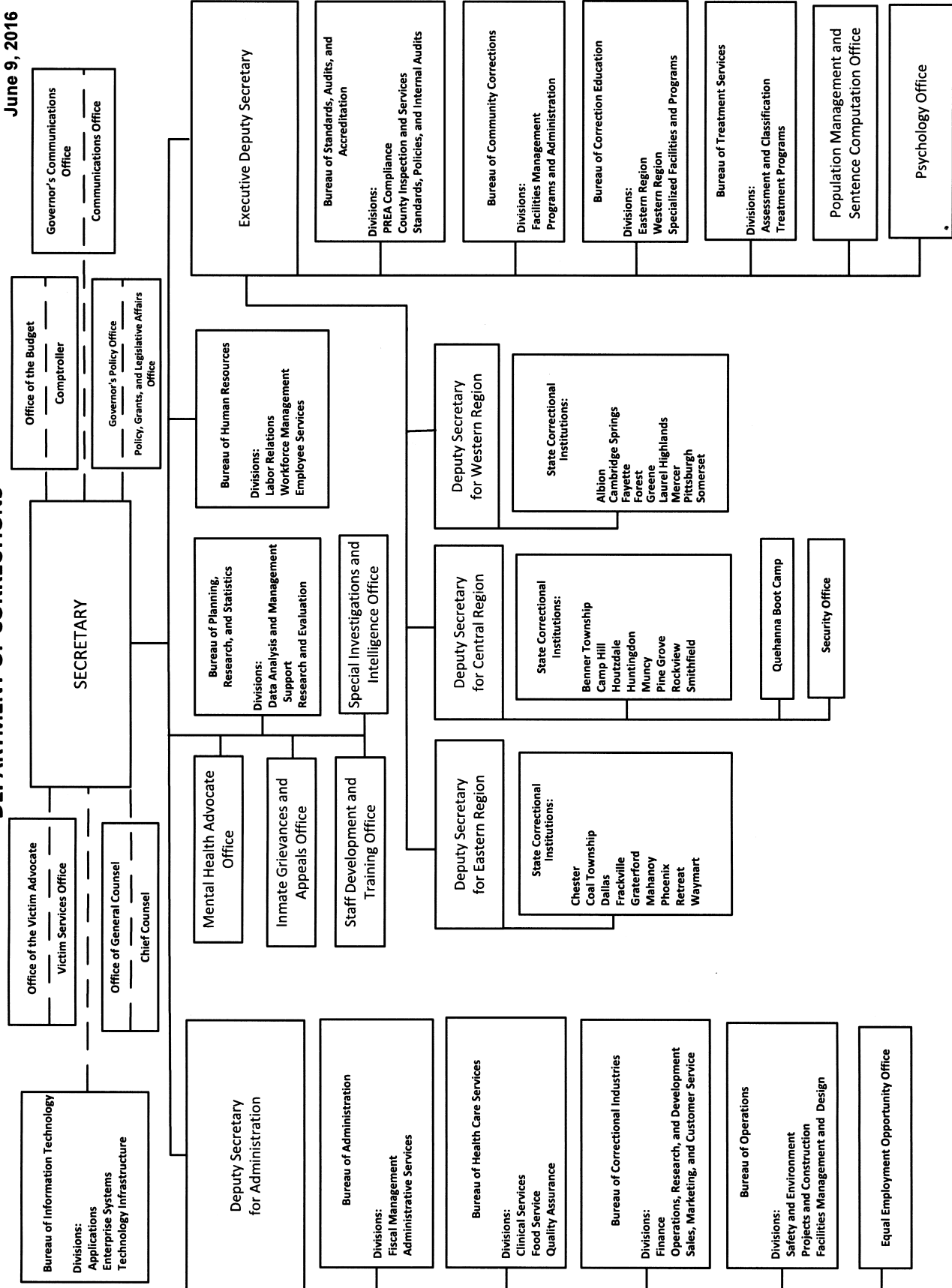
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 16-1069. Filed for public inspection June 24, 2016, 9:00 a.m.]



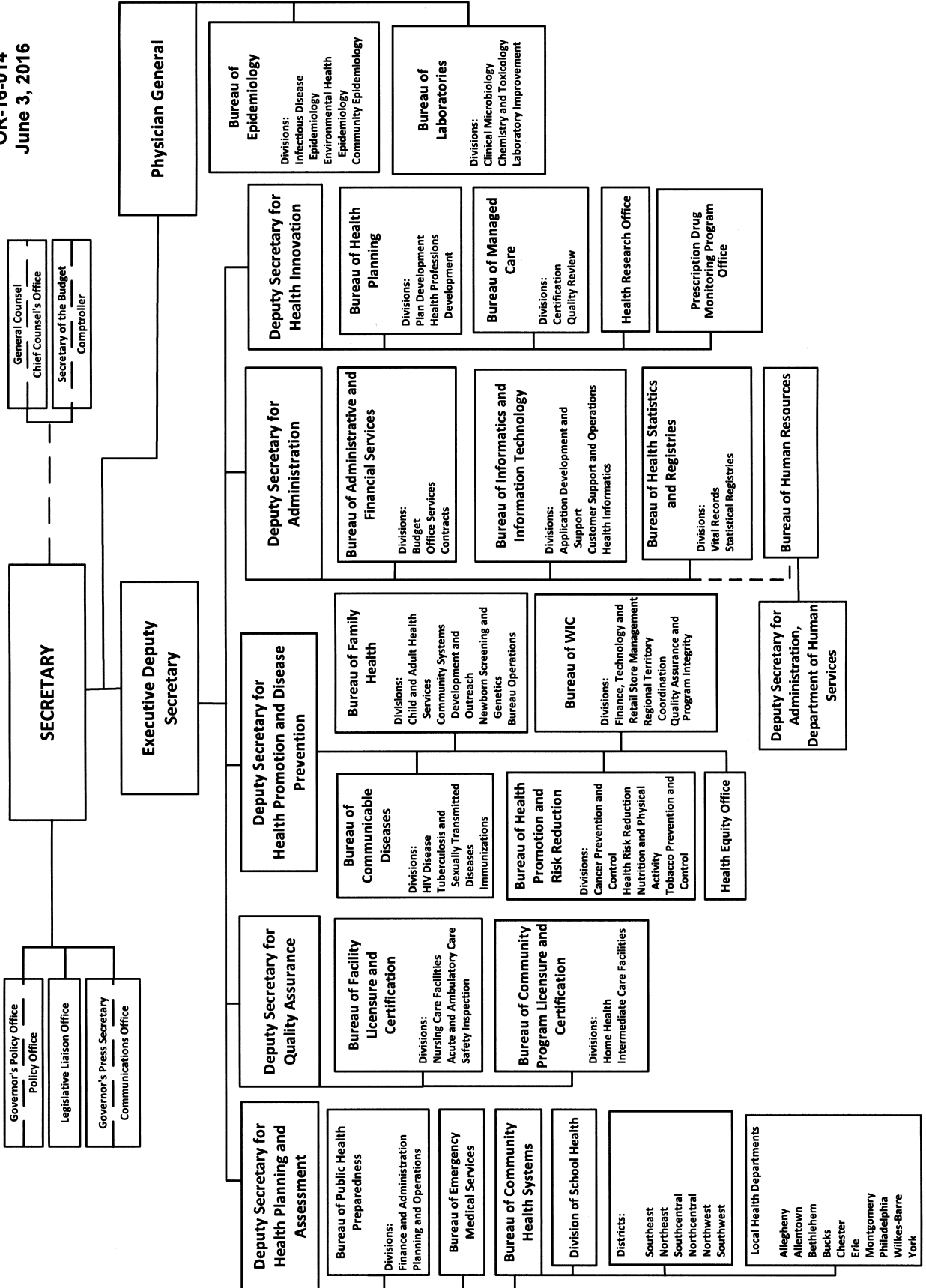
OR-16-016
June 9, 2016

DEPARTMENT OF CORRECTIONS



OR-16-014
June 3, 2016

DEPARTMENT OF HEALTH



Title 55—HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

[55 PA. CODE CH. 1150]

Payment Policy for Observation Services

This statement of policy applies to physicians, dentists and podiatrists (practitioners), and acute care general hospitals (hospitals) enrolled in the Medical Assistance (MA) Program who provide observation services to MA beneficiaries under the Fee-for-Service (FFS) delivery system. Hospitals and practitioners that provide observation services to MA beneficiaries in the managed care delivery system should address any payment related questions to the appropriate managed care organization.

Purpose

The purpose of this statement of policy is to specify the conditions for payment of observation services pending adoption of regulations.

Background

The act of December 28, 2015 (P.L. 500, No. 92) (Act 92) amended the Human Services Code (code) (62 P.S. §§ 101—1503). Act 92 added several new provisions, including section 443.3(a)(1.1) of the code (62 P.S. § 443.3(a)(1.1)). Section 443.3(a)(1.1) of the code authorizes the Department to establish rates for observation services and to issue an MA Bulletin specifying the conditions for payment of observation services for dates of service on or after July 1, 2016, pending adoption of regulations.

The Department announced its intent to pay hospitals for observation services and provided the rates the Department will pay for these services. Additionally, the Department announced the addition of observation services to the MA Fee Schedule. See 46 Pa.B. 2475 (May 14, 2016).

Discussion

Clinically-appropriate and medically necessary observation services include short-term treatment, assessment and reassessment, which are furnished in the hospital outpatient setting while a decision is made as to whether to admit an MA beneficiary to the hospital inpatient setting for further treatment or to discharge the MA beneficiary from the hospital outpatient setting.

Currently, the Department does not pay hospitals or practitioners for the provision of observation services rendered in the hospital outpatient setting under the FFS delivery system. Effective with dates of service on and after July 1, 2016, the Department will pay for medically necessary observation services provided in the hospital outpatient setting when prescribed or ordered by a practitioner and provided for a minimum of 8 hours.

Consistent with Act 92, this statement of policy establishes the conditions for the payment of observation services provided by a hospital and practitioner for the care of eligible MA beneficiaries as described in Annex A.

Effective Date

This statement of policy is effective July 1, 2016.

Contact Person

Comments and questions regarding this statement of policy should be directed to the Department of Human

Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

THEODORE DALLAS,
Secretary

(Editor's Note: Title 55 of the Pennsylvania Code is amended by adding a statement of policy in § 1150.56b to read as set forth in Annex A.)

Fiscal Note: 14-BUL-105. (1) General Fund;

(7) MA—Capitation; (2) Implementing Year 2015-16 is \$0; (3) 1st Succeeding Year 2016-17 is \$4,111,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$3,823,000,000; 2013-14 Program—\$3,995,000,000; 2012-13 Program—\$3,631,000,000;

(7) MA—FFS; (2) Implementing Year 2015-16 is \$0; (3) 1st Succeeding Year 2016-17 is \$6,118,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

Annex A

TITLE 55. HUMAN SERVICES

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1150. MA PROGRAM PAYMENT POLICIES

PAYMENT FOR SERVICES

§ 1150.56b. Payment policy for observation services—statement of policy.

(a) The Department will pay for clinically-appropriate and medically necessary observation services while a decision is made as to whether an MA beneficiary requires admission for inpatient acute care services or may be discharged to a nonhospital setting.

(b) Clinically-appropriate and medically necessary observation services include short-term treatment, assessment and reassessment that are furnished in the acute care general hospital outpatient setting.

(c) Observation services shall be prescribed or ordered prior to the acute care general hospital or practitioner rendering the service.

(d) The Department will pay acute care hospitals a one-time support component fee for observation services for a period of observation. The support component fee includes payment for all ancillary and diagnostic services provided during the period of observation.

(e) An acute care general hospital shall provide a minimum of 8 hours of observation services to be paid the support component fee.

(f) The Department will pay physicians, dentists and podiatrists a visit fee for observation services. The Department will pay physicians, dentists and podiatrists a separate professional component fee for ancillary and diagnostic services provided during the period of observation.

(g) Payments to physicians, dentists and podiatrists are subject to the conditions and limitations established in Chapters 1141, 1143, 1149 and 1150.

(h) The Department will not make payment for observation services in conjunction with the following:

(1) Short procedure unit surgical procedures, including surgical recovery time.

(2) Inpatient acute care general hospital services.

(3) Emergency room services.

(4) Hospital clinic services.

(5) Hospital physical therapy, occupational therapy and speech therapy services provided on any day other than the first calendar day of the period of observation.

(6) Special treatment room services.

(i) Physicians, dentists, podiatrists and acute care general hospitals shall comply with the recordkeeping and general standards for medical records requirements in § 1101.51(e) (relating to ongoing responsibilities of providers). In addition, physicians, dentists, podiatrists and acute care general hospitals shall include the medical record entries that are dated, with hour of entry noted, and signed.

[Pa.B. Doc. No. 16-1070. Filed for public inspection June 24, 2016, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Boxwood Blight

Recitals

A. Boxwood Blight, *Calonectria pseudonaviculatum*, is a new pest to the United States and in the Commonwealth. This is a deadly disease to plants in the *Buxus* genus and not widely prevalent or distributed within or throughout the Commonwealth or the United States.

B. The Plant Pest Act (Act) (act of December 16, 1992, P.L. 1228, No. 162) (3 P.S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority, under section 258.21 of the Act, to establish quarantines to prevent the spread of plant pests within this Commonwealth (act of December 16, 1992, P.L. 1228, No. 162, § 21) (3 P.S. § 258.21).

C. Under the authority of section 258.20 of the Act (related to pests declared public nuisance) (act of December 16, 1992, P.L. 1228, No. 162, § 20) (3 P.S. § 258.20) the Department may declare a plant pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares Boxwood Blight to be a public nuisance.

D. Once a plant pest is declared a nuisance, "It shall be unlawful for any person knowingly to permit any plant pest so declared to exist on his premises or to sell, offer for sale, give away or move any plants, plant products or other material capable of harboring the pest." (act of December 16, 1992, P.L. 1228, No. 162, § 20) (3 P.S. § 258.20)

E. Where the Department detects or confirms Boxwood Blight, *Calonectria pseudonaviculatum*, the property, facility, premises, place or area where it is detected or confirmed shall be subject to this Order of Quarantine.

Definitions

Associated equipment. Articles associated with production, movement, and sales. Such equipment may include tractors, wagons, trucks, stands, benches, etc.

Compost products. Products containing pieces of *Buxus* (*sp.*) including chipped plant materials, soil, leaves, and compost.

Landscaping, Nursery production and retail waste. Includes living or dead plants or plant parts from the *Buxus* (*sp.*), product produced in the course of or resulting from landscaping, nursery production, and retail sales, including associated supplies and equipment.

Systems Approach. The application of multiple pest management measures, at least two of which act independently but with cumulative effect, to reach the appropriate level of phytosanitary protection for prevention of pathogen development and movement. A pest management plan developed using a Systems Approach will address critical control points which include but are not limited to: inspection of new plants, isolation, water management, sanitation, shipping and returns.

Order

Under authority of section 21 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 21) (3 P.S. § 258.21), and with the Recitals and definitions previously listed incorporated into this Order of Quarantine by reference, the Department orders the following:

1. *Establishment of Quarantine on any property, facility, premises, place or area where Boxwood Blight is confirmed.* The Department will establish a quarantine and define the area of quarantine in a manner to prevent movement of *Buxus* material which has been exposed to or may be a carrier for, Boxwood Blight, *Calonectria pseudonaviculatum*, in any life stage. Quarantine boundaries will be established after an investigation and evaluation of the situation determines what areas may have been exposed to and harbor life stages of Boxwood Blight. An external quarantine is established by this Order of Quarantine to prevent further movement of Boxwood Blight, *Calonectria pseudonaviculatum* into the Commonwealth.

2. *Quarantine areas may be established by the Department based on any of the following:*

a) Confirmation of the plant pest at any in state or out of state location, property, facility, premises, place or area.

b) Confirmation of the plant pest in any delivery of a host plant or potential host plant to a Commonwealth location, property, facility, premises, place or area.

c) Locations, properties, facilities, premises, places or areas receiving shipments of host plants from a vendor, nursery or person known to have shipped contaminated plants to other locations.

d) Trace forward and trace back results indicating locations, properties, facilities, premises, places or areas where cross contamination of host plants could have occurred.

e) Suppliers or persons receiving plants which may have multiple locations, properties, facilities, premises, places or areas within the Commonwealth with plant hosts where there is evidence of exposure to a shared plant production source, a motor vehicle, carrier, container or other vessel that carried a host plant or was exposed to a contaminated host plant or other source of the plant pest.

f) Locations, properties, facilities, premises, places or areas with plant hosts where there is evidence of exposure to a motor vehicle, carrier, container or other vessel that carried a host plant or was exposed to a contaminated host plant or other source of the plant pest.

3. *Regulated Articles and Limitations Imposed.* The plant pest established by this Order of Quarantine—Boxwood Blight, *Calonectria pseudonaviculatum*—along with any material or object that may carry or spread the plant pest such as the following objects or materials, are considered regulated articles under this Order of Quarantine and may not be moved out of the quarantined area or transported into or within this Commonwealth, unless done in accordance with the applicable requirements of Paragraphs 4, 5 and 6 of this Order of Quarantine:

a) Any living life stage of the Boxwood Blight, *Calonectria pseudonaviculatum*.

b) All plants and plant parts. This shall include, but is not limited to, all live, dead, infected or non-infected nursery stock, budwood, scionwood, and produce and other material living, dead, cut, fallen including stumps, roots, branches, mulch, and composted and uncomposted chips.

c) Brush, debris, bark, or yard waste.

d) Landscaping, nursery/greenhouse and plant retail waste

e) Leaves, branches, and soil of infected *Buxus* genus

f) Any other article or means of conveyance when it is determined by an authorized state inspector or through Phytosanitary or other means of state approved inspection to present a risk of spread of Boxwood Blight, *Calonectria pseudonaviculatum*, in any life stage and is in or has been in proximity to such articles and the articles presenting a high risk of artificial spread.

4. *External Quarantine: Buxus (sp.) plant material originating outside of the Commonwealth shall only be imported if:* The originating state authorities have conducted a phytosanitary or other inspection meeting the requirements of movement into Pennsylvania or have entered into a Compliance Agreement, which meets the standards for movement into Pennsylvania, with the person shipping the regulated article. The State Agency with authority to regulate *Buxus (sp.)* plant material shall verify and attest that all of the following criteria are met:

a) The regulated article will be moved in compliance with the provisions of this Order of Quarantine and any additional emergency conditions that the Department may impose under the Plant Pest Act in order to prevent the artificial spread of Boxwood Blight, *Calonectria pseudonaviculatum*;

b) The regulated article, through the required inspection set forth in this Order of Quarantine, has been determined to be free of Boxwood Blight, *Calonectria pseudonaviculatum* based on inspection;

c) The regulated article has been grown, produced, manufactured, stored by a state approved systems approach and safeguarded in a manner that, in the judgment of the Department, prevents the regulated article from presenting a risk of spreading Boxwood Blight, *Calonectria pseudonaviculatum*;

d) All shipments of *Buxus (sp.)* shipped into the Commonwealth must be accompanied by a state Phytosanitary Certificate or Shipping Certificate which states: "The plants were grown, produced, and shipped to meet conditions specified and are not known to have Boxwood Blight, *Calonectria pseudonaviculatum*."

5. *Documentation to Accompany Buxus (sp.) in Movement from a Quarantined Area.* If a regulated article(s), delineated in Paragraph 3 of this Order of Quarantine, is to be moved the regulated article(s) shall be plainly marked with the name and address of the consignor and any person utilized in processing the *Buxus (sp.)* for movement and the name and address of the consignee. Such movement shall only be done under a Department issued and fully executed Compliance Agreement. A copy of a Department issued shipping certificate shall be securely attached to each regulated article itself or the container carrying each *Buxus (sp.)* and such certificate shall be attached to the consignee's copy of the accompa-

nying waybill at all times during movement. The description on the certificate, and on the waybill, shall be sufficient to identify the *Buxus (sp.)*. The consignor shall be responsible for compliance with such documentation standards and shall assure the carrier furnishes the certificate authorizing the movement of the regulated article to the consignee at the destination of the shipment. The consignor, carrier and the consignee shall keep a copy of the certificate. All such records shall be maintained by the consignee, consignor and carrier for a period of 2 years. Such records shall be made available to the Department for inspection upon request.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any Commonwealth person that demonstrates an understanding of the requirements of this Order of Quarantine and satisfies the Department that said person is capable of issuing certificates in accordance with the requirements of this Order of Quarantine. For allowance of out-of-state shipments, the Department will consider valid attestations and signed documentation of inspection from an originating State Agency that possesses regulatory authority with regard to the regulated article. The Department will honor compliance agreements established by the out-of-state Agency, so long as they contain terms consistent with the requirements established by the Department for interstate movement of regulated articles. The Department may provide either blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates on shipping containers, or both, as determined by the Department at its sole discretion. These certificates and limited permits may then be completed and used, as needed, for the movement of regulated articles that have met all of the requirements of this Order of Quarantine. Originals of each certificate issued by a person operating under a compliance agreement shall be kept by said person for a period of 2 years and shall be made available to the Department upon request.

7. *Cancellation of a Certificate or Compliance Agreement.* Any certificate, stamp, or any Compliance Agreement may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or the Compliance Agreement has not complied with a provision of the Act, regulations or this Order of Quarantine. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

8. *Federal Requirements for Interstate Movement of Articles.* This Order of Quarantine is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the movement of articles from, to or within a quarantined area.

9. *Contacting the Department.* A person seeking information about the requirements of this Order of Quarantine, or a limited permit or certificate for movement of a regulated article(s), or a compliance agreement for intrastate movement of a regulated article(s), shall contact the Department at: Pennsylvania Department of Agriculture, Bureau of Plant Industry, Attention: Dana Rhodes, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, danrhodes@pa.gov.

10. *Violations.* In accordance with the provisions of section 258.22 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 22) (3 P.S. § 258.22) it shall be unlawful to violate or fail to comply with any provision of the Act,

regulations or this Order of Quarantine. Failure to abide by the terms of this Order of Quarantine may result in the following:

a) If the regulated article is determined to be positive for Boxwood Blight, *Calonectria pseudonaviculatum*, all plants in *Buxus*, (*sp*) which may be infected are subject to destruction as determined by the Department.

b) The area in which the plants were located shall be subject to approved methods for sanitation where the infected plants were produced, stored and/or maintained.

c) When a supplier is determined by the Department to be a source of Boxwood Blight, *Calonectria pseudonaviculatum*, that facility will be suspended from sending *Buxus* (*sp*) to any address within the Commonwealth until such time as the following provisions can be demonstrated to the Department by the facility and verified by the Department:

i. The facility shall produce *Buxus* (*sp.*) utilizing a state certification process which incorporates a systems approach for pest mitigation for diseases such as Boxwood Blight; and

ii. The facility shall utilize suppliers or nurseries of *Buxus* (*sp.*) that have been officially inspected and licensed by a State Department of Agriculture or such State Agency with regulatory authority over the matter; and

iii. Any *Buxus* (*sp.*) purchased by the facility shall be held for 30 days in isolation from other *Buxus* (*sp.*) currently on the premises of the facility; and

iv. During the 30 day isolation of the *Buxus* (*sp.*), no fungicides active against Boxwood Blight shall be applied during the isolation holding period, as these fungicides may mask symptoms; and

v. All means of conveyance shall be sanitized and maintained to prevent the movement of Boxwood Blight; and

vi. The *Buxus* (*sp.*) shall not be combined or commingled with other *Buxus* (*sp.*) so as to lose its individual identity during production, maintaining, shipping or display; and

vii. The supplier, for a minimum of 1 year, shall notify the Department at plant@pa.gov of all shipments of *Buxus* (*sp.*) prior to shipment of the plant material to its destination; and

d) When a supplier is determined by the Department to be a source of Boxwood Blight, *Calonectria pseudonaviculatum*, for a second time, that supplier will be suspended from sending *Buxus* (*sp*) to any address within the Commonwealth until such time as the following provisions can be demonstrated to the Department by the supplier and verified by the Department or verified by the State of origin authority, if the supplier is not located within the Commonwealth:

i. All *Buxus* (*sp.*) at the location will be placed under "Stop Sale" or State of origins equivalent for non-movement of plants.

ii. A sample of not less than 2% or a minimum of 10 (ten) plants, whichever is greater, of *Buxus* (*sp.*) block under "Stop Sale", shall be randomly selected, marked and isolated to an observation block and the following conditions applied:

aa) The observation blocks shall have no fungicide applications for at least 30 days and shall remain un-

treated until such time as the conditions are conducive for Boxwood Blight to present.

bb) Once conditions are present for Boxwood Blight and fungicide applications have ceased for at least 30 days, the Department, or where out-of-state, the State Agency with such authority, will sample and inspect the blocks as necessary.

cc) If Boxwood blight is found to be present in the observation block, the *Buxus* (*sp.*) of that size and variety corresponding to the positive block shall be destroyed.

dd) If Boxwood Blight is not found to be present, the *Buxus* (*sp.*) of that size and variety corresponding to the negative block may be released by the Department, or where out-of-state, the State Agency with such authority after final inspection.

iii. For a minimum of 2 years, the facility shall notify the Department at plant@pa.gov of all shipped *Buxus* (*sp.*) prior to shipment of the plant material to its destination; and

e) When a supplier is determined by the Department to be a source of Boxwood Blight, *Calonectria pseudonaviculatum*, for a third time, that supplier will be suspended from sending *Buxus* (*sp*) to any address within the Commonwealth.

f) Wholesale and Retail facilities, which do not produce *Buxus* *sp.* material and have been found positive for Boxwood Blight, *Calonectria pseudonaviculatum*, shall enter into a Clean Boxwood Program for non-producers with the Department.

g) Wholesale and Retail facilities, which do not produce *Buxus* (*sp.*) material and have been found positive for Boxwood Blight, *Calonectria pseudonaviculatum*, shall notify the Department of all incoming *Buxus* (*sp.*) prior to receipt of the plant material for a minimum of 1 year at plant@pa.gov; and

11. *Criminal and Civil Penalties.* In accordance with the provisions of the Act, at sections 258.23 and 258.24 (act of December 16, 1992, P.L. 1228, No. 162, §§ 23 and 24) (3 P.S. §§ 258.23 and 258.24), a person who violates this Order of Quarantine may face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order of Quarantine may be assessed a civil penalty of up to \$20,000 with respect to each violation.

12. *Cooperation with other agencies.* As authorized by section 258.26 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 26) (3 P.S. § 258.26), the Department may cooperate and enter into agreements with any individual, organization or Federal, State or county agency for the purpose of implementing the provisions of the Plant Pest Act. This may include cooperation with respect to the most efficacious measures to survey for and detect Boxwood Blight, *Calonectria pseudonaviculatum*, to slow the spread or eradicate these plant pests.

13. *Effective Date.* This quarantine is effective upon signature and shall be published in the *Pennsylvania Bulletin* and shall remain in effect until rescinded by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 16-1071. Filed for public inspection June 24, 2016, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 14, 2016.

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

BANKING INSTITUTIONS

Branch Applications

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-10-2016	S&T Bank Indiana Indiana County	<i>To:</i> 491 North Cleveland Massillon Akron Summit County, OH <i>From:</i> 3501 Embassy Parkway Akron Summit County, OH	Filed

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-1072. Filed for public inspection June 24, 2016, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

2012 Action Plan Amendment

The Department of Community and Economic Development (Department) proposes to amend the Commonwealth's Action Plan for Federal Fiscal Year 2012. The amendment is warranted because of adding funding from the HOME Investment Partnership (HOME) 2012 allocation to an activity that was not in the original method of distribution for that year, though the activity has been continuously executed by the Pennsylvania Housing Finance Agency (Agency) for the life of the Consolidated Plan of 2009—2013.

The Annual Action Plan (Plan) is submitted to the United States Department of Housing and Urban Development (HUD) as the annual application for Federal funds administered by the Commonwealth. The HUD funding programs covered by the Plan and administered by the Department are the Community Development Block Grant, HOME, the Emergency Solutions Grant programs, Community Development Block Grant—Disaster Recovery, and Neighborhood Stabilization Program. Also covered by the Plan is the Housing Opportuni-

ties for Persons with AIDS program which the Department of Health administers.

Amendment

This notice is to inform the citizens, local governmental officials and interested organizations of this Commonwealth that a minor amendment is being made to the 2012 Action Plan as submitted. This amendment does not constitute a substantial amendment as described in the Commonwealth of Pennsylvania's Citizen Participation Plan to Develop the Consolidated Plan and Related Documents. This has been determined because the amendment only identifies \$200,000 from the Agency's allocation being redirected from their Multi-family program to the Tenant Based Assistance Program, under the \$1 million threshold for a substantial amendment. This activity was covered in the 2009—2013 Consolidated Plan and has been a continuous program of the Agency.

The amendment will be made available after June 25, 2016, at <http://www.newpa.com> (under "The Library," select 2012 Action Plan Amendments.) Readers may also contact the Department's Center for Community Development Operations at (717) 787-5327.

Questions or comments on this amendment may be electronically submitted to the Department at RADCEDcdbg&homequestions@pa.gov. Written comments should be submitted to Megan L. Snyder, Center for Compliance, Monitoring, and Training, Department of

Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225.

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 16-1073. Filed for public inspection June 24, 2016, 9:00 a.m.]

Substantial Amendments for the Community Development Block Grant—Disaster Recovery; 2012 and 2013 Allocations; Public Hearing

A public comment period will be held to review the proposed substantial amendments to the Commonwealth for Fiscal Year (FY) 2012 Community Development Block Grant—Disaster Recovery (CDBG-DR) (PL 112-55) funds and FY 2013 CDBG-DR (PL 113-2) funds. The public comment period is from June 26, 2016, through July 26, 2016.

The United States Department of Housing and Urban Development (HUD) issued a notice at 77 FR 22583 (April 16, 2012) which awarded \$27,142,501 of CDBG-DR funds to the Commonwealth to be administered by the Department of Community and Economic Development (Department). This was the first allocation of CDBG-DR funding to assist the State with recovery from 2011 storm events (April 2011 Storms—FEMA-4003-DR; Hurricane Irene—FEMA-4025-DR; and Tropical Storm Lee—FEMA-4030-DR). An Action Plan for these funds was submitted to HUD on July 23, 2012, and subsequently approved. Since then the Department has published and received approval for three Substantial Action Plan Amendments to this first allocation of CDBG-DR funding under PL 112-55. The needs for disaster relief have evolved since the submission of the last Substantial Action Plan Amendment on August 11, 2014, and the completion of the first round of applications for assistance by affected municipalities. The Commonwealth has updated its unmet needs analysis and made some changes to the funding allocations under the PL 112-55 appropriation to reflect this new analysis as well as the strategic priorities of the Commonwealth.

PL 112-55

Under PL 112-55, the Commonwealth has eliminated the Economic Development Business Stimulus and Resiliency Program due to a lack of unmet need and demand for the program. The funding has been allocated to the following programs:

- Housing Repair, Reconstruction and Elevation Program: \$9,660,501
- Buyout Program: \$1,963,501
- New Housing Construction Program: \$500,000
- Down Payment Assistance Program: \$1,000,000
- Multifamily Rental Housing Program: \$500,000
- Infrastructure Program: \$11,536,374
- Planning: \$625,000
- Administration: \$1,357,125

• Project caps under each program have been removed as well as the provision that required an amendment if 10% or more funding from a program was moved to another program.

PL 113-2

The Commonwealth received \$29,986,000 from HUD under The Disaster Relief Appropriations Act, 2013 (Pub.L. No. 113-2), approved January 29, 2013. This was the second allocation of CDBG-DR funding to assist the State with recovery from 2011 storm events (April 2011 Storms—FEMA-4003-DR; Hurricane Irene—FEMA-4025-DR; and Tropical Storm Lee—FEMA-4030-DR). The Action Plan guiding the distribution of the \$29,986,000 appropriation was published on August 30, 2013, and allocated \$8.5 million toward Housing Buyouts, \$425,000 towards Administration and outlined additional programs with funding allocations “To be determined after the needs assessment and submittal of applications.” Along with an updated unmet needs analysis, this Substantial Action Plan Amendment allocates the entirety of the PL 113-2 appropriation to a mix of Housing and Infrastructure Programs as follows:

- Housing Repair, Reconstruction and Elevation Program: \$7,000,000
- Buyout Program: \$8,500,000
- Multifamily Rental Housing Program: \$7,500,000
- Infrastructure Program: \$5,386,700
- Planning: \$100,000
- Administration: \$1,499,300

Both Substantial Amendments

• Under both allocations, the Department, as the grant recipient of this funding, may share administration funding with other subgrantees at its discretion not to exceed 2.5%.

• The citizen participation process for both substantial amendments and all future updates has changed to allow for the use of more electronic notification to interested parties and citizens. Also the time for citizen comment has been extended to 30 days for both allocations to allow for more time to respond to changes in the plan.

The substantial amendments to the PL 112-55 and PL 113-2 Action Plans and supporting documentation will be available for a 30-day public comment period and can be viewed on the Department’s web site at <http://www.newpa.com> (under “The Library,” select “Disaster Recovery Assistance Program.”) The text is available to visual-impaired persons by the Department’s web site at the link previously listed. A translation into Spanish will also be available on the Department’s web site at the same link. The final version of the Substantial Amendment will be submitted to HUD no later than August 3, 2016.

Public Hearing

The public hearing for the Substantial Amendments will be conducted electronically by the Internet on Monday, July 25, 2016. This more widely available computer/conference call access will replace the onsite public hearing. The format will be more accessible than an in-person meeting because those who wish to make comment or discuss policy may participate directly from their electronic device or from a computer located at their public library.

Any individual or organization may give testimony or comments by the Internet/telephone about the proposed changes to the Action Plans for the CDBG-DR funding. The Commonwealth encourages public participation in this process.

Anyone who wants to participate must register in advance. Contact Megan L. Snyder at (717) 720-7404 to receive registration instructions for the Internet hearing at least 24 hours prior to the hearing date. During the hearing if support is required call (717) 787-5327. The hearing will be shortened if there is no one to testify or there is minimal response.

Persons with a disability or limited English proficiency who wish to participate in the public hearing should contact Megan L. Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD at (717) 346-0308 to discuss how the Department can accommodate their needs.

Written Comments

Persons who would like to provide written comment on either or both substantial amendments to the CDBG-DR Action Plan may send those comments electronically to RA-DCEDcdbg&homequestions@pa.gov or mail to Megan L. Snyder, Department of Community and Economic Development, Center for Compliance, Monitoring and Training, 400 North Street, 4th Floor, Harrisburg, PA 17120. Comments must be received before 4 p.m. on July 26, 2016. Indicate which year of funding (PL 112-55 or PL 113-2) the comments are addressing.

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 16-1074. Filed for public inspection June 24, 2016, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

State Forest Wild Area Designations

Based upon the favorable comments received during the public comment period, the following areas will added to the State Forest Wild Areas listing under 17 Pa. Code § 27.5 (relating to procedure).

The contact person for this notice is Amanda Parks, Planning Section, Bureau of Forestry, P.O. Box 8552, Harrisburg, PA 17105-8552, (814) 364-5150, Ext. 307, amparks@pa.gov.

State Forest Wild Area Approved Additions

Hammersley Wild Area

As part of the 2016 update of the State Forest Resource Management Plan (Plan), the Bureau of Forestry (Bureau) finalized approximately 30,000 acres in Susquehannock State Forest as the Hammersley Wild Area. This area, located in the Deep Valleys ecoregion, is the largest roadless area in this Commonwealth, providing opportunities for primitive recreation, as well as protecting exceptional value streams and native brook

trout habitat. Since it was proposed in the 2003 Plan, the area has been managed following the Wild Area guidelines in 17 Pa. Code Chapter 27 (relating to State Forest natural areas—statement of policy). A map of the final boundaries can be found at www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031105.pdf.

Penns Creek Wild Area

As part of the 2016 update of the Plan, the Bureau finalized approximately 6,200 acres in Bald Eagle State Forest as the Penns Creek Wild Area (3,810 acres area already designated as the White Mountain Wild Area; an additional 2,473 acres would be added to create the new Penns Creek Wild Area). This area, located in the Ridge and Valley ecoregion, is characterized by its scenic stream corridor, riparian habitats, undeveloped nature and Nationally-recognized trout stream. Since it was proposed in the 2003 Plan, the area has been managed following the Wild Area guidelines. A map of the final boundaries can be found at www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031674.pdf.

Quebec Run Wild Area

As part of the 2016 update of the Plan, the Bureau finalized approximately 6,000 acres in Forbes State Forest as the Quebec Run Wild Area. This area, located in the Allegheny Mountain ecoregion, is characterized by its wild character and high quality streams, and it is home to several rare and threatened species. Since it was proposed in the 2003 Plan, the area has been managed following the Wild Area guidelines. A map of the final boundaries can be found at www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031110.pdf.

Square Timber/Big Run Wild Area

As part of the 2016 update of the Plan, the Bureau finalized approximately 5,600 acres in Elk State Forest as the Square Timber/Big Run Wild Area. This large, undeveloped area, located in the Deep Valleys ecoregion, provides opportunities for primitive recreation, as well as providing key habitat for many aquatic and terrestrial organisms. Since it was proposed in 2003, the area has been managed following the Wild Area guidelines. A map of the final boundaries can be found at www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031675.pdf.

Stairway Wild Area

As part of the 2016 update of the Plan, the Bureau finalized approximately 2,700 acres in Delaware State Forest as the Stairway Wild Area. This area, located in the Glaciated Low Plateau ecoregion, provides opportunities for primitive recreation, supports a unique diversity of plant and animal species, and contains exceptional value streams. Since it was proposed in 2003, the area has been managed following the Wild Area guidelines. A map of the final boundaries can be found at www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031108.pdf.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 16-1075. Filed for public inspection June 24, 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0252921 (Sewage)	4 W Deep Mine Portal STP 103 Corporate Drive Suite 102 Morgantown, WV 26501-4582	Greene County Dunkard Township	Unnamed Tributary to Dunkard Creek (19-G)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0097233 (Sewage)	S Versailles Township PO Box 66 Coulter, PA 15028	Allegheny County South Versailles Township	Youghiogheny River (19-D)	Yes
PA0095729 (Sewage)	Eastern Orthodox Foundation PO Box 342 8715 Route 422 Highway E Penn Run, PA 15765	Indiana County Cherryhill Township	Unnamed Tributary of Yellow Creek (18-D)	No
PA0033456 (Sewage)	Sunny Acres MHP STP 3499 Route 9, Suite 3C Freehold, NJ 07728-3277	Somerset County Somerset Township	Unnamed Tributary to East Branch Coxes Creek (19-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0247839— SEW	Kings River Haven, LLC 2379 River Road Bainbridge, PA 17502	Lancaster County Conoy Township	Snitz Creek—7G	Y
PA0085405— SEW	Baladerry Inn Bed & Breakfast 40 Hospital Road Gettysburg, PA 17325	Adams County Cumberland Township	Marsh Rock Creek— 13D	Y
PA0010375— IW	Lehigh White Cement Company 7660 Imperial Way Allentown, PA 18195-1016	York County West Manchester Township	Codorus Creek—7-H	Y
PA0041581— SEW	Liverpool Municipal Authority 1461 Susquehanna Trail Liverpool, PA 17045	Perry County Liverpool Township	Mahantango-Wiconisco Creeks 6-C	Y
PA0261661S— SEW	The Red Carpet Inn 2845 Lebanon Road Manheim, PA 17545	Lancaster County Rapho Township	Shearers Creek—7G	Y
PA0248134— SEW	Little Britain Store, Inc 10 North Little Britain Road Quarryville, PA 17566	Lancaster County Little Britain Township	Reynolds Run—7K	Y
PA0083704— SEW	Shippensburg Borough Authority 111 North Fayette Street Shippensburg, PA 17257	Franklin County Lurgan Township	Conodoguinet Creek— 7B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0041327 (Sewage)	Pennsylvania College of Technology Schneebeli Earth Science Center Wastewater Treatment Plant 203 Allenwood Camp Lane Montgomery, PA 17752	Lycoming County Clinton Township	Unnamed Tributary to Black Hole Creek (10-C)	Yes
PA0114740 (Industrial)	Roaring Creek Water Treatment Plant 204 E Sunbury Street Shamokin, PA 17872-4826	Northumberland County Coal Township	South Branch Roaring Creek (5-E)	Yes

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

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

PA0060089A-2, Sewage, SIC Code 4952, **Middle Smithfield Township**, 147 Municipal Drive, East Stroudsburg, PA 18302. Facility Name: Middle Smithfield Township Fernwood WWTP. This existing facility is located in Middle Smithfield Township, **Monroe County**.

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

The receiving stream, Bush Kill, is located in State Water Plan watershed 1-D and is classified for High Quality Trout Stocking Fishery, Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	205	330	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₃) Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	250	375	XXX	30	45	60
Total Suspended Solids Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000 Avg Quarterly	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
UV Transmittance (%)	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	25	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	75	XXX	XXX	9.0	XXX	18.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	Report Daily Max	XXX

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

- Solids Management, Toxics Reduction Evaluation, Whole Effluent Toxicity

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

The EPA Waiver is not in effect.

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

PA0026123, Sewage, SIC Code 4952, **Columbia Municipal Authority**, 308 Locust Street, Columbia, PA 17512-1121. Facility Name: Columbia Municipal Authority WWTP. This existing facility is located in Columbia Borough, **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, Susquehanna River, is located in State Water Plan watershed 7-G 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 2.0 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

<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>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	417	667 Wkly Avg	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	500	750Wkly Avg	XXX	30.0	45.0	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Phosphorus	33	XXX	XXX	2.0	XXX	4

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen ³	Report	36,529	XXX	XXX	XXX	XXX
Net Total Phosphorus ³	Report	4,871	XXX	XXX	XXX	XXX

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

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

The EPA Waiver is not in effect.

PA0247715, Sewage, SIC Code 8361, **Greater Gettysburg Development Company, LLC**, 601 Mason Dixon Road, Gettysburg, PA 17325. Facility Name: Gettysburg Commons STP. This existing facility is located in Straban Township, **Adams County**.

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

The receiving stream, Unnamed Tributary of Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.270 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	25	XXX	XXX	10.0	XXX	20
Total Suspended Solids	25	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	10,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
Ammonia-Nitrogen						
Nov 1 - Apr 30	7.5	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	2.5	XXX	XXX	1.0	XXX	2
Total Phosphorus	0.75	XXX	XXX	0.3	XXX	0.6

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual	Monthly	Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen ³	Report	5,479	XXX	XXX	XXX	XXX
Net Total Phosphorus ³	Report	274	XXX	XXX	XXX	XXX

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

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

The EPA Waiver is not in effect.

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

PA0025933, Sewage, SIC Code 4952, **City of Lock Haven**, 20 East Church Street, Lock Haven, PA 17745-2527. Facility Name: City of Lock Haven WWTP. This existing facility is located in Lock Haven City, **Clinton 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), Bald Eagle Creek, is located in State Water Plan watershed 9-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
CBOD ₅	782	1,251	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	938	1,407	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	625	938	XXX	20	30	40
Nov 1 - Apr 30	Report	Wkly Avg Report	XXX	Report	Report	XXX
Total Antimony (µg/L)	Report	Wkly Avg Report	XXX	Report	Report	XXX

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Weekly Average	
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report Daily Max	XXX
Total Iron	XXX	XXX	XXX	Report	Report Max Daily	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			

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.

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

PA0023213—Amendment No. 1, Sewage, SIC Code 4952, **Ridgway Borough**, PO Box 149, Ridgway, PA 15853-0149. Facility Name: Ridgway Borough STP. This existing facility is located in Ridgway Borough, **Elk County**.

Description of Existing Activity: The application is for an NPDES permit for an existing discharge of treated sewage, industrial wastewater and oil & gas brine wastewater.

The receiving stream(s), Clarion River, is located in State Water Plan watershed 17-A and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.2 MGD.

The permit will be amended to authorize the treatment of an additional 5,000 gallons/day of natural gas wastewater from shallow well operations. This increases the total amount of this wastewater being treated from 20,000 to 25,000 gallons/day. None of the current effluent limitations are affected by authorizing this increase.

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

The EPA Waiver is not in effect.

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

PA0244830, Storm Water, SIC Code 5191, **Northeast Energy Terminal LLC**, 811 Main Street, Houston, TX 77002. Facility Name: NE Energy Terminal Columbus Ave. This proposed facility is located in Philadelphia City, **Philadelphia County**.

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

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

The proposed effluent limits for Outfalls 001, 002 and 003 are based on stormwater.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Conductivity (mhos/cm)	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	Annual Ave. 5,000*	XXX	XXX	Report	XXX	XXX

* The accumulative from all three outfalls

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

- I. Stormwater Requirements
- II. Other applicable BMPs
- III. Other Requirements
- IV. Special Conditions
- V. Requirements to use EDMR system

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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

PA0046426, Sewage, SIC Code 4952, **Franklin Township Sewer Authority**, 570 Rolling Meadows Road, Waynesburg, PA 15370. Facility Name: Franklin Township Sewer Authority STP. This existing facility is located in Franklin Township, **Greene 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), South Fork Tenmile Creek, is located in State Water Plan watershed 19-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.74 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.5
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	363	544	XXX	25	37.5	50
May 1 - Oct 31	290	435	XXX	20	30	40
Biochemical Oxygen Demand (BOD ₅)						
Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids						
Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	435	653	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	58	XXX	XXX	4.0	XXX	8
May 1 - Oct 31	36	XXX	XXX	2.5	XXX	5

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Antimony, Total	XXX	XXX	XXX	Report	Report Daily Max	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report Daily Max	XXX

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. 0215412 A-1, Sewerage, **Findlay Township Municipal Authority**, P O Box 409, Clinton, PA 15026.

This facility is located in Findlay Township, **Allegheny County**.

Description of Proposed Action/Activity: Installation of a Solids Contact Tank at the Potato Garden Run STP.

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

WQM Permit No. 3492401, Amendment No. 3, Sewerage, **Port Royal Municipal Authority**, 804 Eighth Street, PO Box 236, Port Royal, PA 17082.

This proposed facility is located in Port Royal Borough, **Juniata County**.

Description of Proposed Action/Activity: Seeking permit approval for the installation/operation of the Third Street Pump Station. To service properties on 3rd and 4th street and lay a pipe connecting the pump station to the existing force main.

WQM Permit No. 0616404, Sewerage, **Nick and Les, Inc.**, 3801 Germantown Pike, Collegetown, PA 19426.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a wastewater treatment plant to serve the 55 unit Green Hills Estates subdivision development and an existing needs area in the township.

WQM Permit No. 2116405, Sewerage, **Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055.

This proposed facility if located in Upper Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the increase size from 12 in to 21 in from Manhole 214 to Manhole 174 (between US 15 and Messiah Village). Approximately 3,100 linear feet of interceptor will be replaced.

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

WQM Permit No. 1092405 A-1, Sewerage, **Wick Auto Sales Inc.**, Carol M & Thomas E Kaufman d/b/a Franklin Village A Manufactured Housing Community, 423 Dogwood Drive, Butler, PA 16001-0225.

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

Description of Proposed Action/Activity: Modification to influent box of sewage treatment plant.

WQM Permit No. 2516406, Sewerage, **Joseph Warnick**, 10624 Station Road, North East, PA 16428.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011516005	JEP, LLC 566 Cricket Lane Downingtown, PA 19335	Chester	West Whiteland Township	Broad Run HQ-CWF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023916013	Jeffrey S. Pidcock Parkwood Real Estate Trust, LLC 2451 Parkwood Drive Allentown, PA 18103	Lehigh	Salisbury Township & City of Allentown	Little Lehigh Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024816010	E&M Enterprises c/o Mr. Joe Taviani 2375 Benders Drive Bath, PA 18014	Northampton	Moore Township	Monocacy Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026416004	Mr. Jason Horowitz Lakeville Dollar General 9010 Overlook Blvd Brentwood, TN 37027	Wayne	Paupack Township	UNT to Spinner Brook (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033616005	Samuel S. King 6289 Plank Road Narvon, PA 17555	Lancaster	Salisbury Township	UNT 07542 to Pequea Creek (HQ-CWF, MF)
PAI034414004(1)	McVeytown DDP X, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Mifflin	Oliver Township	Musser Run (HQ-CWF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701**Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041416009	Michael Hawbaker 502 Stone Cliff Place Port Matilda, PA 16870	Centre	Patton Twp	Buffalo Run, HQ-CWF

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Butler County Conservation District, 122 McCune Drive, Butler, PA 16001-6501*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061010004R	F and H Development Inc 4359 Gibsonia Road Gibsonia, PA 15044	Lawrence	Buffalo Township	Sarver Run HQ-TSF

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>
Hemlock Lane Farm, LP 121 Hemlock Lane, Williamsburg, PA 16693	Blair, Huntingdon	585.3	714.22	Swine	NA	New
Craig Finkbiner 2452 Free Spring Church Road McAlisterville, PA 17049	Juniata	490.3	971.6	Swine & Beef	NA	Renewal
Marlin Martin Heidelberg Pig Family Farm 425 North Market Street Myerstown, PA 17067	Lebanon	41.8	525.58	Swine & Poultry	EV	Renewal
Leslie Burkholder Leslie Burkholder Poultry Farm 52 Burkholder Lane Fredericksburg, PA 17026	Lebanon	118	271.84	Poultry & Cattle	EV	Renewal
Lester Martin 415 E. Old York Road Carlisle, PA 17015	Cumberland	88.5	135.3	Ducks	EV	Renewal
Robert S. Martin Ridge Valley Farms 4227 Ridge Road Beaver Springs, PA 17812	Snyder	258.3 109.2 available for manure	1,205.93	Swine, Turkey, Deer	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3716501, Public Water Supply.

Applicant	Borough of Wampum
Township or Borough	Wampum Borough
County	Lawrence County
Responsible Official	Charles G. Kelly, Sr. Water Operator Wampum Borough Water Department P.O. Box 65 355 Main Street Wampum, PA 16157
Type of Facility	Public Water Supply
Consulting Engineer	Carl Richard Petrus, P.E. Petrus Engineering, LLC 26 Nesbitt Road Suite 256 New Castle, PA 16105

Application Received June 2, 2016
Date
Description of Action Installation of Greensand
filtration for manganese
removal.

MINOR AMENDMENT

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

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

**Application No. 5615511GWR-A1, Minor Amend-
ment.**

Applicant **Municipal Authority of the
Borough of Somerset**
347 West Union Street
Somerset, PA 15501
[Township or Borough] Somerset Borough
Responsible Official Lawrence Kowatch,
Superintendent/Chief Operator
Municipal Authority of the
Borough of Somerset
347 West Union Street
Somerset, PA 15501
Type of Facility Water system
Consulting Engineer The EADS Group
450 Aberdeen Drive
Somerset, PA 15501
Application Received May 31, 2016
Date
Description of Action Amendment for an increased
flow rate.

Application No. 3016505MA, Minor Amendment.

Applicant **Southwestern Pennsylvania
Water Authority**
1442 Jefferson Road
PO Box 187
Jefferson, PA 15344
[Township or Borough] Washington Township
Responsible Official John W. Golding, Manager
Southwestern Pennsylvania
Water Authority
1442 Jefferson Road
PO Box 187
Jefferson, PA 15344
Type of Facility Water system
Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024
Application Received May 31, 2016
Date
Description of Action Installation of approximately
4,568 feet of 12-inch diameter
waterline along Byard Road.

Application No. 6516506MA, Minor Amendment.

Applicant **Municipal Authority of
Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672
[Township or Borough] Murrysville Borough
Responsible Official Christopher Kerr,
Resident Manager
Municipal Authority of
Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672
Type of Facility Water system
Consulting Engineer Municipal Authority of
Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672
Application Received May 25, 2016
Date
Description of Action Installation of approximately 860
feet of 8-inch diameter waterline.

Application No. 0216515MA, Minor Amendment.

Applicant **Fox Chapel Authority**
255 Alpha Drive
Pittsburgh, PA 15238
[Township or Borough] Indiana Township
Responsible Official Mark Nicely, Manager
Fox Chapel Authority
255 Alpha Drive
Pittsburgh, PA 15238
Type of Facility Water system
Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024
Application Received June 7, 2016
Date
Description of Action Painting and rehabilitation of
the North Tank.

Application No. 0216516MA, Minor Amendment.

Applicant **Fox Chapel Authority**
255 Alpha Drive
Pittsburgh, PA 15238
[Township or Borough] O'Hara Township
Responsible Official Mark Nicely, Manager
Fox Chapel Authority
255 Alpha Drive
Pittsburgh, PA 15238
Type of Facility Water system
Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024
Application Received June 7, 2016
Date
Description of Action Painting and rehabilitation of
the Wise Hill Tank.

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 this Commonwealth

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

WA26-1008, Water Allocations. Municipal Authority of the Borough of Belle Vernon, PO Box 181, Belle Vernon, PA 15012, **Fayette County**. The applicant is requesting the right to purchase 1,000,000 gallons of water, peak month, from the Municipal Authority of Westmoreland County.

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:

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

Dillon Floral Corporation Property, 1005 Scott Town Center, Town of Bloomsburg & Scott Township, **Columbia County**. Earth Res Group, 6912 Old Easton Road, Pipersville, PA 18947, on behalf of Dillon Center, LLC, P.O. Box 180, Bloomsburg, PA 17815 submitted a Notice of Intent to Remediate. The site is contaminated with dieldrin in the soil. The Notice of Intent to Remediate was published in the *Press Enterprise* on May 19, 2015.

Miller Center for Recreation and Wellness, 1000 Buffalo Road, East Buffalo Township, **Union County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Miller Center for Recreation and Wellness, 1000 Buffalo Road, Lewisburg, PA 17837, submitted a Notice of Intent to Remediate. Arsenic has been identified in the site soil. The proposed future use of the property will be a recreation and wellness center. The Notice of Intent to Remediate was published in *The Daily Item* on May 23, 2016.

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

US Mini Mart—Childs Property, 508 Main Street, Carbondale Township, **Lackawanna County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Singh Is King, LLC, 306 Glen Ridge Road, Tobyhanna, PA 18466, submitted a Notice of Intent to Remediate. VOC contamination impacted the soils and groundwater at this site. The proposed future use of the property will be for non-residential purposes. The Notice of Intent to Remediate was published in *The Scranton Times* on April 1, 2016.

Laird Technologies, 1 Shielding Way, Delaware Water Gap Borough, **Monroe County**. WSP USA Corp., 200 Cottontail Lane, Suite A112W, Somerset, NJ 08873, on behalf of Laird Technologies, Inc., 3481 Rider Trail South, Earth City, MO 63045, submitted a Notice of Intent to Remediate for groundwater. Contamination is due to historical operations at the site. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in the *Pocono Record* on June 2, 2016.

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

Fairfield Auto Service/Former Hiner's Garage, 207 West Main Street, Fairfield, PA 17320, Fairfield Borough, **Adams County**. BlackRock Environmental, LLC, P.O.

Box 288, Nazareth, PA 18064, on behalf of Fairfield Auto Service, 207 West Main Street, Fairfield, PA 17320, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with gasoline. The site will be remediated to the Site Specific Standard. Future use of the site is an automobile repair/inspection facility. The Notice of Intent to Remediate was published in the *Gettysburg Times* on May 26, 2016.

BAE Systems Land and Armaments, LP, 1100 Bairs Road, York, PA 17405, West Manchester Township, **York County**. Leidos, Inc., 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of BAE Systems, Inc., 1100 Bairs Road, York, PA 17405, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with chlorinated solvents and arsenic. The site will be remediated to the Site Specific and Non-Residential Statewide Health Standards. Future use of the site is manufacturing/industrial operations. The Notice of Intent to Remediate was published in *The York Dispatch/York Sunday News* and *York Daily Record* on May 26, 2016.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Portion of 1525 Pittsburgh Avenue, 1525 Pittsburgh Avenue, City of Erie, **Erie County**. Partner Engineering & Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355, on behalf of AMERCO Real Estate Company, 2727 North Central Avenue, Phoenix, AZ, submitted a Notice of Intent to Remediate. Historically, the property operated as a portion of a landfill. Records indicate a release of chlorinated solvents and inorganic compounds were detected from leachate impacting site soil and groundwater. The selected remediation standard is Statewide Health. Future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Erie-Times News* on March 26, 2016.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Renewal of a Determination of Applicability Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit Application No. WMGRO38SC006. Blair County Resource Recovery Facility, Inc., 1356 Old 6th Avenue Road, Altoona, PA 16601.

The Southcentral Regional Office, Waste Management Program received an application on May 31, 2016 for a renewal of Blair County Resource Recovery Facility, Inc.'s determination of applicability (DOA) under Residual Waste General Permit No. WMGRO38 for the Blair County Resource Recovery Facility, Inc. facility located at 1356 Old 6th Avenue Road, Altoona, PA in Logan Township, **Blair County**. This general permit is for processing waste tires and tire-derived material for fuel and consumer products. The DOA application was determined to be complete on June 10, 2016.

Persons interested in obtaining more information about this determination of applicability may contact John Oren, P.E., Permits Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 301197. GenOn Northeast Management Company, 250 Power Plant Road, Shawville, PA 16873, Bradford Township, **Clearfield County**. Renewal of a captive residual waste landfill permit for the Shawville Ash Disposal Site. The application was received by the Northcentral Regional Office on June 6, 2016.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Permit Application No. 101711. Casella Waste Management of Pennsylvania, Inc. 25 Green Hill Lane, Rutland, Vermont 05701. This is a new municipal waste transfer station permit for the storage and transfer of waste known as the Rail Siding Transfer Station. The application is for a railroad siding of the Buffalo & Pittsburgh Railroad adjacent to the **McKean County** Landfill located in Sergeant Township, McKean County. A previous railroad siding waste permitted in this same area. That facility was never constructed and its permit became void in February 2016. This new application essentially recreates the old voided permit. The application was received on May 14, 2016 and was found to be administratively complete by the Northwest Regional Office on June 8, 2016.

Persons interested in commenting on the permit may contact John Guth, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating

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

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

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

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

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

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

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

PLAN APPROVALS

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

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

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

39-00081A: Insulation Corporation of America (2571 Mitchell Avenue, Allentown, PA 18103) for their facility in the City of Allentown, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received a Plan Approval application from Insulation Corporation of America (2571 Mitchell Avenue, Allentown, PA 18103) for their facility in the City of Allentown, Lehigh County. This Plan Approval No. 39-00081A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 39-00081A is for the installation of one (1) 9,150 pounds/hour polystyrene pre-expander, one (1) 4,103 pounds/hour polystyrene block mold to replace one (1) existing pre-expander and one (1) existing block mold. VOC emissions from the plant will remain under their 50 TPY threshold limit, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. Volatile organic compound (VOC) emissions (pentane) shall be controlled by the existing natural gas fired boiler which also acts as a control device with a minimum destruction/removal efficiency (DRE) of 95%. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-00081A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Sec-

tion, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

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

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

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

06-05112C: WBLF Acquisition Co., LLC/Western Berks Landfill (455 Poplar Neck Road, Birdsboro, PA 19508), for the Western Berks Landfill located in Cumru Township, **Berks County**, to increase the capacity of Enclosed Flare No. 1 (Control ID C03) from 800 scfm to 1,000 scfm due to a blower change out. Additionally, alternative operating parameters for the landfill gas collection system will be added, and conditions of the facility's Title V permit will be modified as follows: SG01 013 added verbiage to clarify that testing shall be conducted when the flare reaches 90% of its new capacity of 1,000 scfm; SG01 016 changed the frequency of leak checks from weekly to monthly; SG01 050 changed the stated design capacity of the flare to 1,000 scfm. Facility emissions or waste capacity will not change due to this permit change. The plan approval and operating permit will contain monitoring, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The plan approval will be eventually be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

24-161D: Greentree Landfill Gas Company LLC—Greentree Landfill Booster Station (Fire Tower Road, Brockway, PA 15824), for the re-permitting of the 2 natural gas fired compressor engines due to the expiration of plan approval 24-161C and for the construction of a 5 mmscfd dehydrator & reboiler rated at 0.375 mmbtu/hr in Horton Township, **Elk County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 24-161D is for the proposed re-permitting of the 2 natural gas fired compressor engines due to the expiration of plan approval 24-161C and for the construction of a 5 mmscfd dehydrator & reboiler rated at 0.375 mmbtu/hr. The potential emissions for the facility will be 0.74 tpy for PM₁₀, 0.74 tpy for PM_{2.5}, 40.0 tpy for NO_x, 0.044 tpy for SO_x, 3.9 tpy for CO, 3.29 tpy for VOC, and 10,387.2 tpy of CO_{2(e)}. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and condi-

tions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 103 & 104 (Engines # 1 & 2)
 - The internal combustion engine shall be designed and operated so emissions do not exceed the following:
 - NO_x at rated brake horsepower and operating at rated speed—1.5 grams per brake horsepower-hour (gms/bhp-hr) for gas fired units;
 - VOC (NMOC) at rated brake horsepower and operating at rated speed—0.15 gms/bhp-hr;
 - CO at rated brake horsepower and operating at rated speed—0.15 gms/bhp-hr; and,
 - At operating conditions less than rated capacity, internal combustion engines shall, on a pounds per hour basis, emit no more than they emit at rated brake horsepower and rated speed.
 - Visible emissions in excess of the following limitations:
 - Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any one hour.
 - Equal to or greater than 30% at any time.
 - The emission limitations shall apply at all times except during periods of start-up and shut-down, provided, however, that the duration of start-up and shut-down do not exceed one hour per occurrence.
 - This source is subject to 25 Pa. Code §§ 123.1 and 123.31 for fugitive and odor emissions, respectively.
 - No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (TPM) (both filterable and condensable) in the effluent gas exceeds 0.02 grain per dry standard cubic foot.
 - The source is subject to 40 CFR 63 Subpart ZZZZ.
 - The permittee shall maintain comprehensive accurate records which, at a minimum, shall include the following.
 - The number of hours that each engine operated on a 12-month rolling total.
 - The amount of fuel used in each engine on a 12-month rolling total.
 - The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed.
 - The permittee shall maintain a record of the following from the operational inspections.
 - Engine Load
 - Engine Speed
 - The permittee shall perform a daily operational inspection of the source and control device for any day the source is in operation.
 - The permittee shall install, maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- Source 105 (Standby Generator)
 - The source is subject to 40 CFR 63 Subpart ZZZZ.

- Source 106 (TEG Dehydrator/Reboiler)
 - Visible emissions from a glycol dehydrator shall not exceed either of the following limitations:
 - Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any one hour.
 - Equal to or greater than 30% at any time.
 - A glycol dehydrator shall not emit malodorous air contaminants in such a manner that the malodors are detectable outside the facility property.
 - The owner or operator of a glycol dehydrator shall maintain the following records:
 - VOC emissions using GRI-GLYCalc computer software or an alternative method as approved by the Department.
 - A record of actual throughput per day and the glycol circulation rate.
 - The source is subject to 40 CFR 63 Subpart HH.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [24-161D] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Telephone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421—127.431 for state only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

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

Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161

32-00438A: Rairigh-Bence Funeral Home, Inc. (965 Philadelphia Street, Indiana, PA 15701) for intent to issue Air Quality plan approval to authorize construction and temporary operation of one (1) Matthews International-Cremation Division IE43-PPI natural gas-fired crematory incinerator for the cremation of human remains at the above referenced facility located in Indiana Borough, **Indiana County**. The proposed crematory incinerator has a maximum cremation rate of 150 pounds per hour.

With annual operation of the proposed crematory incinerator limited to 3,744 hours, annual potential to emit (PTE) from the facility will be of less than 2.0 tons of carbon monoxide (CO); less than 1.1 ton each of PM, PM₁₀, and PM_{2.5}; less than 1.0 ton each of nitrogen oxides (NO_x), sulfur oxides (SO_x), and volatile organic compounds (VOC); and less than 0.2 ton of total hazardous air pollutants (HAP). Best available technology (BAT) for the proposed crematory incinerator includes good combustion practices; operation and maintenance in accordance with the manufacturer's specifications and instructions; and multi-chamber design with a minimum secondary chamber temperature of 1,800°F and residence time greater than 1 second. The proposed crematory incinerator is subject to applicable portions of 25 Pa. Code Chapters 121, 123, and 127, and the requirement to meet Best Available Technology (BAT) pursuant to 25 Pa. Code § 127.1. The proposed Plan Approval has been conditioned to ensure compliance with all applicable regulations and includes emissions limitations, limitations on hours of operation, and also includes work practice, monitoring, recordkeeping, and reporting requirements.

The plan approval application, the Department's Air Quality review memorandum, and the proposed Air Quality plan approval for the facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the plan approval application, to receive an electronic copy of the Department's Air Quality review memorandum, or to receive an electronic copy of the Department's proposed Air Quality plan approval for the facility, a person may contact Phil Bouse at pbouse@pa.gov or 412-442-4000.

A person may oppose the proposed Air Quality plan approval by filing a written protest with the Department or may submit written comments through Devin P. Tomko via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; written comments may also be submitted via email to dtomko@pa.gov or via fax to 412-442-4194. Each set of written comments or protest must contain the name, address, and telephone number of the person submitting the comments or protest, identification of the proposed Plan Approval (32-00438A) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

All comments must be received prior to the close of business 30 days after the date of this publication. A protest to the 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 § 127.44 (relating to public notice).

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.46 may

appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing by publication in the newspaper or by the Pennsylvania Bulletin, or by telephone, where the Department determines such notification by telephone is sufficient.

OPERATING PERMITS

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

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

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

43-00196: GE Transportation (1503 West Main Street Extension, Grove City, PA 16127) to renew a Title V Operating Permit for the Grove City Engine Plant located in Pine Township, **Mercer County**. This facility is a Title V facility which is major for their potential to emit NO_x and VOC. Actual 2015 Emissions were as follows: 32.77 tons VOC; 134.88 tons NO_x; 30.67 tons CO; 0.13 ton SO_x; 5.83 tons PM₁₀; 5.64 tons PM_{2.5}; 0.07 ton all HAPs combined. The sources at the facility include 6 diesel engine test cells, 2 natural gas fueled emergency generators, 1 diesel fueled emergency fire pump engine, a 13.4 million Btu/hr natural gas fueled boiler, a 26,8 million Btu/hr natural gas fueled boiler, paint booths, metal parts cleaning operations, and several natural gas fueled heaters for building heat and process use. This facility is subject to 40 CFR Part 82 Subpart B, pertaining to servicing of motor vehicle air conditioners, and Subpart F, pertaining to Recycling and Emission Reductions. The emergency engines are subject to 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The conditions from Plan Approval 43-196D are incorporated into the permit at this renewal. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

Southcentral Region: Air Quality Program, 909 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.

67-03037: Hard Chrome Specialists, Inc. (41 Leigh Drive, York, PA 17406) to issue a State Only Operating Permit for their chrome electroplating facility in Manchester Township, **York County**. Chrome plating activities are subject to 40 CFR Part 63, Subpart N of the National Emission Standards for Hazardous Air Pollutants for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, which limits the chromium emissions to 0.015 mg/dscf of exhaust air volume. 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.

29-03007: Mellott Wood Preserving Co., Inc. (1398 Sawmill Road, Needmore, PA 17238) to issue a State Only Operating Permit for two sawdust/wood waste boilers at the wood treatment facility in Belfast Township, **Fulton County**. The potential emissions of particulate matter (PM) from the boilers are estimated at around 37 tons per year. One boiler is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small industrial-Commercial-Institutional Steam Generating Units. Both boilers are subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standard for Area Sources of Hazardous Air Pollutants (HAPs) for Industrial, Commercial and Institutional Boilers. 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.

05-03005: Kennametal Inc./Bedford Plant (442 Chalybeate Road, Bedford, PA 15522) to issue a State Only Operating Permit for operation of various casting equipment at their facility in Bedford Township, **Bedford County**. The facility has potential emissions of 1.3 ton of PM₁₀ and 1.97 ton of VOC controlled. 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. The facility is subject to 40 CFR Part 63 Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

67-03028: Dentsply Prosthetics US LLC (500 West College Avenue, York, PA 17405) to issue a State Only Operating Permit for their dental prosthetics manufacturing facility in the city of York, **York County**. The facility has the potential to emit several tons of particulate matter (PM) per year. Two open-top degreasers are subject to 40 CFR Part 63, Subpart T—National Emission Standards for Halogenated Solvent Cleaning and their solvent emissions are limited to 9.9 tons per year. One emergency generator and one emergency fire pump are subject to 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. 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.

06-03098: Ralph Good, Inc. (P.O. Box 924, 306 East Main Street, Adamstown, PA 19501) to issue a State Only Operating Permit for the potato chip manufacturing facility located in Adamstown Borough, **Berks County**. The subject facility has actual emissions of 1.4 tpy of particulate matter. 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.

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

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

59-00020: Carleton Funeral Home, Inc. (11470 Route 6, Wellsboro, PA 16901) to issue a renewal State Only Operating Permit for the Wellsboro facility located in Charleston Township, **Tioga County**. The facility is currently operating under State Only Operating Permit

59-00020. The facility's main source includes one (1) natural gas-fired human remains crematory incinerator equipped with an integral secondary combustion chamber. The facility has potential emissions of 0.11 TPY of CO; 1.70 TPY of NO_x; 0.48 TPY of SO_x; 0.62 TPY of PM/PM₁₀; 0.01 TPY of VOCs; 0.01 TPY HAPs; 865 TPY GHGs. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145. 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.

41-00087: Knight Confer Funeral Home, Inc. (1914 Memorial Avenue, Williamsport, PA 17701-1577) to issue a state only operating permit for their facility located in Williamsport, **Lycoming County**. The facility is currently operating under Plan Approval 41-00087B. The facility's sources include a human crematory. The facility has potential emissions of 0.49 ton per year of nitrogen oxides, 1.64 ton per year of carbon monoxide, 0.41 ton per year of sulfur oxides, 1.14 ton per year of particulate matter and 0.49 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.

17-00017: Rescar, Inc. (450 Osborn Avenue, Dubois, PA 15801-1854) to issue a renewal State Only (Synthetic Minor) Operating Permit for their Dubois Railcar Plant facility located in City of Dubois and Sandy Township, **Clearfield County**. The facility is currently operating under State Only Operating Permit 17-00017. The facility's sources include natural gas-fired combustion units including boilers, railcar surface coating operations, surface coating cleanup operations, abrasive blasting operation, and railcar cleaning operation. No facility changes or source installations, removals or modifications have occurred since the last issuance date, July 27, 2011. The facility has potential emissions of NO_x (expressed as NO₂), CO, SO_x (expressed as SO₂), PM/PM₁₀/PM_{2.5}, VOCs, any hazardous air pollutant (HAP) and HAPs in units of tons per year (tpy), as follows: 12.98, 10.90, 0.08, 31.92, 49.75, 9.93, and 21.98, respectively. The emission restrictions, throughput restrictions as well as the testing, monitoring, recordkeeping, reporting and work practice conditions have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. The conditions in the operating permit 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 Re-

gional 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.

OP-32-00203: Sharp Paving Inc. (P.O. Box 156, 7425 Route 422 Hwy, Shelocta, PA 15774-0156), 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 State Only Operating Permit (SOOP-32-00203) to Sharp Paving Inc. to authorize the continued operation of the "Shelocta HMA Concrete Plant" located in Armstrong Township, **Indiana County**.

The facility's air contamination sources consist of one (1) Batch Process HMA Concrete Plant rated at 80 tph and one (1) natural gas fired Rotary Dryer Drum rated at 25 MMBtus/hr. Fugitive emissions from "HMA Concrete Plant" facility are controlled via a baghouse rated at 22,500 ACFM at 300°F along with a Knockout Box. The HMA plant is connected to a baghouse to control emissions from dryers, aggregate handling and transfer. The fugitive emissions associated with vehicular traffic generating fugitive emissions on paved and unpaved roads, aggregate material handling, and other aggregate processing operations are controlled with a pressurized water truck.

The throughput of hot mixed asphalt concrete plant at the facility is limited to 495,000 tons for any consecutive 12-month period. The facility has been classified as a Synthetic Minor with plant emissions restricted to 99.0 tons CO, 99.0 tons NO_x, 99.0 ton SO_x, 99.0 tons PM₁₀, 49.0 tons VOC, 9.0 tons single HAP, and 24.0 tons all HAPs for any consecutive 12-month period of operation. 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 I and Part 60.92 for opacity limits. The applicability of 40 CFR 63, Subpart LLLLL, and National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing were considered. However, a hot mix asphalt plant does not meet the definition of asphalt processing facility; therefore, these regulations are not applicable. Other PA SIP requirements for fugitive emissions, particulate limits, and malodors have been included. The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

Sharp Paving Inc. 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 32-00203) 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).

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

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

10-00319: Main Steel LLC (2200 Pratt Blvd, Elk Grove Village, IL 60001) to renew a State Only Operating Permit for the Main Steel Polishing Plant located in the Borough of Harmony, **Butler County**. The facility is a Natural Minor. Potential Emissions are as follows: 1.214 tpy VOC; 3.854 tpy NO_x; 0.771 tpy CO; 0.023 tpy SO_x; 2.915 tpy PM₁₀; 2.915 tpy PM_{2.5}. The sources at the facility include 4 natural gas fueled furnaces used for building heat with a combined total rating of 100,000 Btus/hr; grinding operations; and a parts degreaser. The renewal permit contains emission restrictions, record-keeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00943: E. E. Austin & Son, Incorporated (1919 Reed Street, Erie, PA 16503) to renew a State Only Operating Permit for the Batch Concrete Plant located on Port Access Road in the City of Erie, **Erie County**. The facility is a Natural Minor. The only criteria pollutant emitted in a quantity above 1 tpy is PM₁₀. Potential PM₁₀ emissions are 66.05 tons per year. Actual 2014 emissions of PM₁₀ were 0.024 ton. The sources at the facility include a batch concrete mixer, storage silos, and a 1,250,000 Btu/hr oil-fueled boiler, and a 280,000 Btu/hr oil-fueled heater for building heat. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

37-00319: Three Rivers Aggregates LLC, Wampum Plant (3118 Wampum Road, Wampum, PA 16157-9170) for renewal of the Natural Minor Permit to operate a sand and gravel plant in North Beaver Township, **Lawrence County**. The emitting sources include Crushers (Jaw and Cone crusher), Screens (five vibrating screens), Conveyors, Storage piles and a Diesel-Generator. The diesel generator engine is subject to 40 CFR Part 63, Subpart ZZZZ. All previously included conditions of Subpart ZZZZ have been revised with the updated version of Subpart ZZZZ. The facility provided the following potential emissions in the permit application: Particulate Matter (PM)—9.25 TPY, PM less than ten microns (PM₁₀)—3.86 TPY, Oxides of Sulfur (SO_x)—0.008 TPY, Carbon Monoxide (CO)—0.39 TPY, Oxides of Nitrogen (NO_x)—9.68 TPY and, Hydro Carbon (HC)—0.40 TPY.

PLAN APPROVALS

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

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Milazzo Industries Inc** (1609 River Road, Pittston, PA 18640) for their facility located in Jenkins Typ., **Luzerne County**. This **Plan Approval No. 40-00132A** will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 40-00132A is for the installation of a salt drying process. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. The company shall be subject to and comply with 25 Pa. Code § 123.2 for Fugitive emissions. The facility is subject to 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. Particulate Emissions will be controlled by the use of a baghouse/cyclone. Particulate emissions will not exceed 0.02 grain/dscf.

The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed

permit No.: 40-00132A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

35-00056A: P.A. Hutchinson Company (400 Penn Avenue, Mayfield, PA 18433) for their facility in Mayfield Borough, **Lackawanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to P.A. Hutchinson Company (400 Penn Avenue, Mayfield, PA 18433) for their facility in Mayfield Borough, Lackawanna County. This Plan Approval No. 35-00056A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No.35-00056A is for the installation of one (1) heat set web printing press and one (1) natural gas dryer. Volatile Organic Compound (VOC) emissions from the plant will remain under their 50 TPY threshold limit, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions and 25 Pa. Code § 129.67 for surface coatings. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 35-00056A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

Coal Applications Received

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

63831302 and NPDES No. PA0213608. The Washington County Coal Company, (46226 National Road, St. Clairsville, OH 43950). To transfer the permit for the **Washington County Mine** in Somerset, Amwell, North Bethlehem, West Bethlehem and South Strabane Townships, Washington County and related NPDES permit from Eighty-Four Mining Company, Mine No. 84. No additional discharges. The application was considered administratively complete on June 7, 2016. Application received November 23, 2016.

32841302 and NPDES No. PA0007803. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Greenwich North # 1/South # 2 Mine in Greene and Montgomery Townships, **Indiana County** and Susquehanna Township, **Cambria County** and related NPDES permit. No additional discharges. The application was considered administratively complete on June 8, 2016. Application received December 21, 2015.

32841321 and NPDES No. PA0006874. Consol Mining Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the permit for the O'Donnell No. 3 Mine in Washington Township, **Indiana County** and Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on June 9, 2016. Application received January 26, 2016.

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

17090107 and NPDES PA0257257. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Goshen Township, **Clearfield County** affecting 442.1 acres. Receiving stream(s): Little Trout Run—HQ CWF, Chubb Run—CWF, Surveyor Run—CWF, Unnamed Tributaries to the West Branch of the Susquehanna River—CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 27, 2016.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

24112802. North Star Aggregates, Inc. (P.O. Box 51, Penfield, PA 15849). Renewal of NPDES Permit No. PA02594179 in Ridgway Township, **Elk County**. Receiving streams: Little Mill Creek, classified for the following uses: HQ—CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 3, 2016.

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

41110301 and NPDES PA025791. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803). Renewal of a NPDES Permit located in McNett Township, **Lycoming County**. Receiving stream(s): Unnamed Tributary to North Pleasant Stream and North Pleasant Stream classified as the following use(s): HQ—CWF. Application received: May 5, 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:

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

* The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0250473 (GFCC no. 02-03-02), Collier Land & Coal Development, LP, 960 Penn Avenue, Suite 1200, Pittsburgh, PA 15222.

Revised NPDES permit for a bituminous surface mine in Collier Township, **Allegheny County**, affecting 11.4 acres. Receiving stream: Unnamed tributary (UNT) to Robinson Run, classified for the following use(s): WWF. This receiving stream is included in the Chartiers Creek Watershed TMDL. Application received: September 10, 2015.

The stormwater outfall(s) listed below discharge to UNT to Robinson Run:

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

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	50	50	50

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Arsenic (mg/l)		Monitor & Report	
Total Cadmium (mg/l)		Monitor & Report	
Total Selenium (mg/l)		Monitor & Report	
Total Lead (mg/l)		Monitor & Report	
Thallium (mg/l)		Monitor & Report	
Magnesium (mg/l)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA 0251577 (Mining permit no. 03090101), RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. NPDES permit renewal for a bituminous surface mine in Madison Township, **Armstrong County**, affecting 117.4 acres. Receiving streams: unnamed tributaries to Redbank Creek, and Redbank Creek, classified for the following use: CWF & TMDL. Application received: November 25, 2015.

The treated wastewater outfalls listed below discharge to unnamed tributaries to the Redbank Creek:

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

The proposed effluent limits for the above listed outfall(s) are 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	1.9
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 sedimentation basin outfalls listed below discharge to unnamed tributaries to the Redbank Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Sed Pond
002	N	Sed Pond
003	N	Sed Pond

The proposed effluent limits for the above listed outfalls are 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	1.9
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			

Noncoal NPDES Draft Permits

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

NPDES No. PA0227200 (Permit No. 10960302). Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Marion Township, **Butler County**, affecting 1,151.0 acres. Receiving streams: Unnamed tributaries to North Branch Slippery Rock Creek and unnamed tributaries to Blacks Creek, both classified for the following uses: CWF. TMDL: Blacks Creek. Application received: April 20, 2016.

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

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

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
AB	N
CB	N
DB	N
LB	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.5
Manganese (mg/l)		1.0	2.0	2.3
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹The parameter is applicable at all times.

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

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
BL	N
C	N
D	N
N	N
O	N
P	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Alkalinity greater than acidity ¹				
Total Suspended Solids (ml/l)		35	75	90
Total Settleable Solids (ml/l)				0.5

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

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
EB	N
FB	N
GB	N
HB	N
IB	N

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

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

¹The parameter is applicable at all times.

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

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
E	N
F	N
G	N
H	N
I	N
J	N
K	N
M	N

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Alkalinity greater than acidity ¹				
Total Suspended Solids (ml/l)		35	75	90
Total Settleable Solids (ml/l)				0.5

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-874. Planebrook Partners, LLC, 2298 Horsehoe Pike, Honey Brook, PA 19344, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the following activities in the 100 year floodway of a UNT to Valley Creek (EV) associated with the proposed development known as The Townes at Malvern—Section 2.

1- To place fill over 0.030 Ac. as a permanent impact associated with the construction of porous pavement modifications to the existing access road.

2- To stabilize approximately 50 LF of the bank of UNT to Valley Creek.

3- To extend the existing 4 inch underdrain pipe to the edge of UNT to Valley Creek to accommodate the embankment regrading.

The site is located north of the intersection of US Route 30 and Frame Avenue; (Malvern, PA USGS map; Latitude. 40.03472; Longitude:-75.57745).

E15-875. Franklin Phoenixville, LP by Odessa Real Estate Investments, Inc., 1890 Rose Cottage Lane, Malvern, PA 19355, Phoenixville Borough, **Chester County**, ACOE Philadelphia District.

To construct and maintain the Odessa Residential Development Complex (3 buildings, 260 units of assisted living facility and 240 apartment units) and the associated Northern Relief Road Project (connecting Ashburn Road to Township Road).

The proposed project will impact 0.35 acre of wetland and 0.015 acre of unnamed tributary to French Creek (TSF, MF) for the installation of outfall structure.

The site is located south of the intersection of Fillmore Street and Township Line Road (Phoenixville, PA, USGS Map; Latitude: 40.1423; Longitude: -75.5304).

E46-1139. Marlborough Township, 6040 Upper Ridge Road, Green Lane, PA 18054, Marlborough Township, **Montgomery County**, ACOE Philadelphia District.

To demolish partially collapsed wooden structure, remove the debris and to restore the disturbed area along the floodplain of the Unami Creek (HQ-TSF, MF) associated with the floodplain site restoration.

The site is located near the crossing of Swamp Creek Road and Magazine Road (Perkiomenville, PA USGS Quadrangle, Latitude: 39.8534; Longitude: -75.3966).

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

E64-306. John Esposito, 588 Bloomfield Avenue, Apartment 18B, West Cadwell, NJ 07006, in Lehigh Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 5-foot wide × 20-foot long pile-supported wooden dock in Pocono Peak Lake (EV). The project is located at Lot 17B in Pocono Springs Estates, approximately 400 feet northeast of the intersection of Pocono Drive and Fern Lane (Sterling, PA Quadrangle, Latitude: 41° 16' 27.23"; Longitude: -75° 24' 33.43").

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

E22-628: Township of Derry, 600 Clearwater Road, Hershey, PA 17033, Derry Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

Installation of pedestrian facilities along SR 2018 and East Main Street to include new sidewalks, new crosswalks, guiderail relocation, signal phasing changes, and adding a second left turn lane in the floodway of an unnamed tributary to Swatara Creek (WWF, MF) (Hershey Quadrangle 40° 16' 14.4" N, 76° 41' 16.1" W). Total earth disturbance is approximately 6,665 square feet. There are no wetlands located in the project area.

E06-708: PennDOT Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101 in Leesport Borough, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To remove existing structure and to install and maintain a 214 linear foot × 39 foot 4.5 inch bridge over the Schuylkill River (WWF, MF) with a temporary causeway for use during construction for the purpose of improving transportation safety and roadway standards. The project will directly affect 156.6 linear feet of Stream Channel. The project is located in Leesport Borough Berks County (Latitude: 40° 26' 43.7"; Longitude: -75° 58' 06.6").

E22-626: Dauphin County Parks & Recreation Department, 100 Fort Hunter Road, Harrisburg, PA 17110, Jackson Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To rehabilitate a 133 foot by 6 foot fish nursery by placing approximately 45 feet of 8-inch SLCPP intake pipe within Rattling Creek (HQ-CWF, MF) (Lykens Quadrangle 40° 33' 14.7" N, 76° 41' 40.5" W). There are no wetlands located in the project area.

E36-955: Plenary Walsh Keystone Partners, Leacock and Upper Leacock Townships, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to install and maintain a 72 foot long, 32.4 foot wide concrete box beam bridge having an under clearance of 4.90 feet over Mill Creek (WWF, MF) (Latitude 40° 3' 18.73", Longitude -76° 10' 13.27") for the purpose of improving safety standards. No wetlands will be impacted by the activity.

E01-314: Plenary Walsh Keystone Partners, Germany and Mount Joy Townships, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To: 1) remove the existing structure and to install and maintain a 66 foot long, 42 foot wide concrete box beam bridge having an under clearance of 9 feet over Alloway Creek (WWF, MF), 2) relocate 116 lineal feet of unnamed tributaries to Alloway Creek (WWF, MF), and 3) permanently place fill in 0.01 acre of Palustrine Emergent Wetland. All impacts are associated with the SR 0097, Baltimore Pike bridge replacement over Alloway Creek (Latitude 39° 45' 32.1624", Longitude -77° 07' 26.5836") for the purpose of improving safety standards.

E21-452: Hager West Shore, LP, 651 Westminster Road, Wilkes-Barre, PA 18702-9597 in Hampden, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

To fill and maintain 0.02 acre of Palustrine Emergent (PEM)/Palustrine Forested (PFO) wetland. The project is located at 6390 Carlisle Pike, which is approximately 250 feet east of the intersection of Carlisle Pike and Silver

Spring Road (Mechanicsburg, PA Quadrangle; Latitude: 40° 14' 46", Longitude: 77° 00' 17") in Hampden Township, Cumberland County. The purpose of the project is to construct an approximately 15,000 square foot retail building on the 2 acre tract. The permittee is not required to provide wetland replacement.

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

E18-498. Jay P. Weaver & Marlin R. Martin, 1495 Ironstone Drive, East Earl, PA 17519. Seven Mile Lodge, in Chapman Township, **Clinton County**, ACOE Baltimore District (Young Womens Creek, PA Quadrangle N: 41° 25' 58.62"; W: -77° 39' 29.16" & N: 41° 25' 52.62"; W: -77° 39' 20.10").

To construct and maintain two steel beam wood deck bridges with 24-foot clear spans and 3 foot 8 inch underclearances to provide access over Seven Mile Run to two proposed cabins. This project proposes to permanently impact 48 linear feet of Seven Mile Run which is classified as Exceptional Value—Cold Water Fishery.

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

E02-1731, Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Remove an existing single span, concrete encased steel, I-beam bridge (Span 10.7-feet, Length 38.9-feet, Under-clearance 6.32-feet), and
2. Construct and maintain a replacement concrete box culvert (Span 12.0-feet, Length 80.57-feet, Height 8.0-feet),

For the purposes of replacing the existing S.R. 3098 (Glass Run Road) bridge, a structurally deficient structure, over Glass Run on the existing alignment, which is located 0.4-mile from the intersection of S.R. 0885 and Glass Run Road (Pittsburgh East, PA USGS topographic quadrangle; Latitude: 40° 23' 22"; Longitude: -79° 56' 27"; Sub-basin: 19C; Pittsburgh Corps District), in the City of Pittsburgh, Allegheny County.

E02-1736, Allegheny County, County Office Building; 542 Forbes Ave., Pittsburgh, PA 15219, Bell Acres Borough, **Allegheny County**, Pittsburgh ACOE District.

The applicant is proposing to:

Enclose 120 LF of an Unnamed Tributary to Little Sewickley Creek (HQ-TSF), and to mitigate for impacts by planting vegetation along 140 LF of the same watercourse, immediately downstream of the proposed enclosure for the purpose of rehabilitating a road that collapsed due to a landslide. The project is located approximately 400 feet west of the intersection of Fern Hollow Road and Camp Meeting Road, in the Borough of Bell Acres (Pittsburgh ACOE District, Ambridge, PA quadrangle, N 16.3", W 3.6", latitude: 40 ° 35' 24", longitude: -80° 9' 1").

E03-466, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, Kittanning Township and Manor Township, **Armstrong County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Place and maintain fill in 1,216' of an unnamed tributary to Rupp Run (WWF) with a drainage area of less than 100 acres; construct and maintain a 921' long relocated replacement channel;
2. Abandon in place an existing 295' long 24" reinforced concrete enclosure carrying the same unnamed tributary to Rupp Run (WWF); construct and maintain a replacement 228' long 3' diameter enclosure in a parallel location under SR 422;
3. In addition; place and maintain fill in 0.5 acre of PEM/PSS wetland; construct and remove temporary encroachments associated with project construction; and construct and maintain roadway associated stormwater outfalls. Stream and wetland mitigation will take place onsite.

This work is associated with the SR 422 Improvement Project, beginning approximately 0.5 mile east of the intersection of SR 422 and SR 28/66 and extending east 1.1 mile along SR 422 (Mosgrove Quadrangle, Latitude: 40° 41' 50.96", Longitude: -79° 28' 38.07") in Manor and Kittanning Townships, Armstrong County.

E32-517, Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Conemaugh Township, **Indiana County**, Pittsburgh ACOE District.

The applicant is proposing to:

- 1.) To remove an existing single span, concrete T-beam bridge and construct and maintain a replacement single span concrete box culvert, with a span of 24' and an under clearance of 8'—6" over Marshall Run (CWF),
- 2.) Place and maintain fill in a de minimus acreage (0.01 ac) of PEM wetland,
- 3.) Construct and remove construction related temporary encroachments within 65 LF of Marshall Run and de minimus acreage (0.01 ac) of PEM wetland,

The project is associated with the SR 3007 improvement project, and is located approximately 0.06 mile east of Clarksburg PA (Avonmore Quadrangle, Latitude: 40° 31' 41.4", Longitude: -79° 22' 30.9"; Sub-basin: 18C; ACOE: Pittsburgh) in Conemaugh Township, Indiana County.

E32-519, PennDOT District 10-0, 2550 Oakland Ave, P.O. Box 429, Indiana, PA 15701, Plumville Borough, **Indiana County**, Pittsburgh ACOE District.

The applicant is proposing to:

Remove the existing SR 0085 25' wide by 25' long single span concrete arch bridge having an underclearance of 8.3' and construct and maintain a replacement 110.6' wide by 25' long, concrete box culvert having a underclearance of 9.5' over North Branch of Plum Creek (CWF) with a drainage area of 3.27 square miles; construct and maintain roadway associated stormwater outfalls; construct and remove construction related temporary encroachments.

The project is associated with the SR 0085 improvement project, and is located at the intersection of S.R. 0085 and Rossmoyne Road (Plumville Quadrangle, Latitude: 40° 47' 47.4", Longitude: -79° 10' 21.72") in Plumville Borough, Indiana County.

E63-687, Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, PA 17057-7676, Cecil Township, **Washington County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Construct and maintain a 383' × 4' culvert in a UNT to Millers Run (aka UNT 16 to Millers Run) (WWF).
2. Realign 80 LF of the previously mentioned UNT to Millers Run (aka UNT 16 to Millers Run) (WWF).
3. Construct and maintain a 712' × 9' concrete box culvert in a UNT to Millers Run (aka UNT 8 to Millers Run) (WWF).
4. Realign 340 LF of the previously mentioned UNT to Millers Run (aka UNT 8 to Millers Run) (WWF).
5. Construct and maintain a 45' × 3' temporary culvert crossing of a UNT to Millers Run (aka UNT 8 to Millers Run).
6. Place and maintain fill in 0.116 acre of PEM wetland in the Millers Run watershed WWF).
7. Install and maintain road associated stormwater facilities and outfalls in the Millers Run watershed (WWF).

In association with constructing a new 2.8 mile section (Section 55C1) of the Pennsylvania Turnpike, beginning at Cecil Reissing Road and extending into Allegheny County after crossing over SR 0050, as a component of the overall construction of a new 13.3 mile section (aka The Southern Beltway Project) of the Pennsylvania Turnpike, between U.S Route 22, and Interstate 79. The structures and activities requiring authorization for Section 55C1 in Cecil Township, Washington County (Canonsburg, PA Quadrangle; starting at Latitude: 40° 21' 3.23" Longitude: -80° 12' 19.98"; and ending at Latitude: 40° 20' 50.25" Longitude: -80° 12' 3.03") will permanently impact a total of approximately 1518 linear feet (LF) of various watercourses and 0.116 acre of wetland, and temporarily impact a total of approximately 45 LF of various watercourse. Two mitigation projects will compensate for the cumulative total of impacts to watercourses from Section 55B, as well as for impacts from several future subprojects associated with the overall Southern Beltway Project. Although final plans for future projects are not available, the applicant estimates that the aforementioned future subprojects and the current project will permanently affect a cumulative total of approximately 15,231 LF, and temporarily impact approximately 700 LF, of various watercourses. To compensate for the cumulative total of impacts from the Southern Beltway Project, the stream mitigation plan includes the reconstruction, rehabilitation, and enhancement of approximately 15,672 LF of various tributaries in the Buck Run watershed, in Donegal Township, Washington County (West Middletown, PA Quadrangle; Latitude: 40° 8' 34" Longitude: -80° 25' 10"). As compensation for 6.089 acres of permanent wetland impacts associated with the overall Southern Beltway Project, the applicant will construct approximately 6.98 acres of wetlands, at a site approximately 0.5 mile west of the intersection of S.R. 18, and Joffre Bulger Road, in Smith Township, Washington County (Clinton, PA Quadrangle; Latitude: 40° 23' 16" Longitude: -80° 22' 24").

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

E25-766A, Summit Township Sewer Authority, 8890 Old French Road, Erie, PA 16509-5459. New Road Sewer Extension, in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42°, 00', 57"; W: 80°, 03', 45").

To amend permit E25-766, which authorized 0.05 acre of wetland impact for the construction of the New Road Sewer Pump Station, to include installation of an additional 1,050 feet of sewer pipeline along New Road and to account for an additional 0.06 acre of wetland impact associated with the construction of the pump station through restoration and mitigation. The new pipeline will temporarily impact 0.05 acre of wetland during construction and permanently impact 0.01 acre of wetland through installation/maintenance of a manhole. The applicant proposes to mitigate for these impacts, as well as for additional unpermitted impacts associated with the New Road Pump Station, by creating approximately 0.09 acre of new wetland on the neighboring property and restoring approximately 0.05 acre of unpermitted wetland impacts at the pump station.

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

E4129-106: Anadarko Marcellus Midstream, LLC, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch gas pipelines, a 12-inch temporary water pipeline, and a timber mat bridge impacting 1,795 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41° 27' 16"N 76° 54' 22"W);

2) two 6-inch gas pipelines, a 12-inch temporary water pipeline, and a timber mat bridge impacting 736 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41° 27' 16"N 76° 54' 23"W);

3) two 6-inch gas pipelines, a 12-inch temporary water pipeline, and a timber mat bridge impacting 262 linear feet of unnamed tributaries to Slacks Run (HQ-CWF) and 24,107 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41° 27' 16"N 76° 54' 26"W);

4) two 6-inch gas pipelines, a 12-inch temporary water pipeline, and a timber mat bridge impacting 55 linear feet of and unnamed tributary to Slacks Run (HQ-CWF), 1,534 square feet of floodway of an unnamed tributary to Slacks Run (HQ-CWF), and 15,485 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41° 27' 16"N 76° 54' 21"W);

5) a 12-inch temporary above-ground water pipeline and a timber mat bridge impacting 74 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41° 27' 16"N 76° 54' 38"W).

The project will result in a total of 0.97 acre of wetland impacts and 317 linear feet of stream impacts all for the purpose of installing natural gas gathering line, temporary water line, and access roadway for Marcellus well development.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Scott Williamson, 717.705.4799.

E31-234, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Penn. Union, Shirley, and Tell Townships, **Huntingdon County**, ACOE Baltimore District. The proposed project starts at Penn Township, PA Quadrangle Williamsburg N: 40°, 24', 34"; W: 78°, 10', 38" and ends at Tell Township, PA Quadrangle Blairs Mill N: 40°, 18', 22"; W: 77°, 43', 16".

The project consists of the installation and maintenance of approximately 26.2 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Huntingdon County include a total of 518 linear feet of temporary impacts to UNT to James Creek (WWF), 3 unnamed tributaries to Trough Creek (TSF), an unnamed tributary to George Creek (CWF), Blacklog Creek (HQ-CWF), a total of 7,282 linear feet of permanent impacts to Trough Creek (TSF), 5 unnamed tributaries to Trough Creek (TSF), 7 unnamed tributaries to Little Trough Creek (TSF), George Creek (CWF), 15 unnamed tributaries to George Creek (CWF), 4 unnamed tributaries to George Creek (HQ-CWF), Blacklog Creek (HQ-CWF), 6 unnamed tributaries to Blacklog Creek (HQ-CWF), Fort Run (CWF), 7 unnamed tributaries to Fort Run (CWF), an unnamed tributary to Fort Run (TSF), 14 unnamed tributaries to Raystown Branch Juniata River (WWF), Aughwick Creek (twice) (TSF), 7 unnamed tributaries to Aughwick Creek (TSF), James Creek (WWF), 12 unnamed tributaries to James Creek (WWF), 9 unnamed tributaries to Raystown Lake (WWF), Smith Run (TSF), 4 unnamed tributaries to Smith Run (TSF), Hares Valley Creek (TSF), 9 unnamed tributaries to Hares Valley Creek (TSF), Scrub Run (HQ-CWF), an unnamed tributary to Scrub Run (HQ-CWF), Singers Gap Run (HQ-CWF), an unnamed tributary to Singers Gap Run (HQ-CWF), Hill Valley Creek (HQ-CWF), an unnamed tributary to Hill Valley Creek (HQ-CWF), and 3 unnamed tributaries to the Juniata River (HQ-CWF), and 18.55 acres of floodway impacts, 0.033 acre of temporary impacts to Palustrine Scrub-Shrub (PSS), Palustrine Emergent (PEM) and Palustrine Forested (PFO) wetlands and 3.48 acres of permanent impacts to Palustrine unconsolidated bottom (fresh water pond) (PuB), PEM, PSS, and PFO wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in Huntingdon County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Huntingdon County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E34-136, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Lack Township, **Juniata County**, ACOE Baltimore District. The proposed project starts and ends in Lack Township, PA Quadrangle Blairs Mills beginning at N: 40°, 18', 22"; W: 77°, 43', 16" and ending at N: 40°, 17', 45"; W: 77°, 39', 55".

The project consists of the installation and maintenance of approximately 3 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Juniata County include a total of 2,309 linear feet of permanent impacts to Tuscarora Creek (CWF), 20 unnamed tributaries to Tuscarora Creek (CWF), and 7 unnamed tributaries to George Creek (CWF), and 4.82 acres of floodway impacts, 0.10 of an acre of temporary impacts to Palustrine Emergent (PEM) and Palustrine Forested (PFO) wetlands and 0.15 of an acre of permanent impacts to PEM and PFO wetlands. No compensation is being proposed by the applicant for the

proposed permanent project impacts in Juniata County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Juniata County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E36-945, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Clay and West Cocalico Townships, **Lancaster County**, ACOE Baltimore District. The proposed project starts at Clay Township, PA Quadrangle Womelsdorf N: 40°, 17', 8"; W: 76°, 13', 44" and ends at West Cocalico Township, PA Quadrangle Sinking Spring N: 40°, 17', 7"; W: 76°, 6', 13".

The project consists of the installation and maintenance of approximately 7.5 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Lancaster County include a total of 27 linear feet of temporary impacts to Harnish Run (WWF), a total of 851 linear feet of permanent impacts to Cocalico Creek (HQ-WWF), 3 unnamed tributaries to Cocalico Creek (WWF), 10 unnamed tributaries to Cocalico Creek (HQ-WWF), Harnish Run (WWF), 2 unnamed tributaries to Harnish Run (WWF), 4 unnamed tributaries to Little Cocalico Creek (TSF), and 2.10 acres of floodway impacts, zero acres of temporary impacts to wetlands and 1.89 acre of permanent impacts to Palustrine Forested (PFO) and Palustrine Emergent (PEM) wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in Lancaster County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Lancaster County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E38-194, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Cornwall Borough, South Londonderry, South Annville, South Lebanon, West Cornwall, and Heidelberg Townships, **Lebanon County**, ACOE Baltimore District. The proposed project starts at South Londonderry Township, PA Quadrangle Palmyra N: 40°, 15', 13"; W: 76°, 35', 30" and ends at Heidelberg Township, PA Quadrangle Richland N: 40°, 17', 8"; W: 76°, 13', 44".

The project consists of the installation and maintenance of approximately 19.7 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Lebanon County include a total of 2,171 linear feet of permanent impacts to Gingrich Run (TSF), Bachman Run (TSF), Beck Creek (TSF), Snitz Creek

(TSF), UNT to Snitz Creek (TSF), UNT to Quittapahilla Creek (TSF), 7 unnamed tributaries to Killinger Creek (TSF), 5 unnamed tributaries to Buckholder Run (TSF), 4 unnamed tributaries to Gingrich Run, 4 unnamed tributaries to Spring Creek (WWF), Middle Creek (WWF), 4 unnamed tributaries to Middle Creek (WWF), Hammer Creek (CWF), and 6 unnamed tributaries to Hammer Creek (CWF), and 5.2 acres of floodway impacts, zero acres of temporary impacts to wetlands and 1.19 acre of permanent impacts to Palustrine Emergent (PEM), Palustrine Forested (PFO) and Palustrine unconsolidated bottom (fresh water pond) (PuB) wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in Lebanon County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Lebanon County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E50-258, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Toboyne and Jackson Townships, **Perry County**, ACOE Baltimore District. The proposed project starts at Toboyne Township, PA Quadrangle Blairs Mill N: 40°, 17', 45"; W: 77°, 39', 55" and ends at Jackson Township, PA Quadrangle Andersonburg N: 40°, 15', 24"; W: 77°, 28', 11".

The project consists of the installation and maintenance of approximately 10.4 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Perry County include a total of 38 linear feet of temporary impacts to Laurel Run (EV), an unnamed tributary Horse Valley Run (HQ-CWF), a total of 2,094 linear feet of permanent impacts to Laurel Run (EV), Bull Run (HQ-CWF), Horse Valley Run (HQ-CWF), Schaeffer Run (HQ-CWF), Schultz Creek (HQ-CWF), Sherman Creek (HQ-CWF), South Branch Laurel Run (HQ-CWF), 6 unnamed tributaries to Horse Valley Run (HQ-CWF), an unnamed tributary to Laurel Bull Run (HQ-CWF), 6 unnamed tributaries to Laurel Run (HQ-CWF), 5 unnamed tributaries to Schaeffer Run (HQ-CWF), 4 unnamed tributaries Schultz Creek (HQ-CWF), 7 unnamed tributaries Sherman Creek (HQ-CWF), an unnamed tributary to South Branch Laurel Run (HQ-CWF), and 5.18 acres of floodway impacts, zero acres of temporary impacts to wetlands and 1.29 acre of permanent impacts to Palustrine Emergent (PEM), Palustrine Forested (PFO) and Palustrine Scrub-Shrub (PSS) wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in Perry County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Perry County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to

request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E67-920, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Fairview Township, **York County**, ACOE Baltimore District. The proposed project starts and ends in Fairview Township, PA Quadrangle Lemoyne beginning at N: 40°, 11', 31"; W: 76°, 54', 41", and ending at PA Quadrangle Steelton N: 40°, 11', 57"; W: 76°, 47', 50".

The project consists of the installation and maintenance of approximately 6.5 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in York County include a total of 1,351 linear feet of permanent impacts to Yellow Breeches Creek (CWF), 7 unnamed tributaries to Yellow Breeches Creek (CWF), 9 unnamed tributaries to the Susquehanna River (WWF), and 5 unnamed tributaries to Marsh Run (WWF) and 3.66 acres of floodway impacts, zeros acres of temporary impacts to wetlands and 0.40 acre of permanent impacts to Palustrine Emergent (PEM) and Palustrine Forested (PFO) wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in York County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the York County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E06-701, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in South Heidelberg, Spring, Cumru, Becknock, New Morgan, Robeson, and Caernarvon Townships, **Berks County**, ACOE Baltimore and Philadelphia Districts. The proposed project starts at South Heidelberg Township, PA Quadrangle Sinking Spring N: 40°, 17', 7"; W: 76°, 6', 13" and ends at Caernarvon Township, PA Quadrangle Elverson N: 40°, 9', 20"; W: 75°, 50', 34".

The project consists of the installation and maintenance of approximately 20.4 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Berks County include a total of 94 linear feet of temporary impacts to Wyomissing Creek (HQ-CWF), an unnamed tributary to Wyomissing Creek (HQ-CWF) an unnamed tributary to Hay Creek (EV), a total of 2,619 linear feet of permanent impacts to 5 unnamed tributaries to Cocalico Creek (TSF), Cacoosing Creek (CWF), 17 unnamed tributaries to Cacoosing Creek (CWF), Allegheny Creek (CWF), 11 unnamed tributaries to Allegheny Creek (CWF), Wyomissing Creek (HQ-CWF), 9 unnamed tributaries to Wyomissing Creek (HQ-CWF), Little Muddy Creek (TSF), Muddy Creek (HQ-TSF), 8 unnamed tributaries to Muddy Creek (HQ-TSF), Hay Creek (EV), 10 unnamed tributaries to Hay Creek (EV),

East Branch Conestoga River (WWF), and 12 unnamed tributaries to East Branch Conestoga River (WWF), and 8.30 acres of floodway impacts, 0.01 acre of temporary impacts to Palustrine Emergent (PEM) wetlands and 2.37 acres of permanent impacts to Palustrine unconsolidated bottom (fresh water pond) (PuB), PEM, Palustrine Forested (PFO) and Palustrine Scrub-Shrub (PSS) wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in Berks County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Berks County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E07-459, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Allegheny, Blair, Frankstown, Juniata, and Woodbury Townships, **Blair County**, ACOE Baltimore District. The proposed project starts at Juniata Township, PA Quadrangle Cresson N: 40°, 24', 29"; W: 78°, 33', 23" and ends at Woodbury Township, PA Quadrangle Williamsburg N: 40°, 24', 34"; W: 78°, 10', 38".

The project consists of the installation and maintenance of approximately 23.5 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Blair County include a total of 879 linear feet of temporary impacts to 9 unnamed tributaries to Juniata River (WWF), 3 unnamed tributaries to Robinson Run (WWF), 3 unnamed tributaries to Robinson Run (WWF), an unnamed tributary to Dry Run (TSF), 2 unnamed tributaries to Frankstown Branch Juniata River (WWF), a total of 2,337 linear feet of permanent impacts to an unnamed tributary to Beaverdam Branch (WWF), Oldtown Run (WWF), an unnamed tributary to Oldtown Run (WWF), an unnamed tributary to the Juniata River (WWF), Clover Creek (HQ-CWF), 6 unnamed tributaries to Frankstown Branch Juniata River (WWF), 2 unnamed tributaries to Poplar Run (CWF), Dry Run (WWF), 3 unnamed tributaries to Blair Run (CWF), an unnamed tributary to Piney Creek (HQ-CWF), an unnamed tributary to Beaverdam Branch (WWF), 2 unnamed tributaries to Dry Run (TSF), an unnamed tributary to Blair Gap Run (TSF), and 8 unnamed tributaries to Dry Run (WWF), and 6.56 acres of floodway impacts, 0.84 acre of temporary impacts to Palustrine Emergent (PEM) and Palustrine Scrub-Shrub (PSS) wetland(s) and 2.49 acres of permanent impacts to Palustrine Forested (PFO), PEM, and PSS wetland(s). No compensation is being proposed by the applicant for the proposed permanent project impacts in Blair County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Blair County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to

request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E21-449, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Mechanicsburg Borough, Lower Mifflin, Upper Frankford, Lower Frankford North Middleton, Middlesex, Monroe, Silver Spring, Upper Allen, and Lower Allen Townships, **Cumberland County**, ACOE Baltimore District. The proposed project starts at Lower Mifflin Township, PA Quadrangle Andersonburg N: 40°, 15', 24"; W: 77°, 28', 11" and ends at Lower Allen Township, PA Quadrangle Lemoyne N: 40°, 11', 31"; W: 76°, 54', 41".

The project consists of the installation and maintenance of approximately 33.1 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Cumberland County include a total of 38 linear feet of temporary impacts to an unnamed tributary to Spring Run, an unnamed tributary to Conodoguinet Creek, a total of 5,727 linear feet of permanent impacts to the Conodoguinet Creek (WWF), 43 unnamed tributaries to Conodoguinet Creek (WWF), 12 unnamed tributaries to Yellow Breeches Creek (CWF), Opossum Creek (HQ-TSF), 9 unnamed tributaries to Opossum Creek (HQ-TSF), Doubling Gap Creek (HQ-CWF), 7 unnamed tributaries to Doubling Gap Creek (HQ-CWF), 6 unnamed tributaries to Doubling Gap Creek (CWF), Locust Creek (WWF), 8 unnamed tributaries to Locust Creek (WWF), Blosser Creek (WWF), 4 unnamed tributaries to Blosser Creek (WWF), an unnamed tributary to Blosser Run (WWF), Letort Spring Run (CWF), 3 unnamed tributaries to Letort Spring Run (CWF), an unnamed tributary to Spring Run (CWF), Hogestown Run (CWF), an unnamed tributary to Cedar Run (CWF), Trindle Spring Run (CWF), Rock Run (WWF), Meetinghouse Run (WWF), and 2 unnamed tributaries to Meetinghouse Run (WWF), and 16.70 acres of floodway impacts, 0.77 of an acre of temporary impacts to Palustrine Emergent (PEM) and Palustrine Forested (PFO) wetlands and 6.45 acres of permanent impacts to PFO, PEM, Palustrine unconsolidated bottom (fresh water pond) (PuB) and Palustrine Scrub-Shrub (PSS) wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in Cumberland County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Cumberland County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E22-619, Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608. Mariner East II Pennsylvania Pipeline Project, in Highspire and Middletown Boroughs, Lower Swatara, Londonderry, Conewago, and Derry Townships, **Dauphin County**, ACOE Baltimore District. The proposed project starts at Lower Swatara Township, PA Quadrangle Steelton N: 40°, 11', 57"; W: 76°, 47', 50" and ends at Derry Township, PA Quadrangle Elizabethtown N: 40°, 15', 13"; W: 76°, 35', 30".

The project consists of the installation and maintenance of approximately 11.5 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Dauphin County include a total of 136 linear feet of temporary impacts to an unnamed tributary to Spring Creek, an unnamed tributary to Swatara Creek, an unnamed tributary to Lisa Lake, an unnamed tributary to Chester Creek, a total of 6,063 linear feet of permanent impacts to the Susquehanna River (WWF), an unnamed tributary to the Susquehanna River (WWF), Spring Creek (WWF), 24 unnamed tributaries to Spring Creek (WWF), Swatara Creek (WWF), 8 unnamed tributaries to Swatara Creek (WWF), Iron Run (WWF), 11 unnamed tributaries to Iron Run (WWF), 9 unnamed tributaries to Lisa Lake (WWF), 3 unnamed tributaries to Chester Creek (WWF), and 7.43 acres of floodway impacts, 0.33 acre of temporary impacts to Palustrine Emergent (PEM) wetlands and 1.51 acre of permanent impacts to PEM, Palustrine Forested (PFO) and Palustrine Scrub-Shrub (PSS) wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in Dauphin County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Dauphin County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson, 717.705.4799 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, Domenic Rocco, 484.250.5160.

E23-524, Sunoco Pipeline, L.P. (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608, Mariner East II Pennsylvania Pipeline Project, in Aston Township, Chester Township, Brookhaven Borough, Edgmont Township, Middletown Township, Thornbury Township and Upper Chichester Township, **Delaware County**, ACOE Philadelphia District.

The proposed project starts at the intersection of E. Street Road and Middletown Road in Thornbury Township, PA, West Chester PA Quadrangle N: 39° 57' 1.35"; W: -75° 30' 38.10", and ends at Conchester Highway in Marcus Hook PA, Marcus Hook PA Quadrangle N: 39° 50' 38.60"; W: -75° 25' 4.55"W.

The project consists of the installation and maintenance of approximately 11.7 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Delaware County include a total of 1,903 linear feet of permanent impacts to Baldwin Run (WWF), 8 unnamed tributaries to Baldwin Run (WWF), Chester Creek (TSF), 37 unnamed tributaries to Chester Creek (TSF), Chester Creek (WWF), 3 unnamed tributaries to Chester Creek (WWF), Chrome Run (TSF), Crum Run (TSF), 1 unnamed tributary to Crum Run (TSF), Rocky Run (HQ-CWF), 2 unnamed tributaries to Rocky Run (HQ-CWF), and 6.248 acres of floodway impacts, 0.830 acre of temporary impacts to Palustrine Emergent (PEM), Palustrine Forested (PFO) and Palustrine Scrub-Shrub (PSS) wetland(s) and 0.494 acre of permanent impacts to PEM, PFO, and PSS wetlands. No compensation is being proposed by the applicant for the proposed permanent

project impacts in Chester County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Delaware County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Domenic Rocco, 484.250.5160 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

E15-862, Sunoco Pipeline, L.P. (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608, Mariner East II Pennsylvania Pipeline Project, in West Nantmeal Township, East Nantmeal Township, Wallace Township, Upper Uwchlan Township, Uwchlan Township, West Whiteland Township, West Goshen Township, East Goshen Township, Westtown Township, and Elverson Borough, **Chester County**, ACOE Philadelphia District. The proposed project starts at West Main Street in Elverson, PA Quadrangle N: 40° 9' 20.97"; W: -75° 50' 35.65", and ends at the intersection of E. Street Road and Middletown Road in Westtown Township, PA, West Chester PA Quadrangle N: 39° 57' 1.35"; W: -75° 30' 38.10".

The project consists of the installation and maintenance of approximately 24 miles long, of 20 inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Chester County include a total of 725 linear feet of temporary impacts to Black Horse Creek (HQ-TSF), 1 unnamed tributary to East Branch Chester Creek (HQ-TSF), Marsh Creek (HQ-TSF), 2 unnamed tributaries to Valley Creek (CWF), a total of 1,460 linear feet of permanent impacts to Black Horse Creek (HQ-TSF), 2 unnamed tributaries to Black Horse Creek (HQ-TSF), Chester Creek (TSF), 5 unnamed tributaries to Chester Creek (TSF), 1 unnamed tributary to East Branch Chester Creek (HQ-TSF), Marsh Creek (HQ-TSF), 28 unnamed tributaries to Marsh Creek (HQ-TSF), Shamona Creek (HQ-TSF), 7 unnamed tributaries to Shamona Creek (HQ-TSF), South Branch French Creek (EV), 6 unnamed tributaries to South Branch French Creek (EV), Valley Creek (CWF), 15 unnamed tributaries to Valley Creek (CWF) and 3.860 acres of floodway impacts, 0.017 acre of temporary impacts to Palustrine Emergent (PEM), Palustrine Forested (PFO) and Palustrine Scrub-Shrub (PSS) wetlands and 3.731 acres of permanent impacts to PEM, PFO, and PSS wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in Chester County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

For more detailed information regarding the Chester County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Domenic Rocco, 484.250.5160 to request a file review. PADEP will accept written comments on this Chapter 105 permit application through Wednesday, August 24, 2016.

ENVIRONMENTAL ASSESSMENTS

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

EA22-021: US Fish and Wildlife Service, 110 Radner Road, Suite 101, State College, PA 16801 in Lykens Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a stream restoration project along 1,300 feet of Deep Creek (WWF, MF) including 1) two bankfull benches totaling 158 feet in length; 2) 18 log vanes; and 3) the relocation of 264 feet of stream channel. The project is located at the intersection of SR 225 and Luxemburg Road (Pillow, PA Quadrangle, Latitude 40° 37' 47.1" N, Longitude: 76° 47' 29.2" W) in Lykens Township, Dauphin County. No wetlands will be impacted by this project.

EA22-022: US Fish and Wildlife Service, 110 Radner Road, Suite 101, State College, PA 16801 in Conewago Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a stream restoration project along 9,300 feet of Hoffer Creek (TSF, MF) including 1) twenty seven mounds totaling 1,195 feet in length; 2) 38 log vanes; and 3) 9 toe wood structures totaling 455 feet in length. The project is located immediately upstream of SR 743 (Elizabethtown, PA Quadrangle, Latitude 40° 11' 42.3" N, Longitude: 76° 36' 5.5" W) in Conewago Township, Dauphin County. No wetlands will be impacted by this project.

Central Office: Attention: David Fromell, Environmental Program Manager, P.O. Box 69205, Harrisburg, PA 17106.

EA1710-004. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, P.O. Box 69205, Harrisburg, PA 17106. Abandoned Mine Land Reclamation Project in Cooper Township, **Clearfield County**, Baltimore ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 3,000 linear feet of dangerous highwall, a nine (9) acre dangerous pile and embankment and a thirteen (13) acre spoil pile. The project will include the backfilling of 1.42 acre of nonjurisdictional open water with poor water quality that have developed within the open surface mine pit and approximately 181 feet of channel impacts. (Black Moshannon Quadrangle 40° 59' 28.326" N, 78° 6' 35.688" W).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0216852 (Sewage)	TRC Estates STP Wen Dell Lane Ruffsedale, PA 15679	Westmoreland County East Huntingdon Township	Buffalo Run (19-D)	Y
PA0093840 (Sewage)	Round Hill Park STP 651 Round Hill Road Elizabeth, PA 15037	Allegheny County Elizabeth Township	Douglass Run (19-D)	Y
PA0252760 (Sewage)	Templeton STP 4th & Clay Avenue Templeton, PA 16259	Armstrong County Pine Township	Allegheny River (17-D)	Y
PA0094111 (Sewage)	Wellington Estates MHP STP Silvis Road Export, PA 15632	Westmoreland County Washington Township	Unnamed Tributary to Thorn Run (18-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0244546 (Storm Water)	Harrah's Philadelphia Casino & Racetrack 777 Harrah's Boulevard Chester, PA 19013	Delaware County Chester City	Delaware River (3-G)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228273 (Sewage)	Numidia Wastewater Treatment Plant 1223a Numidia Drive Catawissa, PA 17820-8632	Columbia County Locust Township	Unnamed Tributary of Roaring Creek (5-E)	Yes
PA0101290 (Sewage)	Sandy Township Main Sewer System STP PO Box 267 Du Bois, PA 15801-0267	Clearfield County Sandy Township	Wolf Run (17-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0209929 (Sewage)	Dennis Stefanak SFTF 69 Romain Road Pulaski, PA 16143-1215	Mercer County Shenango Township	Unnamed Tributary of Shenango River (20-A)	Yes

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

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

NPDES Permit No. PA0063711A-1, Sewage, SIC Code 4952, **Central Carbon Municipal Authority**, 1000 Lehigh Drive, Lehigh, PA 18235-2239.

This existing facility is located in Mahoning Township, **Carbon County**.

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

NPDES Permit No. PA0275794, Industrial, SIC Code 4941, **Nestlé Waters North America**, 305 Nestlé Way, Breinigsville, PA 18031.

This existing facility is located in Washington Township, **Northampton County**.

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

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

NPDES Permit No. PA0264440, Sewage, SIC Code 8800, **Patricia Poland**, 807 Samick Road, Erie, PA 16509.

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

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

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

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

WQM Permit No. 1116402, Sewage, SIC Code 8811, **Duman Josephine**, 2028 Duman Road, Ebensburg, PA 15931.

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

Description of Proposed Action/Activity: Installation of a Single Residence STP.

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

WQM Permit No. 1503419, Sewage, Renewal, **Stonewall Limited Partnership**, P.O. Box 203, Elverson, PA 19520.

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

Description of Actions/Activity: Approval for renewal of existing permit for continued operation of a sewage treatment plant with land application.

WQM Permit No. 0994429, Sewage, Transfer, **Michael A. Miller**, 3601 Mantha Drive, Fountainville, PA 18923.

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

Description of Action/Activity: Permit transfer from Matthew Mignogna to Michael Miller.

WQM Permit No. 0995409, Sewage, Transfer, **Linda Ogden**, 5371 North Branch Road, Pipersville, PA 18947.

This proposed facility is located Plumstead Township, **Bucks County**.

Description of Action/Activity: Permit transfer from Heritage Building Group to Linda Ogden.

WQM Permit No. 4688404, Sewage, Transfer, **Vivian I. Herman**, 13 Curtina Drive, Telford, PA 18969.

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

Description of Action/Activity: Permit transfer from George Balzer to Vivian Herman.

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

WQM Permit No. 1472402 A-1, Sewage, SIC Code 4952, **Moshannon Valley Joint Sewer Authority**, 829 N 9th Street, Philipsburg, PA 16866-2327.

This existing facility is located in Rush Township, **Centre County**.

Description of Proposed Action/Activity: Headworks Building and general facility upgrades.

WQM Permit No. 1490410 A-3, Sewage, SIC Code 4952, Spring-Benner-Walker-Joint Authority, 170 Irish Hollow Road, Bellefonte, PA 16823-6200.

This existing facility is located in Spring Township, **Centre County**.

Description of Proposed Action/Activity: Renovations to Pump Station No. 7.

WQM Permit No. 4115402, Sewage, SIC Code 4952, **Hall David A**, 1190 Pleasant Hills Road, Williamsport, PA 17701-8439.

This proposed facility is located in Eldred Township, **Lycoming County**.

Description of Proposed Action/Activity: Issuance of permit authorizing new SFTF.

WQM Permit No. 4116401, Sewage, SIC Code 4952, **West Branch Regional Authority**, 127 Girton Drive, Muncy, PA 17756.

This proposed facility is located in Clinton Township, **Lycoming County**.

Description of Proposed Action/Activity: Installation/construction of gravity and low pressure sewers and the Route 15 Pump Station with associated force main.

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

WQM Permit No. 2516404, Sewage, **Patricia Poland**, 807 Samick Road, Erie, PA 16509.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151101-R	Matt Yates 431 Kirks Mill Road Lincoln University, PA 19352	Chester	New London Township	Hodgson Run HQ-TSF-MF
PAI011516003	LTF Real Estate Company, Inc. 2902 Corporate Place Chanhassen, MN 55317	Chester	Tredyffrin Township	Trout Creek WWF-MF
PAI010915009	James Herman 2371 Old Post Road Coplay, PA 18037	Bucks	Springfield Township	Cooks Creek EV
PAI010916001	Margit Gyantar 212 Goldenrod Court Whitehouse Station, NJ 08889 HHC Holdings, LLC 700 Garrett Road Upper Darby, PA 19082	Bucks	Richland Township	Morgan Creek to Tohickon Creek TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025210001R	Dingman Township 118 Fisher Lane Milford, PA 18337	Pike	Dingman Township	Raymondskill Creek (HQ-CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024815014	Jared & Monica Isaacman 2202 North Irving Street Allentown, PA 18109	Northampton	Lower Nazareth Township	East Branch Monocacy Creek (HQ-CWF, MF)
PAI023515004	WBD, Inc. 299 Main Street 2nd Floor Olyphant, PA 18447	Lackawanna	Roaring Brook Township	Stafford Meadowbrook (HQ-CWF, MF)

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

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lehighton Borough Carbon County	PAG02001316001	Lehighton Area School District 1000 Union St. Lehighton, PA 18235	Mahoning Creek (CWF, MF)	Carbon County Conservation District 610-377-4894

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
College Township Centre County	PAG02001416009	College Township 1481 E. College Ave State College, PA 16801	Slab Cabin Run, CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Brady Township Clearfield County	PAG02001715012	Brady Township Supervisors P O Box 125 Luthersburg, PA 15848	Luthersburg Branch, CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629
Buffalo Township Union County	PAG02006016009	Lewis Hoover 947 Buffalo Creek Rd Mifflinburg, PA 17844	UNT to Buffalo Creek, CWF, MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860
<i>Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Hampton Township	PAG02000216034	Township of Hampton 3101 McCully Road Allison Park, PA 15101	Gourdhead Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Robinson Township	PAG02000216021	FC Aiken, LLC Three Gateway Center SU 200 Liberty Avenue Pittsburgh, PA 15222	Moon Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Findlay Township	PAG02000212015R-2	Imperial Land Corporation 1009 Beaver Grade Road Suite 210 Moon Township, PA 15108	Potato Garden Run (WWF); UNT to Potato Garden Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Upper Saint Clair Township	PAG02000216033	Township of Upper Saint Clair 1820 McLaughlin Run Road Upper Saint Clair, PA 15241	UNT to Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Munhall Borough	PAG02000216041	James M. Quinn Construction Company 4075 Homestead Duquesne Road West Mifflin, PA 15122	Homestead Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Municipality of Bethel Park	PAG02000212022-1	Mr. Massaro Dawson 191 Peachtree Street Northeast Suite 805 Atlanta, GA 30303	Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Robinson Township	PAG02000216040	Mosites 400 High Tower Company 4839 Campbells Run Road Pittsburgh, PA 15205	UNT to Montour Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Oakdale Borough	PAG02000216050	RAT Oakdale Properties, LLC 299 McLaughlin Run Road Bridgeville, PA 15017	Robinson Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
South Fayette Township	PAG02000215011-1	The Watson Institute 301 Camp Meeting Road Sewickley, PA 15143	UNT to Miller Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
McCandless Township and Pine Township	PAG02000216038	Columbia Gas of Pennsylvania 2021 West State Street New Castle, PA 16101	UNT to North Pine Creek (CWF); UNT to Pine Creek (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Pittsburgh	PAG02000216054	University of Pittsburgh 3400 Forbes Avenue Pittsburgh, PA 15260	Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Shaler Township	PAG02000216024	Shaler Area School District 1800 Mount Royal Boulevard Glenshaw, PA 15116	UNT to Little Pine Creek (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Elizabeth Township	PAG02000216049	CAR-McP, Inc. P.O. Box 221 Bridgeville, PA 15017	UNT to Wylie Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Plum Borough	PAG02000215010	Industrial Terminal Systems 100 Logans Ferry Road New Kensington, PA 15068	Pucketa Creek (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Moon Township	PAG02000215095-1	Moon Township Park Improvement 100 Beaver Grade Road Moon Township, PA 15108	Meeks Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Pittsburgh	PAG02000216029	Regional Industrial Development Corporation 210 Sixth Avenue Suite 3620 Pittsburgh, PA 15222	Allegheny River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Big Beaver Borough	PAG02000416009	PTV VIII, LLC 1563 Woodward Drive Extension Greensburg, PA 15601	Beaver River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Ohioville Borough	PAG02000415011(1)	Cheryl Moon Sirianni, PennDOT District-11 45 Thoms Run Road Bridgeville, PA 15017	Upper Dry Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Gallitzin Township, Gallitzin Borough, and Tunnelhill Borough (Cambria County); Tunnelhill Borough and Allegheny Township (Blair County)	PAG02001116008	Peoples TWP, LLC 205 North Main Street Butler, PA 16001	Bradley Run (CWF); UNTs to Bradley Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
Nanty Glo Borough	PAG02001116013	Peoples Natural Gas Company, LLC 1201 Pitt Street Pittsburgh, PA 15221	South Branch Blacklick Creek (CWF); UNTs to South Branch Blacklick Creek (CWF); Davis Run (CWF); UNTs to Davis Run (CWF); Pergrim Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
Cambria Township	PAG02001116010	McAneny Brothers, Inc. 470 Industrial Park Road Ebensburg, PA 15931	UNT to South Branch of Blacklick Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
Cambria Township	PAG02001116011	RRC Development 245 Valewood Road P.O. Box 100 Loretto, PA 15940	UNT to South Branch of Blacklick Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
White Township	PAG023216002	Dialysis Clinic, Inc. 1633 Church Street Nashville, TN 37203	Stoney Run (CWF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701-3571 (724) 471-4751
Middlecreek Township	PAG02005616001	Hillcrest Saylor Dairy Farms, LLC 947 Hatch Hollow Road Rockwood, PA 15557	UNTB to Middlecreek (TSF)	Somerset County Conservation District Somerset Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
South Strabane Township, Chartiers Township, and Canton Township	PAG02006316006	Columbia Gas of PA 2021 West State Street New Castle, PA 16101	Chartiers Creek (WWF); UNT to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Robinson Township	PAG0206315006-1	West Penn Power 76 South Main Street Akron, OH 44308	UNT to Raccoon Creek (WWF); and UNT to Robinson Run (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Chartiers Township	PAG02006316008	Range Resources— Appalachia, LLC 3000 Town Center Boulevard Canonsburg, PA 15317	UNT to Chartiers Creek (WWF); and UNT to Allison Hollow (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cranberry Township Butler County	PAG02001016008(1)	Cranberry Inn LP c/o Robert D. Berdanier 241 Bank Street Sewickley, PA 15143	Brush Creek WWF	Butler County Conservation District 724-284-5270
Middlesex Township Butler County	PAG02001016017	Frozen Pond Management Co Inc., LLC 118 Sylvan Spring Lane Valencia, PA 16059	UNT South Branch Glade Run WWF	Butler County Conservation District 724-284-5270
Shippenville Borough and Elk Township Clarion County	PAG02001616001(1)	PA American Water 800 W. Hershey Park Hershey, PA 17033	UNT Deer Creek; Deer Creek; Paint Creek CWF	Clarion County Conservation District 814-297-7813
Harborcreek Township Erie County	PAG02002516009	John Finazzo 5360 Reese Road Erie, PA 16510	UNT Six Mile Creek CWF; MF	Erie County Conservation District 814-825-6403
City of Erie Erie County	PAG02002516014	BBs Realty, LLC 931 Downing Avenue Erie, PA 16511	Trib 62414 Lake Erie	Erie County Conservation District 814-825-6403
Summit Township Erie County	PAG02002516003	TLC Properties Inc. 5321 Corporate Blvd Baton Rouge, LA 70808	Trib 62453 of Walnut Creek CWF	Erie County Conservation District 814-825-6403
Bell Township Jefferson County	PAG02003316002	Punxsutawney Airport Authority PO Box 365 Punxsutawney, PA 15767	Graffius Run CWF; UNT Graffius Run CWF	Jefferson County Conservation District 814-849-7463
Shenango Township Lawrence County	PAG02003716003	Latsko BK Property LLC 2755 Darlington Road Beaver Falls, PA 15010	UNT Big Run WWF	Lawrence County Conservation District 724-652-4512
City of Hermitage Mercer County	PAG02004316009	Stewart White White Donuts LLC 885 West State Street Salem, OH 44460	UNT Bobby Run WWF	Mercer County Conservation District 724-662-2242

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Town of Bloomsburg, Columbia County	PAR204819	Kawneer Company, Inc. 500 E 12th Street Bloomsburg, PA 17815-3900	Susquehanna River—5-D	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

*General Permit Type—PAG-7**Facility Location
Municipality &
County*Bridgewater
Township
Susquehanna CountyPermit No.
PAR312201*Applicant Name &
Address*
GasSearch Drilling Services
Corp.
8283 State Route 29
Montrose, PA 18801*Receiving
Water/Use*
Unnamed Tributary
of Pettis Creek—4-D
(WWF/MF)*Contact Office &
Phone No.*
DEP Northeast
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511Upper Saucon
Township
Lehigh CountyPermit No.
PA0053163*Applicant Name &
Address*
Webster Youngs
5029 Vera Cruz Road
Center Valley, PA 18034*Receiving
Water/Use*
Unnamed Tributary
to Saucon
Creek—CWF*Contact Office &
Phone No.*
DEP North East
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.**Facility Location:
Municipality &
County*City of Hermitage
Mercer CountyPermit No.
PAG078303*Applicant Name &
Address*
Hermitage Municipal Authority
800 North Hermitage Road
Hermitage, PA 16148*Site Name & Location*
Hermitage Municipal
Authority STP
2133 Broadway
Avenue
Hermitage, PA 16148*Contact Office &
Phone No.*
DEP
NWRO
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>
Smith Station Acres, LLC 1871 Smith Station Road Spring Grove, PA 17362	York	57	702.54	Swine/Poultry	None	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

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

Permit No.2359008, Operations Permit Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hershey Park Dr. Hershey, PA 17033
[Borough or Township]	South Abington Township
County	Lackawanna
Type of Facility	PWS
Consulting Engineer	Mr. James Shambaugh, PE Gannett Fleming, Inc. P.O. Box 67100 Harrisburg, PA 17106-7100
Permit to Operate Issued	6/6/16

Permit No.2450049, Operations Permit Public Water Supply.

Applicant	The Manwalamink Water Company River Road, 3rd Floor, Ft. DePuy P.O. Box 48 Shawnee on Delaware, PA 18356
[Borough or Township]	Smithfield Township

County	Monroe
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	6/8/2016

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

Operation Permit No. 2115508 MA issued to: **South Middleton Township Municipal Authority (PWS ID No. 7210050)**, South Middleton Township, **Cumberland County** on 6/9/2016 for facilities approved under Construction Permit No. 2115508MA.

Operation Permit No. 3616502 issued to: **Barnsley Academy (PWS ID No. 7360864)**, East Drumore Township, **Lancaster County** on 6/2/2016 for facilities approved under Construction Permit No. 3616502.

Operation Permit No. 2815506 MA issued to: **Franklin County General Authority (PWS ID No. 7280045)**, Greene Township, **Franklin County** on 6/9/2016 for facilities approved under Construction Permit No. 2815506MA.

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

Permit No. 1916501MA—Construction—Public Water Supply.

Applicant	Suez Water Pennsylvania
Township/Borough	Town of Bloomsburg
County	Columbia
Responsible Official	John D. Hollenbach, Vice President & General Manager Suez Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Type of Facility	Public Water Supply
Consulting Engineer	Peter Lusardi GHD 1240 N. Mountain Road Harrisburg, PA 17112
Permit Issued	June 10, 2016
Description of Action	Construction of a 1.8 MG wire or strand wound prestressed concrete finished water storage tank in the footprint of the brick-lined reservoir not in use.

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

Permit No. 3386504-MA3, Public Water Supply

Applicant	Eldred Township Municipal Authority PO Box 83 Sigel, PA 15860-0158
Township or Borough	Eldred Township
County	Jefferson
Type of Facility	Public Water Supply

Consulting Engineer David Neil, P.E.
The EADS Group, Inc.
15392 Route 322
Clarion, PA 16214

Permit to Construct June 8, 2016
Issued

Sourcewater Protection Program Approval issued to **Pennsylvania American Water Company—Butler**, 207 Oneida Valley Road, Butler, PA 16001, **PWSID No. 5100012, Butler County** on June 14, 2016.

Sourcewater Protection Program Approval issued to **Pennsylvania American Water Company—Clarion**, 425 Waterworks Road, Clarion, PA 16214, **PWSID No. 6160001, Clarion County** on June 14, 2016.

Sourcewater Protection Program Approval issued to **Pennsylvania American Water Company—Punxsutawney**, 3933 Filtering Plant Road, Punxsutawney, PA 15767, **PWSID No. 6330010, Jefferson County** on June 14, 2016.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No.365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA4-1008, Water Allocations. Vanport Township Municipal Authority, PA 15344, **Beaver County**. Withdrawal of up to 3,450,000 gallons of water per day from river well numbers 1, 2, 3R7, 4, 5 and 6.

WA4-1017, Water Allocations. Brighton Township Municipal Authority, 1300 Brighton Road, Beaver, PA 15009, Brighton Township, **Beaver County**. Purchase of up to 1,856,300 gallons of water per day, peak month 30-day average, from the Vanport Township Municipal Authority.

WA32-1003, Water Allocations. Indiana County Municipal Services Authority, 602 Kolter Drive, Indiana, PA 15701, **Indiana County**. Withdrawal of up to 75,000 gallons of water per day from Peg Run Reservoir, Susquehanna Township, **Cambria County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the

selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Dominion Transmission, Leidy Compressor Site, 91 Gas Plant Lane, Leidy Township, **Clinton County**. Dominion Transmission, Inc., 925 White Oak Blvd., Bridgeport, WV 25330 on behalf of Weavertown Environmental Group, 117 Pine Mountain Road, Lock Haven, PA 17745 submitted a Final Report concerning remediation of site soil contaminated with petroleum distillate. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sanfrey Freight Services Inc., US Route 322E, Worth Township, **Centre County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Sanfrey Freight Services Inc., P.O. Box 1770, Warren, OH 44482 submitted a Final Report concerning remediation of site soils 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.

Amos Fry Residence, 645 West Main Street, Ephrata, PA 17522, Ephrata Borough, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17522, on behalf of Amos Fry, 645 West Main Street, Ephrata, PA 17522, submitted a Remedial Investigation/Final Report to remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Site Specific and Residential Statewide Health Standards.

Sinking Springs Farm, 2825 Susquehanna Trail, York, PA 17406, Manchester Township, **York County**. Geo-Technology Associates, Inc., 3445-A Box Hill Corporate Center Drive, Abingdon, MD 21009, on behalf of Susquehanna Real Estate, LP, 140 East Market Street, York, PA 17401, submitted a Remedial Investigation

Report concerning remediation of site soils and groundwater contaminated with gasoline released from underground storage tanks. The Report was intended to document remediation of the site to meet the Site Specific Standard.

Metropolitan Edison Company North Hanover Substation, Radio Road West of High Street, Hanover, PA 17332, Hanover Borough, **Adams County**. Ramboll Environmental, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17332, and FirstEnergy Corporation, P.O. Box 16001, Reading, PA 19612, submitted a Final Report concerning remediation of site soils contaminated with inorganics as a result of fire-fighting activities. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Marathon New Castle Site (MPC No. 3670), 718 East Washington Street, City of New Castle, **Lawrence County**. ARCADIS U.S., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090 on behalf of Marathon Petroleum Company, LP, 539 South Main Street, Findlay, OH 45840, submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with benzene and site groundwater contaminated with benzene, ethylbenzene, naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

NWREC Mineral Oil Release, 10203 Nancy Drive, City of Meadville, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Northwestern Rural Electric Company Association, 22534 Highway 86, Cambridge Springs, PA 16403, submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former ELG Metals Scrapyard Property, Intersection of Crestview Drive and 4th Street—Lot # 1 of GRDC Lot 6A subdivision, Pymatuning Township, **Mercer County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Greenville-Reynolds Development Corporation, 301 Arlington Drive, Greenville, PA 16125, submitted a Remedial Investigation/Risk Assessment/Cleanup Plan concerning the remediation of site soil contaminated with antimony, chromium, cobalt, iron, lead, manganese, molybdenum, nickel, selenium and groundwater contaminated with arsenic, iron, and manganese. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Stan-

dards 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.

Budd Feaster Property, 577 Point Township Drive, Point Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Robert Bussey, 587 Point Township Drive, Northumberland, PA 17857, submitted a Final Report concerning the remediation of site soil contaminated with Heating Oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on May 17, 2016.

Dominion Transmission, Leidy Compressor Site, 91 Gas Plant Lane, Leidy Township, **Clinton County**. Dominion Transmission, Inc., 925 White Oak Blvd., Bridgeport, WV 26330 on behalf of Weavertown Environmental Group, 117 Pine Mountain Road, Lock Haven, PA 17745, submitted a Final Report concerning the remediation of site soil contaminated with petroleum

distillate. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 7, 2016.

Reidinger Trucking, Inc., State Route 54E at Segment 60, Delaware Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Reidinger Trucking, Inc., 1229 State Route 487, Paxinos, PA 17860, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel constituents. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on May 16, 2016.

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

Chris Diaz Property, 116 Outer Drive, Dingmans Ferry, **Pike County**. Geo Solutions, 68 Dry Road, Blairstown, NJ 07825, on behalf of Christopher Diaz, 193 N. Henry Street, Brooklyn, NY 11222, submitted a Final Report concerning the remediation of site soils contaminated with Petroleum. The Report was disapproved by the Department on June 3, 2016.

Kunsman Property, 250 East Broad Street, Bethlehem City, **Northampton County**. J. Rockwood and Associates, Inc., PO Box 1006, Easton, PA 18044, on behalf of Terry and Linda Kunsman, 250 East Broad Street, Bethlehem, submitted a Final Report concerning the remediation of site soils contaminated with fuel oil # 2. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 10, 2016.

Mollie Grill Residence, 404 Dutch Hill Road, Barrett Township, **Monroe County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Farm Insurance, PO Box 106169, Atlanta, GA 30348, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Isopropylbenzene, MTBE, Naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 7, 2016.

Ferguson, A. Well Pad 1, 791 Bartholomew Road, Harford Township, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil and Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with Aluminum, Arsenic, Barium, Boron, Chromium, Copper, Iron, Lead, Manganese, Strontium, Vanadium, Zinc, Target Compound List VOCs, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, and Target Compound List SVOCs. The Final Report demonstrated attainment of the Background and Statewide Health Standards, and was approved by the Department on June 6, 2016.

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

Wade and Tammy Eckert Residence, 786 Blooming Grove Road, Hanover, PA 17331, Penn Township, **York County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of State Farm Insurance, PO Box 106110, Atlanta, GA 30348-6110, and Wade and

Tammy Eckert, 786 Blooming Grove Road, Hanover, PA 17331, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on June 6, 2016.

South Oakview Road & Lincoln Highway East, 2034 Lincoln Highway East, Lancaster, PA 17602, East Lampeter Township, **Lancaster County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Franchise Realty Interstate Corp., dba as McDonald's Restaurant, 2090 Lincoln Highway East, Lancaster, PA 17602, and Elk Environmental Services, 1420 Clarion Street, Reading, PA 19601, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on June 8, 2016.

Rhonda Johnston Residence, 685 Pilgrims Way, East Freedom, PA 16637, Freedom Township, **Blair County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Sugar Run Spills, 1009 Burn Avenue, Altoona, PA 16601, and Rhonda Johnston, 685 Pilgrims Way, East Freedom, PA 16637, submitted a Final Report concerning remediation of site soils and surface water contaminated with No. 2 heating oil. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on June 9, 2016.

ARMACS Associates, 2 Old Market Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. AECOM, 4507 North Front Street, Harrisburg, PA 17110, on behalf of ARMACS Associates, 2 Old Market Street, Mount Joy, PA 17552, submitted a Report titled "Remedial Investigation/Risk Assessment/Cleanup Plan" for site soils and groundwater contaminated with # 6 fuel oil. The Report was approved by the Department on June 9, 2016.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

All American Hose (217 Titusville Road), 217 Titusville Road, Borough of Union City, **Erie County**. AECOM Technical Services, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876, on behalf of Parker-Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with Acetone, Benzene, Ethylbenzene, Isopropylbenzene, 2-Butanone, Toluene, Total Xylenes, Anthracene, Benzo[a]anthracene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Benzo[a]pyrene, Chrysene, Fluoranthene, Phenanthrene, Pyrene, Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, Silver and site groundwater contaminated with Arsenic, Barium, Cadmium, Chromium, Lead, and Selenium. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on February 24, 2016.

Marathon New Castle Site (MPC No. 3670), 718 East Washington Street, City of New Castle, **Lawrence County**. ARCADIS U.S., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090 on behalf of Marathon Petroleum Company, LP, 539 South Main Street, Findlay, OH 45840, submitted a Remedial Investigation Report

concerning the remediation of site soil contaminated with benzene and site groundwater contaminated with benzene, ethylbenzene, naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Report was disapproved by the Department on June 1, 2016.

NWREC Mineral Oil Release, 10203 Nancy Drive, City of Meadville, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Northwestern Rural Electric Company Association, 22534 Highway 86, Cambridge Springs, PA 16403, submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Report was disapproved by the Department on June 9, 2016.

NFG Midstream Clermont East Compressor Station, 70 Billy Buck Tie Road, Sergeant Township, **McKean County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of National Fuel Gas, 1100 State Street, Erie, PA 16512, submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethyl benzene, xylene, sec-butyl benzene, tert-butyl benzene, cyclohexane, 1,3,4-trimethylbenzene, 1,3,5-trimethylbenzene, cumene, naphthalene, acenaphthene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluoranthene, fluorene, indeno[1,2,3-c,d]pyrene, 2-methylnaphthalene, phenanthrene, pyrene, 1,1,biphenyl, phenol, aluminum, barium, boron, iron, lithium, manganese, vanadium, zinc, selenium, and ethylene glycol. The Report was disapproved by the Department on June 10, 2016.

Medicine Shoppe, 629 State Street, City of Meadville, **Crawford County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Power, Power, Power, 623 State Street, Meadville, PA 16335, submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene, total xylene, isopropylbenzene (Cumene), 1,2-dichloroethane, 1,2-dibromoethane (EDB), naphthalene, methyl-tert-butylether (MTBE), 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 10, 2016.

American Marine Express Spill, U.S. Route 6 East, Columbus Township, **Warren County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of American Marine Express, Inc., submitted a Final Report concerning the remediation of site soil contaminated with benzene, 1,2,4-trimethylbenzene, benzo[a]anthracene, toluene, 1,3,5-trimethylbenzene, chrysene, cumene, anthracene, benzo[b]fluoranthene, methyl tert-butyl ether, phenanthrene, benzo[a]pyrene, naphthalene, pyrene, benzo[g,h,i]perylene, fluorene, and ethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 10, 2016.

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

Former Glassport Rail Yard (former P&LE Railroad Maintenance Buildings and Yard), between Fifth Street and Third Street to the immediate east of the CSX Railroad ROW, Borough of Glassport, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Borough of Glassport, 44 Monongahela Ave, Glassport, PA 15045 and Turtle Creek Valley Council of Governments, 2700 Monroeville Boule-

vard, Monroeville, PA 15146 submitted Remedial Investigation/Risk Assessment (RI/RA) concerning site soils contaminated with manganese, benzidine, and tetrachloroethane, and groundwater contaminated with naphthalene, arsenic, and manganese. The RI/RA was approved by the Department on June 10, 2016.

Lot 3 of the Hoey's Run Plan of Lots, 525 Locust Place, Borough of Sewickley, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Hoey's Run, LLC, 336 Fourth Avenue, Pittsburgh, PA 15222 submitted a Remedial Investigation/Cleanup Plan/Final Report (RI/CP/FR) that was previously published in the *Tribune-Review* on March 14, 2016, concerning site soils contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene, naphthalene, toluene, and total xylene. The RI/CP/FR demonstrated attainment of residential Statewide Health and Site Specific standards for soil and was approved by the Department on June 13, 2016.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19001, Telephone 484.250.5960.

Gas Station, 5300 West Baltimore Avenue Upper Darby Township (Clifton Heights), **Delaware County**. Josh Sarett, ALC Environmental, 121 West 27th Street, Suite 402, New York, NY 10001 on behalf of Larry Dugan, Kravitz Properties, Inc., 25 Washington Lane, Suite 4A, Wynote, PA 19095 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Remedial Investigation/Final Report disapproved by the Department on May 24, 2016. PF773528.

Westnor LP Facility, 2030 West Main Street, West Norriton Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Marti Macgregor, Westnor, LP, 10059 Sandmeyer Lane, Philadelphia, PA 19116 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with pce and breakdown compounds. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 26, 2016. PF749200.

Enterprise Rent A Car, 7001 Essington Avenue. City of Philadelphia, **Philadelphia County**. Gabe Lune, P.G., ERM, 75 Valley Steam Parkway, Suite 200, Malvern, PA 19355 on behalf of Scott Schusko, Enterprise, Rent-a-Car, 170 North Radnor-Chester Road, Suite 200, Radnor, PA 19087 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with used oil. The Final report demonstrated attainment of the Site Specific Standard/Statewide Health Standard and was approved by the Department on April 14, 2016.

1455 South West Boulevard, Richland Township, **Bucks County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Michael Brill, B&B Automotive, 801 Bristol Pike, Corydon, PA 19021 has submitted a Final Report concerning the remediation of site soil contaminated with vocs. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 1, 2016. PF809697.

Clark Residence/232 Hyde Park Place, 232 Hyde Park Place Lower Makefield Township, **Bucks County**. Daniel P. Claycomb, Environmental Standards, Inc., 1140 Valley Forge, PA 19482, Justin Lineman, Lewis Environmental, Inc., 155 Railroad Plaza, P.O. Box 639, Royersford, PA 19482 on behalf of Bruce Clark, 232 Hyde Park Place, Yardley, PA 19607 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 1, 2016. PF7825576.

117 East Broad Street, 117 East Broad Street, Borough of Souderton, **Montgomery County**. Alexander Ulmer, Barry Isett & Associates, Inc., 1003 Egypt Road, Phoenixville, PA 19460, Kurt Speiss, EMG Remediation Service, 5066 Rear West Chester, Pike, P.O. Box 129, Edgemont, PA 19028 on behalf of Kyle Hoff, Hoff Properties, LLC, 362 Winslow Drive, P.O. Box 637, Souderton, PA 18964 has submitted a Final Report concerning the remediation of site soil contaminated with other organics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 27, 2016. PF809659.

Holland Residence, 2710 West Dutton Mill Road, Aston Township, **Delaware County**. Richard D. Trimipi, Trimpi Associates, Inc., 1635 Old Plain Road, Pennsburg, PA 18073, Stephanie Ohrt, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169 on behalf of Kathleen and Mark Holland, 2710 West Dutton Mill, Aston, PA 19104 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 18, 2016. PF809892.

Speddi King, 249 Lancaster Avenue, East Whiteland Township, **Chester County**. Dave Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Frank King Jr., Estate of Frank King, Jr., 417 Waters Dam, Road, Waynesburg, PA 15370, Christina Ruble, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19320 on behalf of Glenn King, 675 East Reeceville Road, Coatesville, PA 19320 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with other organics. The Cleanup Plan and Remedial Investigation were approved by the Department on June 6, 2016. PF785201.

Chester Charter School for the Arts, 1200 Highland Avenue, City of Chester, **Chester County**. Bill Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Donald Delson, Chester Charter School for the Arts has submitted a Remedial Investigation/Cleanup and Final Report concerning the remediation of site soil contaminated with others organics. The Remedial Investigation/Cleanup Plan and Final Report were approved by the Department on May 27, 2016. PF808901.

Wawa Store # 73, 67 North Lansdowne Avenue, Lansdowne Borough, **Delaware County**. Brian Lettini, JK Environmental Services, P.O. Box 509, Lafayette Hill, PA 19444, Mike McCann, Ferguson & McCann, Inc., 270

Bodley Road, Aston, PA 19014, Geoffrey Kristof, JK Environmental Services, P.O. Box 509, Lafayette Hill, PA 19444 on behalf of Joseph Standen, Wawa, Inc., 360 West Baltimore Pike, Wawa, PA 19063 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with soil and groundwater. The Remedial Investigation Report was approved by the Department on May 26, 2016. PF785773.

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 the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 1, 2016. PF810277.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Hazardous Waste Transporter License Reissued

Ken's Marine Service, Inc., PO Box 4001, Bayonne, NJ 07002. License No. PA-AH S154. Effective Jun 14, 2016.

Moran Environmental Recovery, LLC, 75D York Avenue, Randolph, MA 02368. License No. PA-AH 0744. Effective Jun 14, 2016.

Page E.T.C., Inc., PO Box 1290, Weedsport, NY 13166. License No. PA-AH 0338. Effective Jun 13, 2016.

Renewal Applications Received

Ken's Marine Service, Inc., PO Box 4001, Bayonne, NJ 07002. License No. PA-AH S154. Effective Jun 14, 2016.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) issued under the Solid Waste Management Act, 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.

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

Permit ID No. 101176. Deep Valley Landfill, Inc., P.O. Box 195, Luciousboro Road, Coral, PA 15731. This permit modification approves revisions to the landfill's Closure Plan for Deep Valley Construction and Demolition Landfill, located at 7111 Steubenville Pike in Oakdale, North Fayette Township, **Allegheny County**. The permit for revised Closure Plan was issued in the Regional Office on June 14, 2016.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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.

GP3-06-03054A: Martin Stone Quarries, Inc. (1355 North Reading Avenue, Bechtelsville, PA 19505) on June 9, 2016, for a portable nonmetallic mineral processing plant under GP3 at the Bechtelsville Quarry, in Colebrookdale Township, **Berks County**.

GP11-06-03054A: Martin Stone Quarries, Inc. (1355 North Reading Avenue, Bechtelsville, PA 19505) on June 9, 2016, for two nonroad engines under GP11, to power portable nonmetallic mineral processing equipment at the Bechtelsville Quarry, in Colebrookdale Township, **Berks County**.

GP1-07-03001: Altoona Area School District (2407 6th Avenue, Altoona, PA 16602) on June 8, 2016, for three existing natural gas/No. 2 oil-fired boilers (20—25 MMBtus each) at the central heat plant at the Altoona High School located in the City of Altoona, **Blair County**. The general permit authorization was renewed.

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

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

GP5-08-342: Talisman Energy USA, Inc. (50 Penn-wood Place, Warrendale, PA 15086) on June 9, 2016, for authorization to continue operation of ten (10) 1,380 bhp Caterpillar model G3516B ultra-lean-burn compressor engines each equipped with Miratech model SP-ZHSI-30x31-14 oxidation catalysts, two (2) 75 MMscf/day triethylene glycol dehydration units each with a 0.75 MMBtu/hr reboiler, and a 130 kW Generac model QT 130A emergency generator powered by a 174 bhp rich-burn natural-gas-fired engine equipped with an integral three-way catalyst, one (1) 10,500 gallon produced water tank, one (1) 6,300 gallon slop oil tank, and one (1) 6,000 gallon triethylene glycol storage tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compressor and/or Processing Facilities (BAQ-GPA/GP-5) at the Edsell Compressor Station located in Pike Township, **Bradford County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

46-00116: PECORA Corporation (165 Wambold Road, Harleysville, PA 19438) On June 9, 2017, for construction and operation of two mixers, a relocation of one existing

mixer, and replacement of one baghouse in their facility located in Lower Salford Township, **Montgomery 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.

36-05140F: Valley Proteins Inc. (693 Wide Hollow Road, East Earl, PA 17519) on June 2, 2016, for the authorization to combust by-product oil (animal fat) in the facility's No. 3 boiler at the Terre Hill rendering facility located in East Earl Township, **Lancaster County**.

67-05098C: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on June 9, 2016, for the modification of the existing limestone crushing plant at the Penroc Quarry in West Manchester Township, **York County**. Source 115 West Filler Operations will be combined with Source 120 Roofing Plant, to form new Source 125 Filler Plant. The proposed additions include six 250-ton silos, a bagger and sacker, two blowers, three fabric filters and two bin vents. Some existing equipment may require minor repositioning or removal to accommodate the final equipment layout.

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

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

59-00033A: Sabinsville Energy, LLC (N. Shore Place I, 358 N. Shore Dr., Ste. 201, Pittsburgh, PA 15212) on June 7, 2016, to construct three (3) 9,708 bhp (7.2 MWs) 4 stroke, lean burn Rolls Royce Bergen B-35:40-V16AG-2 natural gas-fired engine/generator sets, each equipped with both catalytic oxidation and selective catalytic reduction (SCR), at the proposed electric generating station located in Clymer Township, **Tioga County**. The facility will also include one (1) 0.64 MMBtu/hour natural gas-fired natural gas line heater; three (3) storage tanks ranging in size from 2,600 gallons to 6,000 gallons; one (1) desiccant dehydration system; various fugitive emissions. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 59-00033A, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

46-0025L: Johnson Matthey (900 River Road, Conshohocken, PA 19428-2647) On June 9, 2016 for the continuation of removal of an ODEX Scrubber and a liquid seal pot from their plant located in Upper Merion, **Montgomery County**.

15-0060G: SECCRA (219 Street Road, West Grove, PA 19390) On June 9, 2016 for the authorization to construct

the Willa Expansion Landfill and a landfill gas collection and control system at their location in London Grove Township, **Chester County**.

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

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

37-023F: NRG Power Midwest LP—New Castle Plant (2189 State Route 168 South, West Pittsburgh, PA 16160) on June 7, 2016, effective June 30, 2016, has issued a plan approval extension for the gas addition project for the 3 existing coal fired boilers in Taylor Township, **Lawrence County**. This is a Title V facility.

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

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

06-05007: Carpenter Technology Corp. (101 Bern Street, Reading, PA 19601) on June 3, 2016, for the specialty stainless steel foundry located in Reading City, **Berks County**. The Title V permit was renewed.

36-05156: L & S Sweeteners (388 East Main Street, Leola, PA 17540-1925) on June 8, 2016, for the liquid and dry bulk receiving and transfer operations, and landfill gas-to-energy plant located in Upper Leacock Township, **Lancaster County**.

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

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

49-00004: Resilite Sports Products, Inc. (200 Point Township Drive, Northumberland, PA 17857-8701) on June 1, 2016, for renewal of the Title V operating permit for their facility located in Northumberland Borough, **Northumberland County**. The facility's sources include one (1) natural gas-fired boiler, mat finishing, adhesive and reconditioning operations, one (1) spray booth, one (1) 20,000 gallon storage tank and one (1) natural gas-fired emergency generator. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations.

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

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4150/5226.

TV-63-00550: USA South Hills Landfill, Inc. (3100 Hill Road, South Park Township, PA 15129) on June 13, 2016 a Title V Operating Permit renewal to USA South Hills Landfill to authorize the continued operation of their solid waste landfill located in Union Township, Washington County and South Park Township, **Allegheny County**.

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

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

10-00267: Alcoa Commercial Windows LLC (71 Progress Avenue, Cranberry Township, PA 16066-3511) on June 8, 2016, the Department issued an administrative amendment to the Title V Operating Permit for the window manufacturing facility located in Cranberry Township, **Butler County**. The amendment incorporates the change of responsible official.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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.

36-03115: Pennsy Supply, Inc. (PO Box 3331, Harrisburg, PA 17105-3331) on June 7, 2016, for the stone crushing operations at the Landisville Quarry located in West Hempfield Township, **Lancaster County**. The State-only permit was renewed.

34-03005: Energex American, Inc. (95 Energex Drive, Mifflintown, PA 17059-7748) on June 8, 2016, for the wood pellet manufacturing facility located in Walker Township, **Juniata County**. The State-only permit was renewed.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

20-00256: Weaber Incorporated (1231 Mount Wilson Road, Lebanon, PA 17042) on June 7, 2016, the Department issued an administrative amendment to the State Only Operating Permit for the hardwood facility located in Oil Creek Township, **Crawford County**. The amendment incorporates the change of ownership from the former owner (Northwest Hardwoods Titusville Mill).

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

21-05044: Dairy Farmers of America, Inc. (4825 Old Gettysburg Road, Mechanicsburg, PA 17055). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.030 TPY CO; 0.018 TPY NO_x; 0.003 TPY PM₁₀; 0.002 TPY VOC; and 0.0002 TPY SO_x resulting from the construc-

tion of a natural gas-fired roof-top HVAC unit having a maximum rated heat input capacity of 0.8 mmBTU/hr at its Mechanicsburg Plant located in Lower Allen Township, **Cumberland County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

26961602 and NPDES No. PA0214892. Bullsken Tipple Company, (2927 Pittsburgh Street, Perryopolis, PA 15473). To renew the permit for the Bullsken Tipple in Connellsville Township, **Fayette County** and related NPDES permit. No additional discharges. The application was considered administratively complete on October 2, 2012. Application received January 9, 2012. Permit issued June 8, 2016.

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

1192-33140106-E-1. P. and N. Coal Company, Inc. (P.O. Box 332, Punxsutawney, PA 15767) Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet of unnamed tributaries 3 and 5 to Rattlesnake Run in Washington Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Rattlesnake Run, Harveys Run, and unnamed tributaries to Wolf Run. Application received: October 15, 2015. Permit Issued: June 8, 2016.

24010101. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous surface and auger mine in Horton Township, **Elk County**, affecting 264.3 acres. Receiving streams: Unnamed tributary to Meade Run and unnamed tributaries to Johnson Run. This renewal is issued for reclamation only. Application received: April 4, 2016. Permit Issued: June 8, 2016.

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

65910103 and NPDES Permit No. PA0592447. Coal Loaders, Inc. (P.O. Box 556, Ligonier, PA 15658). Permit issued for commencement, operation and restoration of a bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 72.1 acres.

Receiving streams: unnamed tributaries to Barren Run. Application received: March 24, 2016. Permit issued: June 6, 2016.

65060104 and NPDES Permit No. PA0250945. Sosko Coal Company, Inc. (716 Ruffsedale Alverton Road, Mt. Pleasant, PA 15666). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in East Huntingdon Township, **Westmoreland County**, affecting 31.7 acres. Receiving stream: unnamed tributary to Stauffer Run. Application received: April 6, 2016. Renewal permit issued: June 9, 2016.

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

Permit No. 13010201R3. Rossi Excavating Company, (RR 1, Box 189E, Beaver Meadows, PA 18216), renewal for Reclamation Activities Only of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 580.0 acres, receiving stream: Wetzel Creek. Application received: March 22, 2016. Renewal issued: June 10, 2016.

Permit No. 13010201GP104R. Rossi Excavating Company, (RR 1, Box 189E, Beaver Meadows, PA 18216), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 13010201 in Banks Township, **Carbon County**, receiving stream: Wetzel Creek. Application received: March 22, 2016. Renewal issued: June 10, 2016.

Noncoal Permits Issued

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

33162801. Randy Keller Excavating (852 Keller Lane, Punxsutawney, PA 15767) Commencement, operation and restoration of a small industrial minerals mine in Henderson & Gaskill Townships, **Jefferson County**, affecting 6.9 acres. Receiving streams: East Branch Mahoning Creek. Application received: March 30, 2016. Permit Issued: June 8, 2016.

33162801-GP-104. Randy Keller Excavating (852 Keller Lane, Punxsutawney, PA 15767) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 33162801 in Henderson & Gaskill Townships, **Jefferson County**. Receiving streams: East Branch Mahoning Creek. Application received: March 30, 2016. Permit Issued: June 8, 2016.

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

Permit No. 58152502. F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732), Commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 10.0 acres, receiving stream: East Branch Tunkhannock Creek to Tunkhannock Creek. Application received: August 19, 2015. Permit issued: June 8, 2016.

Permit No. 58152502GP104. F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58152502 in Lenox Township, **Susquehanna County**, receiving stream: East Branch Tunkhannock Creek to Tunkhannock Creek. Application received: August 19, 2015. Permit issued: June 8, 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. 06164107. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for 109 Stephen Road in Bern Township, **Berks County** with an expiration date of June 3, 2017. Permit issued: June 7, 2016.

Permit No. 09164104. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Reeves Tract in Upper Makefield Township, **Bucks County** with an expiration date of June 30, 2016. Permit issued: June 7, 2016.

Permit No. 36164131. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Garden Spot Village in Earl Township, **Lancaster County** with an expiration date of May 30, 2017. Permit issued: June 7, 2016.

Permit No. 36164132. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Perdue Soybean Plant in Conoy Township, **Lancaster County** with an expiration date of June 7, 2017. Permit issued: June 7, 2016.

Permit No. 38164107. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Bob Copenhaver Manure Pit in North Cornwall Township, **Lebanon County** with an expiration date of July 30, 2016. Permit issued: June 7, 2016.

Permit No. 22164103. M & J Explosives, LLC, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Creekvale in West Hanover Township, **Dauphin County** with an expiration date of June 7, 2017. Permit issued: June 10, 2016.

Permit No. 38164108. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for James Stoltzfus dwelling in Heidelberg Township, **Lebanon County** with an expiration date of July 30, 2016. Permit issued: June 10, 2016.

Permit No. 48164107. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Conagra Mills in Upper and Lower Mt. Bethel Townships, **Northampton County** with an expiration date of February 3, 2017. Permit issued: June 10, 2016.

Permit No. 67164105. M & J Explosives, LLC, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Fairview Township Collection System in Fairview Township, **York County** with an expiration date of June 7, 2017. Permit issued: June 10, 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

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

E06-692: Hamburg Logistics Park, LP, 930 East Boot Road, Suite 400, West Chester, PA 19380 in Perry Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To construct the following impacts for three new warehouse/distribution centers totaling approximately 2.25 million square feet and associated infrastructure:

1) remove the existing 14-foot long, 30-inch CMP culvert and restore a UNT to the Schuylkill River (WWF, MF), impacting 0.006 acre of PEM Wetland F (Latitude: 40°31'2", Longitude: -75°58'02"),

2) remove the existing 40-foot long, 15-inch CMP culvert and the non-jurisdictional dam and install and

maintain a 70-foot long, 8-foot wide by 3-foot high concrete box culvert with baffles and depressed 1 foot, a 1.5-4 inch sanitary sewer line, an 8-12 inch water line, and a 3-4 inch electric and communication conduit, in an Unnamed Tributary to the Schuylkill River (WWF, MF), and re-establish a stream channel upstream of the box culvert, all permanently impacting approximately 110 linear feet of an unnamed tributary to the Schuylkill River (WWF, MF) and 0.19 acre of PEM/POW of Wetland F (Latitude: 40°31'21", Longitude: -75°58'02")

3) remove the existing 42-foot long, 24-inch PVC culvert and restore the stream channel of a UNT to the Schuylkill River (WWF, MF), impacting 0.001 acres of PEM Wetland F (Latitude: 40°31'16", Longitude: -75°57'58"),

4) fill and maintain 0.23 acre of PEM Wetland F, install and maintain a 70-foot long, 6-foot by 4-foot box culvert depressed 12 inches with fish baffles, an 8-12 inch water line, a 4-6 inch gas line, and a 4-6 inch electric conduit between the culvert and roadway, in and across a UNT of the Schuylkill River; realign and maintain 446 linear feet of a UNT to the Schuylkill River; and remove a Jurisdictional Dam and restore a stream channel through the breached dam and associated pond in and across a UNT of the Schuylkill River all impacting a total of 457 linear feet of a UNT of the Schuylkill River (WWF, MF) (Latitude: 40°31'09", Longitude: -75°57'58"),

5) fill and maintain 457 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'09", Longitude: -75°57'58"),

6) remove an existing 202-foot long, 12-inch PVC culvert and fill and maintain the stream channel of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'10", Longitude: -75°58'01"),

7) fill and maintain 215 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'11", Longitude: -75°58'03"),

8) fill and maintain 230 linear feet of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'13", Longitude: -75°58'06"),

9) fill and maintain 0.11 acre of PEM Wetland E (Latitude: 40°31'17", Longitude: -75°57'45"),

10) remove an existing 12.5-foot long, 15-inch concrete culvert and fill and maintain 13 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'17", Longitude: -75°57'44"),

11) fill and maintain 0.002 acre of PEM Wetland D (Latitude: 40°31'17", Longitude: -75°57'44"),

12) remove an existing 91-foot long, 18-inch concrete culvert and fill and maintain 91 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'16", Longitude: -75°57'44"),

13) fill and maintain 533 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'15", Longitude: -75°57'42"),

14) fill and maintain 183 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'14", Longitude: -75°57'42"),

15) fill and maintain 0.03 acre of PEM/PSS Wetland L (Latitude: 40°31'13", Longitude: -75°57'43"),

16) fill and maintain 280 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'15", Longitude: -75°57'40"),

17) fill and maintain 0.06 acre of Palustrine Forested (PFO) Wetland Q (Latitude: 40°31'14", Longitude: -75°57'09"),

18) fill and maintain 66 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'14", Longitude: -75°57'40"),

19) fill and maintain 0.03 acre of PEM Wetland N (Latitude: 40°31'13", Longitude: -75°57'40"),

20) fill and maintain 120 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'14", Longitude: -75°57'37"),

21) fill and maintain 190 linear feet of a UNT to Pigeon Creek (WWF, MF) (Latitude: 40°31'15", Longitude: -75°57'43"),

22) fill and maintain 1.26 acre of the floodway of a UNT to the Schuylkill River (WWF, MF) (Latitude: 40°31'09", Longitude: -75°57'56"), and

23) temporarily impact 0.20 acre of the floodway of a UNT to the Schuylkill River (WWF, MF).

Permit requirements for the following activities are waived per 25 Pa. Code 105.12(a)(2):

a) fill and maintain 2.63 acres of the floodway of a UNT to Pigeon Creek (WWF, MF),

b) fill and maintain 3.23 acres of the floodway of a UNT to the Schuylkill River (WWF, MF), and

c) temporarily impact 2.42 acres of the floodway of a UNT to the Schuylkill River (WWF, MF).

In total the applicant proposed to impact 3,121 linear feet of stream channel, 0.60 acre of wetlands, and 9.54 acres of floodways. Compensatory mitigation for impacts to watercourses in the form of a dam removal and riparian buffer establishment is required on site, and wetland mitigation is required in the amount of 1.38 acre of wetlands on site. The permit was issued on June 9, 2016.

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

E14-559. Columbia Gas of Pennsylvania, Inc., 1600 Colony Drive, York, PA 17408-4357. D-10018 Pipeline Replacement Project—Phase 1, in Snow Shoe Township and Burnside Township, **Centre County**, ACOE Baltimore District (Snow Shoe, PA Quadrangle N: 41°06'40"; W: -77°58'57" to N: 42°01'44"; W: -77°55'06").

To: 1) remove 7 miles of 21 miles of existing 8-inch gas distribution line, 2) place and maintain 7 miles of 21 miles of 12-inch natural gas distribution line in the first of three construction phases in order to provide clients with safe and reliable gas service called the D-10018 Pipeline Replacement Project—Phase 1. This first phase (7 miles) of a three phase (21 miles) project proposes to: 1) temporarily impact 0.066 acre of North Branch Beech Creek and two unnamed tributaries to North Branch Beech Creek and 6.93 acres of wetland, 2) permanently impact 0.003 acre of North Branch Beech Creek and two unnamed tributaries to North Branch Beech Creek and 0.19 acre of wetland, with the streams classified as a Cold Water Fisheries Fishery and the wetlands classified as Exceptional Value.

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

E27-089, PA Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301. S.R. 0062, Segment 0020, Offset 0000 Across Allegheny River, in Tionesta Township, **Forest County**, ACOE Pittsburgh District (Tionesta, PA Quadrangle N: 41° 28' 20"; W: 79° 30' 0").

To conduct the following activities associated with the construction of a new bridge carrying SR 0062 over the Allegheny River approximately 2.5 miles south of Tionesta Borough:

1. construct and maintain a four-span continuous composite multi-plate girder bridge having spans of 180 feet, 350 feet, 350 feet and 244 feet with an out-to-out width of 39 feet of the Allegheny River. The new structure will be located 100 feet upstream of the existing structure.

2. install a temporary causeway and temporary shoring for demolition and construction purposes.

3. remove the existing structure over the Allegheny River.

4. permanently impact 0.09 acre of wetland and several unnamed tributaries to Allegheny River due to roadway approach work.

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

E5929-049: SWEPI LP, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143, Richmond, Covington, and Sullivan Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using 24 inch diameter corrugated metal pipes, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 110 linear feet of unnamed tributary to North Elk Run (CWF) (Crooked Creek, PA Quadrangle 41°46'15"N, 77°09'13"W);

2) a temporary road crossing using a 24 inch diameter corrugated metal pipe, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 181 linear feet of an unnamed tributary to North Elk Run (CWF) and 323 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Crooked Creek, PA Quadrangle 41°46'8"N, 77°09'05"W);

3) a temporary road crossing using a 18 inch diameter corrugated metal pipe, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 120 linear feet of an unnamed tributary to North Elk Run (CWF) (Crooked Creek, PA Quadrangle 41°46'07"N, 77°09'04"W);

4) a temporary road crossing using a 18 inch diameter corrugated metal pipe, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 101 linear feet of an unnamed tributary to North Elk Run (CWF) (Crooked Creek, PA Quadrangle 41°46'06"N, 77°09'03"W);

5) a temporary road crossing using a timber mat bridge impacting 12 linear feet of an unnamed tributary to North Elk Run (CWF) (Crooked Creek, PA Quadrangle 41°46'05"N, 77°09'03"W);

6) a temporary road crossing using 24 inch diameter corrugated metal pipes and a timber mat bridge, 10 inch

and 20 inch diameter natural gas gathering lines, and a 10 inch diameter waterline impacting 62 linear feet of an unnamed tributary to North Elk Run (CWF) and 2,600 square feet of an exception value palustrine scrub-shrub (EV-PSS) wetland (Mansfield, PA Quadrangle 41°45'45"N, 77°07'08"W);

7) a temporary road crossing using 60 inch diameter corrugated metal pipes, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 103 linear feet of North Elk Run (CWF) (Mansfield, PA Quadrangle 41°45'55"N, 77°06'37"W);

8) a temporary road crossing using a 15 inch diameter corrugated metal pipe, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 72 linear feet of an unnamed tributary to Elk Run (CWF) (Mansfield, PA Quadrangle 41°45'55"N, 77°06'10"W);

9) a temporary road crossing using a 15 inch diameter corrugated metal pipe, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 65 linear feet of an unnamed tributary to Elk Run (CWF) (Mansfield, PA Quadrangle 41°45'54"N, 77°06'25"W);

10) a 10 inch and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 17 linear feet of an unnamed tributary to the Tioga River (CWF) by way of HDD Bore (Mansfield, PA Quadrangle 41°45'53"N, 77°04'59"W);

11) a 10 inch and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 121 linear feet of an unnamed tributary to the Tioga River (CWF) and 12,334 square feet of a Palustrine Forested (PFO) wetland by way of HDD Bore (Mansfield, PA Quadrangle 41°45'53"N, 77°04'59"W);

12) a 10 inch and 12 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 110 linear feet of an unnamed tributary to the Tioga River (CWF) by way of HDD Bore (Mansfield, PA Quadrangle 41°45'37"N, 77°04'12"W);

13) a temporary road crossing using a 18 inch diameter corrugated metal pipe impacting 96 linear feet of an unnamed tributary to the Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'38"N, 77°03'56"W);

14) a temporary road crossing using a 18 inch diameter corrugated metal pipe and a timber mat bridge, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 63 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) and 1,737 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'50"N, 77°03'12"W);

15) a temporary road crossing using 60 inch diameter corrugated metal pipes and a timber mat bridge, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 106 linear feet of Canoe Camp Creek (CWF) and 1,051 square feet of a palustrine scrub-shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'51"N, 77°02'58"W);

16) a temporary road crossing using a timber mat impacting 17 linear feet of Canoe Camp Creek (CWF) and 336 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'48"N, 77°03'00"W);

17) a temporary road crossing using 18 inch diameter corrugated metal pipe, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 127 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°45'53"N, 77°02'52"W);

18) a temporary road crossing using a 18 inch diameter corrugated metal pipe, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 64 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'6"N, 77°02'15"W);

19) a temporary road crossing using 48 inch diameter corrugated metal pipes, a 10 inch and 12 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 124 linear feet of an unnamed tributary to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'08"N, 77°00'60"W);

20) a temporary road crossing using 60 inch diameter corrugated metal pipes and a timber mat bridge, a 10 inch and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 365 linear feet of Corey Creek (CWF), 5,378 square feet of palustrine emergent and open water (PEM/POW) wetland, 310 square feet of palustrine scrub-shrub (PSS) wetland, and 316 square feet of palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°47'27"N, 77°00'44"W);

21) a temporary road crossing using a 36 inch diameter pipe impacting 12 linear feet of an unnamed tributary to the Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'35"N, 77°03'46"W);

22) a temporary road crossing using a 36 inch diameter corrugated metal pipe impacting 24 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'43"N, 77°01'56"W);

23) a temporary road crossing using a timber mat bridge, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 5,035 square feet of an exceptional value palustrine scrub-shrub (EV-PSS) wetland (Crooked Creek, PA Quadrangle 41°46'15"N, 77°09'13"W);

24) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 108 square feet of a palustrine scrub-shrub (PSS) wetland (Crooked Creek, PA Quadrangle 41°45'53" N, 77°08'29"W);

25) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 450 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°45'51"N, 77°08'20"W);

26) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 817 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°45'50"N, 77°08'17"W);

27) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 3,265 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°45'48"N, 77°07'58"W);

28) a 10 and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 180 square feet of a palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°45'49"N, 77°07'53"W);

29) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 1,563 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°45'48"N, 77°07'58"W);

30) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 1,274 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°45'48"N, 77°07'52"W);

31) a temporary road crossing using a timber mat bridge, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 276 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Mansfield, PA Quadrangle 41°45'45"N, 77°07'18"W);

32) a temporary road crossing using a timber mat bridge, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 757 square feet of an exceptional value palustrine emergent and scrub-shrub (EV-PEM/PSS) wetland (Mansfield, PA Quadrangle 41°45'44"N, 77°07'00"W);

33) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 1,078 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'47"N, 77°06'37"W);

34) a temporary road crossing using a timber mat impacting 1,404 square feet of an palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'46"N, 77°06'32"W);

35) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 237 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'46"N, 77°06'32"W);

36) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering lines, and a 10 inch diameter waterline impacting 47 square feet of an exceptional value palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'53"N, 77°06'15"W);

37) a 10 and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 165 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'51"N, 77°05'54"W);

38) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 1,369 square feet of an exceptional value palustrine scrub-shrub (EV-PSS) wetland (Mansfield, PA Quadrangle 41°45'52"N, 77°05'34"W);

39) a temporary road crossing using a timber mat impacting 1,804 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'53"N, 77°05'02"W);

40) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline 2,273 square feet of a palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41°45'54"N, 77°05'01"W);

41) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline 400 square feet of a palustrine forested (PFO) wetland by way of HDD Bore (Mansfield, PA Quadrangle 41°45'54"N, 77°05'01"W);

42) a 10 and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 1,207 square feet of a palustrine emergent (PEM) wetland by way of HDD Bore (Mansfield, PA Quadrangle 41°45'48"N, 77°04'43"W);

43) a 10 and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 2,461 square feet of a palustrine scrub-shrub (PSS) wetland by way of HDD Bore (Mansfield, PA Quadrangle 41°45'47"N, 77°04'38"W);

44) a temporary road crossing using a timber mat impacting 1,057 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'45"N, 77°04'39"W);

45) a temporary road crossing using a timber mat impacting 709 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'45"N, 77°04'40"W);

46) a 10 and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 72 square feet of a palustrine scrub-shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'45"N, 77°04'32"W);

47) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 4,606 square feet of a palustrine scrub-shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'44"N, 77°04'30"W);

48) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 13,310 square feet of a palustrine scrub-shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'43"N, 77°04'27"W);

49) a temporary road crossing using a timber mat impacting 269 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'36"N, 77°04'26"W);

50) a temporary road crossing using a timber mat impacting 14,906 square feet of a palustrine emergent (PEM) wetland and 1,948 square feet of a palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41°45'35"N, 77°04'28"W);

51) a temporary road crossing using a timber mat impacting 15,811 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'34"N, 77°04'37"W);

52) a 10 and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 1,576 square feet of a palustrine emergent and scrub-shrub (PEM/PSS) wetland by way of HDD Bore (Mansfield, PA Quadrangle 41°45'36"N, 77°04'21"W);

53) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 2,398 square feet of a palustrine scrub-shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'44"N, 77°03'41"W);

54) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 6,765 square feet of a palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41°45'47"N, 77°03'27"W);

55) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 869 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'51"N, 77°02'59"W);

56) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 702 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'58"N, 77°02'41"W);

57) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 1,228 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'60"N, 77°02'34"W);

58) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 850 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'01"N, 77°02'30"W);

59) a 10 and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 1,441 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'26"N, 77°01'38"W);

60) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 7,106 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'39"N, 77°01'23"W);

61) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 1,993 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°47'3"N, 77°01'03"W);

62) a 10 and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 96 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°47'08"N, 77°01'00"W);

63) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 5,598 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°47'08"N, 77°00'59"W);

64) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 1,887 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°47'22"N, 77°00'58"W);

65) a temporary road crossing using a timber mat, a 10 and 20 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 2,604 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°47'28"N, 77°00'43"W);

66) a 10 and 20 inch diameter natural gas gathering line and a 10 inch diameter waterline impacting 122 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°47'30"N, 77°00'42"W);

67) a temporary road crossing using a timber mat impacting 20 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°45'33"N, 77°07'46"W);

68) a temporary road crossing using a timber mat impacting 79 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'35"N, 77°4'21"W).

The project will result in 2,072 linear feet of temporary stream impacts, 101,265 square feet (2.32 acres) of temporary wetland impacts, and 24,700 square feet (0.57 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 365 linear feet of stream bank stabilization and fish habitat structures at the pipeline crossing of Corey Creek and 0.83 acre of compensatory mitigation for forested and scrub shrub wetland impacts at the Butters Farm (Mansfield, PA Quadrangle 41°44'54"N, 77°03' 17"W) in Covington Township, Tioga County.

WATER QUALITY CERTIFICATIONS

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

WQ25-001, ITC Lake Erie Connector, LLC, 27175 Energy Way, Novi, MI 48377. Water Quality Certification under Section 401 of the Federal Clean Water Act for the ICT Lake Erie Connector Project.

On June 13, 2016, the Commonwealth of Pennsylvania ("Commonwealth"), Department of Environmental Protection ("DEP") issued State Water Quality Certification under Section 401 of the Federal Clean Water Act, Pennsylvania's Dam Safety and Encroachments Act, and The Pennsylvania Clean Streams Law. This action is in response to the request from ITC Lake Erie Connector, LLC, 27175 Energy Way, Novi, MI 48377 ("ITC") submitted on February 1, 2016, for the construction of the Lake Erie Connector Project. The DEP file number for this request is WQ25-001. Pennsylvania's State Water Quality Certification is required for the US Army Corps of Engineers permit under Section 10 of the Rivers and Harbors Act and Section 404 of the Federal Clean Water Act, and the Department of Energy's Presidential Permit (Docket No. PP-412). Department of Energy is in the process of preparing the ITC Lake Erie Connector Transmission Line Environmental Assessment (DOE/EA-2019), pursuant to the National Environmental Policy Act (NEPA).

The project involves construction of approximately 72.4 miles of high-voltage direct current electric transmission line between Canada and the United States of America including a total of approximately 42.5 miles of buried electric and communication cables within Pennsylvania. The cable will cross the US-Canada Border in Pennsylvania waters of Lake Erie at or near 42°, 25', 30" North Latitude, -79°, 59', 30" West Longitude and extend generally southwest approximately 35.4 miles, making landfall at or near 42°, 00', 45" North Latitude, -80°, 24', 45", West Longitude approximately 2 miles west of the mouth of Elk Creek in Springfield Township Erie County. The cables then run underground generally south approximately 7.1 miles through Springfield, Girard, and Conneaut Townships, Erie County, to a converter station proposed to be constructed along Lexington Road with approximately 2,080 feet of buried alternating current electric lines connected to the existing Penelec Erie West electric substation in Conneaut Township, Erie County.

DEP, by this notice, certifies with conditions that the construction, operation and maintenance of the Project by ITC complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further certifies that granting certification with conditions or limitations that the construction, operation and maintenance of the Project and regulated activities as a whole, complies with Commonwealth water quality standards. The construction, operation and maintenance of the projects will not violate applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the Project and regulated activities complies with the conditions proposed for this

certification with conditions, including the criteria and conditions of the following applicable permits, requirements, or authorizations required by the Department:

1. *Sewage Disposal*—ITC shall ensure that all necessary authorizations or permits are obtained for the installation of on-lot sewage disposal facilities at the converter station, in accordance with the Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. §§ 750.1—750.20a) and applicable implementing regulations (25 Pa. Code Chapters 71—73).

2. *Storage Tank Registration*—ITC shall ensure the proper registration, installation, and operation for any aboveground fuel storage in excess of 1,100 gallons, or any subsurface fuel storage in excess of 110 gallons, at the converter station, in accordance with the Storage Tank and Spill Prevention Act (Act of July 6, 1989, P.L. 169, as amended, 35 P.S. §§ 6021.101—6021.2104) and applicable implementing regulations (25 Pa. Code Chapter 245).

3. *Air Quality*—ITC shall ensure the proper construction and operation of the proposed auxiliary power diesel generator at the converter station in accordance with the Pennsylvania Air Pollution Control Act (Act of January 8, 1960, P.L. 2119, as amended, 35 P.S. §§ 4001—4015) and applicable implementing regulations (25 Pa. Code Chapter 127).

4. *Water Obstruction and Encroachment Permit*—ITC shall obtain and comply with a 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 The Pennsylvania Clean Streams Law (Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1—691.1001), Dam Safety and Encroachments Act (Act of November 26, 1978, P.L. 1375, as amended, 32 P.S. §§ 693.1—693.27), and Flood Plain Management Act (Act of October 4, 1978, P.L. 851, No. 166, 32 P.S. §§ 697.101—679.601), and applicable implementing regulations (25 Pa. Code Chapters 105 and 106).

5. *Discharge Permit*—ITC shall obtain and comply with a DEP National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with construction activities for the Project pursuant to Pennsylvania's Clean Streams Law (Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1—691.1001) and applicable implementing regulations (25 Pa. Code Chapter 102).

6. *Coastal Resources Management Program (CRM)*—ITC shall ensure that the Project activities are consistent with the Coastal Zone Management Act of 1972, including the requirement for a determination of consistency from the Commonwealth under 15 CFR Part 930, Subpart C.

7. *Operation*—For the Project and regulated activities under this conditional certification, ITC 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 all required permits and authorizations. 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 ITC.

8. *Inspection*—The Project and regulated activities, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of DEP to determine compliance with this conditional certification, including all required permits

required, and Pennsylvania's State Water Quality Standards. A copy of this conditional certification shall be available for inspection by the DEP during such inspections of the Projects and regulated activities.

9. *Transfer of Projects*—If ITC intends to transfer any legal or equitable interest in the Project which is affected by this Section 401 Water Quality Certification, ITC 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.

10. *Correspondence*—All correspondence with and submittals to PADEP concerning this Section 401 Water Quality Certification shall be addressed to the Department of Environmental Protection, Northwest Regional Office, Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

11. *Reservation of Rights*—DEP may suspend or revoke this conditional certification if it determines that ITC has not complied with the terms and conditions of this conditional certification. DEP may require additional measures to achieve compliance with applicable law, subject to ITC's applicable procedural and substantive rights.

12. *Other Laws*—Nothing in this conditional certification shall be construed to preclude the institution of any legal action or relieve ITC from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

13. *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.A. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the 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.

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

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0012515009	Northeast Pipeline, LLC 3801 West Chester Pike Newtown Square, PA 19073	Washington County	Smith Township	UNT to Little Raccoon Run (WWF); and Little Raccoon Run (WWF)
ESX09-125-0025	MarkWest Liberty Midstream and Resources, LLC 4600 J. Barry Court Suite 500 Canonsburg, PA 15317	Washington County	Chartiers Township	Chartiers Creek (WWF)

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

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX11-035-0024
 Applicant Name XTO Energy Inc
 Contact Person Stacey Vehovic
 Address 395 Airport Rd
 City, State, Zip Indiana, PA 15701
 County Clinton
 Township(s) Chapman
 Receiving Stream(s) and Classification(s) UNT to Dry

Run (HQ-CWF); Dry Run (HQ-CWF)
 Secondary—Dry Run (HQ-CWF), West Branch Susquehanna River (WWF)

ESCGP-2 # ESX11-081-0143(01)
 Applicant Name Anadarko E&P Onshore LLC
 Contact Person Stephen Barondeau
 Address 33 W Third St, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) McHenry
 Receiving Stream(s) and Classification(s) UNT to First Big Fork (HQ-CWF), UNT to Second Big Fork (HQ-CWF)
 Secondary—First Big Fork (HQ-CWF), Second Big Fork (HQ-CWF)

ESCGP-2 # ESX29-115-16-0004
 Applicant Name Williams Field Services Co LLC
 Contact Person Lauren Miladinovich
 Address Park Place Corp Ctr 2, 2000 Commerce Dr
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Bridgewater
 Receiving Stream(s) and Classification(s) UNT to Meshopen Ck (WWF-MF), UNT to Pettis Ck (WWF-MF)

ESCGP-2 # ESX11-081-0050(01)
 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 Little Muncy Ck (CWF)
 Secondary—Little Muncy Ck (CWF)

ESCGP-2 # ESG29-113-16-0004
 Applicant Name Chief Oil & Gas LLC
 Contact Person Jeffrey Deegan
 Address 1720 Sycamore Rd
 City, State, Zip Montoursville, PA 17754
 County Sullivan
 Township(s) Elkland
 Receiving Stream(s) and Classification(s) Elk Ck (EV)

**STORAGE TANKS
 SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16-43-006	Russell Standard Corporation P.O. Box 509 Mercer, PA 16137 Attn: Bert Rogers	Mercer	Springfield Township	1 AST storing asphalt emulsion	120,000 gallons

[Pa.B. Doc. No. 16-1076. Filed for public inspection June 24, 2016, 9:00 a.m.]

Pennsylvania Alternative Fuels Incentive Grant Program; Availability of Rebates

The Department of Environmental Protection (Department) announces the continued availability of grants to Commonwealth residents under the Pennsylvania Alternative Fuel Vehicle Rebate Program (Program). The Program, administered by the Department through the Alternative Fuels Incentive Grant Program, provides rebates to Commonwealth residents to assist individuals with the incremental costs of purchasing an alternative fuel vehicle.

To qualify for the rebate, the alternative fuel vehicle must be registered in this Commonwealth and be operated primarily within this Commonwealth. The rebate will be offered on a first-come, first-served basis in the order in which they are received. Rebate request forms and required documentation must be submitted to the Department no later than 6 months after the vehicle is purchased.

The following rebates are offered:

- \$2,000 rebate for a plug-in hybrid electric vehicle (PHEV) (battery system capacity equal/greater than 10 kWh) or battery electric vehicle (EV) (battery system capacity equal/greater than 10 kWh); does not include electric motorcycle, scooter, ATV or low speed electric vehicle.

- \$1,000 rebate for a PHEV or EV (battery system capacity less than 10 kWh); does not include electric motorcycle, scooter, ATV or low speed electric vehicle.

- \$1,000 rebate for a natural gas fueled vehicle; original equipment manufacturer (OEM)/certified retrofit only.

- \$1,000 rebate for a propane fueled vehicle; OEM/certified retrofit only.

- \$1,000 rebate for a hydrogen or fuel cell vehicle, or both.

- \$500 rebate for an electric motorcycle, scooter, ATV or other low speed electric vehicle if registered in this Commonwealth.

There are only a limited number of rebates available at \$2,000. The rebate program offered will be reassessed upon payment of the first 250 rebates at \$2,000 or December 31, 2016, whichever occurs first. The Department encourages interested applicants to visit the Department's web site at www.dep.pa.gov for rebate forms and an up-to-date listing of rebate availability (select "Citizens," then "Grants, Loans and Rebates," then "Alternative Fuels Incentive Grant," then "Alternative Fuel Vehicles").

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1077. Filed for public inspection June 24, 2016, 9:00 a.m.]

Stream Redesignation Evaluations

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use) the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on the stream sections listed to determine the proper aquatic life use designations in the Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Hosensack Creek	Montgomery	Perkiomen Creek
Wash Creek	Schuylkill	Mahoning Creek
UNT Penns Creek	Centre	Penns Creek
Laurel Run (Port Matilda)	Centre	Bald Eagle Creek
Oliver Run	Centre	Laurel Run (Port Matilda)
Hogback Run	Clearfield	West Branch Susquehanna River
UNT West Branch Susquehanna River	Clearfield	West Branch Susquehanna River
Bear Run	Jefferson/Indiana	West Branch Susquehanna River
North Run	Clearfield	West Branch Susquehanna River
Patchin Run	Clearfield	West Branch Susquehanna River
Beaver Run	Cambria/Clearfield	West Branch Susquehanna River
Glen Brook	Columbia	East Branch Briar Creek
UNT North Branch Little Conemaugh River	Cambria	North Branch Little Conemaugh River
UNT Trout Run	Cambria	Trout Run
Water Tank Run	Elk	Elk Creek
Benson Run	Erie	Le Boeuf Creek
Spencer Creek	Erie	South Branch French Creek
UNT Blacksmith Run	McKean	Blacksmith Run
UNT Little Schuylkill River	Schuylkill	Little Schuylkill River

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessment. These assessments may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Mark Brickner, Division of Water Quality Standards, Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774 or mbrickner@pa.gov. Data should be submitted on or before July 25, 2016. Questions concerning this evaluation can be directed to Mark Brickner at (717) 787-9637.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mark Brickner directly at (717) 783-9719 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. 16-1078. Filed for public inspection June 24, 2016, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Clarks Summit State Hospital; Heating System Study

A study to determine if the Department of Human Services' Clarks Summit State Hospital located in Clarks Summit, Lackawanna County should be exempted from the requirements of section 2420 of The Administrative Code of 1929 (71 P.S. § 650) will be performed within the next 90 days. The result of this study may result in the conversion of Clarks Summit State Hospital's coal fired heating system to a fuel other than coal.

For additional information, contact Gary R. Taylor, Director of the Bureau of Engineering and Architecture, Department of General Services, 2nd Floor, Arsenal Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-6200, gtaylor@pa.gov.

CURTIS M. TOPPER, Secretary

[Pa.B. Doc. No. 16-1079. Filed for public inspection June 24, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold public meetings on Wednesday, July 13, 2016, from 1 p.m. to 4 p.m. and Thursday, July 14, 2016, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or for persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Robin Rothermel, Bureau Director, Department of Health, Division of HIV Disease, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to cancel this meeting without prior notice.

KAREN M. MURPHY, PhD, RN, Secretary

[Pa.B. Doc. No. 16-1080. Filed for public inspection June 24, 2016, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective July 1, 2016, through September 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

Table with 2 columns: Description and Maximum Allowable Price. Lists items like Beans, Canned Fish, Cereal, Cheese, Eggs, Infant Cereal, Infant Fruits, Infant Vegetables, Infant Meats with their respective prices.

<i>Description</i>	<i>Maximum Allowable Price</i>
Juice—11.5/12 oz.	\$2.36
Juice—48 oz.	\$3.05
Juice—64 oz.	\$3.89
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.27
Milk, Dry—25.6 oz.	\$9.55
Milk, Evaporated—12 oz.	\$1.53
Milk, Lowfat and 2%—quart	\$1.36
Milk, Lowfat and 2%—1/2 gallon	\$2.49
Milk, Lowfat and 2% Lactose Free—quart	\$2.32
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$3.89
Milk, Whole—quart	\$1.45
Milk, Whole—1/2 gallon	\$2.49
Milk, Whole Lactose Free—quart	\$2.47
Milk, Whole Lactose Free—1/2 gallon	\$3.79
Peanut Butter—16-18 oz.	\$3.29
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.29
Soy Beverage—8th Continent 64 oz.	\$3.49
Tofu—16 oz.	\$2.57
Whole Grain—Bread, 16 oz.	\$3.49
Whole Grain—Bread, 24 oz.	\$3.95
Whole Grain—Brown Rice, 16 oz.	\$1.80
Whole Grain—Brown Rice, 24 oz.	\$3.32
Whole Grain—Oats, 16 oz.	\$2.44
Whole Grain—Oats, 24 oz.	\$5.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.57
Whole Wheat Pasta	\$1.37
Yogurt Nonfat	\$2.90
Yogurt Lowfat	\$2.90
Yogurt Wholefat	\$2.90
Boost RTF Formula—8 oz.	\$1.69
EnfaCare RTF Formula—32 oz.	\$7.30
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.70
Nutramigen Concentrate Formula—13 oz.	\$7.39
Nutramigen RTF Formula—32 oz.	\$9.69
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$24.50
Pediasure RTF Formula—8 oz.	\$1.93
Pediasure w/Fiber RTF Formula—8 oz.	\$1.99
Pediasure Sidekicks RTF Formula—8 oz.	\$1.85
Similac Advance Concentrate Formula—Blue— 13 oz.	\$4.95
Similac Advance RTF Formula—Blue—32 oz.	\$7.45
Similac Advance Powder Formula—Blue— 12.4 oz.	\$15.56
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$9.99
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.39
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$7.69
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$8.15
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$16.99
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$22.49
Similac Go & Grow Powder— Sensitive— 1.38 lbs.	\$22.59
Similac for Spit Up RTF Formula—Green— 32 oz.	\$7.65

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$15.69
Similac Sensitive RTF Formula—Orange—32 oz. ..	\$7.29
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$15.59
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.11
Similac Soy Isomil RTF Formula—Pink—32 oz. ...	\$7.59
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$15.89
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$16.09

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, the Competitive Prices July 1, 2016, through September 30, 2016, for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.19
Beans/Peas—Dry—16 oz.	\$1.98
Canned Fish—Pink Salmon	\$2.19
Canned Fish—Sardines	\$1.43
Canned Fish—Tuna	\$1.19
Cereal (per oz.)	\$0.31
Cheese, 16 oz.	\$6.84
Eggs	\$2.79
Infant Cereal—8 oz.	\$2.24
Infant Fruits, 100%—4 oz.	\$0.74
Infant Vegetables, 100%—4 oz.	\$0.74
Infant Meats, 100%—2.5 oz.	\$1.05
Juice—11.5/12 oz.	\$2.29
Juice—48 oz.	\$3.00
Juice—64 oz.	\$3.59
Kosher Cheese—16 oz.	\$7.79
Kosher Lowfat Milk—1/2 gallon	\$3.15
Kosher Whole Milk—1/2 gallon	\$3.19
Milk, Lowfat—1/2 gallon	\$2.35
Milk, Whole—1/2 gallon	\$2.42
Peanut Butter—16-18 oz.	\$3.20
Whole Grain—Bread, 16 oz.	\$3.35
Whole Grain—Brown Rice, 16 oz.	\$1.69
Whole Grain—Oats, 16 oz.	\$2.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.43
Whole Wheat Pasta	\$1.35
Similac Advance Concentrate Formula—Blue— 13 oz.	\$4.95
Similac Advance Powder Formula—Blue— 12.4 oz.	\$15.56
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.11
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$15.89

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective July 1, 2016, through September 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.35
Beans/Peas—Dry—16 oz.....	\$2.26
Canned Fish—Pink Salmon.....	\$2.26
Canned Fish—Sardines.....	\$1.59
Canned Fish—Tuna.....	\$1.35
Cereal (per oz.).....	\$0.34
Cheese, 16 oz.....	\$7.33
Eggs.....	\$2.95
Infant Cereal—8 oz.....	\$2.35
Infant Fruits, 100%—4 oz.....	\$0.80
Infant Vegetables, 100%—4 oz.....	\$0.80
Infant Meats, 100%—2.5 oz.....	\$1.12
Juice—11.5/12 oz.....	\$2.51
Juice—48 oz.....	\$3.19
Juice—64 oz.....	\$4.18
Kosher Cheese—16 oz.....	\$8.40
Kosher Lowfat and 2% Milk—quart.....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.46
Milk, Dry—25.6 oz.....	\$9.65
Milk, Evaporated—12 oz.....	\$1.63
Milk, Lowfat and 2%—quart.....	\$1.42
Milk, Lowfat and 2%—1/2 gallon.....	\$2.52
Milk, Lowfat and 2% Lactose Free—quart.....	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon.....	\$4.09
Milk, Whole—quart.....	\$1.50
Milk, Whole—1/2 gallon.....	\$2.59
Milk, Whole Lactose Free—quart.....	\$2.56
Milk, Whole Lactose Free—1/2 gallon.....	\$4.19
Peanut Butter—16-18 oz.....	\$3.49
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.35
Soy Beverage—8th Continent 64 oz.....	\$3.59
Tofu—16 oz.....	\$2.62
Whole Grain—Bread, 16 oz.....	\$3.55
Whole Grain—Bread, 24 oz.....	\$4.00
Whole Grain—Brown Rice, 16 oz.....	\$1.95
Whole Grain—Brown Rice, 24 oz.....	\$3.39
Whole Grain—Oats, 16 oz.....	\$2.55
Whole Grain—Oats, 24 oz.....	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.59
Whole Wheat Pasta.....	\$1.64
Yogurt Nonfat.....	\$2.95
Yogurt Lowfat.....	\$2.95
Yogurt Wholefat.....	\$2.95
Boost RTF Formula—8 oz.....	\$1.75
EnfaCare RTF Formula—32 oz.....	\$7.44
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$16.74
Nutramigen Concentrate Formula—13 oz.....	\$7.45
Nutramigen RTF Formula—32 oz.....	\$9.79
Nutramigen w/Enflora Powder Formula— 12.6 oz.....	\$24.55

Maximum Allowable Price

<i>Description</i>	<i>Maximum Allowable Price</i>
Pediasure RTF Formula—8 oz.....	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.....	\$1.94
Similac Advance Concentrate—Blue Formula— 13 oz.....	\$5.00
Similac Advance RTF—Blue Formula—32 oz.....	\$7.55
Similac Advance Powder—Blue Formula— 12.4 oz.....	\$15.68
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$10.09
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.....	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz.....	\$7.79
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$8.27
Similac Expert Care NeoSure Powder Formula— 13.1 oz.....	\$17.19
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.....	\$22.55
Similac Go & Grow Powder— Sensitive— 1.38 lbs.....	\$22.69
Similac for Spit Up RTF Formula—Green— 32 oz.....	\$7.75
Similac for Spit Up Powder Formula—Green— 12.0 oz.....	\$15.99
Similac Sensitive RTF Formula—Orange—32 oz..	\$7.50
Similac Sensitive Powder Formula—Orange— 12.0 oz.....	\$15.79
Similac Soy Isomil Concentrate—Pink Formula— 13 oz.....	\$5.29
Similac Soy Isomil RTF—Pink Formula—32 oz...	\$7.79
Similac Soy Isomil Powder—Pink Formula— 12.4 oz.....	\$16.19
Similac Total Comfort Powder Formula—Purple— 12.0 oz.....	\$16.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2016, through September 30, 2016, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.20
Beans/Peas—Dry—16 oz.....	\$2.10
Canned Fish—Pink Salmon.....	\$2.25
Canned Fish—Sardines.....	\$1.49
Canned Fish—Tuna.....	\$1.27
Cereal (per oz.).....	\$0.32
Cheese, 16 oz.....	\$6.86
Eggs.....	\$2.89
Infant Cereal—8 oz.....	\$2.30
Infant Fruits, 100%—4 oz.....	\$0.79
Infant Vegetables, 100%—4 oz.....	\$0.79
Infant Meats, 100%—2.5 oz.....	\$1.10

Description	Competitive Prices
Juice—11.5/12 oz.	\$2.42
Juice—48 oz.	\$3.07
Juice—64 oz.	\$3.85
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.39
Milk, Whole—1/2 gallon	\$2.45
Peanut Butter—16-18 oz.	\$3.30
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.45
Whole Wheat Pasta	\$1.60
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.00
Similac Advance Powder Formula—Blue—12.4 oz.	\$15.68
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.29
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.19

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective July 1, 2016, through September 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.	\$1.37
Beans/Peas—Dry—16 oz.	\$2.35
Canned Fish—Pink Salmon	\$2.30
Canned Fish—Sardines	\$1.65
Canned Fish—Tuna	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.35
Eggs	\$3.05
Infant Cereal—8 oz.	\$2.40
Infant Fruits, 100%—4 oz.	\$0.85
Infant Vegetables, 100%—4 oz.	\$0.85
Infant Meats, 100%—2.5 oz.	\$1.17
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.30
Juice—64 oz.	\$4.27
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.30
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.55
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.70
Milk, Lowfat and 2%—quart	\$1.47
Milk, Lowfat and 2%—1/2 gallon	\$2.62
Milk, Lowfat and 2% Lactose Free—quart	\$2.49
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.19

Description	Maximum Allowable Price
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.69
Milk, Whole Lactose Free—quart	\$2.66
Milk, Whole Lactose Free—1/2 gallon	\$4.25
Peanut Butter—16-18 oz.	\$3.59
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.45
Soy Beverage—8th Continent 64 oz.	\$3.76
Tofu—16 oz.	\$2.72
Whole Grain—Bread, 16 oz.	\$3.63
Whole Grain—Bread, 24 oz.	\$4.07
Whole Grain—Brown Rice, 16 oz.	\$2.09
Whole Grain—Brown Rice, 24 oz.	\$3.59
Whole Grain—Oats, 16 oz.	\$2.70
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$2.17
Yogurt Nonfat	\$3.00
Yogurt Lowfat	\$3.00
Yogurt Wholefat	\$3.00
Boost RTF Formula—8 oz.	\$1.79
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$17.51
Nutramigen Concentrate Formula—13 oz.	\$7.49
Nutramigen RTF Formula—32 oz.	\$9.89
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$24.65
Pediasure RTF Formula—8 oz.	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.	\$2.11
Pediasure Sidekicks RTF Formula—8 oz.	\$2.06
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.15
Similac Advance RTF Formula—Blue—32 oz.	\$7.65
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.47
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.29
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.19
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.99
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.44
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.39
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.29
Similac Go & Grow Powder— Sensitive—1.38 lbs.	\$23.10
Similac for Spit Up RTF Formula—Green—32 oz.	\$7.89
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.99
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$7.99
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.39
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts

that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2016, through September 30, 2016, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.29
Beans/Peas—Dry—16 oz.....	\$2.12
Canned Fish—Pink Salmon.....	\$2.29
Canned Fish—Sardines.....	\$1.54
Canned Fish—Tuna.....	\$1.30
Cereal (per oz.).....	\$0.34
Cheese, 16 oz.....	\$6.88
Eggs.....	\$2.99
Infant Cereal—8 oz.....	\$2.35
Infant Fruits, 100%—4 oz.....	\$0.82
Infant Vegetables, 100%—4 oz.....	\$0.82
Infant Meats, 100%—2.5 oz.....	\$1.15
Juice—11.5/12 oz.....	\$2.47
Juice—48 oz.....	\$3.29
Juice—64 oz.....	\$4.00
Kosher Cheese—16 oz.....	\$8.30
Kosher Lowfat Milk—1/2 gallon.....	\$3.29
Kosher Whole Milk—1/2 gallon.....	\$3.35
Milk, Lowfat—1/2 gallon.....	\$2.49
Milk, Whole—1/2 gallon.....	\$2.52
Peanut Butter—16-18 oz.....	\$3.40
Whole Grain—Bread, 16 oz.....	\$3.45
Whole Grain—Brown Rice, 16 oz.....	\$2.05
Whole Grain—Oats, 16 oz.....	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.58
Whole Wheat Pasta.....	\$2.10
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.15
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$16.47
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.39
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$16.39

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective July 1, 2016, through September 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.28
Beans/Peas—Dry—16 oz.....	\$2.20
Canned Fish—Pink Salmon.....	\$2.27

<i>Description</i>	<i>Maximum Allowable Price</i>
Canned Fish—Sardines.....	\$1.60
Canned Fish—Tuna.....	\$1.35
Cereal (per oz.).....	\$0.34
Cheese, 16 oz.....	\$7.45
Eggs.....	\$2.95
Infant Cereal—8 oz.....	\$2.32
Infant Fruits, 100%—4 oz.....	\$0.79
Infant Vegetables, 100%—4 oz.....	\$0.79
Infant Meats, 100%—2.5 oz.....	\$1.10
Juice—11.5/12 oz.....	\$2.45
Juice—48 oz.....	\$3.14
Juice—64 oz.....	\$3.95
Kosher Cheese—16 oz.....	\$8.40
Kosher Lowfat and 2% Milk—quart.....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.43
Milk, Dry—25.6 oz.....	\$9.65
Milk, Evaporated—12 oz.....	\$1.59
Milk, Lowfat and 2%—quart.....	\$1.40
Milk, Lowfat and 2%—1/2 gallon.....	\$2.52
Milk, Lowfat and 2% Lactose Free—quart.....	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon.....	\$3.99
Milk, Whole—quart.....	\$1.52
Milk, Whole—1/2 gallon.....	\$2.59
Milk, Whole Lactose Free—quart.....	\$2.55
Milk, Whole Lactose Free—1/2 gallon.....	\$3.89
Peanut Butter—16-18 oz.....	\$3.40
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.35
Soy Beverage—8th Continent 64 oz.....	\$3.55
Tofu—16 oz.....	\$2.61
Whole Grain—Bread, 16 oz.....	\$3.55
Whole Grain—Bread, 24 oz.....	\$3.99
Whole Grain—Brown Rice, 16 oz.....	\$1.95
Whole Grain—Brown Rice, 24 oz.....	\$3.39
Whole Grain—Oats, 16 oz.....	\$2.52
Whole Grain—Oats, 24 oz.....	\$5.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.59
Whole Wheat Pasta.....	\$1.47
Yogurt Nonfat.....	\$2.95
Yogurt Lowfat.....	\$2.95
Yogurt Wholefat.....	\$2.95
Boost RTF Formula—8 oz.....	\$1.70
EnfaCare RTF Formula—32 oz.....	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$16.94
Nutramigen Concentrate Formula—13 oz.....	\$7.43
Nutramigen RTF Formula—32 oz.....	\$9.75
Nutramigen w/Enflora Powder Formula—12.6 oz.....	\$24.80
Pediasure RTF Formula—8 oz.....	\$2.04
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.....	\$1.89
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.00
Similac Advance RTF Formula—Blue—32 oz.....	\$7.49
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$15.89
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$10.09
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.....	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz.....	\$7.79
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$8.29

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$17.29
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.17
Similac Go & Grow Powder— Sensitive— 1.38 lbs.....	\$23.00
Similac for Spit Up RTF Formula—Green— 32 oz.	\$7.69
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$16.19
Similac Sensitive RTF Formula—Orange—32 oz..	\$7.59
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$15.89
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.21
Similac Soy Isomil RTF Formula—Pink—32 oz..	\$7.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.35
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2016, through September 30, 2016, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.20
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon.	\$2.25
Canned Fish—Sardines	\$1.48
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.91
Eggs	\$2.89
Infant Cereal—8 oz.....	\$2.29
Infant Fruits, 100%—4 oz.....	\$0.78
Infant Vegetables, 100%—4 oz.....	\$0.78
Infant Meats, 100%—2.5 oz.	\$1.09
Juice—11.5/12 oz.	\$2.35
Juice—48 oz.	\$3.06
Juice—64 oz.	\$3.66
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon.	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.49
Milk, Whole—1/2 gallon	\$2.55
Peanut Butter—16-18 oz.....	\$3.29
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.....	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.50

<i>Description</i>	<i>Competitive Prices</i>
Whole Wheat Pasta	\$1.40
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.00
Similac Advance Powder Formula—Blue— 12.4 oz.	\$15.89
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.21
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.35

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective July 1, 2016, through September 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.35
Beans/Peas—Dry—16 oz.	\$2.30
Canned Fish—Pink Salmon.	\$2.30
Canned Fish—Sardines	\$1.72
Canned Fish—Tuna	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.55
Eggs	\$3.05
Infant Cereal—8 oz.....	\$2.46
Infant Fruits, 100%—4 oz.....	\$0.81
Infant Vegetables, 100%—4 oz.....	\$0.81
Infant Meats, 100%—2.5 oz.	\$1.17
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.33
Juice—64 oz.	\$4.24
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.50
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.65
Milk, Lowfat and 2%—quart	\$1.44
Milk, Lowfat and 2%—1/2 gallon	\$2.62
Milk, Lowfat and 2% Lactose Free—quart	\$2.50
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.15
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.69
Milk, Whole Lactose Free—quart	\$2.60
Milk, Whole Lactose Free—1/2 gallon	\$4.21
Peanut Butter—16-18 oz.....	\$3.56
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.40
Soy Beverage—8th Continent 64 oz.....	\$3.75
Tofu—16 oz.	\$2.68
Whole Grain—Bread, 16 oz.	\$3.59
Whole Grain—Bread, 24 oz.	\$4.05
Whole Grain—Brown Rice, 16 oz.	\$1.99
Whole Grain—Brown Rice, 24 oz.	\$3.69
Whole Grain—Oats, 16 oz.....	\$2.88
Whole Grain—Oats, 24 oz.....	\$5.99

<i>Description</i>	<i>Maximum Allowable Price</i>
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$1.74
Yogurt Nonfat	\$3.00
Yogurt Lowfat	\$3.00
Yogurt Wholefat	\$3.00
Boost RTF Formula—8 oz.....	\$1.76
EnfaCare RTF Formula—32 oz.....	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$17.08
Nutramigen Concentrate Formula—13 oz.	\$7.49
Nutramigen RTF Formula—32 oz.	\$9.85
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$25.20
Pediasure RTF Formula—8 oz.....	\$2.06
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.09
Pediasure Sidekicks RTF Formula—8 oz.	\$1.97
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.25
Similac Advance RTF Formula—Blue—32 oz.	\$7.59
Similac Advance Powder Formula—Blue—12.4 oz.	\$15.99
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.19
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.29
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.19
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.34
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.39
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.40
Similac Go & Grow Powder— Sensitive—1.38 lbs.....	\$23.19
Similac for Spit Up RTF Formula—Green—32 oz.	\$7.79
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.39
Similac Sensitive RTF Formula—Orange—32 oz..	\$7.69
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz..	\$7.89
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.50
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.89

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2016, through September 30, 2016, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.23
Beans/Peas—Dry—16 oz.	\$2.13
Canned Fish—Pink Salmon.....	\$2.29
Canned Fish—Sardines	\$1.62
Canned Fish—Tuna	\$1.32
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.00
Eggs	\$2.99
Infant Cereal—8 oz.....	\$2.42
Infant Fruits, 100%—4 oz.....	\$0.80
Infant Vegetables, 100%—4 oz.....	\$0.80
Infant Meats, 100%—2.5 oz.	\$1.15
Juice—11.5/12 oz.....	\$2.50
Juice—48 oz.	\$3.16
Juice—64 oz.	\$3.90
Kosher Cheese—16 oz.	\$8.00
Kosher Lowfat Milk—1/2 gallon	\$3.25
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Lowfat—1/2 gallon	\$2.55
Milk, Whole—1/2 gallon	\$2.59
Peanut Butter—16-18 oz.....	\$3.39
Whole Grain—Bread, 16 oz.	\$3.49
Whole Grain—Brown Rice, 16 oz.	\$1.90
Whole Grain—Oats, 16 oz.....	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.55
Whole Wheat Pasta	\$1.70
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.25
Similac Advance Powder Formula—Blue—12.4 oz.	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.39
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.50

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective July 1, 2016, through September 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.44
Beans/Peas—Dry—16 oz.	\$2.40
Canned Fish—Pink Salmon.....	\$2.49
Canned Fish—Sardines	\$1.75
Canned Fish—Tuna	\$1.50
Cereal (per oz.)	\$0.37
Cheese, 16 oz.	\$7.70
Eggs	\$3.15
Infant Cereal—8 oz.....	\$2.80
Infant Fruits, 100%—4 oz.....	\$0.98
Infant Vegetables, 100%—4 oz.....	\$0.98
Infant Meats, 100%—2.5 oz.	\$1.27
Juice—11.5/12 oz.....	\$2.63
Juice—48 oz.	\$3.46
Juice—64 oz.	\$4.33

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.87
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.37
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.40
Milk, Dry—9.6 oz.	\$4.60
Milk, Dry—25.6 oz.	\$9.85
Milk, Evaporated—12 oz.	\$1.72
Milk, Lowfat and 2%—quart	\$1.59
Milk, Lowfat and 2%—1/2 gallon	\$2.72
Milk, Lowfat and 2% Lactose Free—quart	\$2.53
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.25
Milk, Whole—quart	\$1.74
Milk, Whole—1/2 gallon	\$2.79
Milk, Whole Lactose Free—quart	\$2.69
Milk, Whole Lactose Free—1/2 gallon	\$4.29
Peanut Butter—16-18 oz.	\$3.68
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.50
Soy Beverage—8th Continent 64 oz.	\$3.90
Tofu—16 oz.	\$2.75
Whole Grain—Bread, 16 oz.	\$3.65
Whole Grain—Bread, 24 oz.	\$4.10
Whole Grain—Brown Rice, 16 oz.	\$2.45
Whole Grain—Brown Rice, 24 oz.	\$3.79
Whole Grain—Oats, 16 oz.	\$3.00
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.70
Whole Wheat Pasta	\$2.77
Yogurt Nonfat	\$3.05
Yogurt Lowfat	\$3.05
Yogurt Wholefat	\$3.05
Boost RTF Formula—8 oz.	\$1.89
EnfaCare RTF Formula—32 oz.	\$8.04
EnfaCare w/Iron Powder Formula—12.8 oz.	\$17.51
Nutramigen Concentrate Formula—13 oz.	\$7.99
Nutramigen RTF Formula—32 oz.	\$9.95
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$25.50
Pediasure RTF Formula—8 oz.	\$2.30
Pediasure w/Fiber RTF Formula—8 oz.	\$2.30
Pediasure Sidekicks RTF Formula—8 oz.	\$2.35
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.58
Similac Advance RTF Formula—Blue—32 oz.	\$7.79
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.49
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.39
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$30.19
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.49
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$8.54
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$17.49
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.45
Similac Go & Grow Powder— Sensitive— 1.38 lbs.	\$23.50
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.19
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$17.39

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Sensitive RTF Formula—Orange—32 oz. ..	\$8.09
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$16.99
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.85
Similac Soy Isomil RTF Formula—Pink—32 oz. ...	\$8.04
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$17.49
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$17.49

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2016, through September 30, 2016, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.40
Beans/Peas—Dry—16 oz.	\$2.15
Canned Fish—Pink Salmon.	\$2.48
Canned Fish—Sardines	\$1.68
Canned Fish—Tuna.	\$1.48
Cereal (per oz.)	\$0.35
Cheese, 16 oz.	\$7.20
Eggs	\$3.09
Infant Cereal—8 oz.	\$2.76
Infant Fruits, 100%—4 oz.	\$0.95
Infant Vegetables, 100%—4 oz.	\$0.95
Infant Meats, 100%—2.5 oz.	\$1.25
Juice—11.5/12 oz.	\$2.60
Juice—48 oz.	\$3.37
Juice—64 oz.	\$4.20
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat Milk—1/2 gallon.	\$3.35
Kosher Whole Milk—1/2 gallon	\$3.39
Milk, Lowfat—1/2 gallon	\$2.58
Milk, Whole—1/2 gallon	\$2.70
Peanut Butter—16-18 oz.	\$3.59
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Brown Rice, 16 oz.	\$2.40
Whole Grain—Oats, 16 oz.	\$2.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.60
Whole Wheat Pasta	\$2.70
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.58
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.49
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.85
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$17.49

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1081. Filed for public inspection June 24, 2016, 9:00 a.m.]

Vehicle, Equipment and Supply Requirements for Emergency Medical Agencies

Under 28 Pa. Code § 1027.3(c) (relating to licensure and general operating standards), the Department of Health (Department) has the authority to publish in the *Pennsylvania Bulletin*, and update as necessary, vehicle construction, and equipment and supply requirements for emergency medical services (EMS) agencies based upon the types of services they provide and the EMS vehicles they operate. An EMS agency that is licensed to operate as a quick response service, basic life support ambulance, intermediate life support ambulance, advanced life support ambulance, critical care ambulance, air ambulance, basic life support squad, intermediate life support squad and advanced life support squad service by the Department under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies) shall maintain and have readily available in working order the vehicle requirements listed in paragraphs A and B, as applicable, and the equipment and supply requirements as indicated in paragraph C.

A. Ground Ambulance Requirements

Ground Ambulances: Quick Response Service/Basic Life Support/Intermediate Life Support/Advanced Life Support/Critical Care Transport/Basic Life Support Squad/Intermediate Life Support Squad/Advanced Life Support Squad

1. The ambulance must meet the requirements of Federal Specifications KKK 1822 and Ambulance Manufacturers Division (AMD) Standards in effect at the time of the vehicle's manufacture. (Does not apply to a Squad Vehicle.)

2. The ambulance must meet the requirements in 75 Pa.C.S. (relating to Vehicle Code) for vehicle registration and liability insurance, and the requirements of all Department of Transportation regulations relating to flashing and revolving lights, including intersection lights.

3. Emblems and markings must be affixed to the ambulance exterior as follows:

a. The word "AMBULANCE" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "AMBULANCE" shall be on the rear of the vehicle and the curved surface of the hood or can be placed on a flat bug screen. (Does not apply to a Squad Vehicle or QRS Vehicle.)

b. The word "EMS SQUAD" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "EMS SQUAD" shall be on the

rear of the vehicle and the curved surface of the hood or can be placed on a flat bug screen. (Does not apply to ambulances or QRS Vehicle.)

c. "Star of Life" shall appear on the ambulance in the following sizes and numbers:

* Two 3" size "Stars of Life" on each side of the word "AMBULANCE" on the hood of the vehicle or on a bug screen.

* Two 16" size "Stars of Life" on the right and left side panels.

* Two 12" size "Stars of Life" on the rear of the vehicle.

* One 32" size "Star of Life" on the vehicle rooftop.

Note: All squad units must have at least 3" size "Stars of Life," one on each side, and two in front and two on the rear of the vehicle. (Does not apply to QRS Vehicle.)

d. The Department issued licensure decal must be applied to right and left exterior sides of the vehicle in a conspicuous place.

e. A reflective chevron is not required. If used, a reflective chevron may be placed on the rear vertical surface of the exterior of the vehicle. The chevron pattern shall slant downward on both sides of the vehicle at an angle of 45° pointing in the direction of the bottom rear corner of the tailboard. The pattern shall resemble an inverted V with the point at the top center of the vehicle. The chevron shall use an alternating color pattern. The vertical panels shall be 8" to 12" wide and at least 24" in height, and consist of alternating color retro-reflective stripes at least 4" in width. If the panel height is greater than 36" the stripes shall be 6" wide, shall slope down at 45° and have a minimum of 270 square inches of retro-reflective area facing traffic.

4. The name of the EMS agency or its registered fictitious name in letters at least 3" in size must appear on both the right and left exterior sides of the vehicle. The name must be the dominant lettering.

a. The word "Ambulance" or words such as Emergency Medical Services, EMS and Rescue must also appear on both exterior sides and rear of the vehicle. (Does not apply to Squad Vehicle.)

5. The EMS vehicle must be equipped with an electronically operated audible warning device with a 100-watt or higher watt speaker.

6. The ambulance must have overhead interior lighting that illuminates the entire top surface of the patient litter, stair-well lighting and courtesy lights that must illuminate the ambulance's controls. (Does not apply to a Squad Vehicle or QRS Vehicle.)

7. The ambulance must have a dual battery system. (Does not apply to Squad Vehicle or QRS Vehicle.)

8. The ambulance must have two minimum 5 lb. unit fire extinguishers (ABC dry chemical or carbon dioxide) in a quick-release bracket, one in the driver/cab compartment or in the body of the ambulance reachable from outside the vehicle and one in the patient compartment. When located in either the driver or patient compartment the mounting bracket shall be of a stable design. Each fire extinguisher must be intact with a safety seal, have been inspected within the previous 12 calendar months and have the appropriate completed inspection tag attached. (Squad and QRS Vehicles are only required to have one.)

9. The ambulance must have a power supply to generate sufficient current to operate all accessories without

excessive demand on the generating system. All exterior and interior lighting and onboard equipment shall be able to run for at least 5 minutes without placing a demand on the engine.

10. The ambulance must have a nonskid floor that is flat, reasonably unencumbered, free of equipment in the walk-through areas and well maintained. (Does not apply to a Squad Vehicle or QRS Vehicle.)

11. The ambulance must have minimum interior dimensions of 60" from floor to ceiling. (Does not apply to a Squad Vehicle or QRS Vehicle.)

12. The ambulance must have a patient partition to separate the patient area from the driver area. (Does not apply to a Squad Vehicle or QRS Vehicle.)

13. The ambulance must have storage cabinets with sliding doors or with latches, or have a cargo-type netting or other means to ensure against opening during vehicle movement. (Does not apply to a Squad Vehicle or QRS Vehicle.)

14. Bulky items such as portable radios and AEDs, oxygen equipment and jump bags must be secured at all times during patient transport to prevent them from falling on patients or crew or becoming projectiles if the vehicle is involved in an accident. Equipment on a Squad Vehicle must be in cabinets or otherwise secured at all times.

15. The ambulance must have two IV hangers mounted flush with the ceiling. (Does not apply to a Squad Vehicle or QRS Vehicle.)

16. The ambulance must have a litter for transporting a patient and at least five patient restraint straps in good operating condition that are secured to the litter. (Does not apply to a Squad Vehicle or QRS Vehicle.)

17. The ambulance must have doors that function properly with door seals that are not cracked, broken or missing pieces, and are otherwise in good condition.

18. The ambulance must have both "No Smoking Oxygen Equipped" and "Fasten Seat Belts" signs (in English) in both the driver and patient compartments. A Squad and QRS Vehicle is required to have these signs in the driver compartment.

19. The ambulance must have operational heating, cooling and ventilation equipment meeting GSA KKK-1822 Standard.

20. Required equipment and supplies shall be carried and readily available in working order and maintained in accordance with manufactures recommended/required operating standards.

21. The EMS vehicle must have current vehicle inspection validation issued by the state where the vehicle is registered.

22. The EMS vehicle must have communication equipment that is in compliance with the regional communication plan. This equipment shall allow for direct communication with a public safety answering point (PSAP) and hospitals in the agency response/service areas. A cellular phone may be used as a backup means of communication and not as the primary means of communication.

23. The ambulance must have an installed, onboard oxygen system with the following (Does not apply to a Squad Vehicle or QRS Vehicle):

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The oxygen cylinders shall be mounted

with restraining devices, as required for the crashworthiness tests of AMD Standard 003, Oxygen Tank Retention System. A liquid oxygen system that provides the same volume of oxygen and meets AMD Standard 003 is also acceptable. Critical Care Transport ambulance must have onboard oxygen system with a capacity of a minimum of 7,000 liters.

b. The cylinder must have more than 500 liters of oxygen at all times and be secured with at least three metal or nylon brackets while in the compartment. (Critical Care Transport ambulance must have more than 1,750 liters of oxygen at all times.)

c. The unit must be equipped with a reducing valve (from 2,000 psi to 50 psi line pressure).

d. The unit must be equipped with one flow meter with a range of 0-25 lpm delivery.

24. The ambulance must have an installed onboard suctioning system with the following components and/or capabilities (does not apply to Squad Vehicle):

a. It is fitted with a large bore, nonkinking tubing.

b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.

c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum needed to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

25. The ambulance must have onboard proof of current motor vehicle insurance.

B. Air (Rotorcraft) Ambulance Requirements

The following will apply to all air ambulances. The air ambulance must have:

1. The name of the air ambulance service or its registered fictitious name prominently displayed on the exterior of the aircraft.

2. Exterior lighting that illuminates the tail rotor and pilot controllable search/spot/landing lights.

3. An "Air Worthiness Certificate" from the Federal Aviation Administration (FAA).

4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.

5. An FAA Form 337 with items 1 (which identifies the aircraft), 2 (which identifies the aircraft owner) and 7 (which shows that the aircraft is approved to "Return to Service") completed and signed by the appropriate FAA official.

6. Climate controls for maintaining an ambient cabin temperature of between 60—85° during flight.

7. Sufficient interior lighting to allow for close observation of patients.

8. A physical barrier between the pilot, throttle, flight controls and radios and the patient(s).

9. Patient litter with manufacture approved straps.

10. A 110-volt electrical outlet for each patient transported.

11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances in areas to which the air ambulance routinely provides service.

12. At least one headsets per crew member with built in communication among the crew when the aircraft is operating and noise levels prevent normal conversation.

13. One fully charged fire extinguisher rated at least 5 B:C securely mounted where it can be reached by the pilot or crewmembers. The fire extinguisher must be intact with safety seal, have been inspected within the previous 12 calendar months and have the appropriate inspection tag attached.

14. Installed onboard suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirements under Ground Ambulances.)

15. An onboard oxygen system with the following:

a. Cylinders with a capacity of 1,200 liters.

b. The cylinders must have at least 1,650 psi at the time of inspection.

c. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity.

d. A flow meter with a range of 0-25 lpm delivery.

<i>C. Equipment /Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>AIR</i>
Portable Suction Unit with wide-bore tubing. Must achieve 300 mm/Hg or 11.8" in 4 sec.	X	X	X	X	X	X	X	X	X
Suction catheters, pharyngeal: (Must be sterile) Size is FR									
Rigid (2)	X	X	X	X	X	X	X	X	X
Flexible:									
6 and 8 (1 each)		X	X	X	X	X	X	X	X
10 or 12 (2)		X	X	X	X	X	X	X	X
14 or 16 (2)		X	X	X	X	X	X	X	X
<i>Airways:</i>									
Nasopharyngeal (5 different sizes to include at least one between size 16-24 Fr. and one between size 26-34 Fr.)	X	X	X	X	X	X	X	X	X
Oropharyngeal (6 different sizes to include at least one size 0-1, one 2-3 and one size 4-5)	X	X	X	X	X	X	X	X	
<i>Sphygmomanometer:</i>									
Child, Adult and Thigh (large) (1 each) Interchangeable gauges are permitted	X	X	X	X	X	X	X	X	X
Stethoscope (1) Adult and (1) Pediatric	X	X	X	X	X	X	X	X	X
Stethoscope Doppler (1)								X	X
Penlight (1)	X	X	X	X	X	X	X	X	X
<i>Portable Oxygen Unit (1):</i>									
Cylinder capacity of at least 300 Liters (D Size), with 500 psi Yoke Cylinder with a minimum total pressure of 500 psi	X	X	X	X	X	X	X		X
Nonsparking wrench/tank opening device	X	X	X	X	X	X	X	X	X
Gauge/flow meter not gravity dependent and can deliver 0-25 liter per minute	X	X	X	X	X	X	X	X	X
Full spare cylinder with at least 300 liter capacity	X	X	X	X	X	X	X	X	X

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>AIR</i>
Cylinders must be secured in the vehicle at all times.	X	X	X	X	X	X	X	X	X
Folding Litter/Collapsible Device (1)		X	X	X	X	X	X	X	
<i>Oxygen Delivery Devices:</i>									
Nasal Cannulas adult/pediatric (1 each)	X	X	X	X	X	X	X	X	X
High concentration mask capable of providing 80% or greater concentration adult, pediatric, infant (1 each)	X	X	X	X	X	X	X	X	X
Pocket mask with one way valve and oxygen port	X	X	X	X	X	X	X	X	
Humidifier bottle (1)		X		X	X	X		X	
Adhesive Tape (4 rolls assorted) 1 roll must be hypoallergenic	X	X	X	X	X	X	X	X	X
<i>Dressings:</i>									
Multi Trauma (10 × 30) (4)	X	X	X	X	X	X	X	X	X
Occlusive (3 × 4) (4)	X	X	X	X	X	X	X	X	X
Sterile Gauze Pads (4 × 4) (25)	X	X	X	X	X	X	X	X	X
Soft self-adhering (6 rolls)	X	X	X	X	X	X	X	X	X
Bandage Shears (1)	X	X	X	X	X	X	X	X	X
<i>Immobilization Devices:</i>									
Lateral cervical spine device (1)		X	X	X	X	X	X	X	X
Long spine board (1)		X	X	X	X	X	X	X	X
Short spine board (1)		X	X	X	X	X	X	X	
Rigid/Semi-rigid neck immobilizer S, M, L, pediatric (1 each) Multi-size are permitted and will suffice for the S, M, L (3)		X	X	X	X	X	X	X	X
<i>Bag-Valve-Mask Devices:</i>									
Hand operated infant/pediatric (450-700cc) (1) Must be capable of high concentration oxygen delivery with adult and pediatric masks to include neonatal, infant and child sizes	X	X	X	X	X	X	X	X	X
Pediatric length-based Drug Dosing/Equipment Sizing Tape, most current version available		X	X	X	X	X	X	X	X
Straps—9' (5) (may substitute spider straps or speed clips for 3 straps)		X	X	X	X	X	X	X	X
<i>Splinting Devices:</i>									
Lower extremity mechanical traction splint adult and pediatric (1 each or combination)		X		X		X		X	
Upper and Lower extremity splints (2 each)		X		X		X		X	

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<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>AIR</i>
Sterile Water/Normal Saline (2 liters)		X	X	X	X	X	X	X	X
Sterile Burn Sheet (4' by 4') (2)	X	X	X	X	X	X	X	X	
Cold Packs, Chemical (4)		X	X	X	X	X	X	X	X
Heat Packs, Chemical (4)		X	X	X	X	X	X	X	X
Triangular Bandages (8)	X	X	X	X	X	X	X	X	
Sterile OB Kits (2) (AIR 1)		X	X	X	X	X	X	X	X
Separate Bulb Syringe (1) Sterile		X	X	X	X	X	X	X	X
Sterile Thermal Blanket (Silver Swaddler) (1), or 1 roll of sterile aluminum foil for use on infants/newborns		X	X	X	X	X	X	X	X
Blankets (2)	X	X	X	X	X	X	X	X	X
Sheets (4)		X		X		X		X	X
Pillowcases (2)		X		X		X		X	
Pillow (1)		X		X		X		X	
Towels (4)		X		X		X		X	
Disposable Tissues (1 box)		X		X		X		X	
Emesis Container (1)		X		X		X		X	
Urinal (1)		X		X		X		X	
Bed Pan (1)		X		X		X		X	
Disposable Paper Drinking Cups (3 oz.) (4)		X		X		X		X	
Regional Approved Triage Tags (20)	X	X	X	X	X	X	X	X	
Hand-lights (2)	X	X	X	X	X	X	X	X	
Hazard Warning Device (3)		X	X	X	X	X	X	X	
Emergency BLS/ALS Jump Kit (1)	X	X	X	X	X	X	X	X	
Survival Bag (1)									X
Emergency Response Guidebook (1) (Current Edition)	X	X	X	X	X	X	X	X	
Thermometer—electronic, digital, nontympanic		X	X	X	X	X	X	X	X
Sharps Receptacle—Secured		X	X	X	X	X	X	X	
Instant Glucose (40% dextrose-d-glucose gel) 45 grams	X	X	X	X	X	X	X	X	X
Personal Protective Equipment (PPE) Helmet, eye protection, gloves and high-visibility safety apparel (1 per crew member)	X	X	X	X	X	X	X	X	
Flight Helmet (1 per crew member) w/Comm.									X
<i>Personal Infection Control Kit, which includes the following:</i>									
Eye protection, clear, disposable (1 per crew member)	X	X	X	X	X	X	X	X	X

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>AIR</i>
Gown/coat (1 per crew member)	X	X	X	X	X	X	X	X	X
Surgical Cap/Foot Coverings, disposable (1 set per crew member)	X	X	X	X	X	X	X	X	X
Exam Gloves (1 set per crew member)	X	X	X	X	X	X	X	X	X
Sharps Containers and Red Bags per Infectious Control Plan	X	X	X	X	X	X	X	X	X
N95 respirator (1 per crew member)	X	X	X	X	X	X	X	X	X
Hand Disinfectant—Nonwater hand disinfectant (1 container)	X	X	X	X	X	X	X	X	X
Sponges, Alcohol, Prep (10)				X	X	X	X	X	X
<i>Endotracheal Tubes Sizes/Quantities:</i>									
2.5 mm or 3.0 mm (2 uncuffed)						X	X	X	X
3.5 mm or 4.0 mm (2 uncuffed)						X	X	X	X
4.5 mm or 5.0 mm (2)						X	X	X	X
5.5 mm or 6.0 mm (2)						X	X	X	X
6.5 mm or 7.0 mm (2)						X	X	X	X
7.5 mm or 8.0 mm (2)						X	X	X	X
8.5 mm or 9.0 mm (2)						X	X	X	X
Must be sterile and individually wrapped									
<i>Nonsurgical Alternative/ Rescue Airways:</i>									
Either 2 Combitubes™ small adult and adult or 3 King LT 3, 4 and 5.				X	X	X	X	X	X
Electronic Wave-Form Capnography				X	X	X	X	X	
Laryngoscope handle with batteries and spare batteries and bulbs and the following blades:						X	X	X	X
Straight Curved									
# 1 (S) # 3						X	X	X	X
# 2 (M) # 4						X	X	X	X
# 3 (L)						X	X	X	X
Meconium Aspirator (1)						X	X	X	X
Lubrication (2cc or larger tubes) sterile water soluble (2)	X	X	X	X	X	X	X	X	X
Forceps, Magill (adult/pediatric 1 each)						X	X	X	X
<i>Medication and Supplies:</i>									
Per Statewide protocols, approved medications that must be kept within expiration dates.		X	X	X	X	X	X	X	X
Nebulizer System (1)				X	X	X	X	X	X

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>AIR</i>
<i>Hypodermic needles:</i> 16-18 gauge (4), 20-22 gauge (4), 23-25 gauge, (4) Total of 12 and each must be individually wrapped and sterile. Two syringes of assorted sizes, including at least one with a 1 mL volume.				X	X	X	X	X	X
<i>Defibrillator/Monitor:</i> (FDA approved) (HIGHER THAN IALS ONLY) (Battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout), 12 lead electrocardiogram with transmit capabilities and pediatric/adult pads with pacing capabilities.						X	X	X	X
<i>Defibrillator/Monitor:</i> (FDA approved) (IALS ONLY) (Battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout), 12 lead electrocardiogram with transmit capabilities and pediatric/adult pads. With (2) disposable adaptors with universal bag valve mask/advanced airway adaptor.				X	X				
<i>Defibrillator/Monitor Supplies:</i> Defibrillator pads, (1) set of adult and (1) set of pediatric, electrodes (ECG, adult and pediatric sizes 12 each)				X	X	X	X	X	X
Automated External Defibrillator (required for all BLS service as of January 1, 2011) Defibrillator pads, (1) set of adult and (1) set of pediatric	X	X	X						
CPAP Ventilation—portable equipment with (2) disposable masks				X	X	X	X	X	X
Stylette, Malleable—pediatric (2)/adult (1) must be sterile.						X	X	X	X
Cricothyrotomy Set (Surgical or Needle) must be sterile						X	X	X	X
Phlebotomy Equipment (per regional protocols)						X	X	X	X
Flutter valve (1) must be sterile						X	X	X	X
Pulse Oximetry (required for all BLS service as of July 1, 2015)	X	X	X	X	X	X	X	X	X

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>AIR</i>
Electronic Glucose Meter				X	X	X	X	X	X
“IV” fluid Therapy Supplies Catheters over the Needle sized (per regional requirements):									
14, 16, 18, 20, 22 (4 each) and 24 (2)				X	X	X	X	X	X
Micro drip 50-60 drops/ml (2)						X	X	X	X
Macro drip 10-20 drops/ml (2)				X	X	X	X	X	X
I.V. solutions (2,000) ml total per Statewide protocols				X	X	X	X	X	X
Tourniquets for I.V. (2)				X	X	X	X	X	X
Intraosseous Needle 14-18 gauge (2)						X	X	X	X
Commercial “Tactical” Tourniquet (1)	X	X	X	X	X	X	X	X	X
Copy of most current version Statewide EMS Protocols	X	X	X	X	X	X	X	X	X
Aspirin (81 mg) (BLS as of July 1, 2015)		X	X	X	X	X	X	X	X
Bougie Gum elastic endotracheal introducer (1)								X	X
Video capable laryngoscope with appropriate sized blades (1)								X	X
Electronic wave-form capnography, nonintubated patient, capable of wave-form display (1)								X	X
Electronic wave-form capnography, intubated patient, capable of wave-form display (1)								X	X
Portable transport ventilator which must have the capabilities that include, but are not limited to, controlling rate, volume, FiO ₂ , I:E Ratio, PEEP and volume control, pressure control, SIMV and NPPV modes. Device must have both volume and pressure modes and low/high pressure warning alarms (1)								X	X
Portable transport ventilator circuits appropriately sized for patient being transported (2)								X	X
3 1/4” over the needle catheter in 10, 12 or 14 gauge (2)								X	X
Automated noninvasive blood pressure monitoring device (1)								X	X
Endotracheal cuff pressure manometer (1)								X	X
Invasive pressure monitoring, electronic waveform, two-channel capability (1)								X	X

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>AIR</i>
Portable Doppler with venous and OB probe (1)								X	X
Pelvic stabilization device (1)								X	X
Blood administration sets only if agency provides or maintains blood products (2)								X	X
Intravenous infusion pumps or one multi-channel unit capable of managing three simultaneous infusions (3)								X	X
Onboard oxygen with a capacity of a minimum of 7,000 liters								X	
Portable oxygen with a capacity of a minimum of 1,800 liters								X	
Inverter or generator capability of supporting all required equipment electrical needs								X	

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Aaron Rhone, EMS Program Specialist, Department of Health, Bureau of Emergency Medical Services, 625 Forster Street, Room 606, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3168 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1082. Filed for public inspection June 24, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Additional Class of Disproportionate Share Payments

The purpose of this notice is to announce the Department of Human Services' (Department) intent to allocate funding in Fiscal Year (FY) 2015-2016 for disproportionate share hospital (DSH) payments to qualifying Medical Assistance (MA) enrolled acute care general hospitals that provide a high volume of acute care and psychiatric services and incur significant uncompensated costs. The Department is not otherwise changing its State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive a DSH payment in excess of its hospital-specific DSH upper limit.

Fiscal Impact

The FY 2015-2016 impact as a result of the funding allocation for these payments is \$2.084 million (\$1 million in State general funds) upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regu-

lations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1040. (1) General Fund; (2) Implementing Year 2015-16 is \$1,000,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$9,071,000; 2013-14 Program—\$9,071,000; 2012-13 Program—\$7,937,000; (7) MA—Physician Practice Plans; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1083. Filed for public inspection June 24, 2016, 9:00 a.m.]

Availability of the Department's Medicaid Access Monitoring Review Plan

The Department of Human Services (Department) is making available for public review and comment the Department's Medicaid Access Monitoring Review Plan (Plan) in accordance with Federal Medicaid regulations in 42 CFR 447.203—447.205 (relating to documentation of

access to care and service payment rates; Medicaid provider participation and public process to inform access to care; and public notice of changes in Statewide methods and standards for setting payment rates). The Plan is available to the public through the Department's web site at <http://www.dhs.pa.gov/publications/accessmonitoringplan/index.htm#.VztwUE3rvo0> for a 30-day public review and comment period.

Public Comment

Interested persons are invited to submit comments regarding the Department's Plan by e-mail to RA-PW AccessMonitor@pa.gov. Written comments may be sent to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be considered for revisions to the Plan.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

[Pa.B. Doc. No. 16-1084. Filed for public inspection June 24, 2016, 9:00 a.m.]

Change to Additional Class of Disproportionate Share Hospital Payments

The purpose of this notice is to announce the Department of Human Services' (Department) intent to increase the funding in Fiscal Year (FY) 2015-2016 for disproportionate share hospital (DSH) payments to qualifying acute care general hospitals that serve the indigent population of cities in this Commonwealth with an average per capita income significantly below the Statewide average. These payments are intended to provide additional financial support to hospitals that serve an inordinate amount of low-income individuals and Medical Assistance (MA) beneficiaries in impoverished areas of this Commonwealth. The Department is not otherwise changing its State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive a DSH payment in excess of its hospital-specific DSH upper limit.

Fiscal Impact

The total FY 2015-2016 impact as a result of this increase in the allocation for the additional class of DSH payments is \$14.563 million (\$6.989 million in State general funds and \$7.574 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1041. (1) General Fund; (2) Implementing Year 2015-16 is \$6,989,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1085. Filed for public inspection June 24, 2016, 9:00 a.m.]

Change to Additional Class of Disproportionate Share Hospital Payments

The purpose of this notice is to announce the Department of Human Services' (Department) intent to allocate and increase the funding allotted in Fiscal Year (FY) 2015-2016 for disproportionate share hospital (DSH) payments to qualifying Medical Assistance (MA) enrolled acute care general hospitals. These payments are intended to promote access to hospital services for MA eligible persons in this Commonwealth by providing additional support for the operations of academic medical programs through the medical education of health care professionals needed to treat the MA population. The Department is not otherwise changing its State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive a DSH payment in excess of its hospital-specific DSH upper limit.

Fiscal Impact

The total FY 2015-2016 impact as a result of this increased allocation for this additional class of DSH payments is \$2.709 million (\$1.300 million in State general funds and \$1.409 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1045. (1) General Fund;

(7) MA—Academic Medical Centers; (2) Implementing Year 2015-16 is \$800,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$17,431,000; 2013-14 Program—\$16,831,000; 2012-13 Program—\$12,618,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2015-16 is \$500,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$9,071,000; 2013-14 Program—\$9,071,000; 2012-13 Program—\$7,937,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1086. Filed for public inspection June 24, 2016, 9:00 a.m.]

Change to Disproportionate Share Payments for Access to Care

The purpose of this notice is to announce the Department of Human Services' (Department) intent to increase the funding for the Fiscal Year (FY) 2015-2016 for disproportionate share hospital (DSH) payments to qualifying Medical Assistance (MA) enrolled acute care general hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically distressed areas of this Commonwealth. The Department is not otherwise changing its State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive a DSH payment in excess of its hospital-specific DSH upper limit.

Fiscal Impact

The total impact as a result of this increase in the allocation for the DSH payments for these qualifying hospitals is \$37.237 million (\$17.870 million in State general funds and \$19.367 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services. Of this amount, \$15.237 million (\$7.312 million in State funds and \$7.925 million in Federal funds) will be paid out of FY 2015-2016. The increase of \$22.000 million (\$10.558 million in State funds and \$11.442 million in Federal funds) will be paid out of FY 2016-2017.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1050. (1) General Fund; (2) Implementing Year 2015-16 is \$7,312,000; (3) 1st Succeed-

ing Year 2016-17 is \$10,558,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1087. Filed for public inspection June 24, 2016, 9:00 a.m.]

High Medical Assistance Supplemental Hospital Payments

The Department of Human Services (Department) intends to establish an additional class of supplemental hospital payments for qualifying hospitals.

The Department intends to make this payment, in addition to the classes of supplemental hospital payments already made under the Medical Assistance (MA) Program, to qualifying hospitals which the Department determined provide a high volume of services to MA-eligible and low-income populations in medically underserved areas. This payment is intended to promote the hospitals' continued participation in the MA Program. For a hospital to qualify for this payment, the hospital must be an acute care hospital enrolled in the Commonwealth's MA Program that meets all of the following criteria as identified in the State Fiscal Year (FY) 2012-2013 cost report available to the Department as of June 2015 unless otherwise specified:

a) The ratio of MA days to total hospital patient days exceeds 40%.

b) The hospital provides in excess of 40,000 inpatient days of service.

c) The hospital has an occupancy ratio (total inpatient days used divided by total hospital bed days available) of at least 70%.

d) The hospital is located in a census tract (United States Census 2010) designated by the Bureau of Primary Health Care of the Health Resources and Services Administration as a Medically Underserved Area.

e) The hospital has a government dependency ratio, comprised of MA Percentage of Net Patient Revenue plus Medicare Percentage of Net Patient Revenue both as reported in the Pennsylvania Health Care Cost Containment Council's 2015 Financial Analysis, Volume One, in excess of the 95th percentile for all Commonwealth general acute care hospitals.

The Department intends to allocate \$1.5 million in State FY 2015-2016 from the State General Fund for this additional class of payments. Payments will be divided proportionately among qualifying hospitals based on the percentage of each qualifying hospital's MA inpatient days to total MA inpatient days of all qualifying facilities.

Fiscal Impact

For FY 2015-2016, the fiscal impact as a result of this additional class of supplemental hospital payments will be \$3.111 million in total funds (\$1.500 million in State General funds and \$1.611 million in Federal funds).

Public Comment

Interested persons are invited to submit written comments to this notice within 30 days of publication to the Department of Human Services, Office of Medical Assistance Programs c/o Deputy's Secretary Office, Attn: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1039. (1) General Fund; (2) Implementing Year 2015-16 is \$1,500,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$9,071,000; 2013-14 Program—\$9,071,000; 2012-13 Program—\$7,937,000; (7) MA—Physician Practice Plans; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1088. Filed for public inspection June 24, 2016, 9:00 a.m.]

Medical Assistance Program Fee Schedule Revisions; 2016 Healthcare Common Procedure Coding System Updates; Prior Authorization Requirements

The Department of Human Services (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule. These changes are effective for dates of service on and after July 1, 2016.

The Department is adding and end-dating procedure codes as a result of implementing the 2016 updates made by the Centers for Medicare & Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The Department is also adding and end-dating other procedure codes and making changes to procedure codes currently on the MA Program Fee Schedule. As follows, some of the procedure codes being added to the MA Program Fee Schedule will require prior authorization. Fees for the new procedure codes will be published in an MA Bulletin that will be issued to all providers.

Procedure Codes Being Added or End-dated

The following procedure code and modifier combinations are being added to the MA Program Fee Schedule as a result of the 2016 HCPCS updates:

Procedure Codes and Modifiers

10035	10036	31652	31652 (SG)	31653
31653 (SG)	31654	33477	39401	39401 (SG)
39402	39402 (SG)	47531	47531 (SG)	47532
47532 (SG)	47533	47533 (SG)	47534	47534 (SG)
47535	47535 (SG)	47536	47536 (SG)	47537
47537 (SG)	47538	47538 (SG)	47539	47539 (SG)
47540	47540 (SG)	47541	47541 (SG)	47542
47543	47544	50430 (SG)	50430 (RT)	50430 (LT)
50430 (50)	50431 (SG)	50431 (RT)	50431 (LT)	50431 (50)
50432 (SG)	50432 (RT)	50432 (LT)	50432 (50)	50433 (SG)
50433 (RT)	50433 (LT)	50433 (50)	50434 (SG)	50434 (RT)
50434 (LT)	50434 (50)	50435 (SG)	50435 (RT)	50435 (LT)
50435 (50)	50606 (RT)	50606 (LT)	50606 (50)	50693 (SG)
50693 (RT)	50693 (LT)	50693 (50)	50694 (SG)	50694 (RT)
50694 (LT)	50694 (50)	50695 (SG)	50695 (RT)	50695 (LT)
50695 (50)	50705 (RT)	50705 (LT)	50705 (50)	50706 (RT)
50706 (LT)	50706 (50)	54437	54437 (SG)	54437 (80)
54438	54438 (80)	61650	61651	64461
64461 (SG)	64462	64463	65785 (SG)	65785 (RT)
65785 (LT)	65785 (50)	69209 (SG)	69209 (RT)	69209 (LT)
69209 (50)	72081	72081 (TC)	72081 (26)	72082
72082 (TC)	72082 (26)	72083	72083 (TC)	72083 (26)
72084	72084 (TC)	72084 (26)	73501 (RT)	73501 (LT)
73501 (50)	73501 (TC) (RT)	73501 (TC) (LT)	73501 (TC) (50)	73501 (26) (RT)
73501 (26) (LT)	73501 (26) (50)	73502 (RT)	73502 (LT)	73502 (TC) (RT)
73502 (TC) (LT)	73502 (26) (RT)	73502 (26) (LT)	73503 (RT)	73503 (LT)
73503 (TC) (RT)	73503 (TC) (LT)	73503 (26) (RT)	73503 (26) (LT)	73521
73521 (TC)	73521 (26)	73522	73522 (TC)	73522 (26)
73523	73523 (TC)	73523 (26)	73551 (RT)	73551 (LT)
73551 (50)	73551 (TC) (RT)	73551 (TC) (LT)	73551 (TC) (50)	73551 (26) (RT)
73551 (26) (LT)	73551 (26) (50)	73552 (RT)	73552 (LT)	73552 (50)
73552 (TC) (RT)	73552 (TC) (LT)	73552 (TC) (50)	73552 (26) (RT)	73552 (26) (LT)
73552 (26) (50)	77770	77770 (TC)	77770 (26)	77771
77771 (TC)	77771 (26)	77772	77772 (TC)	77772 (26)
78265	78265 (TC)	78265 (26)	78266	78266 (TC)
78266 (26)	80081	81170	81218	81272
81273	81276	81311	81314	88350
88350 (TC)	88350 (26)	92537	92537 (TC)	92537 (26)

Procedure Codes and Modifiers

92538	92538 (TC)	92538 (26)	99177	D0251
D9223	D9243	E0465 (RR)	E0466 (RR)	G0297
G0297 (TC)	G0297 (26)	G0476	G0476 (FP)	G0477
G0477 (QW)	G0478	G0479	G0480	G0481
G0482	G0483			

The following procedure code and modifier combinations are being added to the MA Program Fee Schedule based upon provider requests, clinical review or significant program exception requests:

Procedure Codes and Modifiers

33979	33979 (80)	33980	33980 (80)	44204	44204 (80)
49423	49423 (SG)	49424	49424 (SG)	81210	81332
99174	G0433	G0433 (QW)	G0433 (FP)	G0433 (QW) (FP)	

The following procedure codes are being end-dated from the MA Program Fee Schedule as a result of the 2016 HCPCS updates:

Procedure Codes

21805	31620	37202	39400	47136	47500
47505	47510	47511	47525	47530	47560
47561	47630	50392	50393	50394	50398
64412	67112	70373	72010	72069	72090
73500	73510	73520	73530	73540	73550
74305	74320	74327	74475	74480	75896
75980	75982	77776	77777	77785	77786
77787	88347	90645	90646	90669	90692
90693	90703	90704	90705	90706	90708
90719	90721	90725	90727	90735	92543
95973	A7011	D0260	D9220	D9221	D9241
E0450	E0460	E0461	E0463	G0431	G6018
G6019	G6020	G6022	G6023	G6024	G6025
G6030	G6031	G6032	G6034	G6035	G6036
G6037	G6038	G6039	G6040	G6042	G6043
G6044	G6045	G6046	G6047	G6049	G6050
G6051	G6052	G6053	G6054	G6056	G6057
G6058	J0886	J7302			

Procedure code J0890 is being end-dated from the MA Program Fee Schedule, because the manufacturer discontinued the drug.

No new authorizations will be issued for the procedure codes being end-dated on and after July 1, 2016. For any of the previously listed procedure codes that had a prior authorization issued before July 1, 2016, providers should submit claims using the end-dated procedure code, as set forth in the authorization issued by the Department. The Department will accept claims with the end-dated procedure codes until July 1, 2017, for those services that were previously prior authorized.

Prior Authorization Requirements

The following laboratory procedure codes are being added to the MA Program Fee Schedule and will require prior authorization, as authorized under section 443.6(b)(7) of the Human Services Code (code) (62 P.S. § 443.6(b)(7)), and as described in the MA Provider Handbook which may be viewed online at <http://www.dhs.pa.gov/publications/forproviders/promiseproviderhandbooksandbillingguides/index.htm#.VxaJ1E32ZtQ>.

Procedure Codes

81170	81210	81218	81272	81273
81276	81311	81314	81332	

The following durable medical equipment procedure code and modifier combinations are being added to the MA Program Fee Schedule and require prior authorization with the first month of rental as authorized under section 443.6(b)(3) of the code:

Procedure Codes and Modifiers

E0465 (RR)	E0466 (RR)
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The following procedure codes and modifiers being added to the MA Program Fee Schedule are considered advanced radiology services and will require prior authorization, as authorized under section 443.6(b)(7) of the code and as described in MA Bulletin 01-14-42, Advanced Radiologic Imaging Services, which may be viewed online at <http://www.dhs.pa.gov/publications/bulletinsearch/bulletinselected/index.htm?bn=01-14-42#.VxaDuE32ZtQ>.

Procedure Codes and Modifiers

G0297	G0297 (TC)	G0297 (26)
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*Updates to Procedure Codes Currently on the MA Program Fee Schedule**Dental Services*

The Department is increasing the maximum number of billable units for procedure code D5660 from 1 to 2 units per day based on clinical review.

End Stage Renal Dialysis Services

With the closure of procedure code J0886 by CMS, the Department is increasing the maximum number of billable units for procedure code Q4081 from 9 to 400 units per day so providers may continue to bill for the full dosage of the drug currently allowed.

Optometrist Services

Provider Type (PT)/Specialty (Spec) 18/180 (Optometrist) has been added to the following surgical, radiology and medical procedure code/modifier combinations in places of service (POS) 21 (inpatient hospital), 24 (ambulatory surgical center) and 11 (office), as indicated, based upon provider requests and clinical review:

<i>Procedure Codes</i>	<i>Modifiers</i>	<i>POS</i>
65778	RT/LT/50	21, 24
68761	E1, E2, E3, E4	11
76510	RT/LT/50 and RT/LT/50 TC	11
76511	RT/LT/50 and RT/LT/50 TC	11
76512	RT/LT/50 and RT/LT/50 TC	11
76516	No modifier and TC	11
76519	No modifier and TC	11
92025	No modifier and TC	11

The post-operative period for surgical procedure code 65778 is being decreased from 90 to 0 days, to align with CMS's guidance.

Radiology procedure code 76512 will have the right (RT), left (LT) and bilateral (50) modifiers added as the procedure may be performed laterally or bilaterally. As a result, the Department is also increasing the billable units from one to two per day.

Physician Services

Surgical procedure code 43273 will expand to include all physician specialties by opening PT/Spec 31/All and end-dating PT 31 (physician) specialties 318 (general practice), 319 (surgery), 322 (internal medicine), 341 (radiology) and 345 (pediatrics) as the Department has determined that it is appropriate for all physician specialties to perform this service.

Additionally, POS 11 is being end-dated for procedure code 43273 as the Department has determined that the office setting is not appropriate for the performance of this service.

Clinic Services

Clinic procedure code 68761 will be end-dated for PT/Spec 08 (clinic)/All and will be opened for PT/Spec 08/082 (independent medical/surgical clinic) as the Department has determined that it is only appropriate for this provider to perform this service in this setting.

Therapist Services

Medical procedure code 97110 will have PT/Spec combination 17/171 (occupational therapist) opened in POS 11, 12 (home), and 99 (community) based upon provider requests and clinical review.

Laboratory Services

Laboratory procedure code 88346 will have the technical component (TC) modifier end-dated for PT/Spec/POS 28/280/81 (independent laboratory). Additionally, the Department is reducing the maximum number of billable units for procedure code 88346 from five to one per day as a result of CMS updating the code descriptions.

The Department has determined that there will no longer be a prior authorization required for laboratory procedure codes S3854 and 81519.

*Modifier Updates**QW Modifier*

The Department is adding the QW (CLIA waived test) informational modifier to laboratory procedure code 87631 that CMS identifies as a Clinical Laboratory Improvement Amendments (CLIA) waived test. This information is described in MA Bulletin 01-12-67, and others, Clinical Improvement Amendment Requirements, and may be viewed online at <http://www.dhs.pa.gov/publications/bulletinsearch/bulletinselected/index.htm?bn=01-12-67#.VxaDYE3ZtQ>.

<i>Procedure Code</i>	<i>PT/Spec/POS</i>	<i>Modifier</i>
87631	01/016/23 (emergency room arrangement 1)	QW
	01/017/23 (emergency room arrangement 2)	QW
	01/183/22 (outpatient hospital clinic)	QW
	28/280/81	QW

When submitting claims for CLIA waived tests, the QW modifier must be reflected with the applicable procedure code for the claims to process correctly.

The Department is also adding the PT/Spec/POS and modifiers, as indicated, to laboratory procedure code 87631 as a result of the latest tests listed with CMS as CLIA waived tests:

<i>Procedure Code</i>	<i>PT/Spec/POS</i>	<i>Modifiers</i>
87631	08/082/49 (independent med/surg clinic)	No modifier and QW
	09/All/11 (CRNP)	No modifier and QW
	31/All/11	No modifier and QW
	33/335/11 (certified nurse midwife)	No modifier and QW

Open Places of Service

The following procedure codes will have POS 23 and 99 (Special Treatment Room) opened for the PT/Spec combinations, as indicated, as the Department has determined that these settings are appropriate for the performance of these services:

<i>Procedure Code</i>	<i>PT/Spec</i>	<i>POS</i>
43274	31/All	99
43275	31/All	99
43276	31/All	99
43277	31/All	99
43278	31/All	99
74328	31/All	99
74329	31/All	99
74330	31/All	99
88346	27/All	23

End-Date Places of Service

The following procedure codes will have POS 11, 22 (outpatient hospital), 23, 31 (skilled nursing facility), 32 (nursing facility), 49 (independent clinic) and/or 99 (Special Treatment Room) end-dated, for the PT/Spec combinations as indicated, because the Department has determined that these settings are not appropriate for the performance of these services:

<i>Procedure Code</i>	<i>PT/PS</i>	<i>POS</i>
43260	01/017	23
	31/All	
43262	01/All (inpatient hospital)	23
	01/183	22
	08/All (clinic)	49
	31/All	11 and 23
	01/All	23
43263	01/183	22
	08/All	49
	31/All	11 and 23
43264	01/All	23
	31/All	
43265	01/All	23
	01/183	22
	08/All	49
	31/All	23
43273	01/183	22
	31/318	
	31/319	
	31/322	11
	31/341	
	31/345	
68761	01/All	23
	31/All	23, 99
74328	31/All	22
74329	31/All	22
74330	31/All	22
76512	01/16	
	01/17	23
	31/All	23, 31, 32
76516	01/016	23
	01/017	
	31/All	

<i>Procedure Code</i>	<i>PT/PS</i>	<i>POS</i>
76519	01/016 01/017 31/All	23 23, 31, 32
88346	27/All (dentist) 31/All	11

Fee Adjustment

The Department is adding the SG (facility service) pricing modifier to surgical procedure code 44950 in POS 24 for PT/Spec combinations 01/021 (short procedure unit) and 02/020 (ambulatory surgical center):

<i>Procedure Code and Modifier</i>	<i>Description</i>	<i>Current Fee</i>	<i>MA Fee Effective July 1, 2016</i>
44950 (SG)	Appendectomy	NA	\$776.00

Service Limits

The MA Program has established service limits for some of these procedure codes. When a provider determines that a MA beneficiary is in need of a service or item in excess of the established limits, the provider may request a waiver of the limits through the 1150 Administrative Waiver (Program Exception) process. For instructions on how to apply for a Program Exception, refer to the provider handbook at http://www.dhs.pa.gov/publications/forproviders/promiseproviderhandbooksandbillingguides/index.htm#.Vyj_vk32ZtR.

Managed Care Delivery System

MA managed care organizations (MCO) are not required to impose the service limits that apply in the MA Fee-for-Service (FFS) delivery system, although they are permitted to do so. MA MCOs may not impose service limits that are more restrictive than the service limits established in the MA FFS delivery system. A MA MCO that chooses to establish service limits must notify their network providers and members of the limits before implementing the limits.

Fiscal Impact

The estimated cost for Fiscal Year 2016-2017 is \$0.675 million (\$0.325 million in State funds). The estimated cost for Fiscal Year 2017-2018 is \$0.810 million (\$0.390 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1046. (1) General Fund; (2) Implementing Year 2015-16 is \$0; (3) 1st Succeeding Year 2016-17 is \$325,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$390,000; (4) 2014-15 Program—\$564,112,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000; (7) MA—FFS; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1089. Filed for public inspection June 24, 2016, 9:00 a.m.]

Nursing Facility Assessment Program for Fiscal Year 2016-2017

This notice announces the proposed assessment amount, the proposed assessment methodology and the estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program beginning Fiscal Year (FY) 2016-2017.

Background

Article VIII-A of the Human Services Code (code) (62 P.S. §§ 801-A—815-A) authorizes the Department of Human Services (Department) to impose an annual monetary assessment on nonpublic and county nursing facilities in this Commonwealth each fiscal year.¹ Under

¹ The assessment under Article VIII-A of the code expires June 30, 2016 (see 62 P.S. § 815-A). This notice assumes that the General Assembly will enact legislation to reauthorize the assessment, effective July 1, 2016.

Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation (FFP). See 62 P.S. § 803-A. To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Centers for Medicare & Medicaid Services (CMS) if necessary to implement the Assessment Program. See 62 P.S. § 812-A. For FY 2016-2017, the Department intends to submit a waiver request to CMS to authorize continuation of the Assessment Program. The implementation of the Assessment Program as described in this notice is contingent on the reauthorization of Article VIII-A of the code and CMS' approval of the waiver request.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary) determines the aggregate amount of the assessment and the annual assessment rate in consultation

with the Secretary of the Budget. See 62 P.S. § 804-A. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for FFP. See 62 P.S. § 804-A.

Before imposing an annual assessment for a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin*. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P.S. § 805-A.

This notice announces the assessment amounts, rates and methodology that the Department is proposing to implement in FY 2016-2017 and the estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2016-2017.

Proposed Assessment Methodology and Rates

The Department is proposing to use the same assessment methodology in FY 2016-2017 that was used in FY 2015-2016 with several modifications as follows:

During FY 2016-2017, the assessment will be imposed on all licensed nursing facilities in this Commonwealth except the following nursing facilities, which will continue to be exempt from the Assessment Program:

- (1) State-owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.
- (3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.
- (4) Nursing facilities that provide nursing facility services free of charge to all residents.

As in FY 2015-2016, the Department is proposing to continue to assess nonexempt nursing facilities at two rates. For FY 2016-2017, the Department is proposing the one rate will remain at \$8.01, and will be imposed on the same four categories of nursing facilities:

- County nursing facilities.
- Nursing facilities that have 44 or fewer licensed beds.
- Certain Continuing Care Retirement Community (CCRC) nursing facilities (see 40 Pa.B. 7297 (December 18, 2010)).
- Nursing facilities with an MA occupancy rate of at least 94% based on the four consecutive assessment quarters beginning April 1, 2015, and ending March 31, 2016, for each nursing facility as of April 22, 2016. A nursing facility's MA occupancy rate for the purpose of qualifying for the lower assessment rate will be calculated as follows: MA Occupancy Rate = Sum of Total PA MA Days from each of the four quarters ÷ Sum of Total Resident Days from each of the four quarters, rounded to two decimals.

For all other nonexempt facilities, including nursing facilities that began participation in a CCRC on or after July 1, 2010, the Department is proposing the facilities be assessed at the rate of \$32.10, an increase of \$2.04 from the FY 2015-2016 rate.

In FY 2015-2016 and previous fiscal years, the Department assessed each nonexempt facility on a quarterly basis and calculated each nonexempt facility's quarterly assessment amount by multiplying its assessment rate by

the facility's non-Medicare resident days during the calendar quarter that immediately preceded the assessment quarter. For FY 2016-2017, the Department is proposing to calculate an annual assessment amount for each nonexempt facility by multiplying its assessment rate by the facility's historical non-Medicare resident day for the four consecutive assessment quarters beginning April 1, 2015, and ending March 31, 2016. The Department will collect the annual assessment amount in four equal quarterly installments.

Aggregate Assessment Amounts and Fiscal Impact

The Department estimates that if the proposed assessment rates are implemented the annual aggregate assessment fees for nonexempt nursing facilities will total \$506.472 million. The Department will use the State revenue derived from the assessment fees and any associated FFP to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments must be submitted within 30 days of publication of the notice. See 62 P.S. § 805-A. After considering the comments, the Secretary will publish a second notice announcing the final assessment rates for FY 2015-2016. The Department will not begin collecting assessment fees until after the publication of the final assessment rate notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1033. (1) General Fund; (2) Implementing Year 2015-16 is \$0; (3) 1st Succeeding Year 2016-17 is -\$506,472,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$810,454,000; 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1090. Filed for public inspection June 24, 2016, 9:00 a.m.]

Payment for Nursing Facility Services; Nonpublic Nursing Facility Supplemental Payment and County Nursing Facility Medical Assistance Day One Incentive Payment for Fiscal Year 2016-2017

The Department of Human Services (Department) provides advance notice that the Department intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services beginning in Fiscal Year (FY) 2016-2017.

Background

Article VIII-A of the Human Services Code (code) (62 P.S. §§ 801-A—815-A) authorizes the Department to impose an annual monetary assessment on nonpublic and

county nursing facilities in this Commonwealth each fiscal year.¹ Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of MA Program expenditures eligible for Federal financial participation (FFP). See 62 P.S. § 803-A. To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Centers for Medicare & Medicaid Services (CMS) if necessary to implement the Assessment Program. See 62 P.S. § 812-A. For FY 2016-2017, the Department will submit a request to CMS for the continuation and an amendment to the Assessment Program.

The Commonwealth budget for MA long-term care services for FY 2016-2017 estimates that \$506.472 million will be derived from revenue collected from the Assessment Program, plus related Federal matching funds. A portion of the revenue generated from the assessment will enable the Department to continue to set payment rates for MA nursing facility services under the existing payment methodology in 55 Pa. Code Chapters 1187 and 1189 (relating to nursing facility services; and county nursing facility services).

For nonpublic nursing facilities, in addition to reimbursing the MA allowable assessment cost, the Department intends to use a portion of the assessment revenue to continue the supplemental payments as described in the Department's currently approved State Plan. To receive the allowable assessment cost add-on and the supplemental payments, qualified nursing facilities must be located in a geographic zone where Community Health Choices (CHC) does not operate during the entire corresponding assessment quarter. To authorize the continuation of these supplemental payments beginning July 1, 2016, the Department will submit a State Plan Amendment (SPA) to CMS.

For county nursing facilities, a portion of the revenue generated by the assessment will be used to fund the county nursing facility MA Day One Incentive (MDOI) Payments provided for in the Department's currently approved State Plan. MDOI Payments will be determined quarterly beginning FY 2016-2017, instead of an annual determination paid in quarterly installments. In addition, a county nursing facility will not qualify for a quarterly payment if they are located in a geographic zone where CHC operates during the entire quarter for which the payment is being made. To authorize the continuation of these MDOI Payments beginning July 1, 2016, the Department will submit a SPA to CMS.

If CMS approves the SPAs, the Department will have the authority to make the supplemental payments, including the allowable assessment cost add-on, to nonpublic nursing facilities and the MDOI Payments to county nursing facilities.

The supplemental payments to nonpublic nursing facilities will enable those facilities to increase salaries of direct care staff to maintain and increase staffing levels at a time when it is difficult to attract and retain qualified staff. The supplemental payments will also provide the facilities with additional funds to meet other unanticipated costs that may not be reflected in the current database used to establish rates, such as increased liability insurance costs.

The MDOI Payments to county nursing facilities will provide incentives to county nursing facilities to admit

¹ The assessment authorized under Article VIII-A expires June 30, 2016 (see 62 P.S. § 815-A). This notice assumes that the General Assembly will enact legislation to reauthorize the assessment, effective July 1, 2016.

individuals who are MA eligible on the day of admission. The MDOI Payments are intended to assure that county nursing facilities continue to provide access to care for these individuals. These payments provide an incentive to county nursing facilities to continue to provide for the poor and indigent citizens of this Commonwealth.

Fiscal Impact

The FY 2016-2017 fiscal impact for these supplemental payments is estimated at \$661.768 million (\$319.104 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1037. (1) General Fund; (2) Implementing Year 2015-16 is \$0; (3) 1st Succeeding Year 2016-17 is \$319,104,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1091. Filed for public inspection June 24, 2016, 9:00 a.m.]

Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor

The Department of Human Services (Department) is announcing its intent to amend the Commonwealth's Title XIX State Plan to update the Medical Assistance (MA) payment methodology and standards for payment of MA nursing facility services in Fiscal Year (FY) 2016-2017 to authorize the continued use of a budget adjustment factor (BAF) in setting payment rates for nursing facility services.

Background

Since 1996, the Department has used a case-mix prospective payment methodology to set per diem rate payments for MA nursing facility providers. One of the reasons the Department adopted this payment methodology was that the prior retrospective cost-based payment system had proven to be "highly inflationary" and change was necessary to curb an "explosive growth of nursing facility expenditures." See 25 Pa.B. 4477 (October 14, 1995). In 2006, the Department noted that "since the case-mix payment system was implemented in 1996, MA nursing facility payment rates have risen more than 56% and, since 2000, have increased by 27.4% overall. During this same period, expenditures for MA nursing facility services have grown to nearly \$3 billion and expenditures

for MA services to the elderly and disabled now consume approximately 70% of the \$14 billion MA Program budget.” See 36 Pa.B. 3207 (June 24, 2006).

Realizing that the MA Program could not continue to sustain the pace at which long-term care expenditures were growing, the Department amended the Commonwealth’s Title XIX State Plan and issued regulations changing the case-mix payment methodology effective July 1, 2005, to include use of a BAF in annual rate-setting. See 35 Pa.B. 6232 (November 12, 2005). Application of a BAF was continued in 2007, 2008, 2011 and again in 2013. See the act of June 30, 2007 (P.L. 49, No. 16), the act of July 4, 2008 (P.L. 557, No. 44), the act of June 30, 2011 (P.L. 89, No. 22) and the act of July 9, 2013 (P.L. 369, No. 55). The BAF limits the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities in effect for the fiscal year to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

Since the implementation of the BAF, case-mix per diem rates have increased on an annual average basis by \$3.11 per day and in the aggregate by 20.62% overall from FY 2004-2005 through estimated payment rates for FY 2015-2016. In contrast, had the BAF not been used, rates would have increased on an annual average basis by \$6.38 per day and overall by 42.26%, well in excess of either the Consumer Price Index or the Centers for Medicare & Medicaid Services’ (CMS) Nursing Home without Capital Market Basket Index.

Under section 443.1(7)(iv) of the Human Services Code (62 P.S. § 443.1(7)(iv)), the current statutory provision requiring the application of the BAF expires June 30, 2016. The Department anticipates that the General Assembly will enact legislation to continue the use of a BAF in FY 2016-2017, subject to CMS approval. Use of a BAF has assured, and will continue to assure, that payments to nursing facilities under the MA Program are consistent with efficiency and economy.

Further, during the past 11 fiscal years the BAF has been in place, the Department has not uncovered any evidence that the quality of care in this Commonwealth’s MA nursing facilities has been adversely impacted by use of the BAF. To the contrary, MA nursing facility providers continue to deliver a high quality of care. The Department does not expect the quality of care to decline in FY 2016-2017, and will continue enforcement and monitoring activities to ensure that is the case.

In addition, although the BAF has served to moderate the overall aggregate increases in case-mix per diem rates, the adjusted case-mix per diem rate payments, together with the other supplemental payments to nursing facilities authorized under the Commonwealth’s approved State Plan, have been and will continue to be sufficient to assure that MA recipients have access to medically necessary nursing facility services. The vast majority of licensed nursing facilities in this Commonwealth participate as providers in the MA Program, and the MA Program pays for more days of nursing facility care than all other payors combined. The Department does not expect this to change if the BAF continues in FY 2016-2017.

In short, use of the BAF has served to conserve taxpayer funds while assuring, and continuing to assure, that payments to nursing facilities under the MA Program are consistent with efficiency and economy and at the same time sufficient to assure access to quality care.

Proposed BAF Methodology for FY 2016-2017

The Department intends to submit a State Plan Amendment (SPA) to CMS to continue use of the BAF. Under the proposed SPA, the Department will apply a BAF and make adjustments to nonpublic nursing facility and county nursing facility payment rates in FY 2016-2017. As in prior years, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

Nonpublic Nursing Facilities

From July 1, 2005, through June 30, 2011, the Department calculated one BAF each rate-setting year, and applied that BAF to the nursing facility payment rates in effect for the rate-setting year. For FY 2011-2012, the nursing facility industry requested and the Department responded by calculating a BAF each quarter of the fiscal year for nonpublic nursing facilities instead of calculating one BAF for the fiscal year. For FY 2012-2013, the Department returned to a formula very similar to the formula used in FYs 2009-2010 and 2010-2011 which allowed for an adjustment in the fourth quarter if certain conditions were met. See 39 Pa.B. 4958 (August 15, 2009). For FYs 2013-2014, 2014-2015 and 2015-2016, the Department used a formula very similar to FY 2012-2013. The Department is proposing to calculate the BAF in FY 2016-2017 for nonpublic nursing facilities using the same formula that was used the previous 3 fiscal years. That formula is as follows.

Nonpublic Nursing Facilities’ BAF Determination

Base BAF Formula—Prior to establishing the July rate for the rate year, the Department will use the following formula to determine the base BAF:

Target rate divided by the acuity-adjusted weighted average rate equals the base BAF.

If the base BAF as calculated is greater than 1.0, the base BAF will equal 1.0.

April BAF Formula—Prior to establishing the April rate for the rate year, the Department will use the following formula to determine the April BAF:

The weighted average April rate will be compared to the April target rate. If the difference between the weighted average April rate and the April target rate is 25¢ or more, the formula for the April BAF will be the April target rate divided by the weighted average April rate at 100% equals the April BAF. Otherwise, the April BAF is equal to the base BAF.

Terms Related to the BAF Determination

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

Acuity-adjusted weighted average rate—The weighted average July rate at 100% adjusted by the acuity factor.

Acuity factor—The percentage of change from the July rate to the October, January and April rates representing the estimated quarterly change in payments for the nonpublic nursing facilities. (See 55 Pa. Code § 1187.95(b) (relating to general principles for rate and price setting).)

April BAF—The BAF applied to each nonpublic nursing facility’s April rate.

April target rate—The rate year's Statewide day-weighted average April rate needed to meet the rate year target rate.

Base BAF—The BAF applied to each nonpublic nursing facility's July, October and January rates.

Base days—The source of days for the day-weighted calculation used in determining the base rate, the weighted average April rate at 100% and the weighted average July rate at 100%. For FY 2016-2017, the base days are the sum of each nonpublic nursing facility's paid facility days, therapeutic leave days and 1/3 of the paid hospital bed reserve days from the PROMISE data file used to determine the June 30, 2015, disproportionate share payments.

Base rate—The base rate is the prior year's annual target rate.

Target rate—The base rate multiplied by one plus the percentage rate of change permitted by the funds appropriated by the General Appropriations Act for the applicable rate year.

Weighted average April rate—The Statewide day-weighted average of the nonpublic nursing facilities' April rates for the applicable rate year determined in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services), calculated using base days and the base BAF.

Weighted average April rate at 100%—The Statewide day-weighted average of the nonpublic nursing facilities' April rates for the applicable rate year determined in accordance with 55 Pa. Code Chapter 1187 calculated using base days, prior to application of a BAF.

Weighted average July rate at 100%—The Statewide day-weighted average of the nonpublic nursing facilities' July rates for the applicable rate year determined in accordance with 55 Pa. Code Chapter 1187 calculated using base days prior to application of the base BAF.

County Nursing Facilities

The Department intends to submit a SPA to CMS to continue use of the BAF. Under the proposed SPA, the Department will continue to calculate and apply the BAF to county nursing facility payment rates as it has in prior rate-setting years. Specifically, the Department will adjust each county nursing facility's per diem rate by multiplying the rate by a BAF. A county nursing facility's per diem rate for an MA resident will be the facility's July 1, 2015, per diem rate as calculated under 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting) and 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities) multiplied by the county BAF.

Use of the calculations previously described is contingent upon legislation continuing application of a BAF and the approval by CMS of the SPA.

Fiscal Impact

No fiscal impact is anticipated as a result of these changes through June 30, 2017. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the General Appropriation Act of 2015.

Public Comment

Interested persons are invited to submit written comments regarding the BAF formulas to the Department of

Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the formula.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1031. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-1092. Filed for public inspection June 24, 2016, 9:00 a.m.]

Payment for Nursing Facility Services Provided by County Nursing Facilities; County Nursing Facility Supplementation Payment for Fiscal Year 2015-2016

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain county nursing facilities in Fiscal Year (FY) 2015-2016.

Background

The act of July 18, 2013 (P.L. 574, No. 71), among other things, directed the Department to distribute \$2 million in additional funds from the funds appropriated for Medical Assistance—Long-Term Care to certain county nursing facilities in FY 2013-2014. The act of July 10, 2014 (P.L. 1053, No. 126) continued the county supplementation payment for FY 2014-2015. The act of April 25, 2016 (P.L. 168, No. 25) (Act 25) directs the Department to continue to make an additional payment to qualified county nursing facilities for FY 2015-2016.

Proposed Payment

The Department will make a county nursing facility supplementation payment to each qualified county nursing facility. As directed by Act 25, a county nursing facility must have a Medical Assistance (MA) occupancy rate of at least 85% and be located in a home rule county that was formerly a county of the second class A to qualify for this supplementation payment. The MA occupancy rate will be determined using the latest acceptable annual cost report as of September 30, 2015, in accordance with 55 Pa. Code § 1189.71(b) (relating to cost reporting).

The Department will calculate each qualified county nursing facility's supplementation payment for FY 2015-2016 by dividing total funds by the number of qualified county nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$4.168 million (\$2 million in State funds) for FY 2015-2016.

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1044. (1) General Fund; (2) Implementing Year 2015-16 is \$2,000,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1093. Filed for public inspection June 24, 2016, 9:00 a.m.]

Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the First Class; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2015-2016

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment to certain nonpublic nursing facilities in a county of the first class in Fiscal Year (FY) 2015-2016.

Background

The act of April 25, 2016 (P.L. 168, No. 25) (Act 25), among other things, directs the Department to distribute \$2 million in additional funds from the funds appropriated for Medical Assistance—Long-Term Care to certain nonpublic nursing facilities in FY 2015-2016.

Proposed Payment

The Department will make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. As directed by Act 25, a nonpublic nursing facility must be located in a county of the first class, have more than 395 beds and a Medicaid acuity of 1.19 as of August 1, 2015. The number of beds will be the number of licensed beds as of August 1, 2015, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2015, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate each qualified nonpublic nursing facility's supplementation payment for FY 2015-2016 by dividing the total funds for the supplementation payment by the number of qualified nonpublic nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Depart-

ment will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$4.168 million (\$2 million in State funds) for FY 2015-2016.

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1043. (1) General Fund; (2) Implementing Year 2015-16 is \$2,000,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1094. Filed for public inspection June 24, 2016, 9:00 a.m.]

Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the Eighth Class; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2015-2016

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment to certain nonpublic nursing facilities in a county of the eighth class in Fiscal Year (FY) 2015-2016.

Background

The act of April 25, 2016 (P.L. 168, No. 25) (Act 25), among other things, directs the Department to distribute \$4 million in additional funds from the funds appropriated for Medical Assistance—Long-Term Care to certain nonpublic nursing facilities in FY 2015-2016.

Proposed Payment

The Department will make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. As directed by Act 25, a nonpublic nursing facility must be located in a county of the eighth class, have more than 119 beds and a Medicaid acuity of 1.14 as of August 1, 2015. The number of beds will be the number of licensed beds as of August 1, 2015, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2015, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate each qualified nonpublic nursing facility's supplementation payment for FY 2015-

2016 by dividing the total funds for the supplementation payment by the number of qualified nonpublic nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$8.335 million (\$4 million in State funds) for FY 2015-2016.

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1042. (1) General Fund; (2) Implementing Year 2015-16 is \$4,000,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1095. Filed for public inspection June 24, 2016, 9:00 a.m.]

Payments to Nonpublic and County Nursing Facilities; Final Rates for State Fiscal Year 2015-2016

This notice announces the Department of Human Services (Department) final annual case-mix per diem payment rates for State Fiscal Year (FY) 2015-2016 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

Nonpublic Nursing Facility Per Diem Rates

As required by the case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department sets an annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate is comprised of four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2015-2016, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index for the appropriate picture date.

The Centers for Medicare & Medicaid Services (CMS) approved State Plan Amendment (SPA) 15-0024 on April 4, 2016, which includes the budget adjustment factor (BAF) formula the Department will use for nonpublic nursing facilities in FY 2015-2016. SPA 15-0024 states that the BAF will limit the estimated Statewide day-

weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year. For FY 2015-2016, the Department calculated a base BAF for nonpublic nursing facilities for July, October and January rates. The formula the Department used to determine a base BAF equals the target rate divided by the acuity-adjusted weighted average rate. For the April BAF, the weighted average April rate will be compared to the April target rate. If the difference between the weighted average April rate and the April target rate is more than 25¢, a BAF for the April—June 2016 calendar quarter will be determined by dividing the April target rate by the weighted average April rate at 100%. For the 2015-2016 rate year, July, October and January rates, the base BAF is 0.83105. The BAF for the April—June 2016 calendar quarter is 0.84094.

County Nursing Facility Per Diem Rates

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department sets an annual MA per diem rate for each county nursing facility provider. As stated in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF.

In addition, as required by 55 Pa. Code § 1189.91(d), the Department followed the formula set forth in the Commonwealth's approved State Plan to determine that the BAF for FY 2015-2016 for county nursing facilities is 1.0. CMS approved SPA 13-021 on November 7, 2013, which includes the BAF formula the Department will use for county nursing facilities in FY 2015-2016.

SPA 13-021 states that for rate setting year 2015-2016, the BAF shall limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate is limited to the amount permitted by the funds appropriated by the General Appropriations Act. The BAF as it applies to county nursing facilities is 1.0.

The final annual per diem rates for FY 2015-2016 rate year are available on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/index.htm> and at local county assistance offices (CAO) throughout this Commonwealth or by contacting Marilyn Yocum, Department of Human Services, Office of Long-Term Living at (717) 772-2549. As they become available, the adjusted quarterly rates will be accessible on the Department's web site, at CAOs or by contacting Marilyn Yocum.

Public Process

On June 27, 2015, the Department published the notice Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities; Notice of Change in Formula for Calculating Budget Adjustment Factor at 45 Pa.B. 3425 (June 27, 2015) announcing the proposed change in the BAF formula for nonpublic nursing facilities. The Department also published a second notice Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2015-2016 at 45 Pa.B. 3427 (June 27, 2015) announcing that the proposed BAF-adjusted nursing facility per diem rates for FY 2015-2016 containing the BAFs that will be applied to

county and nonpublic nursing facilities were available on the Department's web site. In response to the comments received, the Department decided to use the same nonpublic BAF formula that was used for FYs 2013-2014 and 2014-2015 for FY 2015-2016. The revised proposed FY 2015-2016 rates and BAF details were announced through the ListServ on September 29, 2015, and posted on the Department's web site. A comment letter was received from LeadingAge PA supporting this change.

Appeals

Following publication of this notice, the Department will send rate letters to each MA nursing facility to notify the facilities of their final rates for FY 2015-2016. The rate letter will also advise each facility that it may file an administrative appeal if the facility believes that the Department made any errors or otherwise disagrees with its final rates for FY 2015-2016. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, 2nd Floor, Harrisburg, PA 17110-9721, within 33 days of the date of the Department's letter notifying the facility of its final rates. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to Medical Assistance hearings and appeals) and to the Department's regulations in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures) for more detail regarding their appeal rights and the requirements related to written appeals.

Fiscal Impact

There is no fiscal impact associated with this change.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1035. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-1096. Filed for public inspection June 24, 2016, 9:00 a.m.]

Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2016-2017

This notice announces the Department of Human Services (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2016-2017 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

Nonpublic Nursing Facility Per Diem Rates

As required by the case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set an annual MA per diem rate for each nonpublic nursing facility provider.

Each facility's annual per diem rate will have four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2016-2017, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index for the appropriate picture date.

In addition, in calculating the proposed rates, the Department assumed that the General Assembly will enact legislation authorizing the continued use of a budget adjustment factor (BAF) in setting MA payment rates for FY 2016-2017.¹ Upon reauthorization of the BAF, the Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2016-2017.

A detailed description of the BAF formulas for FY 2016-2017 is in the notice Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor published at 46 Pa.B. 3354 (June 25, 2016). Under the proposed formula, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

Finally, in calculating the proposed rates, the Department assumed that the General Appropriation Act of 2016 will include the same level of funding that was in the General Appropriation Act of 2015 and that CMS will approve the SPA including the BAF formula for nonpublic nursing facilities.

County Nursing Facility Per Diem Rates

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department intends to set an annual MA per diem rate for each county nursing facility provider. As specified in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF determined in accordance with the formula in the Commonwealth's approved State Plan. The Department will submit a SPA to CMS to include the BAF formula which the Department will use in FY 2016-2017. In calculating the proposed rates, the Department assumed that the General Assembly will enact legislation authorizing the continued use of a BAF in setting MA payment rates for FY 2016-2017, that the General Appropriation Act of 2016 will include the same level of funding that was in the General Appropriation Act of 2015 and that CMS will approve the SPA, including the BAF formula for county nursing facilities.²

The proposed annual per diem rates for FY 2016-2017, the base BAF that will be applied to nonpublic nursing facility rates and the annual BAF that will be applied to county nursing facilities are available on the Department's web site at <http://www.dhs.pa.gov/provider/>

¹ The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2016-2017 and will include the BAF in the Department's notice announcing final MA nursing facility payment rates for the rate-setting year.

² The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2016-2017 and will include the BAF in its notice announcing final MA nursing facility payment rates for the rate-setting year.

longtermcarecasemixinformation/index.htm and at local county assistance offices throughout this Commonwealth or by contacting Marilyn Yocum, Department of Human Services, Office of Long-Term Living at (717) 772-2549.

Fiscal Impact

If the proposed payment rates are adopted as final, there is no fiscal impact for per diem rate payments for nonpublic and county nursing facilities' FY 2016-2017. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the General Appropriation Act of 2015.

Public Comment

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2016-2017 to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1032. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-1097. Filed for public inspection June 24, 2016, 9:00 a.m.]

Peer Groups, Peer Group Medians and Peer Group Prices for Nonpublic Nursing Facilities Including Hospital-Based Nursing Facilities and Special Rehabilitation Facilities for Fiscal Year 2015-2016

The purpose of this notice is to announce the Department of Human Services' (Department) peer groups, peer group medians and peer group prices for nonpublic nursing facilities including hospital-based nursing facilities and special rehabilitation facilities (SRF) codified in 55 Pa. Code Chapter 1187, Appendix B (relating to medians and prices) under 55 Pa. Code § 1187.95(a)(4) (relating to general principles for rate and price setting). The Department used the peer groups, peer group medians and peer group prices to determine case-mix rates for nonpublic nursing facilities for State Fiscal Year (FY) July 1, 2015, through June 30, 2016. The Department calculated the peer groups, peer group medians and peer group prices announced in this notice in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services). The data that the Department used to determine the peer group medians and prices is available on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/index.htm>.

To establish the database for the calculation of peer group medians and prices, the Department used each nursing facility's three most recent audited cost reports

that were issued by the Department on or before March 31, 2015, and indexed the costs for each report forward to the common date of December 31, 2015, using the Centers for Medicare & Medicaid Services' Nursing Home Without Capital Market Basket Index. The following is a listing, by group, of the number of nursing facilities with a particular year-end and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 2015.

Nonpublic Nursing Facilities (other than hospital-based and special rehabilitation facilities)

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2008	2	1.1735
December 31, 2008	1	1.1554
June 30, 2009	7	1.1466
December 31, 2009	24	1.1379
June 30, 2010	41	1.1247
December 31, 2010	310	1.1163
June 30, 2011	188	1.0991
December 31, 2011	330	1.0920
June 30, 2012	212	1.0781
December 31, 2012	330	1.0679
June 30, 2013	212	1.0546
December 31, 2013	34	1.0521

Hospital-Based Nursing Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2011	13	1.0991
June 30, 2012	13	1.0781
June 30, 2013	13	1.0546

Special Rehabilitation Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
December 31, 2010	2	1.1163
June 30, 2011	6	1.0991
December 31, 2011	2	1.0920
June 30, 2012	6	1.0781
December 31, 2012	2	1.0679
June 30, 2013	6	1.0546

* As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. In accordance with 55 Pa. Code § 1187.94 (relating to peer grouping for price setting), to establish peer groups, the Department used the Metropolitan Statistical Areas (MSA) group classification published in the Federal Office of Management and Budget Bulletin No. 99-04, regarding revised statistical definitions of Metropolitan Areas and guidance on uses of Metropolitan Area definitions, to classify each nursing facility into one of three MSA groups or one non-MSA group. The Department then used the bed

complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the Nursing Information System database to classify nursing facilities into one of three bed complement groups. These groups are 3—119 beds, 120—269 beds, and 270 beds and over. Peer groups 7 and 10 have been collapsed in accordance with 55 Pa. Code § 1187.94(1)(iv). Peer group 13 is designated for SRFs only and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed-size.

After the database was established and the peer groups determined, the Department calculated the medians and prices for each peer group. For peer group 13, the Department arrayed the SRFs classified on or before July 1, 2000, to set the peer group median and prices for those facilities. The Department arrayed any SRFs classified after July 1, 2000, with all other SRFs to set their peer group medians and prices.

To calculate the resident care cost medians, the Department divided the inflated audited allowable resident care costs for each cost report by the total facility case-mix index from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident related cost medians, the Department first divided the inflated audited allowable other resident related costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with 55 Pa. Code § 1187.23 (relating to nursing facility incentives and adjustments). The Department then divided the inflated audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the

3-year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices for nonpublic nursing facilities including hospital-based and SRFs for Year 21 are in the list of Medians and Prices for 2015-2016.

A Medical Assistance nursing facility provider may file an administrative appeal if the facility believes that the Department made any errors or the provider otherwise disagrees with the Year 21 peer group prices that the Department established for its peer group. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of this notice. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The peer group prices applied in setting the facility's rates may be changed as a result of the final adjudication of the facility's peer group price appeal. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to Medical Assistance hearings and appeals), and to the Department's regulations in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

Fiscal Impact

There is no fiscal impact associated with this change in FY 2015-2016.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1034. No fiscal impact; (8) recommends adoption.

Appendix B
MEDIANS AND PRICES FOR 2015-2016

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
1	ABRAMSON RESIDENCE	6/30/2013	6/30/2012	6/30/2011
1	BROOMALL REHAB AND NURSING CENTER	12/31/2012	12/31/2011	12/31/2010
1	CARE PAVILION NURSING AND REHAB CENTER	12/31/2012	6/30/2011	6/30/2010
1	IMMACULATE MARY CTR FOR REHAB & HLTHCARE	6/30/2013	6/30/2012	6/30/2011
1	ST FRANCIS CENTER FOR REHAB & HEALTHCARE	6/30/2013	6/30/2012	6/30/2011
1	ST JOHN SPECIALTY CARE CENTER	6/30/2013	6/30/2012	6/30/2011
1	ST JOSEPH'S MANOR (DBA ENTITY OF HRHS)	6/30/2013	6/30/2012	6/30/2011
<i>PG1 Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$155.27	\$53.96		\$28.03
<i>PG1 Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$181.67	\$60.44		\$29.15
<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	ASBURY HEALTH CENTER	12/31/2012	12/31/2011	12/31/2010
2	ATTLEBORO NURSING AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
2	BALA NURSING AND RETIREMENT CENTER	6/30/2013	6/30/2012	6/30/2011
2	BALDWIN HEALTH CENTER	6/30/2013	6/30/2012	6/30/2011
2	BAPTIST HOMES OF WESTERN PENNSYLVANIA	6/30/2013	6/30/2012	6/30/2011
2	BEAVER VALLEY HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	BRANDYWINE HALL	6/30/2013	6/30/2012	6/30/2010
2	BRIARCLIFF PAVILION HEALTH AND REHAB CTR	12/31/2011	12/31/2010	12/31/2009
2	BRIARLEAF NURSING AND CONVAL CENTER	6/30/2013	6/30/2012	6/30/2011
2	BROOKSIDE HEALTHCARE AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
2	BROOMALL MANOR	12/31/2012	12/31/2011	12/31/2010
2	BROOMALL PRESBYTERIAN VILLAGE	12/31/2012	12/31/2011	12/31/2010
2	BRYN MAWR EXTENDED CARE CENTER	12/31/2012	6/30/2010	6/30/2009
2	BUCKINGHAM VALLEY REHAB AND NURSING CTR	6/30/2013	6/30/2012	6/30/2011
2	CARING HEART REHAB AND NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
2	CARING HEIGHTS COMMUNITY CARE & REHAB	12/31/2012	12/31/2011	12/31/2010
2	CATHEDRAL VILLAGE	6/30/2013	6/30/2012	6/30/2011
2	CENTENNIAL HEALTHCARE & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
2	CHAPEL MANOR	6/30/2013	6/30/2012	6/30/2010
2	CHARLES M. MORRIS NURSING AND REHAB CTR	6/30/2013	6/30/2012	6/30/2011
2	CHELTENHAM NURSING AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	CHEERY TREE NURSING CENTER	12/31/2012	12/31/2011	12/31/2010
2	CHESTER VALLEY REHAB AND NURSING CENTER	12/31/2012	12/31/2011	6/30/2008
2	CHESTNUT HILL LODGE HEALTH AND REHAB CTR	12/31/2012	12/31/2011	12/31/2010
2	CLIVEDEN NSG & REHAB CTR	12/31/2012	6/30/2011	6/30/2010
2	CONCORDIA LUTHERAN HEALTH AND HUMAN CARE	6/30/2013	6/30/2012	6/30/2011
2	CONSULATE HEALTH CARE OF CHESWICK	12/31/2012	12/31/2011	12/31/2010
2	COUNTRY MEADOWS OF SOUTH HILLS	12/31/2012	12/31/2011	12/31/2010
2	CRANBERRY PLACE	6/30/2013	6/30/2012	6/30/2011
2	CRESTVIEW CENTER	6/30/2013	6/30/2012	6/30/2010
2	DEER MEADOWS REHABILITATION CENTER	6/30/2013	6/30/2012	6/30/2011
2	ELKINS CREST HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	WESLEY ENHANCED LIVING PENNYPACK PARK	12/31/2012	12/31/2011	12/31/2010
2	FAIRVIEW CARE CENTER OF BETHLEHEM PIKE	6/30/2013	6/30/2012	6/30/2010
2	FAIRVIEW CARE CENTER OF PAPERMILL ROAD	6/30/2013	6/30/2012	6/30/2010
2	FORBES CENTER FOR REHAB & HEALTHCARE LLC	12/31/2012	12/31/2010	12/31/2009
2	GARDEN SPRING CENTER	6/30/2013	6/30/2012	6/30/2010
2	GERMANTOWN HOME	6/30/2013	6/30/2012	6/30/2011
2	GLENDALE UPTOWN HOME	12/31/2012	12/31/2011	12/31/2010
2	GOLDEN LIVINGCENTER-DOYLESTOWN	12/31/2012	12/31/2011	12/31/2010
2	GOLDEN LIVINGCENTER-LANSDALE	12/31/2012	12/31/2011	12/31/2010
2	GOLDEN LIVINGCENTER-MONROEVILLE	12/31/2012	12/31/2011	12/31/2010
2	GOLDEN LIVINGCENTER-MT LEBANON	12/31/2012	12/31/2011	12/31/2010

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	GOLDEN LIVINGCENTER-MURRYSVILLE	12/31/2012	12/31/2011	12/31/2010
2	GOLDEN LIVINGCENTER-PHOENIXVILLE	12/31/2012	12/31/2011	12/31/2010
2	GOLDEN LIVINGCENTER-UNIONTOWN	12/31/2012	12/31/2011	12/31/2010
2	GREENERY SPECIALTY CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	GREENLEAF NURSING HOME AND CONVAL CENTER	6/30/2013	6/30/2012	6/30/2011
2	GREENSBURG CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	GWYNEDD SQUARE CTR FOR NSG & CONVAL CARE	6/30/2013	6/30/2012	6/30/2011
2	HARMAR VILLAGE CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	HARSTON HALL	6/30/2013	6/30/2012	6/30/2010
2	HEMPFIELD MANOR	12/31/2013	12/31/2012	12/31/2011
2	HIGHLAND PARK CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	HILLCREST CENTER	6/30/2013	6/30/2012	6/30/2010
2	IVY HILL REHABILITATION AND NURSING CTR	6/30/2013	6/30/2012	6/30/2011
2	LAFAYETTE-REDEEMER (DBA ENTITY OF HRHS)	6/30/2013	6/30/2012	6/30/2011
2	LANGHORNE GARDENS HEALTH & REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	LGAR HEALTH AND REHABILITATION CENTER	12/31/2012	12/31/2011	12/31/2010
2	LIFEQUEST NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
2	LITTLE FLOWER MANOR	6/30/2013	6/30/2012	6/30/2011
2	LOYALHANNA CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	LUTHER WOODS CONVALESCENT CENTER	12/31/2012	12/31/2011	12/31/2010
2	MAJESTIC OAKS REHAB & NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
2	MANATAWNY MANOR INC	12/31/2012	12/31/2011	12/31/2010
2	MANORCARE HEALTH SERVICES-WALLINGFORD	6/30/2013	6/30/2012	6/30/2011
2	MANORCARE HEALTH SVCS-BETHEL PARK	12/31/2012	12/31/2011	12/31/2010
2	MANORCARE HEALTH SVCS-GREEN TREE	12/31/2013	12/31/2012	12/31/2011
2	MANORCARE HEALTH SVCS-HUNTINGDON VALLEY	12/31/2012	12/31/2011	12/31/2010
2	MANORCARE HEALTH SVCS-KING OF PRUSSIA	12/31/2013	12/31/2012	12/31/2011
2	MANORCARE HEALTH SVCS-LANSDALE	12/31/2012	12/31/2011	12/31/2010
2	MANORCARE HEALTH SVCS-MERCY FITZGERALD	6/30/2013	6/30/2012	6/30/2011
2	MANORCARE HEALTH SVCS-MONROEVILLE	12/31/2013	12/31/2012	12/31/2011
2	MANORCARE HEALTH SVCS-NORTH HILLS	12/31/2012	12/31/2011	12/31/2010
2	MANORCARE HEALTH SVCS-OXFORD VALLEY	12/31/2013	12/31/2012	12/31/2011
2	MANORCARE HEALTH SVCS-PETERS TOWNSHIP	12/31/2013	12/31/2012	12/31/2011
2	MANORCARE HEALTH SVCS-PITTSBURGH	6/30/2013	6/30/2012	6/30/2011
2	MANORCARE HEALTH SVCS-POTTSTOWN	12/31/2013	12/31/2012	12/31/2011
2	MANORCARE HEALTH SVCS-SHADYSIDE	6/30/2013	6/30/2012	6/30/2011
2	MANORCARE HEALTH SVCS-WHITEHALL BOROUGH	12/31/2013	12/31/2012	12/31/2011
2	MANORCARE HEALTH SVCS-YEADON	12/31/2012	12/31/2011	12/31/2010
2	MAPLEWOOD NURSING AND REHABILITATION CTR	12/31/2012	6/30/2011	6/30/2010
2	MARIAN MANOR CORPORATION	6/30/2013	6/30/2012	6/30/2011
2	MASONIC VILLAGE AT SEWICKLEY	12/31/2012	12/31/2011	12/31/2010
2	MOUNT MACRINA MANOR NURSING HOME	6/30/2013	6/30/2012	6/30/2011
2	MOUNTAINVIEW SPECIALTY CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	OAKWOOD HEALTHCARE & REHABILITATION CTR	6/30/2013	6/30/2012	6/30/2011
2	OXFORD HEALTH CENTER	12/31/2012	12/31/2011	12/31/2010
2	PAUL'S RUN	12/31/2012	12/31/2011	12/31/2010
2	PEMBROOKE HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	PENN CENTER FOR REHABILITATION AND CARE	6/30/2013	6/30/2012	6/30/2011
2	PENNSBURG MANOR	6/30/2013	6/30/2012	6/30/2010
2	PHILADELPHIA PROTESTANT HOME	12/31/2012	12/31/2011	12/31/2010
2	PHOEBE RICHLAND HCC	6/30/2013	6/30/2012	6/30/2011
2	POWERBACK REHABILITATION 1526	6/30/2013	6/30/2012	6/30/2010
2	PROSPECT PARK HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	PROVIDENCE CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	QUAKERTOWN CENTER	6/30/2013	6/30/2012	12/31/2010
2	REGINA COMMUNITY NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
2	REHAB & NURSING CTR GREATER PITTSBURGH	12/31/2012	12/31/2011	12/31/2010
2	RENAISSANCE HEALTHCARE & REHAB CENTER	6/30/2012	6/30/2011	6/30/2010
2	RIVER'S EDGE NURSING AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
2	RIVERSIDE CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	ROCHESTER MANOR	12/31/2012	12/31/2011	12/31/2010
2	SAINT ANNE HOME	6/30/2013	6/30/2012	6/30/2011
2	SANATOGA CENTER	6/30/2013	6/30/2012	6/30/2010
2	SAUNDERS HOUSE	6/30/2013	6/30/2012	6/30/2011
2	SENECA PLACE	6/30/2013	6/30/2012	6/30/2011

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	SILVER LAKE CENTER	6/30/2013	6/30/2012	6/30/2011
2	SILVER STREAM CENTER	6/30/2013	6/30/2012	6/30/2010
2	SIMPSON HOUSE, INC	12/31/2012	12/31/2011	12/31/2010
2	SOMERTON CENTER	6/30/2013	6/30/2012	6/30/2010
2	SOUTHMONT OF PRESBYTERIAN SENIORCARE	12/31/2013	12/31/2012	12/31/2011
2	SQUIRREL HILL CTR FOR REHAB AND HEALING	12/31/2012	12/31/2011	12/31/2010
2	ST JOHN NEUMANN CTR FOR REHAB & HLTHCARE	6/30/2013	6/30/2012	6/30/2011
2	ST MARTHA CENTER FOR REHAB & HEALTHCARE	6/30/2013	6/30/2012	6/30/2011
2	ST MARY CENTER FOR REHAB & HEALTHCARE	6/30/2013	6/30/2012	6/30/2011
2	ST MONICA CENTER FOR REHAB & HEALTHCARE	6/30/2013	6/30/2012	6/30/2011
2	ST. BARNABAS NURSING HOME	12/31/2012	12/31/2011	12/31/2010
2	ST. IGNATIUS NURSING & REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	STERLING HEALTH CARE AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	SUBURBAN WOODS HEALTH AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
2	TEL HAI RETIREMENT COMMUNITY	6/30/2013	6/30/2012	6/30/2011
2	THE BELVEDERE CENTER, GENESIS HEALTHCARE	6/30/2013	6/30/2012	6/30/2010
2	THE RIDGE AT WHITEMARSH HEALTH AND REHAB	12/31/2012	12/31/2011	12/31/2010
2	TOWNE MANOR EAST	12/31/2012	12/31/2011	12/31/2010
2	TRANSITIONS HEALTHCARE NORTH HUNTINGDON	6/30/2013	6/30/2012	6/30/2011
2	TRANSITIONS HEALTHCARE WASHINGTON PA	6/30/2013	6/30/2012	6/30/2011
2	TUCKER HOUSE NSG & REHAB CTR	12/31/2012	6/30/2011	6/30/2010
2	TWIN PINES HEALTH CARE CENTER	12/31/2013	12/31/2012	12/31/2011
2	UPMC HERITAGE PLACE	6/30/2013	6/30/2012	6/30/2011
2	VALLEY MANOR HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	VILLA SAINT JOSEPH OF BADEN INC.	6/30/2013	6/30/2012	6/30/2011
2	VILLAGE AT PENNWOOD	6/30/2013	6/30/2012	12/31/2010
2	VINCENTIAN HOME	6/30/2013	6/30/2012	6/30/2011
2	WESLEY ENHANCED LIVING AT STAPELY	6/30/2013	6/30/2012	6/30/2011
2	WEST HAVEN MANOR	6/30/2013	6/30/2012	6/30/2010
2	WEST HILLS HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
2	WEXFORD HEALTHCARE CENTER	6/30/2013	6/30/2012	6/30/2011
2	WILLIAM PENN CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	WILLOW TERRACE	12/31/2012	12/31/2011	6/30/2010
2	WILLOWS OF PRESBYTERIAN SENIORCARE, THE	12/31/2013	12/31/2012	12/31/2011
2	WOODHAVEN CARE CENTER	12/31/2012	12/31/2011	12/31/2010
2	YORK NURSING AND REHABILITATION CENTER	12/31/2012	6/30/2011	6/30/2010
2	PASSAVANT RETIREMENT AND HEALTH CENTER	6/30/2013	6/30/2012	6/30/2011
2	PINE RUN HEALTH CENTER	6/30/2013	6/30/2012	6/30/2011
<i>PG2 Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>	
	\$141.20	\$44.32	\$25.27	
<i>PG2 Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>	
	\$165.20	\$49.64	\$26.28	
<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	AMBLER EXTENDED CARE CENTER	12/31/2012	6/30/2010	6/30/2009
3	ARTMAN LUTHERAN HOME	6/30/2013	6/30/2012	6/30/2011
3	BARCLAY FRIENDS	12/31/2012	12/31/2011	12/31/2010
3	BEAVER ELDER CARE AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
3	BELAIR HEALTH AND REHABILITATION CENTER	6/30/2013	6/30/2012	6/30/2011
3	BELLE HAVEN SKILLED NURSING & REHAB CTR	12/31/2011	12/31/2010	12/31/2009
3	BETHLEN HM OF THE HUNGARIAN RFRMD FED	12/31/2012	12/31/2011	12/31/2010
3	BRINTON MANOR	6/30/2013	6/30/2012	12/31/2010
3	CANTERBURY PLACE	12/31/2012	12/31/2011	12/31/2010
3	CHANDLER HALL HEALTH SERVICES INC	12/31/2012	12/31/2011	12/31/2010
3	CHICORA MEDICAL CENTER	6/30/2013	6/30/2012	6/30/2011
3	CHRIST'S HOME RETIREMENT COMMUNITY	6/30/2013	6/30/2012	6/30/2011
3	CONCORDIA AT THE CEDARS	12/31/2012	12/31/2011	12/31/2010
3	CONNER-WILLIAMS NURSING HOME	6/30/2013	6/30/2012	6/30/2011

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	CONSULATE HEALTH CARE OF NORTH STRABANE	12/31/2012	12/31/2011	12/31/2010
3	COVENTRY MANOR HEALTH AND REHAB CTR	12/31/2011	12/31/2010	12/31/2009
3	DOCK TERRACE	6/30/2013	6/30/2012	6/30/2011
3	DRESHER HILL HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
3	EDGEHILL NURSING AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
3	ELDERCREST NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
3	ELM TERRACE GARDENS	6/30/2013	6/30/2012	6/30/2011
3	EVERGREEN HEALTH AND REHAB CENTER	12/31/2011	12/31/2010	12/31/2009
3	FAIR WINDS MANOR	6/30/2013	6/30/2012	6/30/2011
3	FREDERICK LIVING-CEDARWOOD	12/31/2012	12/31/2011	12/31/2010
3	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/2012	12/31/2011	12/31/2010
3	GOLDEN LIVINGCENTER-ROSEMONT	12/31/2012	12/31/2011	12/31/2010
3	GOLDEN LIVINGCENTER-SOUTH HILLS	12/31/2012	12/31/2011	12/31/2010
3	GOLDEN LIVINGCENTER-STENTON	12/31/2012	12/31/2011	12/31/2010
3	HARMON HOUSE CARE CENTER	12/31/2012	12/31/2011	12/31/2010
3	HAVENCREST NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
3	HENRY CLAY VILLA, LP	6/30/2013	6/30/2012	6/30/2011
3	HICKORY HOUSE NURSING HOME	12/31/2012	12/31/2011	12/31/2010
3	HOLY FAMILY HOME	12/31/2012	12/31/2011	12/31/2010
3	HOPKINS CENTER	6/30/2013	6/30/2012	12/31/2010
3	JEFFERSON HILLS HEALTHCARE & REHAB CTR	12/31/2012	12/31/2011	12/31/2010
3	KADE HEALTH AND REHABILITATION CENTER	12/31/2011	12/31/2010	12/31/2009
3	KEARSLEY REHAB AND NURSING CENTER	12/31/2012	6/30/2011	6/30/2010
3	LAFAYETTE MANOR, INC	12/31/2012	12/31/2011	12/31/2010
3	LATROBE HEALTH AND REHABILITATION CENTER	12/31/2012	12/31/2011	6/30/2009
3	LAUREL RIDGE CENTER	6/30/2013	6/30/2012	6/30/2010
3	LAWSON NURSING HOME, INC.	12/31/2012	12/31/2011	12/31/2010
3	LITTLE SISTERS OF THE POOR	12/31/2012	12/31/2011	12/31/2010
3	LUTHERAN COMMUNITY AT TELFORD	6/30/2013	6/30/2012	6/30/2011
3	MANORCARE HEALTH SERVICES-NORTHSIDE	6/30/2013	6/30/2012	6/30/2011
3	MARWOOD REST HOME, INC	6/30/2013	6/30/2012	6/30/2011
3	MASONIC VILLAGE AT LAFAYETTE HILL	12/31/2012	12/31/2011	12/31/2010
3	MASONIC VILLAGE AT WARMINSTER	12/31/2012	12/31/2011	12/31/2010
3	MCMURRAY HILLS MANOR	6/30/2013	6/30/2012	6/30/2011
3	MEADOWCREST NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
3	MON VALLEY CARE CENTER	12/31/2012	12/31/2011	12/31/2010
3	NAAMANS CREEK COUNTRY MANOR	6/30/2013	6/30/2012	6/30/2011
3	NORTH HILLS HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
3	OAK HILL NURSING AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
3	OAKMONT CENTER FOR NURSING AND REHAB	12/31/2012	12/31/2011	12/31/2010
3	PENNYPACK CENTER	6/30/2013	6/30/2012	12/31/2010
3	PETER BECKER COMMUNITY	6/30/2013	6/30/2012	6/30/2011
3	PHOEBE WYNCOTE	6/30/2013	6/30/2012	6/30/2011
3	PICKERING MANOR HOME	6/30/2013	6/30/2012	6/30/2011
3	PLATINUM RIDGE CTR FOR REHAB & HEALING	6/30/2013	6/30/2012	6/30/2011
3	POWERBACK REHABILITATION 1700	6/30/2013	6/30/2012	6/30/2010
3	POWERBACK REHABILITATION 3485	6/30/2013	6/30/2012	12/31/2010
3	REDSTONE HIGHLANDS HEALTH CARE CENTER	6/30/2013	6/30/2012	6/30/2011
3	REFORMED PRESBYTERIAN HOME	12/31/2012	12/31/2011	12/31/2010
3	RICHBORO REHAB AND NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
3	ROCKHILL MENNONITE COMMUNITY	6/30/2013	6/30/2012	6/30/2011
3	RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES	12/31/2012	12/31/2011	12/31/2010
3	SAINT JOSEPH VILLA	6/30/2013	6/30/2012	6/30/2011
3	SAXONY HEALTH CENTER	12/31/2012	12/31/2011	12/31/2010
3	SCOTTDALE HEALTHCARE & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
3	SHERWOOD OAKS	6/30/2013	6/30/2012	6/30/2011
3	SOUDERTON MENNONITE HOMES	6/30/2013	6/30/2012	6/30/2011
3	SOUTH FAYETTE NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
3	SOUTHWESTERN NURSING CARE CENTER	6/30/2013	6/30/2012	6/30/2011
3	SPRINGS AT THE WATERMARK, THE	12/31/2012	12/31/2011	12/31/2010
3	STATESMAN HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
3	TOWNE MANOR WEST	12/31/2012	12/31/2011	12/31/2010
3	TOWNVIEW HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
3	TRANSITIONS HEALTHCARE AUTUMN GROVE	6/30/2013	6/30/2012	6/30/2011
3	VALENCIA WOODS AT ST BARNABAS	12/31/2012	12/31/2011	12/31/2010

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	VINCENTIAN DE MARILLAC	6/30/2013	6/30/2012	6/30/2011
3	WAYNE CENTER	6/30/2013	6/30/2012	6/30/2011
3	WESLEY ENHANCED LIVING MAIN LINE REHAB	12/31/2012	12/31/2011	12/31/2010
3	WESLEY ENHANCED LIVING-DOYLESTOWN	12/31/2012	12/31/2011	12/31/2010
3	WESTGATE REHABILITATION AND NURSING CTR	12/31/2012	12/31/2011	6/30/2008
3	WILLOWBROOKE COURT AT BRITTANY POINTE	12/31/2012	12/31/2011	12/31/2010
<i>PG3 Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$145.10	\$48.67		\$26.91
<i>PG3 Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$169.77	\$54.51		\$27.99
<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
4	ALLIED SERVICES SKILLED NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
4	CAMBRIA CARE CENTER	12/31/2012	12/31/2011	12/31/2010
4	COLONIAL MANOR NURSING HOME	12/31/2012	12/31/2011	12/31/2010
4	CONESTOGA VIEW	12/31/2012	12/31/2011	12/31/2010
4	CROSS KEYS VILLAGE-BRETHREN HM COMM, THE	6/30/2013	6/30/2012	6/30/2011
4	GOLDEN LIVINGCENTER-WEST SHORE	12/31/2012	12/31/2011	12/31/2010
4	LACKAWANNA HEALTH AND REHAB CENTER	6/30/2013	12/31/2009	12/31/2008
4	MASONIC VILLAGE AT ELIZABETHTOWN	12/31/2012	12/31/2011	12/31/2010
4	MOUNTAIN CITY NURSING AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
4	MOUNTAIN VIEW, A NURSING AND REHAB CTR	12/31/2012	12/31/2011	12/31/2010
4	PHOEBE ALLENTOWN HEALTH CARE	6/30/2013	6/30/2012	6/30/2011
4	SPRING CREEK REHAB AND NURSING CENTER	12/31/2012	12/31/2011	12/31/2010
<i>PG4 Final Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$154.95	\$50.70		\$23.11
<i>PG4 Final Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$181.29	\$56.78		\$24.03
<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	ABINGTON MANOR	6/30/2013	6/30/2012	12/31/2010
5	BERKSHIRE CENTER	6/30/2013	6/30/2012	6/30/2010
5	BERWICK RETIREMENT VILLAGE NRSNG HOME II	6/30/2013	6/30/2012	6/30/2011
5	BIRCHWOOD NURSING AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
5	BLOOMSBURG HEALTH CARE CENTER	6/30/2013	6/30/2012	6/30/2011
5	BRETHREN VILLAGE	6/30/2013	6/30/2012	6/30/2011
5	COLONIAL PARK CARE CENTER	12/31/2012	12/31/2011	12/31/2010
5	CORRY MANOR	12/31/2013	12/31/2012	12/31/2011
5	EASTON HEALTH AND REHABILITATION CENTER	12/31/2011	12/31/2010	12/31/2009
5	EDINBORO MANOR	12/31/2013	12/31/2012	12/31/2011
5	EPHRATA MANOR	12/31/2012	12/31/2011	12/31/2010
5	FAIRVIEW MANOR	12/31/2013	12/31/2012	12/31/2011
5	FELLOWSHIP MANOR	6/30/2013	6/30/2012	6/30/2011
5	FREY VILLAGE	12/31/2012	12/31/2011	12/31/2010
5	GOLDEN LIVINGCENTER-EAST MOUNTAIN	12/31/2012	12/31/2011	12/31/2010
5	GOLDEN LIVINGCENTER-LANCASTER	12/31/2012	12/31/2011	12/31/2010
5	GOLDEN LIVINGCENTER-READING	12/31/2012	12/31/2011	12/31/2010
5	GOLDEN LIVINGCENTER-SCRANTON	12/31/2012	12/31/2011	12/31/2010
5	GOLDEN LIVINGCENTER-SUMMIT	12/31/2012	12/31/2011	12/31/2010
5	GOLDEN LIVINGCENTER-TUNKHANNOCK	12/31/2012	12/31/2011	12/31/2010
5	GOLDEN LIVINGCENTER-WESTERN RESERVE	12/31/2012	12/31/2011	12/31/2010

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<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	HANOVER HALL	12/31/2012	12/31/2011	12/31/2010
5	HARRISON SENIOR LIVING OF CHRISTIANA	12/31/2012	12/31/2011	12/31/2010
5	HIGHLAND MANOR REHAB & NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
5	HOLY FAMILY MANOR	12/31/2012	12/31/2011	12/31/2010
5	HOMEWOOD AT PLUM CREEK	12/31/2012	12/31/2011	12/31/2010
5	JEWISH HOME OF EASTERN PENNSYLVANIA	12/31/2012	12/31/2011	12/31/2010
5	JEWISH HOME OF GREATER HARRISBURG	6/30/2013	6/30/2012	6/30/2011
5	KUTZTOWN MANOR	6/30/2013	6/30/2012	6/30/2011
5	LANCASHIRE HALL	12/31/2012	12/31/2011	12/31/2010
5	LAUREL CENTER	6/30/2013	6/30/2012	12/31/2010
5	LEHIGH CENTER	6/30/2013	6/30/2012	6/30/2010
5	MANORCARE HLTH SVCS & REHAB-WEST ALLEN	6/30/2013	6/30/2012	6/30/2011
5	LITTLE FLOWER MANOR OF DIOCESE SCRANTON	12/31/2012	12/31/2011	12/31/2010
5	LUTHERAN HOME AT TOPTON	12/31/2012	12/31/2011	12/31/2010
5	MAHONING VALLEY NURSING AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
5	MANORCARE HEALTH SERVICES-ERIE	6/30/2013	6/30/2012	6/30/2011
5	MANORCARE HEALTH SVCS-ALLENTOWN	12/31/2012	12/31/2011	12/31/2010
5	MANORCARE HEALTH SVCS-BETHLEHEM (2021)	12/31/2013	12/31/2012	12/31/2011
5	MANORCARE HEALTH SVCS-BETHLEHEM (2029)	12/31/2012	12/31/2011	12/31/2010
5	MANORCARE HEALTH SVCS-CAMP HILL	12/31/2012	12/31/2011	12/31/2010
5	MANORCARE HEALTH SVCS-CARLISLE	12/31/2012	12/31/2011	12/31/2010
5	MANORCARE HEALTH SVCS-DALLASTOWN	12/31/2013	12/31/2012	12/31/2011
5	MANORCARE HEALTH SVCS-EASTON	12/31/2013	12/31/2012	12/31/2011
5	MANORCARE HEALTH SVCS-KINGSTON	12/31/2013	12/31/2012	12/31/2011
5	MANORCARE HEALTH SVCS-KINGSTON COURT	6/30/2013	6/30/2012	6/30/2011
5	MANORCARE HEALTH SVCS-LANCASTER	12/31/2012	12/31/2011	12/31/2010
5	MANORCARE HEALTH SVCS-LAURELDALE	12/31/2012	12/31/2011	12/31/2010
5	MANORCARE HEALTH SVCS-LEBANON	12/31/2013	12/31/2012	12/31/2011
5	MANORCARE HEALTH SVCS-SINKING SPRING	12/31/2013	12/31/2012	12/31/2011
5	MANORCARE HEALTH SVCS-WEST READING NORTH	12/31/2012	12/31/2011	12/31/2010
5	MANORCARE HEALTH SVCS-YORK NORTH	6/30/2013	6/30/2012	6/30/2011
5	MANORCARE HEALTH SVCS-YORK SOUTH	6/30/2013	6/30/2012	6/30/2011
5	MEADOWS NURSING AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
5	MENNONITE HOME, THE	6/30/2013	6/30/2012	6/30/2011
5	MESSIAH LIFEWAYS AT MESSIAH VILLAGE	6/30/2013	6/30/2012	6/30/2011
5	MIFFLIN CENTER	6/30/2013	6/30/2012	12/31/2010
5	MORAVIAN MANOR	12/31/2012	12/31/2011	12/31/2010
5	MOUNTAIN VIEW CARE CENTER	6/30/2013	6/30/2012	6/30/2011
5	OLD ORCHARD HEALTH CARE CENTER	12/31/2012	12/31/2011	12/31/2010
5	ORANGEVILLE HEALTH AND REHAB CENTER	12/31/2011	12/31/2010	12/31/2009
5	PHOEBE BERKS HEALTH CARE CENTER, INC	6/30/2013	6/30/2012	6/30/2011
5	PLEASANT VIEW RETIREMENT COMMUNITY	12/31/2013	12/31/2012	12/31/2011
5	PRESQUE ISLE REHAB & NURSING CENTER	12/31/2012	12/31/2011	12/31/2010
5	QUARRYVILLE PRESBYTERIAN RETIREMENT COMM	6/30/2013	6/30/2012	6/30/2011
5	REST HAVEN-YORK	6/30/2013	6/30/2012	6/30/2011
5	RIVER RUN REHAB AND NURSING CENTER	12/31/2012	12/31/2011	12/31/2010
5	RIVERSIDE REHABILITATION AND NURSING CTR	12/31/2012	12/31/2011	12/31/2010
5	RIVERSTREET MANOR	6/30/2013	6/30/2012	12/31/2010
5	SAINT MARY'S EAST	12/31/2012	12/31/2011	12/31/2010
5	SHIPPENSBURG HEALTH CARE CENTER	12/31/2012	12/31/2011	12/31/2010
5	SLATE BELT HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
5	SPRUCE MANOR NURSING AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
5	STONERIDGE TOWNE CENTRE	12/31/2012	12/31/2011	12/31/2010
5	SUSQUEHANNA VALLEY NURSING AND REHAB CTR	12/31/2012	12/31/2011	12/31/2010
5	THE MANOR AT PERRY VILLAGE	12/31/2012	12/31/2011	12/31/2010
5	THE MANOR AT SUSQUEHANNA VILLAGE	12/31/2012	12/31/2011	12/31/2010
5	THE PAVILION AT ST LUKE VILLAGE	12/31/2012	12/31/2011	12/31/2010
5	TIMBER RIDGE HEALTH CENTER	12/31/2012	12/31/2011	12/31/2010
5	WEATHERWOOD NURSING HOME AND REHAB CTR	12/31/2012	12/31/2011	12/31/2009
5	WESLEY VILLAGE	12/31/2012	12/31/2011	12/31/2010
5	SAINT ANNE'S RETIREMENT COMMUNITY	6/30/2013	6/30/2012	6/30/2011

		<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>
<i>PG5 Median</i>		\$131.57	\$41.56	\$23.34
			<i>Other Resident Rltd</i>	<i>Administrative</i>
<i>PG5 Price</i>		\$153.94	\$46.55	\$24.27
<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	ABINGTON CREST HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
6	AUDUBON VILLA HEALTH AND REHAB CENTER	12/31/2011	12/31/2010	12/31/2009
6	BALANCED CARE BLOOMSBURG	12/31/2012	12/31/2011	12/31/2010
6	BALL PAVILION, THE	6/30/2013	6/30/2012	6/30/2011
6	BELLE REVE HEALTH CARE CENTER	12/31/2012	12/31/2011	12/31/2010
6	BETHANY VILLAGE RETIREMENT CENTER	12/31/2012	12/31/2011	12/31/2010
6	BONHAM NURSING CENTER	12/31/2012	12/31/2011	12/31/2010
6	BUTLER VALLEY MANOR HLTH AND REHAB CTR	12/31/2011	12/31/2010	12/31/2009
6	CALVARY FELLOWSHIP HOMES, INC	6/30/2013	6/30/2012	6/30/2011
6	CARBONDALE NURSING AND REHAB CENTER	12/31/2013	12/31/2012	12/31/2011
6	CHAPEL POINTE AT CARLISLE	12/31/2012	12/31/2011	12/31/2010
6	CHURCH OF GOD HOME, INC	12/31/2012	12/31/2011	12/31/2010
6	CORNWALL MANOR	12/31/2012	12/31/2011	12/31/2010
6	COUNTRY MEADOWS NURSING CENTER-BETHLEHEM	12/31/2012	12/31/2011	12/31/2010
6	COUNTRYSIDE CHRISTIAN COMMUNITY	12/31/2012	12/31/2011	12/31/2010
6	COURTYARD GARDENS NURSING AND REHAB CTR	12/31/2012	12/31/2011	12/31/2010
6	CREEKSIDE HEALTH AND REHABILITATION CTR	6/30/2012	6/30/2011	6/30/2010
6	CUMBERLAND CROSSINGS RETIREMENT COMM	12/31/2012	12/31/2011	12/31/2010
6	DENVER HEALTH AND REHABILITATION CENTER	12/31/2011	12/31/2010	12/31/2009
6	DUNMORE HEALTH CARE CENTER	12/31/2012	12/31/2011	12/31/2010
6	ELMWOOD GARDENS	12/31/2012	12/31/2011	12/31/2010
6	FAIRMOUNT HOMES	6/30/2013	6/30/2012	6/30/2011
6	FOREST PARK HEALTH CENTER	12/31/2012	12/31/2011	12/31/2010
6	FORESTVIEW	12/31/2012	12/31/2011	12/31/2010
6	GARDEN SPOT VILLAGE	6/30/2013		
6	GOLDEN LIVINGCENTER-BLUE RIDGE MOUNTAIN	12/31/2012	12/31/2011	12/31/2010
6	GOLDEN LIVINGCENTER-CAMP HILL	12/31/2012	12/31/2011	12/31/2010
6	GOLDEN LIVINGCENTER-WALNUT CREEK	12/31/2012	12/31/2011	12/31/2010
6	GREEN RIDGE CARE CENTER	12/31/2012	12/31/2010	12/31/2009
6	GUARDIAN HEALTHCARE & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
6	HAMILTON ARMS CENTER	6/30/2013	6/30/2012	6/30/2010
6	HAMPTON HOUSE	6/30/2013	6/30/2012	6/30/2011
6	HOLY FAMILY RESIDENCE	12/31/2012	12/31/2011	12/31/2010
6	HOMELAND CENTER	6/30/2013	6/30/2012	6/30/2011
6	HOMESTEAD VILLAGE, INC	6/30/2013	6/30/2012	6/30/2011
6	KEPLER CENTER FOR NURSING AND REHAB	12/31/2012	12/31/2011	12/31/2010
6	KINGSTON HEALTH CARE CENTER	12/31/2012	12/31/2011	12/31/2010
6	KINKORA PYTHIAN HOME	6/30/2013	6/30/2012	6/30/2011
6	LAKESIDE HEALTH AND REHABILITATION CTR	12/31/2011	12/31/2010	12/31/2009
6	LANDIS HOMES	6/30/2013	6/30/2012	6/30/2011
6	LEBANON VALLEY BRETHREN HOME	12/31/2012	12/31/2011	12/31/2010
6	LEBANON VALLEY HOME THE	12/31/2012	12/31/2011	12/31/2010
6	LINWOOD NURSING AND REHABILITATION CTR	6/30/2013	6/30/2012	6/30/2011
6	LUTHER ACRES MANOR	12/31/2012	12/31/2011	12/31/2010
6	LUTHER CREST NURSING FACILITY	12/31/2012	12/31/2011	12/31/2010
6	MANCHESTER COMMONS	12/31/2012	12/31/2011	12/31/2010
6	MANORCARE HEALTH SVCS-ELIZABETHTOWN	12/31/2012	12/31/2011	12/31/2010
6	MAPLE FARM	6/30/2013	6/30/2012	6/30/2011
6	MERCY CENTER NURSING UNIT, INC	12/31/2012	12/31/2011	12/31/2010
6	MID VALLEY HEALTH CARE CENTER	12/31/2012	12/31/2011	12/31/2010
6	MILFORD SENIOR CARE AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
6	MILLCREEK MANOR	6/30/2013	6/30/2012	6/30/2011
6	MILLVILLE HEALTH AND REHABILITATION CTR	12/31/2011	12/31/2010	12/31/2009
6	MISERICORDIA NURSING & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
6	MORAVIAN HALL SQ. HLTH AND WELLNESS CTR	6/30/2013	6/30/2012	6/30/2011
6	MOSSER NURSING HOME	6/30/2013	6/30/2012	6/30/2011
6	MOUNT HOPE NAZARENE RETIREMENT COMMUNITY	6/30/2013	6/30/2012	6/30/2011

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	MOUNTAIN TOP SENIOR CARE AND REHAB CTR	12/31/2012	12/31/2011	6/30/2009
6	NEW EASTWOOD HEALTHCARE AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
6	NORMANDIE RIDGE	12/31/2012	12/31/2011	12/31/2010
6	PALMYRA HEALTH AND REHABILITATION CTR	12/31/2011	12/31/2010	12/31/2009
6	PRAXIS ALZHEIMER'S FACILITY	12/31/2011	12/31/2010	12/31/2009
6	ELIZABETHTOWN NURSING & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
6	SAINT MARY'S AT ASBURY RIDGE	12/31/2012	12/31/2011	12/31/2010
6	SAINT MARY'S VILLA NURSING HOME, INC	12/31/2012	12/31/2011	12/31/2010
6	SARAH A TODD MEMORIAL HOME	12/31/2012	12/31/2011	12/31/2010
6	SARAH REED SENIOR LIVING	6/30/2013	6/30/2012	6/30/2011
6	SCRANTON HEALTH CARE CENTER	12/31/2012	12/31/2011	12/31/2010
6	SMITH HEALTH CARE, LTD	6/30/2013	6/30/2012	6/30/2011
6	SPANG CREST MANOR	12/31/2012	12/31/2011	12/31/2010
6	SPIRITRUST LUTHERAN VLG AT SHREWSBURY	12/31/2012	12/31/2011	12/31/2010
6	SPIRITRUST LUTHERAN VLG AT SPRENKLE DRIVE	12/31/2012	12/31/2011	12/31/2010
6	SPIRITRUST LUTHERAN VLG AT UTZ TERRACE	12/31/2012	12/31/2011	12/31/2010
6	ST. LUKE'S VILLA	6/30/2013	6/30/2012	6/30/2011
6	STONEBRIDGE HEALTH AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
6	STONERIDGE POPLAR RUN	12/31/2012	12/31/2011	12/31/2010
6	SWAIM HEALTH CENTER	12/31/2012	12/31/2011	12/31/2010
6	THE MANOR AT ST LUKE VILLAGE	12/31/2012	12/31/2011	12/31/2010
6	THORNWALD HOME	12/31/2012	12/31/2011	12/31/2010
6	TWIN OAKS HEALTH AND REHAB CENTER	12/31/2011	12/31/2010	12/31/2009
6	UNITED ZION RETIREMENT COMMUNITY	12/31/2012	12/31/2011	12/31/2010
6	VILLAGE AT LUTHER SQUARE	12/31/2012	12/31/2011	12/31/2010
6	WESTMINSTER VILLAGE	12/31/2012	12/31/2011	12/31/2010
6	WESTON REHABILITATION AND NURSING CENTER	6/30/2012	6/30/2011	6/30/2010
6	WYOMISSING HEALTH AND REHABILITATION CTR	12/31/2012	12/31/2011	12/31/2010
6	ZERBE SISTERS NURSING CENTER, INC.	6/30/2013	6/30/2012	6/30/2011

<i>PG6 Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>
	\$146.44	\$46.72	\$25.72

<i>PG6 Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>
	\$171.33	\$52.33	\$26.75

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
8	ALTOONA CENTER FOR NURSING CARE	12/31/2012	12/31/2011	12/31/2010
8	ARBUTUS PARK MANOR	6/30/2013	6/30/2012	6/30/2011
8	CHURCH OF THE BRETHERN HOME	6/30/2013	6/30/2012	6/30/2011
8	GARVEY MANOR	12/31/2012	12/31/2011	12/31/2010
8	GOLDEN LIVINGCENTER-HILLVIEW	12/31/2012	12/31/2011	12/31/2010
8	HEARTHSIDE REHAB AND NURSING CENTER, THE	12/31/2012	12/31/2011	12/31/2010
8	HOMWOOD AT MARTINSBURG PA INC	12/31/2012	12/31/2011	12/31/2010
8	LAUREL WOOD CARE CENTER	12/31/2012	12/31/2011	12/31/2010
8	LOYALSOCK CREEK REHAB AND NURSING CTR	12/31/2012	12/31/2011	12/31/2010
8	MANORCARE HEALTH SVCS-JERSEY SHORE	12/31/2013	12/31/2012	12/31/2011
8	MANORCARE HEALTH SVCS-WILLIAMSPORT NORTH	12/31/2012	12/31/2011	12/31/2010
8	MEADOW VIEW NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
8	MORRISONS COVE HOME	12/31/2012	12/31/2011	12/31/2010
8	ORCHARD MANOR, INC	6/30/2013	6/30/2012	6/30/2011
8	ROSE VIEW CENTER	6/30/2013	6/30/2012	6/30/2010
8	SAINT PAUL HOMES	12/31/2012	12/31/2011	12/31/2010
8	SIEMONS' LAKEVIEW MANOR NSG AND REHAB	12/31/2012	6/30/2011	6/30/2010
8	VALLEY VIEW NURSING CENTER	12/31/2012	12/31/2011	12/31/2010
8	WHITE CLIFF HEALTH AND REHAB CENTER	12/31/2011	12/31/2010	12/31/2009
8	WILLIAMSPORT HOME, THE	12/31/2012	12/31/2011	12/31/2010
8	WINDY HILL VILLAGE OF PRESBYTERIAN HOMES	12/31/2012	12/31/2011	12/31/2010

<i>PG8 Final Median</i>		<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>
		\$126.36	\$45.43	\$22.21
<i>PG8 Final Price</i>		<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>
		\$147.84	\$50.88	\$23.10
<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
9	AVALON SPRINGS NURSING CENTER	12/31/2012	12/31/2011	12/31/2010
9	CLEPPER MANOR	12/31/2012	12/31/2011	12/31/2010
9	COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP	6/30/2013	6/30/2012	6/30/2011
9	EPWORTH MANOR	12/31/2012	12/31/2011	12/31/2010
9	GOLDEN LIVINGCENTER-HAIDA	12/31/2012	12/31/2011	12/31/2010
9	GOLDEN LIVINGCENTER-MEYERSDALE	12/31/2012	12/31/2011	12/31/2010
9	GOLDEN LIVINGCENTER-RICHLAND	12/31/2012	12/31/2011	12/31/2010
9	GROVE MANOR	6/30/2013	6/30/2012	6/30/2011
9	HOSPITALITY CARE CENTER OF HERMITAGE INC	12/31/2012	12/31/2011	12/31/2010
9	LAUREL VIEW VILLAGE	6/30/2013	6/30/2012	6/30/2011
9	LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/2012	12/31/2011	12/31/2010
9	LUTHERAN HOME AT JOHNSTOWN, THE	12/31/2012	12/31/2011	12/31/2010
9	MANORCARE HEALTH SVCS-WILLIAMSPORT SOUTH	12/31/2012	12/31/2011	12/31/2010
9	MAPLE WINDS CARE CENTER	12/31/2012	12/31/2011	12/31/2010
9	NUGENT CONVALESCENT HOME	12/31/2012	12/31/2011	12/31/2010
9	PRESBYTERIAN HOME OF GREATER JOHNSTOWN	12/31/2012	12/31/2011	12/31/2010
9	PRESBYTERIAN HOMES-PRESBYTERY-HUNTINGDON	12/31/2012	12/31/2011	12/31/2010
9	SAINT JOHN XXIII HOME	12/31/2013	12/31/2012	12/31/2011
9	THE PATRIOT, A CHOICE COMMUNITY	12/31/2012	12/31/2011	12/31/2010
9	TRINITY LIVING CENTER	6/30/2013	6/30/2012	6/30/2011
<i>PG9 Median</i>		<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>
		\$112.87	\$43.31	\$20.50
<i>PG9 Price</i>		<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>
		\$132.06	\$48.51	\$21.32
<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11	BROAD ACRES HEALTH AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
11	BROAD MOUNTAIN HEALTH AND REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
11	CHRIST THE KING MANOR	6/30/2013	6/30/2012	6/30/2011
11	CLARVIEW NURSING AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
11	DUBOIS NURSING HOME	6/30/2013	6/30/2012	6/30/2011
11	ELK HAVEN NURSING HOME	6/30/2013	6/30/2012	6/30/2011
11	ELLEN MEMORIAL HEALTH CARE CENTER	6/30/2013	6/30/2012	6/30/2011
11	FOREST CITY NURSING AND REHAB CENTER	12/31/2013	12/31/2012	12/31/2011
11	GOLDEN HILL NURSING AND REHAB	6/30/2013	6/30/2012	6/30/2011
11	GOLDEN LIVINGCENTER-SHIPPEVILLE	12/31/2012	12/31/2011	12/31/2010
11	GOLDEN LIVINGCENTER-STROUD	12/31/2012	12/31/2011	12/31/2010
11	GOLDEN LIVINGCENTER-WILLIAM PENN	12/31/2012	12/31/2011	12/31/2010
11	GRANDVIEW HEALTH HOMES, INC	6/30/2013	6/30/2012	6/30/2011
11	GREEN HOME, INC, THE	6/30/2013	6/30/2012	6/30/2011
11	HIGHLANDS CARE CENTER, THE	12/31/2012	12/31/2011	12/31/2010
11	HOMETOWN NURSING AND REHAB CENTER	12/31/2013	12/31/2012	12/31/2010
11	JEFFERSON MANOR HEALTH CENTER	6/30/2013	6/30/2012	6/30/2011
11	JULIA POUND CARE CENTER	12/31/2012	12/31/2011	12/31/2010
11	JULIA RIBAUDO EXTENDED CARE CENTER	12/31/2012	6/30/2010	6/30/2009
11	KITTANNING CARE CENTER	12/31/2012	12/31/2011	12/31/2010
11	MANORCARE HEALTH SVCS-CHAMBERSBURG	12/31/2013	12/31/2012	12/31/2011
11	MANORCARE HEALTH SVCS-POTTSVILLE	12/31/2013	12/31/2012	12/31/2011
11	MANORCARE HEALTH SVCS-SUNBURY	12/31/2013	12/31/2012	12/31/2011
11	MENNO-HAVEN, INC.	12/31/2012	12/31/2011	12/31/2010

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11	MILTON NURSING AND REHABILITATION CENTER	6/30/2011	6/30/2010	6/30/2009
11	MOUNT CARMEL NURSING AND REHAB CENTER	12/31/2013	12/31/2012	12/31/2010
11	MOUNTAIN LAUREL NRC	6/30/2013	6/30/2012	6/30/2011
11	NOTTINGHAM VILLAGE	12/31/2012	12/31/2011	12/31/2010
11	OHESON MANOR	12/31/2012	12/31/2011	12/31/2010
11	ORWIGSBURG CENTER	6/30/2013	6/30/2012	6/30/2010
11	PENNKNOLE VILLAGE	12/31/2012	12/31/2011	12/31/2010
11	QUINCY RETIREMENT COMMUNITY	12/31/2012	12/31/2011	12/31/2010
11	RIDGEVIEW HEALTHCARE & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
11	RIVERWOODS	12/31/2012	12/31/2011	12/31/2010
11	ROLLING FIELDS, INC	12/31/2012	12/31/2011	12/31/2010
11	ROLLING MEADOWS	6/30/2013	6/30/2012	6/30/2011
11	SCHUYLKILL CENTER	6/30/2013	6/30/2012	6/30/2010
11	SENA-KEAN MANOR	12/31/2012	12/31/2011	12/31/2010
11	SETON MANOR INC	6/30/2013	6/30/2012	6/30/2011
11	SHENANDOAH MANOR NURSING CENTER	12/31/2013	12/31/2012	12/31/2010
11	SUGAR CREEK STATION SKILLED NSG & REHAB	12/31/2012	12/31/2011	12/31/2010
11	SWEDEN VALLEY MANOR	12/31/2013	12/31/2012	12/31/2011
11	THE MANOR AT PENN VILLAGE	12/31/2012	12/31/2011	12/31/2010
11	TRANSITIONS HEALTHCARE GETTYSBURG	12/31/2012	12/31/2010	12/31/2009
11	TREMONT HEALTH AND REHABILITATION CENTER	6/30/2013	6/30/2012	6/30/2011
11	VALLEY VIEW HAVEN, INC	12/31/2012	12/31/2011	12/31/2010
11	WARREN MANOR	12/31/2013	12/31/2012	12/31/2011
11	WATSONTOWN NURSING AND REHAB CENTER	6/30/2011	6/30/2010	6/30/2009
11	WAYNE WOODLANDS MANOR	6/30/2013	6/30/2012	6/30/2011
11	WESBURY UNITED METHODIST COMMUNITY	12/31/2012	12/31/2011	12/31/2010
11	WOODLAND REHABILITATION AND NURSING CTR	12/31/2012	12/31/2011	12/31/2010
11	OAKWOOD HEIGHTS	12/31/2012	12/31/2011	12/31/2010

<i>PG11 Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>
	\$120.75	\$41.29	\$20.96

<i>PG11 Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>	<i>Administrative</i>
	\$141.28	\$46.24	\$21.80

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	PARK AVENUE REHAB AND NURSING CENTER	12/31/2012	12/31/2011	12/31/2010
12	AVALON NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
12	BEACON RIDGE, A CHOICE COMMUNITY	12/31/2012	12/31/2011	12/31/2010
12	BRADFORD ECUMENICAL HOME, INC	12/31/2012	12/31/2011	12/31/2010
12	BRADFORD MANOR	12/31/2013	12/31/2012	12/31/2011
12	BROOKLINE MANOR AND REHABILITATIVE SRVCS	12/31/2012	12/31/2011	12/31/2010
12	BROOKMONT HEALTHCARE CENTER LLC	12/31/2012	12/31/2011	12/31/2010
12	BUFFALO VALLEY LUTHERAN VILLAGE	12/31/2012	12/31/2011	12/31/2010
12	CARING PLACE, THE	6/30/2013	6/30/2012	6/30/2011
12	CARLETON HEALTHCARE & REHABILITATION CTR	12/31/2012	12/31/2011	12/31/2010
12	DARWAY ELDER CARE REHABILITATION CENTER	12/31/2012	12/31/2011	12/31/2010
12	DONAHOE MANOR	6/30/2013	6/30/2012	6/30/2011
12	DR ARTHUR CLIFTON MCKINLEY HEALTH CENTER	6/30/2013	6/30/2012	6/30/2011
12	EDISON MANOR NURSING AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
12	EMMANUEL CENTER FOR NURSING AND REHAB	12/31/2012	12/31/2011	12/31/2010
12	GREEN VALLEY SKILLED NSG & REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
12	GETTYSBURG CENTER	6/30/2013	6/30/2012	6/30/2010
12	GOLDEN LIVINGCENTER-CLARION	12/31/2012	12/31/2011	12/31/2010
12	GOLDEN LIVINGCENTER-GETTYSBURG	12/31/2012	12/31/2011	12/31/2010
12	GOLDEN LIVINGCENTER-KINZUA	12/31/2012	12/31/2011	12/31/2010
12	GOLDEN LIVINGCENTER-MANSION	12/31/2012	12/31/2011	12/31/2010
12	GOLDEN LIVINGCENTER-OIL CITY	12/31/2012	12/31/2011	12/31/2010
12	GOLDEN LIVINGCENTER-TITUSVILLE	12/31/2012	12/31/2011	12/31/2010
12	GOLDEN LIVINGCENTER-WAYNESBURG	12/31/2012	12/31/2011	12/31/2010

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	GOLDEN LIVINGCENTER-YORK TERRACE	12/31/2012	12/31/2011	12/31/2010
12	GUY AND MARY FELT MANOR, INC	6/30/2013	6/30/2012	6/30/2011
12	HAVEN CONVALESCENT HOME, INC	12/31/2012	12/31/2011	12/31/2010
12	HIGHLAND VIEW HEALTHCARE & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
12	HILLSDALE REHABILITATION AND NURSING CTR	12/31/2012	12/31/2011	12/31/2010
12	HUNTINGDON HILLS REHAB & NURSING CENTER	6/30/2013	6/30/2012	6/30/2011
12	JAMESON CARE CENTER	12/31/2012	12/31/2011	12/31/2010
12	LAKEVIEW SENIOR CARE AND LIVING CENTER	12/31/2012	12/31/2011	12/31/2010
12	LAUREL CARE NURSING AND REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
12	LOCUST GROVE RETIREMENT VILLAGE	12/31/2012	12/31/2011	12/31/2010
12	LUTHERAN HOME AT KANE, THE	12/31/2012	12/31/2011	12/31/2010
12	MALTA HOME	12/31/2012	12/31/2011	12/31/2010
12	MEADOW VIEW HEALTHCARE & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
12	MULBERRY SQUARE HEALTHCARE & REHAB CTR	12/31/2012	12/31/2011	12/31/2010
12	OVERLOOK HEALTH AND REHAB CENTER	12/31/2011	12/31/2010	12/31/2009
12	PAVILION AT BRMC	6/30/2013	6/30/2012	6/30/2011
12	PENN HALL AT MENNO HAVEN	12/31/2012	12/31/2011	12/31/2010
12	RICHFIELD SENIOR LIVING AND REHAB CENTE	12/31/2012	12/31/2011	12/31/2010
12	RIDGEVIEW HEALTHCARE & REHAB CENTER, LLC	12/31/2012	12/31/2010	12/31/2009
12	ROLLING HILLS HEALTHCARE & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
12	SAYRE HEALTH CARE CENTER, LLC	6/30/2013	6/30/2011	6/30/2010
12	SCENERY HILL HEALTHCARE & REHAB CENTER	12/31/2012	12/31/2011	12/31/2010
12	SHENANGO PRESBYTERIAN SENIORCARE	12/31/2012	12/31/2011	12/31/2010
12	SHOOK HOME, THE	12/31/2012	12/31/2011	12/31/2010
12	SILVER OAKS HEALTH AND REHAB CENTER	12/31/2011	12/31/2010	12/31/2009
12	SNYDER MEMORIAL HEALTH CARE CENTER	12/31/2012	12/31/2011	12/31/2010
12	SPIRITRUST LUTHERAN VLG AT GETTYSBURG	12/31/2012	12/31/2011	12/31/2010
12	SUGAR CREEK REST	6/30/2013	6/30/2012	6/30/2011
12	WESTMINSTER WOODS AT HUNTINGDON	12/31/2012	12/31/2011	12/31/2010
12	WHITESTONE CARE CENTER	12/31/2012		
<i>PG12 Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$116.08	\$39.77		\$21.05
<i>PG12 Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$135.81	\$44.54		\$21.89
<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
13	ARISTACARE AT MEADOW SPRINGS	6/30/2013	6/30/2012	6/30/2011
13	FOX SUBACUTE AT CLARA BURKE	12/31/2012	12/31/2011	12/31/2010
13	FOX SUBACUTE AT MECHANICSBURG	6/30/2013	6/30/2012	6/30/2011
13	FOX SUBACUTE CENTER	12/31/2012	12/31/2011	12/31/2010
13	GOOD SHEPHERD HOME RAKER CENTER	6/30/2013	6/30/2012	6/30/2011
13	GOOD SHEPHERD HOME-BETHLEHEM	6/30/2013	6/30/2012	6/30/2011
13	INGLIS HOUSE	6/30/2013	6/30/2012	6/30/2011
13	MARGARET E. MOUL HOME	6/30/2013	6/30/2012	6/30/2011
<i>PG13 Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$222.73	\$73.07		\$49.15
<i>PG13 Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$260.59	\$81.84		\$51.12

<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
13	GOOD SHEPHERD HOME RAKER CENTER	6/30/2013	6/30/2012	6/30/2011
13	GOOD SHEPHERD HOME-BETHLEHEM	6/30/2013	6/30/2012	6/30/2011
13	INGLIS HOUSE	6/30/2013	6/30/2012	6/30/2011
13	MARGARET E. MOUL HOME	6/30/2013	6/30/2012	6/30/2011
<i>PG13 Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$216.68	\$90.35		\$42.65
<i>PG13 Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$253.52	\$101.19		\$44.36
<i>Median Peer Group</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
14	BARNES-KASSON COUNTY HOSPITAL SNF	6/30/2013	6/30/2012	6/30/2011
14	BERWICK RETIREMENT VILLAGE NRSNG HOME I	6/30/2013	6/30/2012	6/30/2011
14	BUCKTAIL MEDICAL CENTER	6/30/2013	6/30/2012	6/30/2011
14	CHARLES COLE MEMORIAL HOSPITAL ECF	6/30/2013	6/30/2012	6/30/2011
14	FULTON COUNTY MEDICAL CENTER LTCU	6/30/2013	6/30/2012	6/30/2011
14	GUTHRIE TOWANDA MEMORIAL HOSPITAL SNU	6/30/2013	6/30/2012	6/30/2011
14	HAVEN SKILLED REHABILITATION AND NURSING	6/30/2013	6/30/2012	6/30/2011
14	PINECREST MANOR	6/30/2013	6/30/2012	6/30/2011
14	ST LUKE'S REHABILITATION AND NURSING CTR	6/30/2013	6/30/2012	6/30/2011
14	SUMMIT AT BLUE MOUNTAIN NURSING & REHAB	6/30/2013	6/30/2012	6/30/2011
14	SUNBURY COMMUNITY HEALTH & REHAB CENTER	6/30/2013	6/30/2012	6/30/2011
14	SUSQUEHANNA HLTH SKILLED NSG & REHAB CTR	6/30/2013	6/30/2012	6/30/2011
14	WILLOWCREST	6/30/2013	6/30/2012	6/30/2011
<i>PG14 Median</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$154.28	\$62.60		\$24.91
<i>PG14 Price</i>	<i>Resident Care 5.12</i>	<i>Other Resident Rltd</i>		<i>Administrative</i>
	\$180.51	\$70.11		\$25.91

[Pa.B. Doc. No. 16-1098. Filed for public inspection June 24, 2016, 9:00 a.m.]

Proposed Fee Schedule Rates and Department-Established Fees for Consolidated and Person/Family Directed Support Waivers Services, Targeted Service Management and the Community Intellectual Disability Base-Funded Program

The purpose of this notice is to announce the Department of Human Services (Department) proposed Fee Schedule Rates for Targeted Service Management and select services funded through the Consolidated and Person/Family Directed Support (P/FDS) waivers as well as the Department-established fees for residential ineligible services effective July 1, 2016. These proposed Fee Schedule Rates also serve as the Department-established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individuals with an intellectual disability under the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4104—4704), 55 Pa. Code Chapter 4300 (relating to county mental health and intellectual disability fiscal manual) and 55 Pa. Code Chapter 51 (relating to Office of Developmental Programs home and community-based services). The proposed Fee

Schedule Rates and Department-established fees effective July 1, 2016, are unchanged from the final rates established for Fiscal Year (FY) 2015-2016.

Fee Schedule Rates

The Fee Schedule Rates are identified under the following categories: Select Community-Based Services and Agency with Choice/Financial Management Services (AWC/FMS), including benefit allowance and excluding benefit allowance.

The Select Community-Based Services include behavior support, companion, home and community habilitation unlicensed, homemaker/chore, licensed day habilitation (adult training), prevocational services, therapy (physical, occupational, speech and language, individual behavior, group behavior and orientation, mobility and vision), nursing, older adult day, supplemental habilitation, additional individualized staffing, supported employment, supports broker, supports coordination, targeted service management, transitional work and all waiver-funded respite care services, excluding respite camp which is a vendor service.

AWC/FMS (including and excluding benefit allowance) include home and community habilitation unlicensed, companion services, unlicensed in-home and out-of-home respite, supported employment, supports broker and homemaker/chore services. There are two separate tables for AWC/FMS—one provides the Fee Schedule Rate including a benefit allowance and the other provides the Fee Schedule Rate excluding a benefit allowance. The benefit allowance is provided as an option for the Managing Employer to include benefits such as disability insurance, life insurance, retirement savings and paid time off to the support service worker.

The Office of Developmental Programs (ODP) will be using the proposed Fee Schedule Rates to support claims processing in the Provider Reimbursement and Operations Management Information System in electronic format (PROMISE™). A notice will be published announcing the Final Fee Schedule rates once a budget bill is passed and enacted for FY 2016-2017.

Enhanced Communication Services

The Enhanced Communication Services modifier, U1, is available for the following Consolidated Waiver fee schedule services: behavioral support; companion; supported employment; transitional work; prevocational services; home and community habilitation unlicensed; licensed day habilitation (adult training); therapy (physical, occupational, speech and language, individual behavior, group behavior and orientation, mobility and vision); nursing; older adult day; supplemental habilitation; additional individualized staffing; supports broker and all waiver-funded respite care services; excluding respite camp which is a vendor service.

Enhanced Communication Services can be provided to individuals who meet all of the following:

- Enrolled in the Consolidated Waiver.
- Deaf.

- Determined to need services that are provided by staff who are proficient in sign language.

Providers who wish to receive the Enhanced Communication Services Rate must be approved to do so by the Department. Requests for enhanced rates should be directed to the Deaf Services Coordinator at RA-ODPDeafServices@pa.gov.

Department-Established Fees

The Department-established fees represent a per-person, per-day net fee based on the size of the home (such as a one-individual home or two-individual home) and type of home (defined by licensed, unlicensed or family living home). The fee does not include consideration for payment by the participant, as it is the provider's responsibility to collect that portion of payment from the participant.

The ODP will be using the proposed Department-established fees to support claims processing in PROMISE™. A notice will be published announcing the final Department-established fees once a budget bill is passed and enacted for FY 2016-2017.

Geographic Areas

The geographic areas are as follows:

Area 1: Adams, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, York

Area 2: Allegheny, Berks, Bucks, Chester, Franklin, Fulton

Area 3: Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, Wyoming

Fee Schedule Rates and Department-Established Fees Tables: Effective July 1, 2016

Modifier ET must be used with applicable procedure codes when billing for temporary Base-funded services.

The Supports Coordination fee identified as follows and billed with procedure code W7210 is also applicable to base funded supports coordination.

Prior authorization must be obtained from the Department for services denoted by (PA) in the service row in the following table.

Fee Schedule Rates

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Nursing Services: LPN	T2025	TE	05	051	15 min.	\$11.36	\$10.76	\$10.05
		TE & ET						
		TE	16	161				
		TE & ET						
Nursing Services: RN	T2025	TD	05	051	15 min.	\$14.72	\$13.94	\$13.03
		TD & ET						
		TD	16	160				
		TD & ET						
Physical Therapy	T2025	GP	17	170	15 min.	\$21.61	\$20.46	\$19.12
		GP & ET						
Occupational Therapy	T2025	GO	17	171	15 min.	\$20.93	\$19.82	\$18.52
		GO & ET						

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Speech and Language Therapy	T2025	GN	17	173	15 min.	\$19.23	\$18.21	\$17.02
		GN & ET						
Individual Behavioral Therapy	T2025	HE	19	208	15 min.	\$25.29	\$23.95	\$22.38
		HE & ET						
Group Behavioral Therapy	T2025	HE & HQ	19	208	15 min.	\$8.09	\$7.66	\$7.16
		HE, HQ & ET						
Visual/Mobility Therapy	W7246		51	517	15 min.	\$19.23	\$18.21	\$17.02
		ET						
Companion, Basic staff support	W1724		51	363	15 min.	\$1.26	\$1.19	\$1.12
		ET						
Companion, level 1	W1725		51	363	15 min.	\$1.46	\$1.38	\$1.29
		ET						
Companion, level 2	W1726		51	363	15 min.	\$2.23	\$2.11	\$1.97
		ET						
Companion, level 3	W1727		51	363	15 min.	\$6.11	\$5.79	\$5.41
		ET						
Supplemental Habilitation, 1:1(PA)	W7070		52	456, 520, 521 or 522	15 min.	\$5.41	\$5.12	\$4.79
		ET						
Supplemental Habilitation, 2:1(PA)	W7084		52	456, 520, 521 or 522	15 min.	\$10.81	\$10.24	\$9.57
		ET						
Additional Individualized Staffing, 1:1(PA)	W7085		52	456, 520, 521 or 522	15 min.	\$5.41	\$5.12	\$4.79
Additional Individualized Staffing, 2:1(PA)	W7086		52	456, 520, 521 or 522	15 min.	\$10.81	\$10.24	\$9.57
Older Adult Day Habilitation	W7094		51	410	15 min.	\$2.57	\$2.43	\$2.27
		ET						
Behavioral Support	W7095		51	510	15 min.	\$19.42	\$18.39	\$17.19
		ET						
Supports Broker	W7096		51	510	15 min.	\$8.65	\$8.19	\$7.65
Licensed Day—Adult	W7072		51	514	15 min.	\$2.90	\$2.75	\$2.57
	W7073		51	514	15 min.	\$3.55	\$3.36	\$3.14
	W7074		51	514	15 min.	\$4.50	\$4.26	\$3.98
	W7075		51	514	15 min.	\$9.16	\$8.67	\$8.11
	W7076		51		15 min.	\$13.35	\$12.64	\$11.81
	W7035				15 min.	\$17.20	\$16.29	\$15.22
	W7036				15 min.	\$25.57	\$24.21	\$22.63
Prevocational	W7087				15 min.	\$2.06	\$1.95	\$1.82
	W7088				15 min.	\$2.43	\$2.30	\$2.15
	W7089				15 min.	\$3.26	\$3.09	\$2.88
	W7090				15 min.	\$9.06	\$8.58	\$8.02
	W7091				15 min.	\$12.59	\$11.92	\$11.14
	W7092				15 min.	\$17.75	\$16.81	\$15.71
	W7093				15 min.	\$24.82	\$23.50	\$21.96
Supports Coordination	W7210		21	218	15 min.	\$21.70	\$20.55	\$19.20
Targeted Services Management	T1017		21	218	15 min.	\$21.70	\$20.55	\$19.20

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Supported Employment	W7235		53	530 531	15 min.	\$17.75	\$16.81	\$15.71
Transitional Work	W7237		51	516	15 min.	\$2.65	\$2.51	\$2.35
	W7239		51	516	15 min.	\$3.55	\$3.36	\$3.14
	W7241		51	516	15 min.	\$4.65	\$4.40	\$4.12
	W7245		51	516	15 min.	\$11.63	\$11.01	\$10.29
Unlicensed Home and Community Habilitation	W7057		51	510	15 min.	\$2.54	\$2.41	\$2.25
	W7058		51	510	15 min.	\$3.52	\$3.33	\$3.12
	W7059		51	510	15 min.	\$4.47	\$4.23	\$3.96
	W7060		51	510	15 min.	\$7.21	\$6.83	\$6.38
	W7061		51	510	15 min.	\$11.09	\$10.50	\$9.81
		TD						
		TE						
	W7068		51	510	15 min.	\$13.96	\$13.22	\$12.35
	W7069		51	510	15 min.	\$23.97	\$22.70	\$21.21
		TD						
TE								
In Home Respite— 24 hours	W7247		51	512	Day	\$85.20	\$80.68	\$75.40
	W7248		51	512	Day	\$110.80	\$104.92	\$98.05
	W7250		51	512	Day	\$241.92	\$229.07	\$214.09
	W7251		51	512	Day	\$381.84	\$361.57	\$337.91
	W7252		51	512	Day	\$475.82	\$450.56	\$421.08
	W7253		51	512	Day	\$755.66	\$715.54	\$668.73
		TD						
TE								
In Home Respite— 15 minutes	W7255		51	512	15 min.	\$2.13	\$2.02	\$1.88
	W7256		51	512	15 min.	\$2.77	\$2.62	\$2.45
	W7258		51	512	15 min.	\$6.11	\$5.79	\$5.41
	W7264		51	512	15 min.	\$9.55	\$9.04	\$8.45
	W7265		51	512	15 min.	\$11.90	\$11.27	\$10.53
	W7266		51	512	15 min.	\$18.89	\$17.89	\$16.72
		TD						
TE								
Respite—unlicensed out of home—24 hour	W8000		51	513	Day	\$85.20	\$80.68	\$75.40
	W8001		51	513	Day	\$110.80	\$104.92	\$98.05
	W8002		51	513	Day	\$241.92	\$229.07	\$214.09
	W8003		51	513	Day	\$381.84	\$361.57	\$337.91
	W8004		51	513	Day	\$475.82	\$450.56	\$421.08
	W8005		51	513	Day	\$755.66	\$715.54	\$668.73
		TD						
TE								

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed out of home—15 minute	W8010		51	513	15 min.	\$2.13	\$2.02	\$1.88
	W8011		51	513	15 min.	\$2.77	\$2.62	\$2.45
	W8012		51	513	15 min.	\$6.11	\$5.79	\$5.41
	W8013		51	513	15 min.	\$9.55	\$9.04	\$8.45
		TD						
		TE						
	W8014		51	513	15 min.	\$11.90	\$11.27	\$10.53
	W8015		51	513	15 min.	\$18.89	\$17.89	\$16.72
		TD						
		TE						
Respite—licensed out of home—24 hour	W7259		51	513	Day	\$111.11	\$105.21	\$98.33
		U2						
	W7260		51	513	Day	\$203.96	\$193.13	\$180.50
		U2						
	W7262		51	513	Day	\$269.98	\$255.64	\$238.92
		U2						
	W7263		51	513	Day	\$416.51	\$394.39	\$368.59
		U2						
	W7299		51	513	Day	\$524.61	\$496.75	\$464.26
		U2						
	W7300		51	513	Day	\$817.68	\$774.26	\$723.61
		TD						
TE								
U2								
Respite—licensed out of home—15 minutes	W7267		51	513	15 min.	\$2.78	\$2.63	\$2.46
	W7268		51	513	15 min.	\$3.68	\$3.48	\$3.26
	W7270		51	513	15 min.	\$6.75	\$6.39	\$5.97
	W7400		51	513	15 min.	\$10.41	\$9.86	\$9.21
		TD						
		TE						
	W7401		51	513	15 min.	\$13.12	\$12.42	\$11.61
	W7402		51	513	15 min.	\$20.44	\$19.35	\$18.09
TD								
Homemaker/Chore (permanent)	W7283		43	430	1 hour	\$19.44	\$18.41	\$17.20
			51	430 or 431				
Homemaker/Chore (temporary)	W7283	UA	43	430	1 hour	\$19.44	\$18.41	\$17.20
		UA & ET						
		UA	51	430 or 431				
		UA & ET						

Enhanced Communication Services for Consolidated Waiver—Requires ODP Approval

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Nursing Services: LPN	T2025	TE & U1	5	51	15 min.	\$12.56	\$11.89	\$11.12
		TE & U1	16	161				
Nursing Services: RN	T2025	TD & U1	5	51	15 min.	\$16.33	\$15.46	\$14.45
		TD & U1	16	160				

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Physical Therapy	T2025	GP & U1	17	170	15 min.	\$23.82	\$22.56	\$21.08
Occupational Therapy	T2025	GO & U1	17	171	15 min.	\$23.06	\$21.84	\$20.41
Speech and Language Therapy	T2025	GN & U1	17	173	15 min.	\$21.15	\$20.03	\$18.72
Individual Behavioral Therapy	T2025	HE & U1	19	208	15 min.	\$27.96	\$26.48	\$24.74
Group Behavioral Therapy	T2025	HE & HQ & U1	19	208	15 min.	\$9.41	\$8.91	\$8.33
Visual/Mobility Therapy	W7246	U1	51	517	15 min.	\$21.15	\$20.03	\$18.72
Companion, Basic staff support	W1724	U1	51	363	15 min.	\$1.46	\$1.38	\$1.29
Companion, level 1	W1725	U1	51	363	15 min.	\$1.68	\$1.59	\$1.49
Companion, level 2	W1726	U1	51	363	15 min.	\$2.61	\$2.47	\$2.31
Companion, level 3	W1727	U1	51	363	15 min.	\$6.67	\$6.32	\$5.90
Supplemental Habilitation, 1:1(PA)	W7070	U1	52	456, 520, 521 or 522	15 min.	\$5.96	\$5.64	\$5.27
Supplemental Habilitation, 2:1(PA)	W7084	U1	52	456, 520, 521 or 522	15 min.	\$11.92	\$11.29	\$10.55
Additional Individualized Staffing, 1:1(PA)	W7085	U1	52	456, 520, 521 or 522	15 min.	\$5.96	\$5.64	\$5.27
Additional Individualized Staffing, 2:1(PA)	W7086	U1	52	456, 520, 521 or 522	15 min.	\$11.92	\$11.29	\$10.55
Older Adult Day Habilitation	W7094	U1	51	410	15 min.	\$2.81	\$2.66	\$2.49
Behavioral Support	W7095	U1	51	510	15 min.	\$21.36	\$20.23	\$18.90
Supports Broker	W7096	U1	51	510	15 min.	\$9.57	\$9.06	\$8.47
Licensed Day—Adult	W7072	U1	51	514	15 min.	\$3.18	\$3.01	\$2.81
	W7073	U1	51	514	15 min.	\$3.94	\$3.73	\$3.49
	W7074	U1	51	514	15 min.	\$5.08	\$4.81	\$4.50
	W7075	U1	51	514	15 min.	\$9.86	\$9.34	\$8.73
	W7076	U1	51	514	15 min.	\$14.56	\$13.79	\$12.88
		TD & U1						
		TE & U1						
	W7035	U1	51	514	15 min.	\$18.59	\$17.60	\$16.45
	W7036	U1	51	514	15 min.	\$28.00	\$26.51	\$24.78
		TD & U1						
		TE & U1						
Prevocational	W7087	U1	51	515	15 min.	\$2.27	\$2.15	\$2.01
	W7088	U1	51	515	15 min.	\$2.73	\$2.59	\$2.42
	W7089	U1	51	515	15 min.	\$3.76	\$3.56	\$3.33
	W7090	U1	51	515	15 min.	\$9.84	\$9.32	\$8.71
	W7091	U1	51	515	15 min.	\$13.81	\$13.08	\$12.22
		TD & U1						
		TE & U1						
	W7092	U1	51	515	15 min.	\$19.30	\$18.28	\$17.08
	W7093	U1	51	515	15 min.	\$27.25	\$25.80	\$24.12
		TD & U1						
		TE & U1						

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Supported Employment	W7235	U1	53	530 or 531	15 min.	\$19.31	\$18.28	\$17.09
Transitional Work	W7237	U1	51	516	15 min.	\$3.10	\$2.94	\$2.74
	W7239	U1	51	516	15 min.	\$4.17	\$3.95	\$3.69
	W7241	U1	51	516	15 min.	\$5.46	\$5.17	\$4.83
	W7245	U1	51	516	15 min.	\$12.67	\$12.00	\$11.21
Unlicensed Home and Community Habilitation	W7057	U1	51	510	15 min.	\$2.93	\$2.77	\$2.59
	W7058	U1	51	510	15 min.	\$4.08	\$3.86	\$3.61
	W7059	U1	51	510	15 min.	\$5.21	\$4.93	\$4.61
	W7060	U1	51	510	15 min.	\$7.86	\$7.44	\$6.96
	W7061	U1	51	510	15 min.	\$12.22	\$11.57	\$10.81
		TD & U1						
		TE & U1						
	W7068	U1	51	510	15 min.	\$15.25	\$14.44	\$13.50
	W7069	U1	51	510	15 min.	\$26.44	\$25.04	\$23.40
		TD & U1						
TE & U1								
In Home Respite— 24 hours	W7247	U1	51	512	Day	\$99.69	\$94.40	\$88.22
	W7248	U1	51	512	Day	\$130.23	\$123.32	\$115.25
	W7250	U1	51	512	Day	\$264.17	\$250.14	\$233.78
	W7251	U1	51	512	Day	\$421.55	\$399.17	\$373.05
		TD & U1						
		TE & U1						
	W7252	U1	51	512	Day	\$520.29	\$492.66	\$460.43
	W7253	U1	51	512	Day	\$835.06	\$790.72	\$738.99
		TD & U1						
		TE & U1						
In Home Respite— 15 minutes	W7255	U1	51	512	15 min.	\$2.50	\$2.37	\$2.21
	W7256	U1	51	512	15 min.	\$3.27	\$3.10	\$2.89
	W7258	U1	51	512	15 min.	\$6.67	\$6.32	\$5.90
	W7264	U1	51	512	15 min.	\$10.55	\$9.99	\$9.34
		TD & U1						
		TE & U1						
	W7265	U1	51	512	15 min.	\$13.02	\$12.33	\$11.52
	W7266	U1	51	512	15 min.	\$20.88	\$19.77	\$18.48
		TD & U1						
		TE & U1						
Respite—unlicensed out of home—24 hour	W8000	U1	51	513	Day	\$99.66	\$94.37	\$88.19
	W8001	U1	51	513	Day	\$130.20	\$123.29	\$115.22
	W8002	U1	51	513	Day	\$264.15	\$250.12	\$233.76
	W8003	U1	51	513	Day	\$421.56	\$399.18	\$373.06
		TD & U1						
		TE & U1						
	W8004	U1	51	513	Day	\$520.28	\$492.65	\$460.42
	W8005	U1	51	513	Day	\$835.09	\$790.75	\$739.02
		TD & U1						
		TE & U1						

NOTICES

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed out of home—15 minute	W8010	U1	51	513	15 min.	\$2.49	\$2.36	\$2.20
	W8011	U1	51	513	15 min.	\$3.26	\$3.09	\$2.88
	W8012	U1	51	513	15 min.	\$6.67	\$6.32	\$5.90
	W8013	U1	51	513	15 min.	\$10.54	\$9.98	\$9.33
		TD & U1						
		TE & U1						
	W8014	U1	51	513	15 min.	\$13.01	\$12.32	\$11.51
	W8015	U1	51	513	15 min.	\$20.88	\$19.77	\$18.48
		TD & U1						
		TE & U1						
Respite—licensed out of home—24 hour	W7259	U1	51	513	Day	\$128.51	\$121.69	\$113.73
		U2 & U1						
	W7260	U1	51	513	Day	\$238.74	\$226.06	\$211.27
		U2 & U1						
	W7262	U1	51	513	Day	\$294.29	\$278.66	\$260.43
		U2 & U1						
	W7263	U1	51	513	Day	\$459.13	\$434.75	\$406.31
		TD & U1						
		TE & U1						
		U2 & U1						
		TD & U2 & U1						
		TE & U2 & U1						
	W7299	U1	51	513	Day	\$573.22	\$542.78	\$507.27
		U2 & U1						
	W7300	U1	51	513	Day	\$902.92	\$854.98	\$799.04
		TD & U1						
		TE & U1						
		U2 & U1						
		TD & U2 & U1						
		TE & U2 & U1						
Respite—licensed out of home—15 minutes	W7267	U1	51	513	15 min.	\$3.22	\$3.05	\$2.85
	W7268	U1	51	513	15 min.	\$4.29	\$4.06	\$3.80
	W7270	U1	51	513	15 min.	\$7.36	\$6.97	\$6.51
	W7400	U1	51	513	15 min.	\$11.48	\$10.87	\$10.16
		TD & U1						
		TE & U1						
	W7401	U1	51	513	15 min.	\$14.33	\$13.57	\$12.68
	W7402	U1	51	513	15 min.	\$22.57	\$21.37	\$19.97
TD & U1								
TE & U1								

Department-Established Fees

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Licensed Community Homes—Ineligible	W6091				Day	\$72.71	\$67.93	\$62.35
	W6093					\$38.64	\$35.67	\$32.20
	W6095					\$27.32	\$24.95	\$22.18
	W6097					\$21.22	\$19.17	\$16.78
	W6099					\$16.78	\$14.97	\$12.86
Licensed Child Residential Services—Ineligible	W7011				Day	\$72.71	\$67.93	\$62.35
	W7013					\$38.64	\$35.67	\$32.20
	W7015					\$27.32	\$24.95	\$22.18
	W7017					\$21.22	\$19.17	\$16.78
	W7019					\$16.78	\$14.97	\$12.86
Licensed Community Residential Rehabilitation Services—Ineligible	W7021				Day	\$72.71	\$67.93	\$62.35
	W7023					\$38.64	\$35.67	\$32.20
	W7025					\$27.32	\$24.95	\$22.18
	W7027					\$21.22	\$19.17	\$16.78
	W7029					\$16.78	\$14.97	\$12.86
Unlicensed Residential Services—Ineligible	W7079				Day	\$15.28	\$13.56	\$11.56
	W7081					\$6.14	\$4.90	\$3.47
	W7083					\$5.46	\$4.26	\$2.87
Unlicensed Family Living Home—Ineligible	W7038				Day	\$2.70	\$1.65	\$0.43
	W7040					\$1.31	\$0.34	\$0.00
Licensed Adult Family Living Home—Ineligible	W7292				Day	\$2.70	\$1.65	\$0.43
	W7294					\$1.31	\$0.34	\$0.00
Licensed Child Family Living Home—Ineligible	W7296				Day	\$2.70	\$1.65	\$0.43
	W7298					\$1.31	\$0.34	\$0.00

Agency with Choice Financial Management Services, Including Benefit Allowance**

**No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727		54	540	15 min.	\$3.76	\$3.56	\$3.33
Supported Employment	W7235		54	540	15 min.	\$6.96	\$6.59	\$6.16
Unlicensed Habilitation, level 3	W7060		54	540	15 min.	\$5.66	\$5.36	\$5.01
Unlicensed Habilitation, level 3, enhanced	W7061		54	540	15 min.	\$8.82	\$8.35	\$7.81
		TD						
		TE						
Unlicensed Habilitation, level 4	W7068		54	540	15 min.	\$11.34	\$10.74	\$10.04
Unlicensed Habilitation, level 4, enhanced	W7069		54	540	15 min.	\$17.64	\$16.70	\$15.61
		TD						
		TE						
Supports Broker	W7096		54	540	15 min.	\$6.41	\$6.07	\$5.67
Respite—unlicensed, in home, level 2	W7250		54	540	1 day	\$268.61	\$254.35	\$237.71
	W7258		54	540	15 min.	\$4.16	\$3.94	\$3.68

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed, in home, level 2, enhanced	W7251		54	540	1 day	\$513.63	\$486.36	\$454.54
		TD						
		TE						
	W7264		54	540	15 min.	\$7.95	\$7.53	\$7.04
		TD						
		TE						
Respite—unlicensed, in home, level 3	W7252		54	540	1 day	\$537.21	\$508.69	\$475.41
	W7265		54	540	15 min.	\$8.34	\$7.90	\$7.38
Respite—unlicensed, in home, level 3, enhanced	W7253		54	540	1 day	\$1,027.25	\$972.71	\$909.07
		TD						
		TE						
	W7266		54	540	15 min.	\$15.92	\$15.07	\$14.09
		TD						
		TE						
Homemaker/Chore	W7283		54	540	1 hour	\$16.18	\$15.32	\$14.32
		UA						
Respite—unlicensed, out of home, level 2	W8002		54	540	1 day	\$268.61	\$254.35	\$237.71
	W8012		54	540	15 min.	\$4.16	\$3.94	\$3.68
Respite—unlicensed, out of home, level 2, enhanced	W8003		54	540	1 day	\$513.63	\$486.36	\$454.54
		TD						
		TE						
	W8013		54	540	15 min.	\$7.95	\$7.53	\$7.04
		TD						
		TE						
Respite—unlicensed, out of home, level 3	W8004		54	540	1 day	\$537.21	\$508.69	\$475.41
	W8014		54	540	15 min.	\$8.34	\$7.90	\$7.38
Respite—unlicensed, out of home, level 3, enhanced	W8005		54	540	1 day	\$1,027.25	\$972.71	\$909.07
		TD						
		TE						
	W8015		54	540	15 min.	\$15.92	\$15.07	\$14.09
		TD						
		TE						

Enhanced Communication Agency with Choice Financial Management Services, Including Benefit Allowance, Consolidated Waiver Only—Requires ODP Approval**

**No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U1	54	540	15 min.	\$4.13	\$3.91	\$3.66
Supported Employment	W7235	U1	54	540	15 min.	\$7.67	\$7.27	\$6.79
Unlicensed Habilitation, level 3	W7060	U1	54	540	15 min.	\$6.26	\$5.93	\$5.54
Unlicensed Habilitation, level 3, enhanced	W7061	U1	54	540	15 min.	\$9.82	\$9.29	\$8.70
		TD & U1						
		TE & U1						
Unlicensed Habilitation, level 4	W7068	U1	54	540	15 min.	\$12.56	\$11.89	\$11.12

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Unlicensed Habilitation, level 4, enhanced	W7069	U1	54	540	15 min.	\$19.65	\$18.61	\$17.39
		TD & U1						
		TE & U1						
Supports Broker	W7096	U1	54	540	15 min.	\$7.12	\$6.75	\$6.30
Respite—unlicensed, in home, level 2	W7250	U1	54	540	1 day	\$295.74	\$280.04	\$261.72
	W7258	U1	54	540	15 min.	\$4.58	\$4.34	\$4.05
Respite—unlicensed, in home, level 2, enhanced	W7251	U1	54	540	1 day	\$571.16	\$540.83	\$505.45
		TD & U1						
		TE & U1						
	W7264	U1	54	540	15 min.	\$8.84	\$8.38	\$7.83
		TD & U1						
		TE & U1						
Respite—unlicensed, in home, level 3	W7252	U1	54	540	1 day	\$591.47	\$560.06	\$523.42
	W7265	U1	54	540	15 min.	\$9.19	\$8.70	\$8.13
Respite—unlicensed, in home, level 3, enhanced	W7253	U1	54	540	1 day	\$1,142.31	\$1,081.66	\$1,010.90
		TD & U1						
		TE & U1						
	W7266	U1	54	540	15 min.	\$17.71	\$16.76	\$15.67
		TD & U1						
		TE & U1						
Respite—unlicensed, out of home, level 2	W8002	U1	54	540	1 day	\$295.74	\$280.04	\$261.72
	W8012	U1	54	540	15 min.	\$4.58	\$4.34	\$4.05
Respite—unlicensed, out of home, level 2, enhanced	W8003	U1	54	540	1 day	\$571.16	\$540.83	\$505.45
		TD & U1						
		TE & U1						
	W8013	U1	54	540	15 min.	\$8.84	\$8.38	\$7.83
TD & U1								
Respite—unlicensed, out of home, level 3	W8004	U1	54	540	1 day	\$591.47	\$560.06	\$523.42
	W8014	U1	54	540	15 min.	\$9.19	\$8.70	\$8.13
Respite—unlicensed, out of home, level 3, enhanced	W8005	U1	54	540	1 day	\$1,142.31	\$1,081.66	\$1,010.90
		TD & U1						
		TE & U1						
	W8015	U1	54	540	15 min.	\$17.71	\$16.76	\$15.67
		TD & U1						
		TE & U1						

Agency with Choice Financial Management Services, Excluding Benefit Allowance **

**Modifier U4 must be used with all procedure codes when billing for services excluding benefit allowance.

<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U4	54	540	15 min.	\$3.14	\$2.97	\$2.78
Supported Employment	W7235	U4	54	540	15 min.	\$6.34	\$6.00	\$5.61
Unlicensed Habilitation, level 3	W7060	U4	54	540	15 min.	\$5.04	\$4.77	\$4.46
Unlicensed Habilitation, level 3, enhanced	W7061	U4	54	540	15 min.	\$8.20	\$7.76	\$7.26
		TD & U4						
		TE & U4						
Unlicensed Habilitation, level 4	W7068	U4	54	540	15 min.	\$10.10	\$9.56	\$8.94

<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Unlicensed Habilitation, level 4, enhanced	W7069	U4	54	540	15 min.	\$16.40	\$15.53	\$14.51
		TD & U4						
		TE & U4						
Supports Broker	W7096	U4	54	540	15 min.	\$5.79	\$5.48	\$5.12
Respite—unlicensed, in home, level 2	W7250	U4	54	540	1 day	\$228.95	\$216.79	\$202.61
	W7258	U4	54	540	15 min.	\$3.54	\$3.35	\$3.13
Respite—unlicensed, in home, level 2, enhanced	W7251	U4	54	540	1 day	\$473.97	\$448.80	\$419.44
		TD & U4						
		TE & U4						
	W7264	U4	54	540	15 min.	\$7.33	\$6.94	\$6.49
		TD & U4						
		TE & U4						
Respite—unlicensed in home, level 3	W7252	U4	54	540	1 day	\$457.89	\$433.58	\$405.21
	W7265	U4	54	540	15 min.	\$7.10	\$6.72	\$6.28
Respite—unlicensed, in home, level 3, enhanced	W7253	U4	54	540	1 day	\$947.93	\$897.60	\$838.88
		TD & U4						
		TE & U4						
	W7266	U4	54	540	15 min.	\$14.68	\$13.90	\$12.99
		TD & U4						
		TE & U4						
Homemaker/Chore	W7283	U4	54	540	1 hour	\$13.70	\$12.97	\$12.12
		UA & U4						
Respite—unlicensed, out of home, level 2	W8002	U4	54	540	1 day	\$228.95	\$216.79	\$202.61
	W8012	U4	54	540	15 min.	\$3.54	\$3.35	\$3.13
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4	54	540	1 day	\$473.97	\$448.80	\$419.44
		TD & U4						
		TE & U4						
	W8013	U4	54	540	15 min.	\$7.33	\$6.94	\$6.49
		TD & U4						
		TE & U4						
Respite—unlicensed, out of home, level 3	W8004	U4	54	540	1 day	\$457.89	\$433.58	\$405.21
	W8014	U4	54	540	15 min.	\$7.10	\$6.72	\$6.28
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4	54	540	1 day	\$947.93	\$897.60	\$838.88
		TD & U4						
		TE & U4						
	W8015	U4	54	540	15 min.	\$14.68	\$13.90	\$12.99

Enhanced Communication Agency with Choice Financial Management Services, Excluding Benefit Allowance, Consolidated Waiver Only—Requires ODP Approval**

**Modifier U4 must be used with all procedures codes when billing for services excluding benefit allowance.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U4 & U1	54	540	15 min.	\$3.50	\$3.32	\$3.10
Supported Employment	W7235	U4 & U1	54	540	15 min.	\$7.04	\$6.66	\$6.23
Unlicensed Habilitation, level 3	W7060	U4 & U1	54	540	15 min.	\$5.65	\$5.35	\$5.00

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Unlicensed Habilitation, level 3, enhanced	W7061	U4 & U1	54	540	15 min.	\$9.20	\$8.70	\$8.14
		TD & U4 & U1						
		TE & U4 & U1						
Unlicensed Habilitation, level 4	W7068	U4 & U1	54	540	15 min.	\$11.31	\$10.70	\$10.01
Unlicensed Habilitation, level 4, enhanced	W7069	U4 & U1	54	540	15 min.	\$18.40	\$17.42	\$16.28
		TD & U4 & U1						
Supports Broker	W7096	U4 & U1	54	540	15 min.	\$6.49	\$6.15	\$5.74
Respite—unlicensed, in home, level 2	W7250	U4 & U1	54	540	1 day	\$256.05	\$242.45	\$226.59
	W7258	U4 & U1	54	540	15 min.	\$3.96	\$3.75	\$3.51
Respite—unlicensed, in home, level 2, enhanced	W7251	U4 & U1	54	540	1 day	\$531.47	\$503.24	\$470.32
		TD & U4 & U1						
		TE & U4 & U1						
	W7264	U4 & U1	54	540	15 min.	\$8.22	\$7.79	\$7.28
		TD & U4 & U1						
		TE & U4 & U1						
Respite—unlicensed in home, level 3	W7252	U4 & U1	54	540	1 day	\$512.09	\$484.90	\$453.17
	W7265	U4 & U1	54	540	15 min.	\$7.94	\$7.52	\$7.02
Respite—unlicensed, in home, level 3, enhanced	W7253	U4 & U1	54	540	1 day	\$1,062.91	\$1,006.47	\$940.63
		TD & U4 & U1						
		TE & U4 & U1						
	W7266	U4 & U1	54	540	15 min.	\$16.46	\$15.59	\$14.57
		TE & U4 & U1						
Respite—unlicensed, out of home, level 2	W8002	U4 & U1	54	540	1 day	\$256.05	\$242.45	\$226.59
	W8012	U4 & U1	54	540	15 min.	\$3.96	\$3.75	\$3.51
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4 & U1	54	540	1 day	\$531.47	\$503.24	\$470.32
		TD & U4 & U1						
		TE & U4 & U1						
	W8013	U4 & U1	54	540	15 min.	\$8.22	\$7.79	\$7.28
		TD & U4 & U1						
		TE & U4 & U1						

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed, out of home, level 3	W8004	U4 & U1	54	540	1 day	\$512.09	\$484.90	\$453.17
	W8014	U4 & U1	54	540	15 min.	\$7.94	\$7.52	\$7.02
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4 & U1	54	540	1 day	\$1,062.91	\$1,006.47	\$940.63
		TD & U4 & U1						
		TE & U4 & U1						
	W8015	U4 & U1	54	540	15 min.	\$16.46	\$15.59	\$14.57
		TD & U4 & U1						
		TE & U4 & U1						

Fiscal Impact

There is no additional cost to the Commonwealth anticipated in FY 2016-2017 and subsequent years as a result of this notice.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional ODP in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P.O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments can also be sent to ra-ratesetting@pa.gov or ra-ratesetting@state.pa.us. Use subject header "PN Fee Schedule."

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the following toll free numbers:

- (800) 654-5984 (TDD users)
- (800) 654-5988 (voice users)
- (844) 308-9292 (Speech-to-Speech)
- (844) 308-9291 (Spanish)

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1047. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-1099. Filed for public inspection June 24, 2016, 9:00 a.m.]

Rate-Setting Methodology for Consolidated and Person/Family Directed Support Waiver-Funded and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System

The purpose of this notice is to announce the methodology used in the Prospective Payment System to develop rates, effective July 1, 2016, for residential habilitation eligible and transportation trip services, funded through the Consolidated and Person/Family Directed Support waivers and for the same service that is provided with base funding in a waiver-funded service location.

Rate-Setting Methodology for Residential Habilitation Eligible Services

Two methodologies were used to develop rates for residential habilitation eligible proposed payment rates. One applies to providers that chose to sign the addendum to the waiver provider agreement (addendum). The other applies to providers that chose not to sign the addendum.

The following methodology applies to the residential habilitation eligible proposed payment rates for providers that chose to sign the addendum. The Fiscal Year (FY) 2016-2017 proposed rates for the residential habilitation eligible services were developed from expenses reported in the approved Year 8 cost reports (based on the FY

2014-2015 Historical Expense Period) and authorizations included in the Home and Community Services Information Systems (HCSIS) as of December 31, 2015.

The following methodology applies to the residential habilitation eligible proposed payment rates for providers that chose not to sign the addendum. The FY 2016-2017 proposed rates for the residential habilitation eligible services were developed from expenses and utilization data reported in approved Year 8 cost reports (FY 2014-2015 Historical Expense Period), submitted by providers and approved in the desk review process, when the procedure codes and service locations in the cost reports were the same as those entered in the HCSIS Services and Supports Directory (SSD) as of December 31, 2015.

The FY 2016-2017 residential habilitation eligible proposed rates will be effective for services delivered on or after July 1, 2016, are subject to the adjustments described as follows, and are assigned at the Master Provider Index (MPI)—Service Location Code—Procedure Code/Modifier level based on the methodology outlined as follows.

Residential Outlier Review Process

For providers that chose to sign the addendum, the “total unit cost” for a provider and service is defined as the total expenses reported in the approved cost report for that provider and service divided by the total authorized units for that provider and service, including any applicable utilization adjustments. The total expenses are equal to Schedule A, Line 18 of the cost report. The total authorized units are equal to Schedule A, Line 19 (HCSIS Units Authorized) of the cost report, including any applicable utilization adjustments based on a review of the available HCSIS and Provider Reimbursement and Operations Management Information System (PROMISE) data, where available.

For providers that chose not to sign the addendum, the “total unit cost” for a provider and service is defined as the total expenses reported in the approved cost report for that provider and service divided by the total available units reported in the approved cost report for that provider and service, including any applicable utilization adjustments. The total expenses are equal to Schedule A, Line 18. The total available units are equal to Schedule A, Line 21 (Units Available) of the cost report, including any applicable utilization adjustments based on a review of the cost report data compared to available HCSIS and PROMISE data, where available.

For all providers, the Department of Human Services (Department) identified and adjusted for outliers at the total unit cost level for each of the providers’ residential habilitation eligible services submitted in the Year 8 approved cost reports, as applicable. For all residential habilitation eligible services with 20 or more unique unit costs (unit costs by provider and service from separate, approved Year 8 cost reports), the Department applied the following process for each service:

- The average and standard deviation (SD) values were calculated, excluding extreme outliers, based on the total unit costs for all providers from the Year 8 cost report data.
- Total unit costs that were greater than the average plus one SD or that were less than the average minus two SD were flagged as outliers.
- Total unit costs that were flagged as outliers underwent a review, as described as follows.

Total Unit Cost Review

For all providers, the Department performed a standardized review of all total unit cost outliers to ensure consistency across this Commonwealth. The review consisted of an evaluation of the Individual Support Plans (ISP) for waiver participants receiving services at the service locations impacted by the outlier unit cost. The review allowed the Department to determine whether the outlier unit cost was justified (such as an individual with complex needs) and the following was applied:

- Total unit cost outliers that were supported by the ISP reviews were not adjusted.
- Total unit cost outliers that were greater than the average unit cost plus one SD and were not supported by the ISP reviews were adjusted to the maximum unit cost from an approved Year 8 cost report below the average plus one SD for that service.
- Total unit cost outliers that were less than the average minus two SD and that were not supported by the ISP reviews were adjusted to the minimum unit cost from an approved Year 8 cost report above the average minus two SD for that service.

For all residential habilitation eligible services with fewer than 20 unique unit costs, the Department did not perform the standardized outlier review on the total unit costs since there were not enough data points available to produce statistically valid ranges. However, the Department did perform a review of the unit costs for these services in an effort to standardize payment rates across services. The review consisted of a comparison of the following:

- Other unit costs for that service, as applicable.
- The average unit cost and range of unit costs for similar services with 20 or more unit costs.
- The FY 2015-2016 Statewide average unit cost for that service based on FY 2015-2016 approved cost report data and any utilization adjustment made.

If a unit cost appeared unreasonably high or low based on this review, the Department reviewed the ISP for the individual receiving services at the service location impacted by the high/low unit cost to determine if the unit cost was justified. Based on these reviews, no adjustments were made.

Retention Factor

The retention factor solely applies to providers that chose to sign the addendum. The retention factor is a percentage addition to the provider’s calculated FY 2016-2017 residential habilitation eligible rates. The retention factor can be up to a maximum of 2% of the difference between FY 2016-2017 unit cost and FY 2015-2016 unit costs, if the total unit cost for a service decreased from the provider’s FY 2015-2016 unit cost. The application of the retention factor cannot cause the provider’s FY 2016-2017 rate to exceed the provider’s prior year’s PROMISE paid rate.

Vacancy Factor

An adjusted vacancy factor was incorporated into the FY 2016-2017 proposed rates to recognize that providers may not deliver services at full capacity. The vacancy factor adjusts the full capacity rate to account for days when the residential provider cannot bill due to a participant not receiving services. The provider cannot bill for days where a participant is not receiving services, but rather is paid a higher rate for days when the participant is receiving services.

The following vacancy factor applies to providers that chose to sign the addendum. After the unit costs for each residential habilitation eligible service were adjusted through the outlier review process a vacancy factor of 96% was applied to provider's payment rates to reflect payment to providers for an average number of vacant days. For example, a unit cost of \$100 (after the outlier review) would be adjusted to a unit cost of \$104.17 ($\$100/0.96$) after the vacancy factor was applied.

The following vacancy factor applies to providers that chose not to sign the addendum. After the unit costs for each residential habilitation eligible service were adjusted through the outlier review process, a vacancy factor of 97% was applied to reflect payment to providers for an average number of vacant days. For example, a unit cost of \$100 (after the outlier review) would be adjusted to a unit cost of \$103.09 ($\$100/0.97$) after the vacancy factor was applied. The 97% vacancy factor was based on an analysis of historical PROMISE utilization data.

Enhanced Communication Services

The Enhanced Communication Services modifier, U1, is available for residential habilitation eligible services. Enhanced Communication Services can be provided to individuals who meet all of the following:

- Enrolled in the Consolidated Waiver.
- Deaf.
- Determined to need services that are provided by staff who are proficient in sign language.

Providers who wish to receive the Enhanced Communication Services Rate must be approved to do so by the Department. Requests for enhanced rates should be directed to the Deaf Services Coordinator at RA-ODPDeafServices@pa.gov.

Transportation Trip Services

The FY 2016-2017 proposed rates for transportation trip services were developed from expenses and utilization data reported in approved Year 8 transportation cost reports that are based on the FY 2014-2015 historical expense period, when the procedure codes submitted by providers are the same as those entered in the SSD as of March 31, 2015. The FY 2016-2017 transportation trip proposed rates will be effective for services delivered July 1, 2016, through June 30, 2017, are subject to the adjustments described as follows, and are assigned at the MPI—Service Location Code—Procedure Code/Modifier level based on the methodology outlined as follows.

Transportation Trip Outlier Review Process

The "total unit cost" for a provider and transportation trip service is defined as total expenses reported in the approved transportation cost report for that provider and service divided by the total utilization reported in the approved transportation cost report for that provider and service. The total expenses are equal to Schedule A, Line 12 (total net expenses). The total utilization is equal to Schedule A, Line 13. These proposed rates reflect consideration for trips with and without aides (as reported by the provider), which means each provider will be paid one payment rate for each trip service (that is, there will not be separate rates for trips with an aide versus without an aide).

The Department reviewed the development of each transportation trip unit cost submitted in approved transportation cost reports for accuracy, reasonableness and to ensure compliance with the Department's allowable cost policies. To support the Department's efforts to continue

to standardize rates for similar services, the Department performed a more detailed review of unit costs that were at the upper or lower end of the range of unit costs for each transportation trip service.

Cost of Living Adjustment (COLA)

After the unit costs for each residential habilitation eligible and transportation trip service were adjusted as previously described, a total COLA of 0.00% was applied to establish each provider's proposed rates for FY 2016-2017 (prior to application of the rate adjustment factor).

Rate Adjustment Factor (RAF)

The Department did not apply a RAF to the residential eligible proposed rates.

Rate Assignment Process

For the FY 2016-2017 residential eligible and transportation trip services, the Department assigned proposed payment rates to providers with approved Year 8 cost reports and Year 8 transportation cost reports using the following methodology:

- The provider's cost-based payment rate for existing services and service locations submitted in the cost reports, based on the methodology previously described.
- The average of the provider's cost-based payment rates for an existing service at a new service location if the provider submitted cost report data for that service at other service locations.
- The area adjusted average payment rate calculated based on all approved cost reports for a new service for which the provider did not deliver at any service location in FY 2014-2015.

The Department assigned payment rates to existing providers who do not have approved Year 8 cost reports based on the following methodology:

- The lowest payment rates calculated based on all approved cost reports for providers using the methodology previously described for an existing service which the provider delivered at any service location in FY 2014-2015.
- The area adjusted average payment rate calculated based on all approved cost reports for providers using the methodology previously described for a new service which the provider did not deliver at any service location in FY 2014-2015.

The Department assigned to new providers who did not provide any services in FY 2014-2015 the area adjusted average payment rate calculated based on all approved cost reports for providers using the methodology previously described.

All proposed payment rates for all waiver-funded services are contingent on the final budget enacted by the General Assembly. The proposed payment rates should be used to process claims submitted to PROMISE in electronic format for services provided until a notice announcing final rates is published.

Fiscal Impact

It is anticipated that there will be an approximate cost to the Commonwealth of \$69.563 million (\$33.939 million in State funds) in Fiscal Year 2016-2017.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County

Program, Administrative Entity (AE) or regional Office of Developmental Programs (ODP) in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P.O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments can also be sent to ra-ratesetting@pa.gov, use subject header "PN PPS Methodology."

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the following toll free numbers:

- (800) 654-5984 (TDD users)
- (800) 654-5988 (voice users)
- (844) 308-9292 (Speech-to-Speech)
- (844) 308-9291 (Spanish)

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1048. (1) General Fund;

Range of Fees and Average Fee Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to compensation policy), the Department of Labor and Industry (Department), Bureau of Workers' Compensation, gives notice of the range of fees charged by Utilization Review Organizations (URO) and Peer Review Organizations (PRO) for services performed under the Workers' Compensation Act (77 P.S. §§ 1—1041.4 and 2501—2625) during 2015. The Department further provides notice of the range of fees charged by each URO and PRO during 2015.

**2015 Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations
2015 Minimum and Maximum Fee**

<i>URO/PRO</i>	<i>Minimum Fee</i>	<i>Maximum Fee</i>
Alico Services LTD	\$216.49	\$3,122.32
American Review Systems, Inc.	\$160.00	\$3,702.62
CAB Medical Consultants	\$350.00	\$5,125.00
Caduceus Lex Medical Auditing	\$229.46	\$4,714.44
CEC, Inc.	\$420.10	\$4,850.65
Chiro Med Review Co.	\$206.07	\$3,455.82
Denovo Management	\$57.00	\$3,116.00
DLB Services	\$78.24	\$3,272.55
Hajduk & Assoc. URO/PRO Ser.	\$217.29	\$3,974.16
Industrial Rehabilitation Assoc.	\$375.00	\$3,625.00
KVS Consulting Services	\$295.96	\$5,271.33

(7) Intellectual Disabilities—Community Waiver Program; (2) Implementing Year 2016-17 is \$33,099,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$17,398,000; (4) 2015-16 Program—\$1,202,000,000; 2014-15 Program—\$1,074,000,000; 2013-14 Program—\$1,026,000,000;

(7) Intellectual Disabilities—Community Based Program; (2) Implementing Year 2016-17 is \$840,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$840,000; (4) 2015-16 Program—\$148,229,000; 2014-15 Program—\$149,681,000; 2013-14 Program—\$150,918,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1100. Filed for public inspection June 24, 2016, 9:00 a.m.]

**DEPARTMENT OF
LABOR AND INDUSTRY**

**Determination of the Average Wholesale Price of
Prescription Drugs by the Department**

Under 34 Pa. Code § 127.131(b) (relating to payments for prescription drugs and pharmaceuticals—generally) the Department of Labor and Industry, Bureau of Workers' Compensation, gives notice that it utilizes the *Red Book*, published by Truven Health Analytics, to determine the average wholesale price of prescription drugs.

KATHY M. MANDERINO,
Secretary

[Pa.B. Doc. No. 16-1101. Filed for public inspection June 24, 2016, 9:00 a.m.]

<i>URO/PRO</i>	<i>Minimum Fee</i>	<i>Maximum Fee</i>
Laurel Reviews	\$230.21	\$4,888.46
Margroff Review Services	\$261.19	\$4,874.07
McBride & McBride Associates	\$526.80	\$3,133.42
Quality Assurance Reviews, Inc.	\$595.00	\$10,539.92
Rachels Reviews	\$150.75	\$5,046.00
T & G Reviews	\$400.00	\$5,261.22
Uniontown MRPC	\$125.14	\$3,853.57
Watson Review Services	\$164.98	\$4,985.24
West Penn IME, Inc.	\$410.75	\$5,597.68
Total Averages (2015)	\$273.52	\$4,620.47

34 Pa. Code § 127.667(b): The Bureau will publish in the *Pennsylvania Bulletin*, on an annual basis, the range of fees charged by each URO and PRO for services performed under the act and this chapter during the preceding year.

KATHY M. MANDERINO,
Secretary

[Pa.B. Doc. No. 16-1102. Filed for public inspection June 24, 2016, 9:00 a.m.]

DEPARTMENT OF REVENUE

Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P.S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act (10 P.S. § 376(a)(1) and (2)) for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.
- (7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.
- (8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.
- (9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.
- (10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.
- (11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.
- (12) Effective July 1, 2010—Program Service Revenues—\$11,268,251.

(13) Effective July 1, 2011—Program Service Revenues—\$11,380,934.

(14) Effective July 1, 2012—Program Service Revenues—\$11,494,743.

(15) Effective July 1, 2013—Program Service Revenues—\$11,609,690.

(16) Effective July 1, 2014—Program Service Revenues—\$11,725,787.

(17) Effective July 1, 2015—Program Service Revenues—\$11,843,045.

(18) Effective July 1, 2016—Program Service Revenues—\$11,961,475.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-1103. Filed for public inspection June 24, 2016, 9:00 a.m.]

FISH AND BOAT COMMISSION

Approved Courses of Instruction in Boating Safety Education

Section 91.6(a)(1) of 58 Pa. Code (relating to Boating Safety Education Certificates) defines a Boating Safety Education Certificate for residents of this Commonwealth as a document issued by the Fish and Boat Commission (Commission) certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education). Under 58 Pa. Code § 91.7, the Executive Director of the Commission may approve, by notice, boating safety education courses that meet the course criteria established under that section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The

Executive Director has approved the following courses in boating safety education for Commonwealth residents, effective July 1, 2016:

- Pennsylvania Fish and Boat Commission (classroom course)
- United States Coast Guard Auxiliary (classroom course)
- United States Power Squadrons (classroom course)
- United States Sailing Association (classroom course)
- Kalkomey Enterprises, Inc. d/b/a Boat Ed (correspondence course)

- BoaterExam America, Inc. (Internet course)
- Kalkomey Enterprises, Inc. d/b/a Boat Ed (Internet course)

For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 16-1104. Filed for public inspection June 24, 2016, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
57-304	Pennsylvania Public Utility Commission Implementation of the Alternative Energy Portfolio Standards Act of 2004	6/13/16	6/30/16
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-188	Pennsylvania Gaming Control Board Table Game Rules of Play	6/15/16	7/21/16

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 16-1105. Filed for public inspection June 24, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Kellar Insurance Agency, Inc. under Act 143; AmTrust North America, Inc.; Doc. No. AT16-06-001

A pre-review telephone conference initiated by this office is scheduled for July 28, 2016, at 10 a.m. A date for a review shall be determined, if necessary, at the pre-review conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 13, 2016, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 26, 2016.

If an attorney or representative for a party attending the pre-review telephone conference does not have complete settlement authority relative to this matter, the party or persons with full settlement authority shall be available by telephone during the conference.

At the pre-review telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the

review, estimated time for the review, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No pre-review memoranda or other written submissions are required for the pre-review telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

The Presiding Officer will consider a written request for continuance of the scheduled pre-review telephone conference/review, for good cause only. Prior to requesting a continuance, a party must contact the opposing party. Continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the previously-referenced administrative review and require an auxiliary aid, service or other accommodation to participate in the review, contact Donna R. Fleischauer, Human Resources Director at (717) 705-3873.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1106. Filed for public inspection June 24, 2016, 9:00 a.m.]

Pennsylvania 2015 Private Passenger Automobile Data Call

The Insurance Department (Department) is conducting its annual Private Passenger Automobile Data Call (previously referred to as the "Act 6 Data Call"). The purpose of this data call is to monitor the private passenger automobile insurance marketplace in this Commonwealth.

The 2015 data call letter, instructions and templates are available on the Department's web site at www.insurance.pa.gov (select "Companies," then "Industry Activity," then "Data Calls").

Additionally, the Department sent e-mail notification of this data call on June 15, 2016, to all companies licensed to write motor vehicle liability insurance in this Commonwealth.

Insurance companies with Pennsylvania private passenger automobile direct written premium in 2015 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department no later than October 15, 2016.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2015 are required to submit only Part 2. This is to be submitted to the Department no later than October 15, 2016.

Note: The 20 largest insurance companies in terms of Pennsylvania private passenger automobile direct written premium in 2015 are also required to complete Parts 3 and 4. These companies are identified in the Instructions for Parts 3 and 4. Companies not identified in the Instructions for Parts 3 and 4 do not need to complete Parts 3 and 4. Parts 3 and 4 are to be submitted to the Department no later than October 15, 2016.

The 20 largest insurance companies in terms of Pennsylvania private passenger automobile direct written premium in 2015 as well as a few other selected insurers that write a high volume of minimum limits policies are required to complete Part 5. These companies are identified in the Instructions for Part 5. Companies not identified in the Instructions for Part 5 do not need to complete Part 5. Part 5 is to be submitted to the Department no later than October 15, 2016.

Consistent with previous data calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Completed data call files should be submitted by e-mail to James Di Santo at jadisanto@pa.gov.

The Department appreciates the companies' cooperation with this important study. Individuals who have questions should contact James Di Santo of the Bureau of Property and Casualty Insurance, (717) 783-2118, jadisanto@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1107. Filed for public inspection June 24, 2016, 9:00 a.m.]

Per Diem Charges for Financial Examinations Conducted by the Insurance Department; Notice 2016-06

Under the authority in section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Actuarial Associate 1	\$507
Actuarial Associate 2	\$627
Examiner Trainee	\$507
Examiner 1	\$666
Examiner 2	\$763
Examiner 3	\$865
Examination Manager	\$873
Insurance Company Information Systems Examiner	\$773

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2-hour units.

This schedule is effective July 1, 2016.

This document supersedes the notice published at 45 Pa.B. 2963 (June 13, 2015) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1108. Filed for public inspection June 24, 2016, 9:00 a.m.]

Per Diem Charges for Market Conduct Examinations of Insurance Companies; Notice 2016-07

Each year, the Insurance Department (Department) updates its schedule of per diem charges for market conduct examinations conducted by the Department. These charges are authorized by section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges).

The new schedule of charges is as follows:

Examiner Trainee	\$575 per day
Examiner 1	\$624 per day
Examiner 2	\$784 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2-hour units.

This schedule is effective July 1, 2016.

This notice supersedes the schedule of per diem charges published at 45 Pa.B. 2963 (June 13, 2015), which is hereby repealed. These new charges shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1109. Filed for public inspection June 24, 2016, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company (STLH-130588955); Proposed Rate Increase for Several LTC Forms

State Farm Mutual Automobile Insurance Company is requesting approval to increase the premium an aggregate 36.0% on 1,295 policyholders of the following individual LTC form: 97045PA.1.

Unless formal administrative action is taken prior to September 8, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over the word "Consumers" in the blue bar at the top of the webpage then select "Long Term Care Rate Filings" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1110. Filed for public inspection June 24, 2016, 9:00 a.m.]

Transamerica Life Insurance Company (AEGJ-130596697); Rate Increase Filing for Several Individual LTC Forms

Transamerica Life Insurance Company is requesting approval to increase the premium 69% on 1,867 policyholders with the following individual LTC policies from Transamerica Life, Life Investors and Transamerica Occidental.

Transamerica Life Insurance Company Forms: IP-70-PA-494, IP-71-PA-494, FP-70-PA-494, FP-71-PA-494 as Flex series; 6222 (PA) 289 as LTC series; LTC 2 (PA) 1290 as LTC 2 series; LTC 3 (PA) 1091, LTC 3 (PA) 1091 (GR194), LTC 3 (PA) 1091 (GR195), LTC 3 (PA) 1091 (REV195) as LTC 3/4 series; LTC 5 TQ NH (PA) 1096, LTC 5 TQ COM (PA) 1096, LTC 5 TQ NH (PA-FP) 1096, LTC 5 TQ COM (PA-FP) 1096 as LTC 5 TQ series.

Forms originally sold by Life Investors Insurance Company of America: GCPLUS 1290 (PA) and GCPLUS 2 1290 (PA) as Golden Care series; GCPRO (PA) 193, GCPRO (PA-FR) 193, GCPRO (PA) 995, GCPRO (PA-FR) 995 as Protector series; GCPRO-II (PA) 794, GCPRO-II (PA-FR) 794, GCPRO-II (PA) 995, GCPRO-II (PA-FR) 995 as Protector II series; KLTC 1 (PA) 490 as Future Care Series; LI-LTTC (PA) 192, LI-LTTC (PA) 195, LI-LTTC (PA-FR) 195 as Future Care 2 NTQ series; LI-LTTC TQ (PA) 898, LI-LTTC TQ (PA-FR) 898 as Future Care Pool TQ series.

Forms originally sold by Transamerica Occidental Life Insurance Company: 1-812 44-190 as TransCare 1 series; 1-820 44-991, 1-822 44-991 as TransCare 2 series; LTC-104-194-PA, LTC-105-194-PA, LTC-106-194-PA as

TransCare Companion series; LTC 124-197-PA, LTC 224-197-PA, LTC 125-197-PA, LTC 225-197-PA, LTC 126-197-PA, LTC 226-197-PA as TransCare TQ Series; LTC 304-198-PA, LTC 305-198-PA as TransGenerations series.

Unless formal administrative action is taken prior to September 8, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over the word "Consumers" in the blue bar at the top of the webpage then select "Long Term Care Rate Filings" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1111. Filed for public inspection June 24, 2016, 9:00 a.m.]

Transamerica Life Insurance Company (AEGJ-130596759); Rate Increase Filing for Several Group LTC Forms

Transamerica Life Insurance Company is requesting approval to increase the premium 69% on 41 policyholders with the following group LTC policy form numbers: FC001 NH (PA) 796, GC001 LTC (PA) 796 and GC001 HHC (PA) 796.

Unless formal administrative action is taken prior to September 8, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over the word "Consumers" in the blue bar at the top of the webpage then select "Long Term Care Rate Filings" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1112. Filed for public inspection June 24, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Change in Corporate Structure

A-2016-2548586. Matrix Telecom, Inc. Application of Matrix Telecom, Inc. for approval of a change in corporate structure whereby Matrix Telecom, Inc. will become Matrix Telecom, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 11, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Matrix Telecom, Inc.

Through and By Counsel: Thomas M. Forte, Consultant, Technologies Management, Inc., 2600 Maitland Center Parkway, Suite 300, Maitland, FL 32751

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1113. Filed for public inspection June 24, 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 11, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2016-2530476. Narvon Transport, LLC (6096 Wertztown Road, Narvon, PA 17555) for the right, to transport by motor vehicle, persons, whose personal convictions prevent them from owning and/or operating motor vehicles, in paratransit service, from points in Lancaster County, the Borough of Honey Brook, Chester County, and the Township of Honey Brook, Chester County, to points in Pennsylvania, and return. *Attorney:* Smoker Gard & Associates, LLP, 912 West Main Street, New Holland, PA 17557.

A-2016-2546251. Yes Limousine, LLC (333 Beverly Boulevard, Apartment A, Upper Darby, Delaware County, PA 19082) persons in limousine service, from points in

Bucks, Chester, Delaware and Montgomery Counties to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2546853. Samuel Groff, t/a A & M Community Travel (10793 State Route 44, Watsontown, Northumberland County, PA 17777) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in Columbia, Montour, Northumberland, Snyder, Union, Lycoming, Center and Clinton Counties.

A-2016-2547564. Tri County Transportation, Inc. (406 Magnolia Street, P.O. Box 1007, Northern Cambria, Cambria County, PA 15714) in group and party service, in vehicles seating between 11 to 15 persons, including the driver, between points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2547580. ABS Transport Services, LLC (6055 Ogontz Avenue, Philadelphia, Philadelphia County, PA 19141) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from the City and County of Philadelphia, to correctional facilities in Pennsylvania, and return, and to transport persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Philadelphia County, to points in Pennsylvania, and return.

A-2016-2549696. Kingserv Enterprises, Inc. (500 Walnut Street, Lemoyne, Cumberland County, PA 17043) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Cumberland, Dauphin and York.

A-2016-2549943. Blessed Transportation, LLC (2 Park Lane, Suite 104, Feasterville, Bucks County, PA 19053) 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 and Montgomery, to points in Pennsylvania, and return.

A-2016-2549947. Bassam and Basim Salaheldein, Co-Partners (4679 Darrah Street, Philadelphia, PA 19124) in paratransit service, from points in the City and County of Philadelphia, and return.

A-2016-2550625. Edward L. Brackbill, Jr., t/a Edward L. Brackbill Trucking (351 Snyder Hollow Road, New Providence, Lancaster County, PA 17560) 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 Lancaster County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

A-2016-2547285. Omelnor, Inc., t/a Pleasant Limousine (295 Pamela Circle, Harleysville, Montgomery County, PA 19438) persons in limousine service, from points in Chester, Lehigh, Lancaster, Bucks and Delaware Counties to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for the approval of the transfer of stock as described under the application.

A-2016-2549695. Lehigh Valley Medical Transportation and Consulting, Inc. (6080 Post Stone Road, Bath, Northampton County, PA 18014) for the approval of the transfer of the issued and outstanding stock, from James A. Mishko (500 shares) and Michelle A. Mishko (500 shares) to Richard M. Gurba (300 shares), Ranee E. Morrison (350 shares) and Christine M. Minnich (350 shares). *Attorney:* Robert P. Kline, 714 Bridge Street, P.O. Box 461, New Cumberland, PA 17070.

Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2016-2549793. Miller Transfer & Rigging Co. (P.O. Box 453, Rootstown, OH 44272) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, at A-00094569, authorizing the transportation of household goods in use, from points in the Borough of Clarion, Clarion County, and within 50 miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania, and return.

A-2016-2549831. Red Rose Limousine Service, Inc. (109 Lintel Drive, McMurray, PA 15317) for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, at A-00115842, authorizing the transportation of persons in limousine service, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1114. Filed for public inspection June 24, 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 11, 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. SSC Service, LLC;
Docket No. C-2016-2537965**

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 respon-

sibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to SSC Service, LLC, (respondent) is under suspension effective March 21, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 317 East Allegheny Avenue #3, Philadelphia, PA 19134-2320.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 31, 2015, at A-8917354.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8917354 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/12/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the

mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Doughty Moving, Inc.; Docket No. C-2016-2542937

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Doughty Moving, Inc., (respondent) is under suspension effective April 01, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 2450 Harriet Avenue, Baltimore, MD 21230-2716.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 18, 2016, at A-2016-2528733.

4. That respondent has failed to maintain evidence of Cargo and Liability Insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2016-2528733 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/10/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Quick Service Taxi Company, Inc.; Docket No. C-2016-2542954

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Quick Service Taxi Company, Inc., (respondent) is under suspension effective April 01, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1101 Cedar Street, Allentown, PA 18102.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 12, 1956, at A-00083189.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00083189 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/10/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1115. Filed for public inspection June 24, 2016, 9:00 a.m.]

Water Service

A-2016-2551059. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Lancaster Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utili-

ties) on or before July 11, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Susan Simms Marsh, Esquire, Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1116. Filed for public inspection June 24, 2016, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 16-066.4, PAB Network Cable Upgrades, until 2 p.m. on Thursday, July 28, 2016. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under "Our Port," then "Procurement" or call (215) 426-2600.

JACK DEMPSEY,
Deputy Executive Director

[Pa.B. Doc. No. 16-1117. Filed for public inspection June 24, 2016, 9:00 a.m.]

STATE BOARD OF NURSING

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Jacqueline S. Bogardus, RN, Respondent; File No. 15-51-00351; Doc. No. 0638-51-16

Notice to Jacqueline S. Bogardus, RN:

On March 24, 2016, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under section 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the

Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Professional Nurse Law, Act of May 22, 1951, P.L. 317, ("Act"). This notice is being filed pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process upon you by publication.

Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 16-1118. Filed for public inspection June 24, 2016, 9:00 a.m.]

Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Hillandale Gettysburg, LP— Lake Meade Farm 255 Lake Meade Road York Springs, PA 17372	Adams County/ Reading Township	4,725	Layers	New	Approved
Daniel Burkholder 211 Meadow Valley Road Ephrata, PA 17522	Lancaster County/ Ephrata Township	56.5	Pullets	New	Approved
David S. King 0 Rivervue North Road Drumore, PA 17518	Lancaster County/ Drumore Township	104.3	Cattle and Horse	New	Approved
Beachdale Farms, Inc.— Hentz Farm 0 Swampcreek Road Garrett, PA 15542	Somerset County/ Brothersvalley Township	682.85	Swine	New	Approved
Keith and Denise Leydig 380 Swampcreek Road Garrett, PA 15542	Somerset County/ Brothersvalley Township	682.85	Swine	New	Approved
Adam Byler, Jr. 940 Sand Ridge Road Howard, PA 16841	Centre County/ Marion Township	65.4	Cattle	New	Approved
Star Rock Dairy, Inc.— Main Dairy 175 Chestnut Grove Road Conestoga, PA 17516	Lancaster County/ Manor Township	357.5	Cattle	Amended	Approved
Kenton Sweigart— Home Farm 620 Greider Road Mount Joy, PA 17522	Lancaster County/ East Donegal Township	771.65	Cattle, Pullets and Swine	Amended	Approved
John Kissling 216 Berger School Road Bernville, PA 19506	Berks County/ Penn Township	193.33	Broilers	New	Approved

RUSSELL C. REDDING,
Chairperson

[Pa.B. Doc. No. 16-1119. Filed for public inspection June 24, 2016, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from April 1, 2016, through April 30, 2016.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front

Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, LLC, Pad ID: Joe, ABR-201108014.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 1, 2016.

2. Chesapeake Appalachia, LLC, Pad ID: Colcam, ABR-201108019.R1, Meshoppen Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 1, 2016.
3. Chesapeake Appalachia, LLC, Pad ID: Mad Dog, ABR-201108021.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 1, 2016.
4. Chesapeake Appalachia, LLC, Pad ID: Adams, ABR-201108038.R1, Windham Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 1, 2016.
5. Chief Oil & Gas, LLC, Pad ID: Martino Drilling Pad # 1, ABR-201604001, Albany Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: April 1, 2016.
6. SWN Production Company, LLC, Pad ID: PU-KK Valentine-Soliman Pad, ABR-201103008.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: April 1, 2016.
7. SWN Production Company, LLC, Pad ID: PU-CC Valentine-Price Pad, ABR-201104019.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: April 1, 2016.
8. Chesapeake Appalachia, LLC, Pad ID: LKM, ABR-201109014.R1, Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 4, 2016.
9. SWN Production Company, LLC, Pad ID: Sheldon Pad, ABR-201102028.R1, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: April 4, 2016.
10. Chesapeake Appalachia, LLC, Pad ID: McGroarty, ABR-201109012.R1, Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 7, 2016.
11. Chesapeake Appalachia, LLC, Pad ID: Circle H, ABR-201109033.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 7, 2016.
12. Samson Exploration, LLC, Pad ID: Pardee & Curtin Lumber Co. C-12H, ABR-201011062.R1, Shippen Township, Cameron County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: April 11, 2016.
13. Chesapeake Appalachia, LLC, Pad ID: Hillis, ABR-201108035.R1, Herrick Township and Wyalusing Borough, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 11, 2016.
14. Carrizo (Marcellus), LLC, Pad ID: Frystak Central Pad, ABR-201108012.R1, Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 2.100 mgd; Approval Date: April 11, 2016.
15. Carrizo (Marcellus), LLC, Pad ID: Bush Pad, ABR-201109028.R1, Forest Lake and Bridgewater Townships, Susquehanna County, PA; Consumptive Use of Up to 2.1000 mgd; Approval Date: April 11, 2016.
16. Chesapeake Appalachia, LLC, Pad ID: Tyler, ABR-201108034.R1, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 11, 2016.
17. Chesapeake Appalachia, LLC, Pad ID: Susan, ABR-201108036.R1, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 11, 2016.
18. Chesapeake Appalachia, LLC, Pad ID: Jag, ABR-201109002.R1, Franklin Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 11, 2016.
19. Atlas Resources, LLC, Pad ID: Lundy Well Pad, ABR-201103010.R1, Gamble Township, Lycoming County, PA; Consumptive Use of Up to 3.6000 mgd; Approval Date: April 15, 2016.
20. JKLM Energy, LLC, Pad ID: Headwaters 143, ABR-201604002, Ulysses Township, Potter County, PA; Consumptive Use of Up to 7.0000 mgd; Approval Date: April 15, 2016.
21. Talisman Energy USA, Inc., Pad ID: 02-180 Dorn A, ABR-201604003, Hamilton Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: April 15, 2016.
22. Range Resources—Appalachia, LLC, Pad ID: Bobst Mountain Hunting Club # 18H—# 23H Drilling Pad, ABR-201103031.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: April 18, 2016.
23. Range Resources—Appalachia, LLC, Pad ID: Shipman, James Unit # 1H & # 2H Drilling Pad, ABR-201104014.R1, Lewis Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: April 18, 2016.
24. Range Resources—Appalachia, LLC, Pad ID: Shipman-Goodwill Unit # 1H—# 4H Drilling Pad, ABR-201104016.R1, Lewis Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: April 18, 2016.
25. Chesapeake Appalachia, LLC, Pad ID: Smurkoski, ABR-201109032.R1, Meshoppen Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 22, 2016.
26. Chesapeake Appalachia, LLC, Pad ID: Stone, ABR-201109035.R1, Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 22, 2016.
27. EXCO Resources (PA), LLC, Pad ID: Arthur Pad, ABR-201103018.R1, Franklin Township, Lycoming County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: April 22, 2016.
28. Seneca Resources Corporation, Pad ID: DCNR 100 PAD B, ABR-201107035.R1, McIntyre Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 22, 2016.
29. Seneca Resources Corporation, Pad ID: DCNR 595 Pad G, ABR-201107033.R1, Blossburg Borough, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 22, 2016.
30. Seneca Resources Corporation, Pad ID: Rich Valley Pad E, ABR-201107032.R1, Shippen Township, Cameron County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 22, 2016.
31. Talisman Energy USA Inc., Pad ID: 05 011 Alderson V, ABR-201104008.R1, Pike Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: April 22, 2016.

32. Carrizo (Marcellus), LLC, Pad ID: Cowfer—1, ABR-20090417.R1, Rush Township, Centre County, PA; Consumptive Use of Up to 0.9990 mgd; Approval Date: April 27, 2016.

33. Chesapeake Appalachia, LLC, Pad ID: Brule, ABR-201110005.R1, Elkland Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 27, 2016.

34. Cabot Oil & Gas Corporation, Pad ID: Dobrosielski P1, ABR-201107051.R1, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: April 28, 2016.

35. Cabot Oil & Gas Corporation, Pad ID: Mogridge P1, ABR-201108005.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: April 28, 2016.

36. Cabot Oil & Gas Corporation, Pad ID: CorbinJ P1, ABR-201108049.R1, Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: April 28, 2016.

37. Chesapeake Appalachia, LLC, Pad ID: Nicholson, ABR-201110022.R1, Nicholson Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 29, 2016.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: June 9, 2016.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-1120. Filed for public inspection June 24, 2016, 9:00 a.m.]

Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following list of projects from February 1, 2016, through February 29, 2016, and April 1, 2016, through April 30, 2016.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Rescinded ABR Issued

1. Seneca Resources Corporation, Pad ID: DCNR 595 1V, ABR-20090432.R1, Bloss Township, Tioga County, PA; Rescind Date: February 4, 2016.

2. Seneca Resources Corporation, Pad ID: DCNR Tract 007 1V, ABR-20100613.R1, Shippen Township, Tioga County, PA; Rescind Date: February 4, 2016.

3. Seneca Resources Corporation, Pad ID: DCNR Tract 007 1H, ABR-201008045.R1, Shippen Township, Tioga County, PA; Rescind Date: February 4, 2016.

4. Seneca Resources Corporation, Pad ID: DCNR 100 Pad D 85V, ABR-201107007, McIntyre Township, Lycoming County, PA; Rescind Date: February 4, 2016.

5. Seneca Resources Corporation, Pad ID: DCNR 595 Pad E 70V, ABR-201108025.R1, Blossburg Borough, Tioga County, PA; Rescind Date: February 4, 2016.

6. Seneca Resources Corporation, Pad ID: DCNR 007 Pad G 10V, ABR-201107006, Shippen Township, Tioga County, PA; Rescind Date: February 4, 2016.

7. Seneca Resources Corporation, Pad ID: DCNR 007 Pad D 11V, ABR-201107031, Delmar Township, Tioga County, PA; Rescind Date: February 4, 2016.

8. Seneca Resources Corporation, Pad ID: DCNR 007 Pad D, ABR-201112034, Delmar Township, Tioga County, PA; Rescind Date: February 4, 2016.

9. Seneca Resources Corporation, Pad ID: DCNR 007 Pad H 12V, ABR-201107034, Delmar Township, Tioga County, PA; Rescind Date: February 4, 2016.

10. Seneca Resources Corporation, Pad ID: DCNR 007 Pad T 20V, ABR-201107027, Gaines Township, Tioga County, PA; Rescind Date: February 4, 2016.

11. Seneca Resources Corporation, Pad ID: DCNR 595 Pad I 1V, ABR-201107005, Bloss Township, Tioga County, PA; Rescind Date: February 4, 2016.

12. Seneca Resources Corporation, Pad ID: DCNR 007 Pad K 49V, ABR-201111030, Delmar Township, Tioga County, PA; Rescind Date: February 4, 2016.

13. Seneca Resources Corporation, Pad ID: DCNR 100 Pad A, ABR-201110006, McIntyre Township, Lycoming County, PA; Rescind Date: February 4, 2016.

14. Seneca Resources Corporation, Pad ID: DCNR 100 Pad L, ABR-201201032, Lewis Township, Lycoming County, PA; Rescind Date: February 4, 2016.

15. Seneca Resources Corporation, Pad ID: DCNR 001 Pad C, ABR-201112035, Ulysses Township, Potter County, PA; Rescind Date: February 4, 2016.

16. Seneca Resources Corporation, Pad ID: DCNR 007 Pad C, ABR-201103042, Shippen and Delmar Townships, Tioga County, PA; Rescind Date: February 4, 2016.

17. Seneca Resources Corporation, Pad ID: DCNR 001 Pad G, ABR-201102003, Sweden Township, Potter County, PA; Rescind Date: February 4, 2016.

18. Seneca Resources Corporation, Pad ID: DCNR 007 Pad L, ABR-201104022, Shippen Township, Tioga County, PA; Rescind Date: February 4, 2016.

19. Seneca Resources Corporation, Pad ID: DCNR 001 Pad E, ABR-201112037, Ulysses Township, Potter County, PA; Rescind Date: February 4, 2016.

20. Seneca Resources Corporation, Pad ID: DCNR 007 Pad R, ABR-201112036, Shippen and Delmar Townships, Tioga County, PA; Rescind Date: February 4, 2016.

21. Seneca Resources Corporation, Pad ID: Marvin 1V Pad, ABR-20090934.R1, Covington Township, Tioga County, PA; Rescind Date: February 4, 2016.

22. Seneca Resources Corporation, Pad ID: Rich Valley 1V Pad, ABR-20091227.R1, Shippen Township, Cameron County, PA; Rescind Date: February 4, 2016.

23. Seneca Resources Corporation, Pad ID: Rich Valley Pad B, ABR-201108008, Shippen Township, Cameron County, PA; Rescind Date: February 4, 2016.

24. Seneca Resources Corporation, Pad ID: Wilcox (TEOG 1), ABR-20090433.R1, Covington Township, Tioga County, PA; Rescind Date: February 4, 2016.

25. Seneca Resources Corporation, Pad ID: Wolfinger, ABR-20091229.R1, Shippen Township, Cameron County, PA; Rescind Date: February 4, 2016.

26. Seneca Resources Corporation, Pad ID: DCNR 595 Pad N, ABR-201109034, Bloss Township, Tioga County, PA; Rescind Date: April 13, 2016.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: June 9, 2016.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-1121. Filed for public inspection June 24, 2016, 9:00 a.m.]
